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@USA vs. @realDonaldTrump: The Decline of Democracy in 280 Characters or Less

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Claremont-McKenna College

@USA vs. @realDonaldTrump:
The Decline of Democracy in 280 Characters or Less

submitted to
Professor John J. Pitney

by
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for
Senior Thesis
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This work is dedicated to my sister, Zoe Edwards. When COVID-19 closed both of our schools here in California, we were lucky enough to be able to move in together. She has been a constant source of light in the darkest of days, as well as my roommate, personal chef, editor, motivator, and best friend. This thesis would not have been possible without you.

Abstract

From threats, to hate speech, to potential criminal statements, Donald Trump has made use of Twitter like no president or world leader before him. His presidency and communication strategy have been defined by his "tweetstorms" and a consequent slew of legal issues. The prolific rate of his tweeting has made large-scale analyses difficult as they quickly become dated.

Nevertheless, this thesis has aimed for a more holistic analysis by uniquely linking trends in his tweeting to its perceived social consequences, situating this work in a long line of analyses of presidential rhetoric and media strategies. Moreover, it assesses Trump's use of Twitter as an abuse of power and argues that it is degrading the fabric of our democracy. It focuses on three distinct aspects of his tweeting: the devaluation of truth, its rhetoric altering reality and degrading rule of law. Drawing on public opinion polls, psychology studies, and tweet-by-tweet analyses of rhetorical and legal implications, the findings of this work suggest that Trump's tweeting is damaging our democracy on a variety of levels. This is the realization of thousands of years of worries — from Socrates to the Framers — of a populist demagogue who would incite the masses with fiery rhetoric. This thesis recommends improved civic education and social media literacy programs, and advocates holding social media platforms accountable for the information, or misinformation allowed on platforms that may have damaging effects on individuals or a society.

Chapter 1: Introduction

"My twitter has become so powerful that I can actually make my enemies tell the truth."
- Tweet by Donald J. Trump, November 17, 2012.

1.1 History of Twitter

Twitter was designed in 2006 as a fusion of social networking and free short message service (SMS). Early usage of Twitter as a novel means of "celebrity-watching" established a false sense of connection between the figure in question and the public, which celebrities would exploit. Businesses and public figures gradually began to use Twitter promotionally, and Barack Obama's successful use of it during the 2008 U.S. presidential election ensured that Twitter would be part of any future candidate's media toolbox. Twitter went on to establish itself as an instantaneous and condensed source of news and information for journalists and ordinary users alike, and as scholar Susan J. Douglas has argued, "brought in new ways of circumventing yet engaging the news media."[1] The first photo of the infamous 2009 US Airways Flight 1549 crash into the Hudson River in New York City was released on Twitter by a commuter ferry passenger. The site crashed as thousands of users tried to access the photo at the same time. It has been a powerful informational tool in settings where governments ban or censor traditional media, as in the case of the Iranian presidential election in June of 2009. A brutal state crackdown on demonstrators protesting the outcome resulted in #IranElection becoming a hot topic on Twitter, as protestors used Twitter to coordinate their actions and provide live updates. A few days after the election, the state banned foreign journalists from covering rallies and blocked individual users. Supporters across the world changed their Twitter settings to the Tehran time zone to counter the state's attempts at censorship. Trending topics marked by a hashtag allow users to

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[1] Pablo J. Boczkowski, and Zizi Papacharissi, eds, *Trump and the Media*, (Cambridge: MIT Press, 2018), p. 138.

follow events by the second and coordinate actions such as protests in the previous example in Iran, or aid relief related to the topic, as was the case of the Haitian earthquake in 2010.

Twitter has approximately 330 million monthly active users, only 40 percent of whom use the site daily.[2] Numerically, Twitter's audience pales in comparison with Facebook's 2.37 billion monthly active users,[3] YouTube's 2 billion,[4] or Instagram's 1 billion.[5] Today, only 22 percent of adults in the U.S. say that they use Twitter, according to a Pew Research Center analysis, and users tend to be younger and more Democratic-leaning.[6] Yet Twitter remains influential because of the high-profile users, especially politicians, who have claimed Twitter as their favorite social media platform and their own direct line to the people. Dr. Dawn Colley argues that the contemporary language of Twitter can be "characterized by generic conventions, or standards of tweeting, that users collectively created to maximize their ability to communicate within that character limit."[7] Such a shrinkage in structure favors blunt and brief language that can cause problems in comprehension and meaningful communication, as tweets rely on the user to correctly interpret the words. Consequently, interpretation of tweets depends on the perspective of the reader as well as the content.

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[2] Twitter, *Q1 2019 Earnings Report*, 2019, https://s22.q4cdn.com/826641620/files/doc _financials/2019/q1/Q1-2019-Slide-Presentation.pdf.

[3] Facebook, *Facebook Q1 Earnings Report*, accessed April 30, 2020, https://s21.q4cdn.com/ 399680738/files/doc_ financials /2019/Q1/Q1-2019-Earnings-Presentation.pdf.

[4] Todd Spangler, "YouTube Now Has 2 Billion Monthly Users, Who Watch 250 Million Hours on TV Screens Daily," Variety, May 3, 2019, https://variety.com/2019/digital/news/youtube-2-billion-users-tv-screen-watch- time-hours-1203204267/.

[5] Instagram, "About Us," Instagram, accessed April 30, 2020, https://about.instagram.com/about-us.

[6] Stefan Wojcik and Adam Hughes, "Sizing Up Twitter Users," Pew Research Center, April, 2019.

[7] Lockhart, Michele, ed. President Donald Trump and His Political Discourse: Ramifications of Rhetoric Via Twitter. (New York, NY: Routledge, 2019), 35.

1.2 Trumpian Twitter

Donald Trump joined Twitter in 2009 and by 2011, he was regularly using the platform to voice his unfiltered political comments, especially during his 2016 presidential campaign. He is the first president to use Twitter as a primary form of communication. "My use of social media is not Presidential — it's MODERN DAY PRESIDENTIAL," he tweeted in 2017.[8] While the official @POTUS account was passed on to him after his inauguration, Trump uses it mostly to retweet the White House (@WhiteHouse) or to retweet himself from his personal account (@realDonaldTrump). Such usage of his personal account to make semi-official presidential statements about events and policy has drawn criticism, especially from a legal perspective of his practice of deleting tweets and blocking users. As a 2018 court ruling of the Knight First Amendment Institute v. Donald Trump points out, "The public presentation of the Account and the webpage associated with it bear all the trappings of an official, state-run account. The page is registered to Donald J. Trump '45th President of the United States of America, Washington D.C.' … The header photographs of the Account show the President engaged in the performance of his official duties such as signing executive orders, delivering remarks at the White House, and meeting with the Pope, heads of state, and other foreign dignitaries."[9]

Under the 1978 Presidential Records Act, presidential records, or any content produced by the President "in the course of conducting activities which relate to or have an effect upon the carrying out of the constitutional, statutory or other official or ceremonial duties of the President … whether textual or electronic"[10] are public property and must be preserved for their historical significance by the National Archives. The catalyst for the legislation was Richard Nixon's

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[8] Donald J. Trump, Twitter post, July 1, 2017, https://twitter.com/realdonaldtrump/status/881281755017355264
[9] Knight First Amendment Institute At Columbia University v. Donald J. Trump, President of the United States, 2018 NY. App. Justia US Law (2019).
[10] Presidential Records Act (PRA), 44 U.S.C. § 2201–2207 (1978).

secret White House tape recordings, and the act prevented the sale or destruction of all records

relating to the duties of the executive office. In June 2017, the House Permanent Select

Committee on Intelligence requested official White House records, only to be referred to a

statement from Trump's @realDonaldTrump account.[11] White House Press Secretary Sean

Spicer said that Trump's tweets should be "considered official statements by the president of the

United States."[12] Trump has taken to Twitter to make official announcements including a ban on

transgender persons in the military,[13] the firing of White House Chief of Staff General John

Kelly with Mick Mulvaney as his replacement,[14] talks with South Korea regarding North Korea's

nuclear capabilities,[15] and his decision to sell Japan and South Korea "highly sophisticated

military equipment."[16] In November of 2017, Department of Justice attorneys posited to a D.C.

federal district court judge that "the government is treating … [Trump's tweets] as official

statements of the President of the United States."[17] This analysis will consider them exactly as

such and will focus primarily on Trump's tweets during his time as president, from his

inauguration on January 20, 2017 to his acquittal by the Senate on February 5, 2020.

 The Trump campaign capitalized on Trump's attention-generating tweets as they created

free publicity on both Democratic and Republican media platforms. Special Counsel Robert

Mueller in his 2019 report referred to Trump's "unique ability to attract attention through use of

[11] Knight First Amendment Institute et al v. Donald J. Trump et al, 2018 NY. App. Justia US Law (2019).

[12] Sean Spicer, "Daily Press Briefing," White House, June 6, 2017, https://www.whitehouse.gov/briefings-statements.

[13] Donald J. Trump, Twitter thread post, July 26, 2017, https://twitter.com/realdonaldtrump/status/890193981585444864.

[14] Donald J. Trump, Twitter post, December 14, 2018, https://twitter.com/realdonaldtrump/status/1073703744766922754.

[15] Donald J. Trump, Twitter post, March 8, 2018, https://twitter.com/realdonaldtrump/status/971915531346436096.

[16] Donald J. Trump, Twitter post, September 5, 2017, https://twitter.com/realdonaldtrump/status/905047095488516098.

[17] James Madison Project v Department of Justice, 2017, D.D.C. GPO (2018).

mass communications."[18] In a sense, the digital transcended the traditional as major news media outlets covered his tweets -- images of his tweets were and are commonplace on TV and many news stories embed his tweets.

"Let me tell you about Twitter," Trump told Tucker Carlson of Fox News in a 2017 interview, "I think maybe I wouldn't be here if it wasn't for Twitter."[19] The provocative content of many of Trump's tweets during both his campaign and presidency has ensured them crucial coverage. Moreover, while only 19 percent of adults in the U.S. follow Trump's personal account @realDonaldTrump,[20] his tweets have a much larger audience because they are retweeted, quoted or shared on other social or mass media platforms. With approximately 72.7 million followers as of February 2020, Donald Trump ranks 9th in followers, while former US President Barack Obama ranks first with 113.2 million followers. Speaking on the power of his Twitter to generate news in a June 2019 interview, Trump claimed "I put it out, and then it goes onto your platform. It goes onto ABC. It goes onto the networks. It goes onto all over cable. It's an incredible way of communicating."[21]

Tweetstorm was officially added to Merriam-Webster's dictionary in January of 2019, defined as "a series of many, often impassioned tweets posted in quick succession on the social media site Twitter."[22] Coincidentally, Trump tweeted more in 2019 than he ever had before. In

[18] Robert Mueller, et al, 2019, *The Mueller report,* accessed April 30, 2020, https://search.ebscohost.com/login.aspx? direct=true&scope=site&db=nlebk&db=nlabk&AN=2036126.
[19] Ian Schwartz, "Trump: 'I Wouldn't Be Here If It Wasn't For Twitter," 'I Have My Own Form of Media,'" Real Clear Politics, March 15, 2017, https://www.realclearpolitics.com/video/2017/03/ 15/trump_i_ wouldnt_ be_ here_ if_it_wasnt_for_twitter_i_have_my_own_form_of_media.html.
[20] Stefan Wojcik, Adam Hughes, and Emma Remy, "About One-in-Five Adult Twitter Users in the U.S. Follow Trump," Fact Tank (Pew Research Center, July 15, 2019), https://www.pewresearch.org/ fact-tank/2019/07/ 15/about-one-in-five-adult-twitter-users-in-the-u-s-follow-trump/.
[21] Harvard Law Review, "Harvard Law Review Blog," *Harvard Law Review* (blog), June 3, 2019, https://blog.harvardlaw review .org/recent-case-knight-first-amendment-institute-at-columbia-university-v-trump/H, June 3, 2019.
[22] "Tweetstorm," Merriam-Webster (Merriam-Webster Dictionary), accessed April 30, 2020, https://www.merriam-webster.com /dictionary/tweetstorm.

2017, Trump averaged 49 tweets a week for a total of 2,580 tweets. In 2018, he averaged 68 tweets a week for a total of around 3,556 tweets. In 2019, he tweeted 7,781 times at an average of more than 149 tweets per week.[23] His retweets have also increased from an average of six per week in 2017, to nine per week in 2018, to about 57 per week in 2019.[24] Donald Trump's Twitter patterns display his proclivity for tweetstorms, especially in response to news coverage and specific events he feels strongly about. For example, in the week following House Speaker Nancy Pelosi's impeachment inquiry announcement on September 24, 2019, Trump tweeted more than 250 times, averaging more than 35 tweets per day, which at the time was his largest collective tweetstorm.[25] During the House Judiciary Committee debate on articles of impeachment on December 12, Trump set his record for most tweets in an hour: 58 at an average of one tweet every 62 seconds. That same day he set a new record for most presidential tweets (including retweets) in a day with 123 total tweets. He broke this record on January 22, 2020 during the second day of his impeachment trial in the Senate with 142 tweets.[26]

 For historical parallels, we may turn to Richard Nixon's final days. Instead of tweetstorms (rife with increasing frequencies of false claims), Nixon drank, took pills, barely slept, and phoned subordinates in the middle of the night for rambling and irrational calls. His son-in-law, New York attorney Edward Cox, told Senate Republican party whip Robert Griffin that Nixon had been wandering the halls of the White House, "talking to pictures of former

[23] Author's calculation from Trump Twitter Archive.
[24] Daniel Dale, "Trump Unleashed: He's Talking More and Tweeting More," CNN Politics, (CNN, September 21, 2019), https://www.cnn.com/2019/09/21/politics/trump-unleashed-speaking-tweeting-more/index.html.
[25] Nate Rattner, "President Trump Is Tweeting More than Ever as the Impeachment Probe Heats Up," CNBC Politics (CNBC, October 2, 2019), https://www.cnbc.com/2019/10/02/president-trump- tweets-more-than-ever-as-impeachment-probe-heats-up.html.
[26] Myah Ward, "Trump Sets New Twitter Record for Presidency," Politico, January 22, 2020, https://www.politico.com/news/2020/01/22/trump-new-twitter-record-presidency-102308

presidents, giving speeches and talking to the pictures on the wall."[27] Staff, family, and friends

questioned the President's ability to lead the country and held discussions behind closed doors

about invoking the 25th Amendment to remove an incapacitated president. Trump's ramblings

both on Twitter and in real life have historical echoes in Nixon's final days. Trump's rally

speeches increased twenty-six percent in 2019, his "chopper talk" with reporters before or after

flights on Marine or Air Force One increased seventy-eight percent, and his on-camera speaking

through the end of September 2019 was twenty-five minutes longer than the same time in 2018,

and fifty-five minutes longer than 2017. There is a correlation between the amount Trump speaks

and how many false claims he makes. The more he speaks, the more he lies.[28]

[29]

Total tweets from Donald J. Trump on Twitter
Source: Trackalytics

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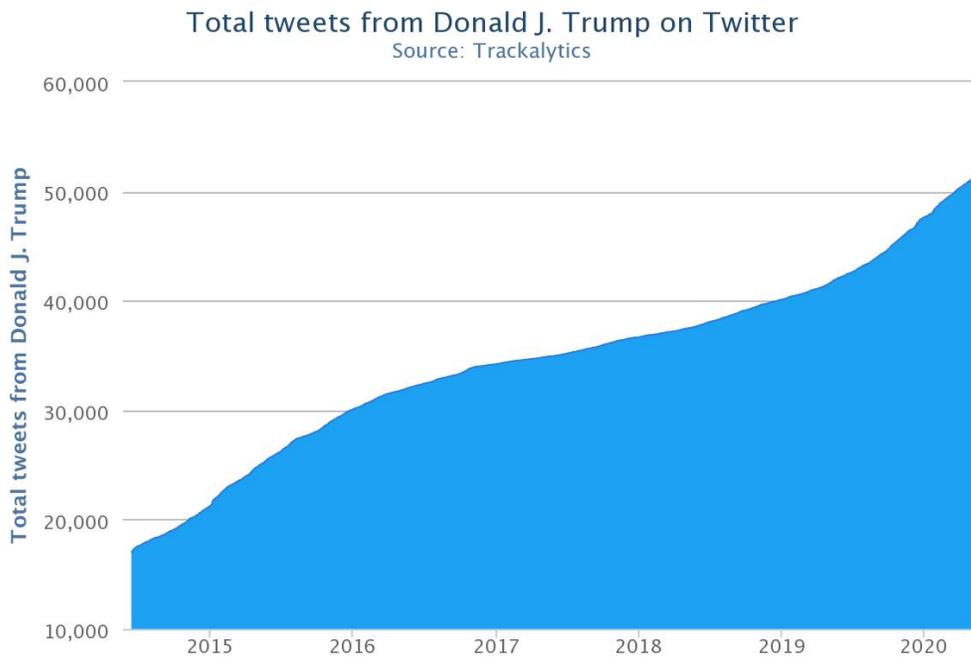
[27] Bob Woodward and Carl Bernstein, *The Final Days* (New York, NY: Simon & Schuster Paperbacks, 1976), p. 395.

[28] Daniel Dale, "Trump Unleashed: He's Talking More and Tweeting More," CNN Politics.

[29] "@Realdonaldtrump (Donald J. Trump) Twitter Statistics," Trackalytics, 2020, https://www.trackalytics.com/twitter/profile/realdonaldtrump/.

1.3 Threats to National Security

As the news media and twitter users jump to analyze the meaning and motivation behind Trump's tweets, foreign intelligence agencies around the world do the same. Their analysts compile information on world leaders in order to gain insight into the subject's psyche that can be used to their advantage.[30] Trump's Twitter feed is raw intelligence on display for the world to see, a dangerous direct line to his thoughts and impulses,[31] even including the source (iPhone, Android, Media Studio, Web Client, Ipad, Twitter Ads) and timestamps to provide a minute-by-minute stream of consciousness. Tweets can also provide information on his sleep patterns, stress levels and the mental impact of specific issues.[32] His tweets show his impulsive tendencies as he tweets his feelings before consulting anyone, often contradicting his own administration; his narcissism as he regularly praises himself, his quickness to anger if he feels attacked, his anxieties about investigations, and more, as his lack of response to some topics or deletion of tweets can also be telling. The sheer quantity of content combined with the potential for content-based analysis through advanced computer programs makes for an easily predicted and easily exploited profile of Trump.

In January of 2018, Trump's impulses came close to preventing the passage of major legislation. On January 10th, the White House published a statement in support of the renewal of Section 702 of the FISA Amendment Act which was put into place following 9/11 in order to give U.S. intelligence agencies the power to monitor foreign communications without a warrant

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[30] Nada Bakos, "This Is What Foreign Spies See When They Read President Trump's Tweets," *Washington Post,* June 23, 2017, https://www.washingtonpost.com/outlook/president-trumps-twitter- feed-is-a-gold-mine-for-foreign - spies/2017/06/23/ e3e3b0b0-5764-11e7-a204-ad706461fa4f_story.html.
[31] Tom Nichols, Twitter post, May 8, 2017, https://twitter.com/radiofreetom/status/861741272373088262?lang=enhttps://twitter.com/radiofreetom/status/86174 1272373088262?lang=en.
[32] Nada Bakos, "This Is What Foreign Spies See When They Read President Trump's."

(even if they are communicating with Americans).[33] The following day on January 11, Andrew

Napolitano of "Fox & Friends" condemned the Trump administration's stance on the bill. "Mr.

President, this is not the way to go," Napolitano said, and recalled a debunked conspiracy theory

he had discussed the previous year that during the 2016 campaign, British intelligence agencies

had spied on Trump Tower. The theory was then perpetuated by then-White House Press

Secretary Sean Spicer and investigated by the Republican-controlled Senate Intelligence

Committee, despite a public rebuke from British intelligence officials.[34] At 6:33 am, during the

"Fox & Friends" broadcast, Trump tweeted "Disproven and paid for by Democrats 'Dossier used

to spy on Trump Campaign. Did FBI use Intel tool to influence the Election?' @foxandfriends

Did Dems or Clinton also pay Russians? Where are hidden and smashed DNC servers? Where

are Crooked Hillary Emails? What a mess!"[35] Forty-five minutes after Napolitano's appearance

on "Fox & Friends" at 7:33am, Trump tweeted " 'House votes on controversial FISA ACT

today.' This is the act that may have been used, with the help of the discredited and phony

Dossier, to so badly surveil and abuse the Trump Campaign by the previous administration and

others?"[36] White House aides called for an emergency meeting to convince Trump to support the

bill in order to ensure its renewal, and by 9:14 am, Trump had been sufficiently persuaded and

tweeted "With that being said, I have personally directed the fix to the unmasking process since

taking office and today's vote is about foreign surveillance of foreign bad guys on foreign land.

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[33] "Statement from the Press Secretary," *White House*, January 10, 2018, https://www.whitehouse.gov/briefings-statements /statement-press-secretary-18/.

[34] David Rohde, "How Disinformation Reaches Donald Trump," *The New Yorker*, October 3, 2019, https://www.newyorker.com/news/news-desk/how-disinformation-reaches-donald-trump.

[35] Donald J. Trump, Twitter post, January 11, 2018, https://twitter.com/realdonaldtrump/status/951416674808467461.

[36] Donald J. Trump, Twitter post, January 11, 2018, https://twitter.com/realdonaldtrump/status/951431836030459905.

We need it! Get smart!"[37] This incident illustrates Trump's credence in outside sources for direction, regardless of their credibility and tendencies to propagate disproven conspiracy theories and misinformation. The dismissal of the conspiracy theory by Trump's own party on the Senate Intelligence Committee as well as the British, an American ally, meant nothing to Trump. Despite his administration's policy agendas and his aides' attempts to keep him on course, Trump's irrational informational-uptake processes played out in real time on Twitter for the world to observe, complete with timestamps to mark his every impulse.

Even more problematic for national security interests, Trump has released sensitive and potentially classified information on Twitter. The day after a failed Iranian rocket launch in August 2019, Trump tweeted "The United States of America was not involved in the catastrophic accident during final launch preparations for the Safir SLV Launch at Semnan Launch Site One in Iran. I wish Iran best wishes and good luck in determining what happened at Site One."[38] Attached was a high-resolution, aerial photograph of the launch site complete with labeled parts. The resolution of the image was much higher than images available to the public from commercial satellites. The National Security Council declined to comment, but former CIA officer John Sipher said that image was "consistent with a standard classified product."[39] On Twitter, Stanford University professor Alex Stomos quoted Trump's tweet, adding, "The propensity for saying the quiet part out loud is less amusing when it blows the cover on a multi-decade, multi-president campaign to disrupt Iranian missile and nuclear development with

[37] Donald J. Trump, Twitter post, January 11, 2018, https://twitter.com/realdonaldtrump/status/951457382651056128.

[38] Donald J. Trump, Twitter post, August 30, 2019, https://twitter.com/realdonaldtrump/status/1167493371973255170.

[39] Nicole Gaouette et al., "Trump Appears to Taunt Iran with Tweet That Raises Concerns He Disclosed Classified Information," CNN Politics (CNN, August 30, 2019), https://www.cnn.com/2019/08/30/politics/trump-tweet-iran-missile/index.html.

minimal loss of life. Lots of analysts counting pixels in Beijing and Moscow today."[40] After

feeling attacked by the intelligence and intellectual communities, Trump went after the former

director of National Intelligence on Twitter: "Being scolded by failed former "Intelligence"

officials, like James Clapper, on my condolences to Iran on their failed Rocket launch. Sadly for

the United States, guys like him, Comey, and the even dumber John Brennan, don't have a clue.

They really set our Country back,.... [sic]."[41] While presidents have the authority to declassify

information, publishing satellite information only harms American intelligence organizations. It

problematically provides information to hostile actors about American satellite capabilities,

details about the satellite itself, and worse, how to better hide activity from the American

intelligence in the future.

1.4 The Internet Research Agency

During the 2016 presidential campaign, Trump benefited from Russia's strategic

campaigns of misinformation via Twitter by bots in order to divide Americans. The Mueller

investigation determined that Russian interference was "sweeping and systematic" and "violated

U.S. criminal law." As a result of his investigation, twenty-six Russian citizens and three Russian

organizations were indicted. In his indictment, Mueller explains the role and related agents and

activities of the infamous "troll farm," formally known as the Internet Research Agency (IRA):

> Defendants, posing as U.S. persons and creating false U.S. personas, operated social
>
> media pages and groups designed to attract U.S. audiences. These groups and pages,

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[40] Alex Stamos, Twitter post, August 30, 2019, https://twitter.com/alexstamos/status/1167506948431831040.
[41] Donald J. Trump, Twitter post, August 31, 2019, https://twitter.com/realdonaldtrump/status/
1167876317745860608.

which addressed divisive U.S. political and social issues, falsely claimed to be controlled by U.S. activists when, in fact, they were controlled by Defendants. Defendants also used the stolen identities of real U.S. persons to post on ORGANIZATION-controlled social media accounts. Over time, these social media accounts became Defendants' means to reach significant numbers of Americans for purposes of interfering with the U.S. political system, including the presidential election of 2016 … had a strategic goal to sow discord in the U.S. political system, including the 2016 U.S. presidential election. Defendants posted derogatory information about a number of candidates, and by early to mid-2016, Defendants' operations included supporting the presidential campaign of then-candidate Donald J. Trump ("Trump Campaign") and disparaging Hillary Clinton. Defendants made various expenditures to carry out those activities, including buying political advertisements on social media in the names of U.S. persons and entities.[42]

More than 80 percent of these accounts were still active as of October 2018 and they published an average of more than a million tweets a day, according to a report by the Knight Foundation.[43] Looking ahead to the 2020 election, the Department of Defense, Department of Justice, Department of Homeland Security, Department of National Intelligence, FBI, and CIA issued a joint statement warning of malicious foreign interference. The agencies cautioned that "[a]dversaries may try to accomplish their goals through a variety of means, including social media campaigns, directing disinformation operations or conducting

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[42] United States of American v Internet Research Agency LLC, 2018, D.D.C. Justice.gov (2018).
[43] Matthre Hindman and Vlad Barash, "Disinformation, 'Fake News' and Influence on Campaigns on Twitter," October 2018, https://www.mediebedriftene.no/siteassets/dokumenter/rapporter/kf-report-final2.pdf.

disruptive or destructive cyber-attacks on state and local infrastructure."[44] One example of the ongoing Russian disinformation campaign is the Trump-endorsed conspiracy theory that Ukraine, not Russia, was responsible for the 2016 election meddling. On March 20, 2019, Trump cited a Fox News program that promoted the conspiracy, tweeting " 'John Solomon: As Russia Collusion fades, Ukrainian plot to help Clinton emerges.' @seanhannity @FoxNews."[45] The Moscow propaganda machine has a long history of trying to deflect blame for Russian actions on other actors (especially Ukraine), generally aiming to cast doubt on established facts. During her testimony during the November 2019 impeachment inquiry, Former National Security Council official Fiona Hill criticized Republican lawmakers for going along with the unsubstantiated Russian conspiracy. "Some of you on this committee appear to believe that Russia and its security services did not conduct a campaign against our country and that perhaps, somehow, for some reason, Ukraine did," Hill said. "This is a fictional narrative that has been perpetrated and propagated by the Russian security services themselves."[46]

1.5 Trump and Twitter Under Fire

During a national television interview on February 13, 2020, attorney General William Barr criticized Trump's use of Twitter. "To have public statements and tweets made about the department, about our people in the department, our men and women here, about cases pending in the department and about judges before whom we have cases make it

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[44] United States of American v Internet Research Agency LLC, 2018, D.D.C. Justice.gov (2018).
[45] Donald J. Trump, Twitter post, March 20, 2019, https://twitter.com/realdonaldtrump/status/1108559080204001280.
[46] Fiona Hill, "Opening Statement of Dr. Fiona Hill to the House of Representatives Permanent Select Committee on Intelligence," (November 21, 2019).

impossible for me to do my job and to assure the courts and the prosecutors in the department that we're doing our work with integrity,"[47] he said.

The next day, Trump tweeted in response " 'The President has never asked me to do anything in a criminal case.' A.G. Barr This doesn't mean that I do not have, as President, the legal right to do so, I do, but I have so far chosen not to!"[48] Then, on February 18th, reports began to circulate of Barr having considered resigning over Trump's tweets according to an official within the Trump administration.[49] The fact that Trump's tweets pushed the Attorney General to consider resignation speaks volumes to the damage to governing institutions. Following these reports, the next day Trump criticized the Justices Department again, retweeting a conspiracy claim that purported him to be "the victim of a seditious conspiracy out of DOJ/FBI."[50]

While previously his endorsements of conspiracy theories and related misinformation have merely been fodder for partisan anger and sensational media reports, everything changed with COVID-19. Suddenly, Trump's conspiratorial claims resulted in casualties. This story is far from over: at the time of this writing the U.S. death toll has passed 80,000. But already, we can see the direct consequences of Trump's use of Twitter with regards to the virus -- very specifically, in terms of deaths. After having ignored, downplayed, and even attempted to discredit initial reports of COVID-19 in the early days of 2020, Trump's tweets will be to blame when the official death count has been marked in the history books, and the

[47] Pete Williams and Michael Kosnar, "Attorney General Willian Barr Said to Have Considered Resigning over Trump Tweets," NBC News , February 19, 2020, https://www.nbcnews.com/politics/justice-department/attorney-general-william-barr-said-have -considered-resigning-over-trump-n1138411.
[48] Donald J. Trump, Twitter post, February 14, 2020, https://twitter.com/realDonaldTrump/status/ 1228311415192215553.
[49] Pete Williams et al, "Attorney General Willian Barr Said to Have Considered Resigning over Trump Tweets."
[50] Tom Fitton, Twitter post, February 18, 2020, https://twitter.com/realdonaldtrump/status/1230139119965048832.

microbes and metaphorical dust begins to settle. The concluding chapters will pick up the story.

In 2019 the Knight First Amendment Institute at Columbia University examined Trump's "incredible way of communicating" on Twitter, specifically his practice of blocking users who criticized him. Seven blocked users and the Knight First Amendment Institute argued that the interactive space of the tweets constituted a public forum within which Trump, as the president, could not legally viewpoint discriminate. The U.S. District Court for the Southern District of New York ruled that under the Public Forum Doctrine, the interactive space of Twitter should be open to all users who wish to engage with Trump's tweets, and that blocking them from participation in this designated public forum was a violation of the First Amendment. Four distinct portions of Trump's twitter account fell under this protection of the right to access: "the content of the tweets sent, the timeline composed of those tweets, the comment threads initiated by each of those tweets, and the 'interactive space' associated with each tweet."[51]

Twitter came under fire from Senator Kamala Harris who demanded that Twitter suspend Trump's account. In a letter to Twitter CEO Jack Dorsey on October 1, 2019, Harris called out the platform's policy that targeting of individual users and harassment would not be permissible. Harris argued that Trump's September 2019 tweetstorm regarding the whistleblower who exposed the White House's dealings with Ukraine served to "target, harass, and attempt to out the whistleblower" and were "blatant threats."[52] In a public blog post from October 15, 2019, Twitter responded that its mission is in part to help users "engage their leaders directly," thus

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[51] Knight First Amendment Institute At Columbia University v. Donald J. Trump, President of the United States, 2018 NY. App. Justia US Law (2019).
[52] United States Senator, Kamala Harris to Twitter Chief Executive Officer, Jack Dorsey, October 1, 2019.

tweets by world leaders that violated their policy would stay online if they had a "clear public interest value" though world leaders were "not above our policies entirely."[53] The post promised enforcement action for any account with tweets that: promote terrorism, make clear and direct threats of violence, post private information or intimate photos of people without their consent, relate to child sexual exploitation or encourage self-harm. Important for the purposes of this analysis, Twitter's permissive approach favors content above all else, especially from prominent figures.

Dorsey then announced in a series of tweets that Twitter would no longer carry political advertising. Essentially, politicians can no longer pay to promote their tweets. "We believe political message reach should be earned, not bought," tweeted Dorsey, "that power brings significant risks to politics, where it can be used to influence votes to affect the lives of millions."[54] This decision intentionally draws a stark contrast with Facebook's highly-criticized policy which does not fact-check political ads. A few weeks after Twitter's new policy, Twitter's Vice President of Trust and Safety Del Harvey said that Twitter was seeking public feedback on how to shape its approach to "synthetic and manipulated media," which she subsequently defined as "any photo, audio, or video that has been significantly altered or fabricated in a way that intends to mislead people or changes its original meaning."[55] The policy draft suggested potential solutions such as labeling problematic tweets, warning people before they share such tweets, or linking external sources that provide additional information as to why the tweet is believed to be synthetic or manipulated.

[53] Twitter Inc., "Twitter Inc. Blog," *Twitter Inc. Blog* (blog), October 15, 2019, https://blog.twitter.com/en_us/topics/company/2019/worldleaders2019.html.
[54] Jack Dorsey, Twitter post, October 30, 2019, https://twitter.com/jack/status/1189634360472829952?s=20.
[55] Twitter VP, Trust and Safety, Del Harvey, "Twitter Blog," *Twitter Blog* (blog), November 11, 2019, https://blog.twitter.com/en_us/topics/company/2019/synthetic_manipulated_media_policy_feedback.html.

1.6 Structure of the Study

Instead of dwelling on the legal semantics, this analysis will focus on abuses of power and the ways in which Trump's tweets degrade public discourse. Moreover, this analysis will eschew the traditional legal lens of analysis in favor of an ethical one. As exemplified in the First Amendment ruling of the case of Knight First Amendment Institute at Columbia University v. Trump, Trump's tweets are most clearly abuses of power.

This thesis will assess the effects of Trump's use of Twitter on various aspects of our American democracy by examining individual tweets and broader trends in his tweeting. Chapter 2 will cover the contemporary decline in valuing truth and examine the wrongs of Trump's lying as well as their potential effects on public opinion and society more generally. Chapter 3 will appraise the power of rhetoric to persuade and the ways in which this power has historically manifested itself. The effects of Trump's presidential rhetoric on perceptions of reality will also be analyzed in Chapter 3. In Chapter 4, the legal wrongs of specific tweets will be examined. The effects of his questionably legal tweets and tweets that attack individuals will be discussed, as well as the way in which his rhetoric is establishing new norms. Chapter 5 examines Trump's communications during the case study of the COVID-19 crisis. The negative consequences of his alternative "facts" during this disaster provides further evidence for the harmful impacts of his rhetoric on our democracy and on us as its citizens. Finally, in Chapter 6, major findings and limitations will be reviewed and potential extensions of this work will be presented. Looking to the future of our democracy, societal and governmental policy recommendations will be made with the goal of mitigating the harms of mis- and disinformation in the future.

Chapter 2: Truth Decay

"TRUTH IS A FORCE OF NATURE!"
-Tweet by Donald J. Trump, July 24, 2019

2.1 Truth to Power

Historically Americans have accepted that statements can be objectively true or false. Postmodernist thought rejects the fundamental underlying notion of this view that an objective natural reality even exists. Indeed, John Pitney contends that "Trump's attitudes bear a curious relationship to an influential school of thought that denies the very existence of objective truth, even holding that the natural and physical sciences are mere social constructs with no claim to neutrality of universal validity."[56] Nietzsche famously claimed that "all things are subject to interpretation. Whichever interpretation prevails at a given time is a function of power and not truth." Nietzsche's linkage of "truth" to power is illuminating in its recognition of the way power manipulates information to be perceived as true or false. On the Postmodernist view, there is no real Truth. In the Postmodernist reality that we live in today, this idea rings true (or at least *subjectively* true), as facts are no longer valued in the way they once were.

A 2018 publication by Jennifer Kavanaugh and Michael Rich of the Rand Corporation presented the concept of "truth decay," contending that political and civil discourse in the last two decades has been largely defined by this phenomenon. Kavanaugh and Rich define truth decay as a system constituted by a set of four related trends:

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[56] John Pitney Jr., *Un-American: The Fake Patriotism of Donald J. Trump* (Lanham, MD: The Rowman & Littlefield, 2020), Chapter 2

1. increasing disagreement about facts and analytical interpretations of facts and data

2. a blurring of the line between opinion and fact

3. the increasing relative volume, and resulting influence, of opinion and personal experience over fact

4. Declining trust in formerly respected sources of factual information.[57]

Driven by cognitive biases, changes in the information system, competing demands on the educational system, and political and social polarization; truth decay is sustained by agents including the media, academia and research organizations, political actors and the government, and foreign actors.[58] The consequences at the personal, community, national, and international levels are far-reaching and dire. Kavanaugh and Rich identify the most damaging consequences to be the erosion of civil discourse, political paralysis, alienation and disengagement of individuals from political and civic institutions, and political uncertainty at the national level.[59]

Social concern for truth decay has led to the creation of mechanisms with which to objectively measure truthfulness of political statements. *The Washington Post*, CNN, and NPR all have online "Fact Checker" pages that analyze truth values of statements. Politicfact's "Truth-O-Meter" ranks statements on a scale and University of Pennsylvania's factcheck.org monitors factuality of U.S. politicians' content, from TV ads to debate and news releases.

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[57] Jennifer Kavanagh and Michael D. Rich, Truth Decay: An Initial Exploration of the Diminishing Role of Facts and Analysis in American Public Life, (Santa Monica, CA: RAND Corporation, 2018), https://www.rand.org/pubs/research _reports/　RR2314.html.
[58] Ibid.
[59] Ibid.

How does truth decay play out on Trump's Twitter? One of the four trends of truth decay outlined by Kavanaugh and Rich was the increasing volume and influence of opinion and experience over fact, and they provide social media as an example of this.[60] Sheer content coupled with the speed at which it can be disseminated suffocates objective and verifiable truths. Twitter is a paradigm of exactly this. Tweets are displayed by the second and around 6,000 tweets are sent per second.[61]

First defined in 1977, the *illusory truth effect* is a psychological phenomenon wherein repeated exposure to false information leads one to eventually accept it as true.[62] Dawn Colley notes the danger of this effect when coupled with the reductive language that shows up on Twitter, "The illusory truth effect and the language of the Twittersphere prime users to accept or to reject information that they read on Twitter passively. Trump exploits this situation to his benefit."[63]

2.2 Effects on Public Opinion

Beyond the Twittersphere, Trump's tweets get attention from the mainstream news media. Citizens are repeatedly exposed to Trump's tweets in many forms of media, from Twitter, to television, to newspaper articles. From April 2016 to September 2019, of the president's roughly 44,200 tweets, 13,539 (31%) have been linked by online news media worldwide.[64] Their

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[60] Jennifer Kavanagh and Michael D. Rich, Truth Decay: An Initial Exploration of the Diminishing Role of Facts and Analysis in American Public Life.

[61] "Twitter Usage Statistics," Internet Live Stats, accessed May 1, 2020, https://www.internetlivestats.com/twitter-statistics/.

[62] Lynn Hasher and David Goldstein, "Frequency and the Conference of Referential Validity," *Journal of Verbal Learning and Verbal Behavior*, 1997, p. 107-112.

[63] Michele Lockhart, *President Donald Trump and His Political Discourse*, 1st ed. (New York, NY: Routledge, 2018), p.33.

[64] Kalev Leetaru, "Numbers Show How Trump's Tweets Drive the News Cycle," Real Clear Politics, September 11, 2019, https://www.realclearpolitics.com/articles/2019/09/11/numbers_show_how_trumps_tweets_drive_the_news_cycle_141217.html.

reductive language easily translates into soundbites, images, or quotes. Citizens are repeatedly exposed to Trump's tweets in a variety of forms and on a variety of platforms, all of which amplify the illusory truth effect. Thus, the false information in his tweets may eventually be accepted as true by passive citizens under the influence of this psychological phenomenon.

Consider some of the ways that truth decay and the illusory truth effect may affect public opinion. While modern politics is characterized by strong partisan disagreement on policies and plans, now citizens cannot even agree on basic facts. A 2018 survey conducted by Pew Research Center found that 78 percent of voters cannot agree on basic facts. Split down partisan lines, this breaks down to 81 percent of Republicans and Republican-leaning independents and 76 percent of Democrats and Democratic-leaning independents saying they disagree on basic facts.[65] Furthermore, fact checking organizations have limited effects because partisans think that they are biased. According to findings from a 2019 survey from Pew Research Center, 50 percent of Americans believe fact-checkers deal fairly with all sides but 70 percent of Republicans believe that fact-checkers tend to favor one side (compared to only 29 percent of Democrats).[66] What kind of subjective "facts" might this disagreement manifest itself as in the beliefs of the electorate?

A 2017 poll by *The Washington Post* found that 47 percent of Republicans believe Trump won the popular vote, 63 percent "believe that millions of illegal immigrants voted," and 73

[65] John Laloggia, "Republicans and Democrats agree: They can't agree on basic facts," Fact Tank (Pew Research Center, August 23, 2018), https://www.pewresearch.org/fact-tank/2018/08/23/republicans-and-democrats-agree-they-cant-agree-on-basic-facts.

[66] Mason Walker and Jeffrey Gottfried, "Republicans far more likely than Democrats to say fact-checkers tend to favor one side," Fact Tank (Pew Research Center, June 27, 2019), https://www.pewresearch.org/fact-tank/2019/06/27/republicans-far-more-likely- than-democrats-to-say- fact-checkers-tend-to-favor-one-side/.

percent believe "voter fraud happens somewhat or very often."[67] These findings are similar to two previous polls conducted by *The Washington Post* in September and December of 2016.[68]

The following are all of Trump's tweets that contain the word "popular vote," prior to the 2017 poll (retweets and quoted tweets excluded):

November 15, 2016: "If the election were based on total popular vote I would have campaigned in N.Y. Florida and California and won even bigger and more easily."[69]

November 27, 2016: "In addition to winning the Electoral College in a landslide, I won the popular vote if you deduct the millions of people who voted illegally."[70]

November 27, 2016: "It would have been much easier for me to win the so-called popular vote than the Electoral College in that I would only campaign in 3 or 4--."[71]

December 21, 2016: "Campaigning to win the Electoral College is much more difficult & sophisticated than the popular vote. Hillary focused on the wrong states!"[72]

December 21, 2016: "I would have done even better in the election, if that is possible, if the winner was based on popular vote - but would campaign differently."[73]

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[67] Ariel Malka and Yphtach Lelkes, "In a New Poll, Half of Republicans Say They Would Support Postponing the 2020 Election," *Washington Post*, August 10, 2017, https://www.washingtonpost.com/news/monkey-cage/wp/2017/08/10/in-a-new-poll-half- of-republicans-say-they-would-support-postponing-the-2020-election-if-trump-proposed-it/.

[68] Eric Oliver and Thomas Wood, "A new poll shows 52% of Republicans actually think Trump won the popular vote," *Washington Post,* December 18, 2016, https://www.washingtonpost.com/ news/monkey-cage/wp/2016/12/18/a-new-poll-shows-a n-astonishing-52-of-republicans-think-trump-won-the-popular-vote/.

[69] Donald J. Trump, Twitter post, November 15, 2016, https://twitter.com/realdonaldtrump/status/798519600413601792.

[70] Donald J. Trump, Twitter post, November 27, 2016, https://twitter.com/realdonaldtrump/status/802972944532209664.

[71] Donald J. Trump, Twitter post, November 27, 2016, https://twitter.com/realdonaldtrump/status/802973848022847489.

[72] Donald J. Trump, Twitter post, December 21, 2016, https://twitter.com/realdonaldtrump/status/811560662853939200.

[73] Donald J. Trump, Twitter post, December 21, 2016, https://twitter.com/realdonaldtrump/status/811562990285848576.

April 27, 2017: "New polls out today are very good considering that much of the media is FAKE and almost always negative. Would still beat Hillary in ....popular vote. ABC News/Washington Post Poll (wrong big on election) said almost all stand by their vote on me & 53% said strong leader."[74]

The following are all of Trump's tweets that contain the phrase "voter fraud," prior to the 2017 poll (retweets and quoted tweets excluded):

October 17, 2016: "Of course there is large scale voter fraud happening on and before election day. Why do Republican leaders deny what is going on? So naive!"[75]

October 17, 2016: "Voter fraud! Crooked Hillary Clinton even got the questions to a debate, and nobody says a word. Can you imagine if I got the questions?"[76]

November 27, 2016: "Serious voter fraud in Virginia, New Hampshire and California - so why isn't the media reporting on this? Serious bias - big problem!"[77]

January 25, 2017: "I will be asking for a major investigation into VOTER FRAUD, including those registered to vote in two states, those who are illegal and.... even, those registered to vote who are dead (and many for a long time). Depending on results, we will strengthen up voting procedures!"[78]

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[74] Donald J. Trump, Twitter post thread, April 23, 2017,
https://twitter.com/realdonaldtrump/status/856233279841849344
[75] Donald J. Trump, Twitter post, October 17, 2016,
https://twitter.com/realdonaldtrump/status/787995025527410688.
[76] Donald J. Trump, Twitter post, October 17, 2016,
https://twitter.com/realdonaldtrump/status/788037987556794368.
[77] Donald J. Trump, Twitter post, November 27, 2016,
https://twitter.com/realdonaldtrump/status/803033642545115140.
[78] Donald J. Trump, Twitter post thread, January 25, 2017,
https://twitter.com/realdonaldtrump/status/824227824903090176.

July 1st, 2017: "Numerous states are refusing to give information to the very distinguished

VOTER FRAUD PANEL. What are they trying to hide?"[79]

Twitter's election integrity policy was published in April of 2019. Its overview says that

"You may not use Twitter's services for the purpose of manipulating or interfering in elections.

This includes posting or sharing content that may suppress voter turnout or mislead people about

when, where, or how to vote." It identifies three categories that constitute violation of the policy:

misleading information about how to participate, voter suppression and intimidation, and false or

misleading affiliation. The policy also identifies behavior that is *not* in violation to be:

"inaccurate statements about an elected official, candidate, or political party; organic content that

is polarizing, biased, hyperpartisan, or contains controversial viewpoints expressed about

elections or politics; discussion of public polling information; and using Twitter

pseudonymously or as a parody, commentary, or fan account to discuss elections or politics."

Potential consequences for violators are modification or permanent suspension of a profile, or

deletion of tweets.[80] The false claims advanced by Trump in these tweets undermine trust and

promote suspicion about the electoral process, which in turn discourages voter participation and

may prime supporters to reject future election outcomes. Foreign actors have already weaponized

this possibility on Twitter.

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[79] Donald J. Trump, Twitter post, July 1, 2017, https://twitter.com/realdonaldtrump/status/881137079958241280.
[80] Twitter Inc., "Election Integrity Policy," Twitter Help Center (Twitter, April 2019),
https://help.twitter.com/en/rules-and- policies/election-integrity-policy

2.3 The Bots are Back (They Never Left)

Before the 2018 midterm elections, the Democratic Congressional Campaign Committee (DCCC) identified automated accounts masquerading as Democrats that were producing tweets discouraging voter participation ahead of the elections. Reuters reported that Twitter removed more than 10,000 accounts in response to the DCCC's report, though Twitter did not confirm the actual number. Discouragement tactics included the bots tweeting that Democratic should not vote because their votes disempowered women's voices.[81] A Twitter spokesperson responded, "For the election this year we have established open lines of communication and direct, easy escalation paths for state election officials, DHS, and campaign organizations from both major parties. Our singular goal is to enforce our policies vigorously and protect conversational health on our service. We removed a series of accounts for engaging in attempts to share disinformation in an automated fashion — a violation of our policies. We stopped this quickly and at its source."[82] Twitter's role in spreading misinformation can have real effects on voters and our elections, even following the removal of problematic accounts. The 10,000 accounts suspended in this incident pale in comparison with the millions of accounts that were shut down for spreading misinformation during the 2016 presidential election. This example is especially sinister in that the accounts were flagged as part of a partisan effort to combat misinformation; Twitter only acted after the DCCC had confronted it with evidence, and by that time the tweets had already reached an unknown number of users.

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[81] Christopher Bing, "Exclusive: Twitter Deletes over 10,000 Accounts the Sought to Discourage U.S. Voting," Reuters, November 2, 2018, https://www.reuters.com/article/us-usa-election-twitter-exclusive/exclusive-twitter-deletes-over-10000 -accounts-that-sought-to-discourage-u-s-voting-idUSKCN1N72FA.

[82] Christopher Carbone, "Twitter Removed over 10,000 Bots That Pretended to Be Democrats, Tried to Discourage Voting," Fox News, November 4, 2018, https://www.foxnews.com/tech/twitter-removed-over-10000- bots-that-pretended-to-be-democrats -tried-to-discourage-voting.

2.4 Wrongs of Lying

Such false statements are not necessarily unlawful. *United States v. Alvarez*, 567 U.S. 709 (2012) established that false statements are protected as free speech under the First Amendment, though justices could not agree on the rationale behind this ruling. Four justices argued that the false nature of a statement on its own was not enough to waive the statement's protections under the First Amendment.[83] That raises the question, if false nature of a lie *alone* is not enough, what is?

From an ethical perspective, there is a distinctive wrong in lying that is indeed unethical and irresponsible. Seana Shiffrin defines lying to be:

An intentional assertion by A to B of a proposition P such that

A does not believe P, and

A is aware that A does not believe P, and

A intentionally presents P in a manner or context that objectively manifests A's

intentions that B is to take and treat P as an accurate representation of A's belief.[84]

She establishes three distinctive wrongs in lying: it wrongs the audience as the speaker treats the audience neither as a moral equal nor as a rational agent, it wrongs the speaker as it inhibits a moral relationship with the audience, and it wrongs the collective because it creates a maxim that could not be universally maximized as a public rule of permissible action and thus goes against public interests.[85] Lying is an abuse of power that disrupts the standard of trustful communication that a healthy democracy depends on, effectively creating an epistemic gap

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[83] United States of America v. Xavier Alvarez, 2012 132 U.S. (2012).
[84] Seana Valentine Shiffrin, *Speech Matters: On Lying, Morality and the Law* (Princeton, NJ: Princeton University Press, 2014), p. 12.
[85] Ibid, p. 22-24.

between a speaker like Trump and his American audience. More simply put, presidential lying

debases public discourse. Let us put morality aside (as Trump has) and focus on the ethical and

constitutional wrong of lying. For the purpose of this argument, we will not focus on the first two

wrongs of lying as they relate to individuals, but on the third and final wrong of lying as an abuse

of power that degrades on our democracy. While the application of universal maxims may seem

out of place in discussions of American democracy, such maxims are parallels to the inalienable

rights ascribed to everyone in the Declaration of Independence. Universal maxims can and

should be applied to such a democracy wherein all citizens are equals in the face of the law. For

this purpose, universal maxims should be understood as those which are universalizable within

the framework of our American democracy. Abuse of power is a wrong that is unacceptable in

all situations, for all citizens, and for the president even more so.

In lying about an election, Trump undercuts the interests of our democratic republic. The

ethical wrong is lying about an election, and by doing so, disempowering the electorate. Former

White House Counsel Bob Bauer contends that Trump's voter-fraud lies "violate the legitimate

public expectation that, on a matter this serious, a president claiming to bring specific

information to its attention will speak truthfully."[86] Trump's status as President uniquely ascribes

validity to his claims, more so than any other individual in the country. Thus, his lies go against

the interests of democracy more so than any other person's lies would. While most past

presidents have lied, the sheer quantity of Trump's lies set him apart from the rest. According to

the *Washington Post*, Trump made 16,241 false or misleading statements during his first three

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[86] Bob Bauer, "Trump Lies About Voter Fraud Are a Betrayal of His Oath," The Atlantic, November 19, 2018, https://www.theatlantic.com/ideas/archive/2018/11/trump-lies-about-voter-fraud-are-impeachable-offenses/576151/.

years in office.[87] Moreover, the quality of some of his lies have differed from the "conventional"

lies told by previous presidents. Specifically, Trump has no qualms about lying despite widely

accepted facts to the contrary, and even when confronted with evidence or called out, he has

uniquely continued to insist upon his lies.

A 1998 *Washington Post* article written by ethicist Sissela Bok "Lies: They Come With

Consequences," dealt with the morality of Clinton's lies about his affair with Monica Lewinsky.

She argues that "Liars function as free riders in this social setting, relying on a modicum of trust

to dissemble, even as their actions help wear it down." Bok frames trust as a fragile, social good

to which public officials have a special responsibility. Public officials must be credible, that is,

the public must be able to trust in officials and their words for a democracy to function properly.

"Public officials, above all, can have a uniquely deleterious effect on trust," she argues. "When

they act so as to undermine trust, this cuts at the roots of democracy."[88] Specifics of Clinton

versus Trump's lies aside, Bok's central claims illustrate exactly what about presidential lying is

so damaging to our democracy.

The practical consequences of lying about an election outlined previously -- undermining

trust in the system, promoting suspicion of the electoral process, discouraging voter participation

and preparing voters to reject the outcome of future elections -- when understood in conjunction

with the Constitutional wrong of lying about an election, create a strong legal argument for such

false statements *not* falling under the protection of the First Amendment, and thus, should be

considered unconstitutional and grounds for impeachment.

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[87] Glen Kessler, Salvador Rizzo and Meg Kelly, "President Trump made 16,241 false or misleading claims in his first three years," *Washington Post,* January 20, 2020, https://www.washingtonpost.com/politics/2020/01/20/ president-trump-made-16241- false-or-misleading-claims-his-first-three-years/.
[88] Sissela Bok, "Lies: They Come With Consequences," *Washington Post Archives,* August 23, 1998, https://www.washingtonpost.com/wp-srv/politics/special/clinton/stories/bok082398.htm.

Shiffrin's central claim has important parallels in Article II, Section III of the Constitution (Take Care Clause) which declares that the President "shall take Care that the Laws be faithfully executed."[89] George Washington recognized the implications of the clause as generating an exclusive obligation, "it is my duty to see the Laws executed: to permit them to be trampled upon with impunity would be repugnant to [that duty.], he said."[90] The violation of this clause has historically been the predicate for all presidential impeachments, and while Trump has already been impeached, his violation of this clause remains an abuse of power. Shiffrin states: "I propose that the wrong of deception, when it is wrong, properly focuses on the violation of a duty to take due care not to cause another to form false beliefs based on one's behavior, communication, or omission."[91] Through the false statements of his tweets that promote truth decay and the illusory truth effect, Trump tramples upon the electoral process with impunity and encourages others to do so. Bob Bauer maintains, "this is qualitatively different: a direct and intentional assault on the right to vote that the president is constitutionally obligated to protect."[92] In the same way that lying about an election violates Trump's ethical duty to take care not cause others to form false beliefs, it violates his legal duty to take care that the laws be faithfully executed.

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[89] U.S. Const. Art. II § III.

[90] George Washington, President of the United States, George Washington to Alexander Hamilton, Mount Vernon, VA, September 7, 1972, From *Founders Archives,* https://founders.archives.gov/documents/Washington/05-11-02-0040.

[91] Seana Valentine Shiffrin, *Speech Matters: On Lying, Morality and the Law,* p. 22.

[92] Bob Bauer, "Trump Lies About Voter Fraud Are a Betrayal of His Oath."

Chapter 3: Reality & Rhetoric

"The party told you to reject the evidence of your eyes and ears. It was their final, most essential command."

-George Orwell, 1984

3.1 The Power of Persuasion

The American presidency has long been associated with the power to persuade, in the same way that democracies have been historically associated with persuasion. Democratic politics centers on political figures persuading a majority in order to drive policy. Understanding deception as persuasion sets the stage for understanding the world of American politics.

Speech as an instrument of will is not a new idea. Its first development in conventional thought appears in a conversation between ancient Greek philosophers and rhetoricians Gorgias and Socrates, in the Platonic discourse *Gorgias*. *Gorgias* examines virtue through inquiries into the natures of rhetoric and power, among other things. Oratory, Gorgias argues to Socrates, "embraces and controls almost all other spheres of human activity."[93] After some exchanges between the two, Socrates' infamous *elenchus* (Socratic question and answer method of deriving truth in discourse) entraps Gorgias into the admission that rhetorical power can be used justly, or it can be abused. Thus, the power of persuasive speech, and its consequent reliance on power structures, begins to emerge.

Aristotle, a student of Plato, was one among the first to comment on the natural association of speech and politics, as products of human disposition to relationality. In the *Politics*, Aristotle determined that humanity's political nature originated with the uniquely-human capacity of speech associated with reason, *logos*:

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[93] Plato, and James H. Nichols. *Gorgias*. (Ithaca, NY: Cornell University Press, 1998).

For, as we assert, nature does nothing in vain; and man alone among the animals

has speech [*logos*]. The voice indeed indicates the painful or pleasant, and hence

is present in other animals as well; for their nature has come this far, that they

have a perception of the painful and pleasant and indicate these things to each

other. But speech serves to reveal the advantageous and the harmful, and hence

also the just and the unjust.[94]

The human power to seek truth (both objective and subjective) thus links to the political and the

notion of authority. The required social capacity of *logos* empowers citizens to make judgments -

- political or otherwise -- that may rest on objective facts, but more often that not those

judgments reflect the persuasive speech of authority figures. This description is not an

Aristotelian endorsement of that process, rather, it is merely an intellectual gesture to the

influential clout that speech retains in the political sphere.

 The presidential power of persuasion was outlined by influential political scientist

Richard Neustadt. In his 1960 work, *Presidential Power*, Neustadt argued that "Presidential

power is the power to persuade."[95] Neustadt's work was eventually honored as a contemporary

rendition of Machiavelli's classic *The Prince*, and has been studied closely by American public

figures. Jeffrey Tulis discusses and builds upon Neustadt's ideas, among others, in his 1987

publication, *The Rhetorical Presidency*. Tulis contended that the presidency in the 20th century

has evolved into a rhetorical one, a development that the mass media fostered. Prior to this

evolution, presidents in the 18th and 19th centuries made few speeches, communicated to

Congress only in writing, and only indirectly to the people at large. Direct communication with

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[94] *Aristotle, Aristotle's Politics 1253a7-17,* (Oxford: Clarendon Press, 1905).
[95] Richard Neustadt, *Presidential Power and the Modern Presidents,* (New York, NY: The Free Press, 1991), p. 11.

the masses was considered inappropriate and simply unnecessary. This transformation has involved the dramatic declines of constitutional speech and structured argument, which Tulis suggested marks a decreasing ability by the electorate and the elected to talk intelligently about basic principles of governance. As evidence, he pointed to the confirmation hearings of Justices Rehnquist and Scalia, as senators of the Judiciary Committee did not engage in any kind of questioning related to constitutional principles. Further, he noted the baneful effects that speech crafted to sway public opinion has on political discourse. He wrote: "By changing the meaning of policy, rhetoric alters policy itself and the meaning of politics in the future," and "The continual attempts to mobilize the public through the use of personal or charismatic power delegitimize constitutional or normal authority."[96] Presidential character matters now more than ever, greatly shaped by modern media that influences public opinion on both the messenger and the message.

3.2 Presidential Precedents

But, as Corey Brettschneider has noted, "Many of the Framers worried about a president who pandered to the lowest instincts of the majority. They would have likely thought it too risky for presidents to speak directly and regularly to the public. One of their worst nightmares was a president who, in an attempt to win popular support, actually undermined the values of the Constitution."[97] Theodore Roosevelt, however, recognized the power of persuasion through more direct communications with the people. He established the first White House press office in 1902 and normalized the practice of presidents speaking directly to the people with his powerful yet

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[96] Jeffrey Tulis, *The Rhetorical Presidency,* (Princeton, NJ: Princeton University Press, 1987), p. 7, 179, 190.
[97] Corey Brettschneider, *The Oath and the Office: A Guide to the Constitution for Future Presidents,* (New York, NY: W.W. Norton & Company, 2018), p. 23-24.

casual speeches used to gain support for his agenda.[98] He famously said, "Most of us enjoy preaching, and I've got a bully pulpit."[99] The presidential "bully pulpit" has evolved since then, from Franklin Roosevelt's fireside chats, to John F. Kennedy's innovative use of television, to Reagan's mastery of multiple media.

Richard Nixon's reelection tactics present a rhetorical point of comparison with Trump's 2016 election tactics. During Nixon's 1972 reelection campaign against Democratic Senator George McGovern, Nixon did not utter McGovern's name until the campaign was over.[100] Even when asked at a news conference about McGovern's "smear campaign" against him and how to characterize it, Nixon calmly responded:

I am not going to characterize the Senator's campaign. As a matter of fact, I don't question his motives. I think he deeply believes in a number of actions that he believes that this Government should take that I think would be very disastrous for this Nation, as I pointed out in my acceptance speech. Consequently, as far as I am concerned, I will discuss those issues, but I am not going to raise any doubts about his motives. Incidentally, I have no complaint when he raises doubts about mine. That is his choice.[101]

Trump, on the other hand, could not keep his opponent's name out of his tweets. From the time of his campaign announcement on June 16, 2015 to the election on November 8, 2016, Trump

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[98] Corey Brettschneider, *The Oath and the Office: A Guide to the Constitution for Future Presidents,* p. 22
[99] Lyman Abbott Hamilton Wright Mabie, Ernest Abbott, Francis Rufus Bellamy, *The Outlook: A Weekly Newspaper*, February 27, 1909.
[100] Author's calculation from The American Presidency Project.
[101] Richard Nixon, "The President's News Conference," White House, October 5, 1972, https://www.presidency.ucsb.edu/docum ents/the-presidents-news-conference-93.

issued a total of 7,795 tweets. An astounding total of 695 tweets contained the name "Hillary."

Of these, 209 tweets referenced "Crooked Hillary," and 134 referenced "Hillary Clinton."[102] In

its entirety, 11 percent of Trump's campaign tweets referenced his opponent.

Barack Obama's presidency was defined by his administration's novel and adept use of

social media, especially YouTube and Twitter. The Obama team employed the relatively new

"social" media *en masse* to connect with constituents directly and advance public confidence in

the president. His administration used hashtags and hosted events on Twitter to engage and

inform constituents on key issues, such as the Affordable Care Act which had its own Twitter

account (@HealthCareGov) and hashtag (#getcovered). Obama's use of Twitter was considered

to be a highly informal form of presidential communication at the time, and was criticized as

undignified.[103] Nonetheless, his Twitter helped to bridge the media gap between citizens and the

president.

Then came Donald Trump, who directed his radically informal messaging straight to the

people via Twitter, spelling mistakes and all. The Framers' nightmare of a president who might

sacrifice constitutional values to gain popular support has been tweeted to life by

@realDonaldTrump.

3.3 The Trump Effect

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[102] Author's calculation from Trump Twitter Archive.

[103] Stephen J Farnsworth, *Presidential Communication and Character: White House News Management from Clinton and Cable to Twitter and Trump* (New York, NY: Routledge, 2018), Chapter 4.

Trump's electronic "bully pulpit" has manifested itself in a literal sense. His inflammatory and uncivil rhetoric has become a new presidential reality. A 2018 Master's thesis by Maali Luqman of Harvard examined the impacts of this new reality. Her work addresses the negative impacts of Trump's political rhetoric on American minority groups and the ripple effect it has for the U.S. in the international realm. By analyzing hate crime statistics under different presidents, Luqman found that women, religious, and racial minorities have become further susceptible to violence under Trump. Luqman contends that "the Trump effect" is damaging to the stability and security of the country, and is contributing to increasingly negative perceptions of the U.S. among international actors.[104] Likewise such rhetoric encourages bigotry and resentment; it seeps into, and consequently degrades public discourse.

Even worse, it has seeped into schools. Children are most vulnerable to this cheapening of public discourse, as their moral and rhetorical sensibilities are less mature and their behaviors are still being learned from their realities. At this point, one cannot prove cause and effect between Trump's use of Twitter and its negative consequences. Moreover, Trump makes his points on multiple media, not just Twitter, so it is difficult to speak only to Twitter's independent effect. But one thing is clear: Trump is not helping. A 2016 survey of more than 10,000 educators of grades K-12 conducted online by the Southern Law Poverty Center revealed more than 2,500 "specific incidents of bigotry and harassment that can be directly traced to election rhetoric." It should be noted that although Trump was not yet president at the time of this survey, he was already gaining massive publicity. Of these, 672 incidents involved deportation and 476 incidents involved the phrase "build the wall." Nine in ten educators noted negative changes in children's moods and behaviors following the election, and eight in ten noted increased anxiety

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[104] Maali, Luqman, "The Trump Effect: Impacts of Political Rhetoric on Minorities and America's Image," Master's thesis, (Harvard Extension School, 2018).

among marginalized students.[105] Additionally, a 2019 publication by UCLA's Institute for

Democracy on school and society during Trump's presidency surveyed high school principals on

the ways in which politically-charged social issues are affecting students and educators. The

study found that 89 percent of principals report that their school communities have been

"considerably affected" by the political realm's increasing hostility and incivility, and these

stressors have been "intensified and accelerated by the flow of untrustworthy or disputed

information and the increasing use of social media that is fueling and furthering division."[106]

This impact shows up in the media as well. A *Washington Post* analysis of news reports

from 2016-2019 detailed more than 300 cases of harassment of children directly linked to

Trump's name or his words, and at least 75 percent of the incidents involved Hispanic, black, or

Muslim children.[107] The Trumpian effects on discourse have created a new normal in which his

electronic bully pulpit may enable actual bullies. While presidents cannot control discourse

outright, the presidential power to persuade can influence public opinion on accepted behavior.

3.4 Reframing Reality

Trump has capitalized on a unique capacity of language to alter perceptions of reality (a

phenomenon known as *recontextualization*). As political scientist Dr. Greg Weiner has argued,

"In politics, which is not a static affair, language does not merely reveal realities. It generates

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[105] Southern Poverty Law Center, "After Election Day- The Trump Effect: The Impact of the 2016 Presidential Election on Our Nation's Schools "(Southern Poverty Law Center, 2016), https://www.tolerance.org/sites/default/files/2017-06/After the Election Trump Effect Report.pdf

[106] John Rogers et. al., School and Society in the Age of Trump. "School and Society in the Age of Trump. March 13, 2019, https://idea.gseis.ucla.edu/publications/school-and-society-in-age-of-trump/publications/files/school-and-society-in-the-age-of-trump-report.

[107] Hannah Natanson, John Woodrow Cox, and Perry Stein, "Trump's Words, Bullied Kids, Scarred Schools ," *Washington Post*, February 13, 2020, https://www.washingtonpost.com/graphics/2020/local/school-bullying-trump-words/

them."[108] Trump's status as an authority figure increases the potential effects his techniques may have on public opinion. These effects are only furthered by his status both on Twitter and in the mainstream media, as it is the most-cited account in the news.[109] Social media sites provide information without substantiation, which primes public opinion in his favor. The human habit to derive opinions from opinions of authority figures helps to explain this phenomenon. A 2017 study by Elizabeth Paluck and Margaret Tankard of the RAND Corporation examined how people's personal opinions and people's perceptions of the opinions of others on the topic of same-sex marriage had changed following the 2015 Supreme Court decision to establish it as a constitutional right. The study found that the ruling of the institution did not change personal opinions on the matter, while people's perceptions of the opinions of others changed rapidly; providing the first experimental evidence that an institution can change perceptions of social norms by creating false impressions of a supportive social consensus.[110]

This hypothesis was put to the test on Twitter in a 2016 study published by Kevin Munger. He recognized that while contemporary American social norms no longer condone explicit racial prejudices, Twitter still has some catching up to do. After identifying users with public accounts who had tweeted anti-black slurs, Munger created Twitter bots to speak out against the users' unacceptable behavior. The bot profiles were all male, but varied in their ethnicity (black or white) and followers (influential or not). He found that white accounts that were perceived to be influential could significantly reduce users' tweets with slurs over a two

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[108] Greg Weiner, "Trump and Truth," *National Affair*, 2017,
https://www.nationalaffairs.com/publications/detail/trump-and-truth.
[109] Kalev Leetaru, "Numbers Show How Trump's Tweets Drive the News Cycle," Real Clear Politics, September 11, 2019.
[110] Elizabeth Levy Pluck and Margaret E Tankard, "The Effect of a Supreme Court Decision Regarding Gay Marriage on Social Norms and Personal Attitudes," *Sage Journals* 28, no. 9 (September 1, 2017): 334-1344.

month period with just one tweeted reprimand.[111] As in the previous discussion on the topic of same-sex marriage, the bots likely did not change users' personal opinions, but in helping to create the perception of a different social norm, the bots were able to change user behavior to conform with the new social norm.

Supreme Court Chief Justice John Roberts, in his year-end report on the judiciary for 2019, eschewed talk of impeachment and politics. Instead, he spoke on the importance of civic education, with regards to protecting against social media's growing power to spread misinformation.[112] Social media sites allow for misinformation that may alter a citizen's perceptions of reality -- from social norms to policies to facts -- to spread more rapidly than ever.

The Republican National Committee sanctioned social media as a political tool in a new training program for Trump supporters as part of the Trump Victory Leadership Initiative. As of December 2019, the RNC had trained more than 30,000 paid field organizers, volunteers, and neighborhood team leaders in the art of spreading Trump's message on social media. Trainees are to promote Trump's view of the press as the "enemy of the people" and are not to speak with reporters (more on Trump and the press as the enemy later). Said Rick Gorka, the RNC communications director: "we train individuals to talk through their personality. Each one of us has a unique way of using the English language to communicate our points that's true to our brand." He said that creating pro-Trump content is "empowering... activist[s] to create…echo chamber[s]."[113] The polarized world of American politics has led to social media echo chambers,

[111] Kevin Munger, "Tweetment Effects on the Tweeted: Experimentally Reducing Racist Harassment," *Polit Behav 39,* (2017): 629-649.

[112] David G Savage, "US Chief Justice John Roberts Warns of Social Media's Danger to Democracy," *LA Times,* December 31, 2019, https://www.latimes.com/politics/story/2019-12-31/supreme-court-chief-justice-john-roberts-warns-of-social-medias-danger-to-democracy

[113] Francesca Chambers and Michael Wilner, "'Find Your Voice." Republicans Train Trump Campaign Volunteers to Swarm Twitter," Impact 2020 (McClatchy DC, December 19, 2019), https://www.mcclatchydc.com/news/politics-government/white-house/article238541448.html.

online communities of like-minded users, habituated to distrust external sources of information. The clearest theoretical definition was characterized by C. Thi Nguyen to be "a social epistemic structure from which other relevant voices have been actively excluded and discredited."[114] They are further divided thanks to the ability to block users and companies' algorithms that suggest similar users. Echo chambers are particularly susceptible to misinformation and disinformation because community members are primed to heed one another's voices instead of critically evaluating the content or its origin. They discredit and disbelieve voices from outside the chamber.[115] Further, small shares of Twitter users generate an overwhelming majority of content. A Pew Research Center analysis over a one-year period surrounding the 2018 midterm elections found that ninety-seven percent of U.S. adult tweets related to national politics came from just ten percent of users.[116] When content resides in the tweets of the few, misinformation and disinformation only needs to infiltrate a few users to be established as acceptable content, amplified within echo chambers, and spread rapidly.

Conservative activists took to Twitter to sow discord within the electoral process in a Trump-like fashion. Ahead of the first caucus of the presidential campaign in Iowa in February of 2020, right-wing Twitter users tweeted misinformation alleging voter fraud that went viral, despite being proven to be false. Two tweets from leaders of conservative activist groups in the two days before the caucus purported to find irregularities in voter registrations despite state officials' statements and public data to the contrary. By the day of the caucus, the tweets had garnered over 100,000 retweets, likes and replies. Most of the amplification came from non-

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[114] C Thi Nguyen, "Echo Chambers and Epistemic Bubbles," *Cambridge University Press*, September 13, 2018, https://www.cambridge.org/core/journals/episteme/article/echo-chambers-and-epistemic-bubbles/5D4AC3A808C538E17C50A7C09EC706F0#fndtn-information
[115] Ibid.
[116] Pew Research Center, "National Politics on Twitter: Small Share of US Adults Produce Majority of Tweets," Pew US Politics and Policy (Pew Research Center, October 23, 2019), https://www.people-press.org/2019/10/23/national-politics-on-twitter-small-share-of-u-s-adults-produce-majority-of-tweets/.

Iowan users, some of which displayed signals of automation, according to online falsehood-tracker VineSight. Twitter refused to do anything. A spokesperson denied that the false claims were a form of voter suppression or election interference, and said merely "The tweet you referenced is not in violation of our election integrity policy as it does not suppress voter turnout or mislead people about when, where, or how to vote."[117] These two cases stand as examples of Twitter usage pioneered by Trump, that have gone on to become institutionalized as political practices and forms of activism. They represent just a few manifestations that the Trump-Twitter effect has inspired and enabled. Looking to the future, in particular the 2020 presidential elections, these examples illustrate the ways in which our electoral process may be disturbed by Twitter campaigns that distort and even deny reality.

Consider how social norms and their related perceptions changed quickly. In the instantaneous realm of social media, public perceptions are even more responsive. The more an authority figure like Trump links topics in tweets, the more closely they become associated. During the Russia probe, Trump repeatedly tweeted about the absence of collusion and decried the investigation to be a witch hunt. The online Trump Twitter Archive showed that Trump issued a total of 62 tweets from February 3, 2018 to October 26, 2019 that included the terms "collusion" and "witch hunt." On the matter more generally, from the time of his inauguration to his acquittal by the Senate, he issued a total of 1,105 tweets that contained the phrases "russia," "hoax," "witch hunt," "mueller," or "collusion."[118] The rhetorical function of this linkage of terms is to alter reality through rhetoric. Lance Cummings, in his chapter on "The Dark Alchemy

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[117] Isaac Stanley-Becker and Tony Romm, "Conservatives Spread False Claims on Twitter about Electoral Fraud as Iowans Prepare to Caucus," *Washington Post*, February 3, 2020, https://www.washingtonpost.com/politics/2020/02/03/conservatives-push-false-claims-voter-fraud-twitter-iowans-prepare-caucus/.
[118] Author's calculation from Trump Twitter Archive.

of Donald Trump," published in the publication *President Donald Trump and His Political Discourse: Ramifications of Rhetoric via Twitter*, echoes this notion, arguing that "If Trump repeats an idea enough on Twitter, that idea will become reality."[119]

A NPR/PBS NewsHour/Marist Poll from December 7, 2018 found that 33 percent of people overall -- 71 percent of Republicans and 10 percent of Democrats viewed Robert Mueller's investigation as a "witch hunt."[120] As the Mueller investigation neared its end in March of 2019, public opinion of the investigation as a "witch hunt" had increased, even across party lines. A USA TODAY/Suffolk University Poll published on March 18, 2019 found that 50 percent of people overall -- 86 percent of Republicans and 14 percent of Democrats agreed with Trump's claim that the investigation was a "witch hunt."[121] A Quinnipiac University poll from May 2, 2019 found 57 percent of American voters believe that Trump committed crimes prior to his presidency, down from 64 percent who believed so March 5, 2019, prior to the release of Mueller's report.[122] Trump used Twitter as a conduit for misinformation in order to reframe a legal investigation as a "witch hunt." He abuses his electronic bully pulpit to influence public opinion in his favor. In delegitimizing a democratic process necessary for holding elected officials accountable, Trump implicitly delegitimizes our democracy.

3.5 Attacks on the Media

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[119] Michele Lockhart, *President Donald Trump and His Political Discourse: Ramifications of Rhetoric via Twitter* (New York, NY: Routledge, 2019), https://ccl.on.worldcat.org/oclc/1059514233, p.63

[120] Domenica Montanaro, "Republicans Only Group That Mostly Sees Mueller Probe as a 'Witch Hunt'," NPR (National Public Radio, December 7, 2018), https://www.npr.org/2018/12/07/674315848/poll-republicans-are-only-group-that-mostly-sees-mueller-probe-as-a-witch-hunt.

[121] Susan Page and Deborah Barfield Berry, "Poll: Half of Americans Say Trump Is a Victim of a 'Witch Hunt' as Trust Is Mueller Erodes," *USA Today*, March 18, 2019, https://www.usatoday.com/story/news/politics/2019/03/18/trust-mueller-investigation-falls-half-americans-say-trump-victim-witch-hunt/3194049002.

[122] Quinnipiac University, "U.S. Voters Still Say 2-1 Trump Committed Crime, Quinnipiac University National Poll Finds; But Voters Oppose Impeachment 2-1," Quinnipiac University Poll, May 2, 2019, https://poll.qu.edu/national/release-detail?ReleaseID=2618.

According to Thomas Jefferson, "Our liberty depends on the freedom of the press, and that cannot be limited without being lost."[123] Additionally, Jefferson wrote that "Were it left to me to decide whether we should have a government without newspapers, or newspapers without government, I should not hesitate a moment to prefer the latter."[124] Ironically, one of Trump's most-attacked entities on Twitter is the media -- as a whole, as organizations, and as individual journalists. Both right- and left-wing media outlets have borne the brunt of his attacks, but the left decidedly more so. He has reserved the phrase "enemy of the people," not for actual enemies of the state but for news media outlets that displease or criticize him. In fact, "enemy of the people" exclusively appears in tweets that portray the media negatively, and of his tweets that just contain the word "enemy," 80 percent (48 out of 60 tweets) reference the press.[125] Does this phrase sound hauntingly familiar to you? It was a favorite of Stalin's, though his successor Khrushchev found it too problematic. In 1956, Khrushchev addressed the Communist Party in a speech decrying Stalinism, "the formula 'enemy of the people,'" he said "was specifically introduced for the purpose of physically annihilating such individuals."[126]

Jefferson and the other Framers' reverence for press freedom has decayed over the course of our democracy. Alarmingly, a 2019 poll released by Quinnipiac University found that "82 percent of Republicans now trust President Trump more than they trust the media."[127] Research published by the Poynter Institute in December 2017 found that 44 percent of Americans believe the news media invents stories about Trump "more than once in a while," 31 percent agrees with

[123]Jefferson, Thomas, United States President Thomas Jefferson to James Currie, (Washington DC: Library of Congress,) Accessed May 6, 2020. http://tjrs.monticello.org/letter/2141.

[124] Thomas Jefferson, United States President Thomas Jefferson to Edward Carrington, *The Thomas Jefferson Papers Series 1, General Correspondence,* (Washington DC: Library of Congress, 1651-1827).

[125] Author's calculation from Trump Twitter Archive.

[126] Andrew Higgins, "Trump Embraces 'Enemy of the People,' a Phrase With a Fraught History." *New York Times,* February 26, 2017, https://www.nytimes.com/2017/02/26/world/europe/trump-enemy-of-the-people-stalin.html.

[127] Quinnipiac University, "U.S. Voters Still Say 2-1 Trump Committed Crime, Quinnipiac University National Poll Finds; But Voters Oppose Impeachment 2-1."

Trump's claim that the press are an "enemy of the people," and 25 percent support government

censorship of the press on inaccurate or biased stories.[128]

From the time of his inauguration to his acquittal by the Senate on February 5, 2020,

Trump sent out 665 tweets that contained the phrases "fake news," "fakenews," or "fake media."

During this period, he attacked *CNN* in 177 tweets, *NBC* in 180 tweets, and *The New York Times*

in 158 tweets.[129] This does not include his attacks on individual reporters. A Pew Research

Center poll published on December 12, 2019, linked public approval of Trump to opinions of

journalists' ethics. The analysis found that 31 percent of Republicans and Republican-leaning

independents believe that "journalists have *very low* ethical standards," in comparison to five

percent of Democrats and Democrat-leaning independents. Additionally, of those Republicans

surveyed who "strongly approve" of Trump's performance as president, 40 percent believe that

journalists have low ethical standards, in comparison to 17 percent who "somewhat approve" of

Trump and 12 percent who "disapprove."[130]

CNN experienced the real-life consequences of Trump's smear campaign in October of

2018, when a Trump supporter mailed a pipe bomb to their New York office. The perpetrator's

van was covered in stickers that included images of Trump, Pence, and "CNN Sucks," though

Trump denied his image being included on the van to reporters, adding "There's no blame,

there's no anything."[131] At a Trump campaign rally in El Paso, Texas in February of 2019, a

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[128] The Poynter Institute, "Poynter Releases New Study Examining Trust in the Media," Poynter, December 4, 2017, https://www.poynter.org/ethics-trust/2017/poynter-releases-new-study-examining-trust-in-the-media/
[129] Author's calculation from Trump Twitter Archive
[130] Jeffrey Gottfried, Galen Stocking, Elizabeth Grieco, Mason Walker, Maya Khuzam and Amy Mitchell, "Trusting the News Media in the Trump Era," (Pew Media and News. Pew Research Center, December 12, 2019), https://www.journalism.org/2019/12/12/trusting-the-news-media-in-the-trump-era/.
[131] Meg Wagner, Veronica Rocha, Sophie Tatum, Eric Levenson, Brian Ries, Paul P. Murphy and Jessie Yeung, "Suspect arrested after explosive devices sent to Trump critics and CNN," CNN Politics, (CNN, November 5, 2018).

Trump supporter attacked a *BBC* cameraman.[132] In June of that same year at Trump's reelection announcement in Orlando, Florida, a supporter was arrested and charged with battery for assaulting a reporter from the *Orlando Sentinel*.[133]

Diminishing freedom of the press under the Trump administration has been enshrined in the term, "fake news." Other American politicians have learned from Trump and taken up the cry as a weapon to dismiss critical new stories, including the governor of Maine, a New Mexico congressional candidate, the Georgia secretary of state, and the vice chairman of Trump's now-disbanded voter fraud commission.[134] On the one-year anniversary of Trump's inauguration in January 2018, a delegation of six international press freedom groups conducted fact-finding visits to cities in the US to assess threats to journalists and the increase in anti-press rhetoric, and found that the climate for journalists covering protests had become more dangerous.[135] The bigger issue with Trump's anti-press rhetoric has played out internationally, as the number of journalists imprisoned internationally has remained at record highs during the entirety of the Trump administration, according to a 2018 report by the Committee to Protect Journalists. The number of journalists imprisoned on charges of false news was at a record high in both 2017 and 2018 (28 and 30, respectively), a sharp increase since nine were imprisoned in 2016, and since the first, singular usage of the charge in 2012.[136]

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[132] BBC News Team, "Trump supporter attack BBC cameraman at El Paso rally." BBC News US and Canada, (February 12, 2019), https://www.bbc.com/news/world-us-canada-47208909.

[133] Marisa Iati and Lindsey Bever, "A Trump supporter was arrested after smacking a reporter's phone. 'MAGA,' a GOP lawmaker responded, *Washington Post,* June 19, 2019, https://www.washingtonpost.com/politics/2019/06/19/trump-supporter-arrested-after-smacking-reporters-phone-maga-gop-lawmaker-responded.

[134] Ryan J Foley, "'Fake News' Smear Takes Hold among Politicians at All Levels," AP News, March 11, 2018, https://apnews.com/4fd6d212e9a3432d9af05574774f7206.

[135] Joel Simon, "Assessing Trump's Press Freedom Record," Columbia Journalism Review, January 19, 2018, https://www.cjr.org/analysis/trump-press-freedom.php.

[136] Elana Beiser, "Hundreds of Journalists Jailed Globally Becomes the New Normal," Committee to Protect Journalists, December 13, 2018, https://cpj.org/reports/2018/12/journalists-jailed-imprisoned-turkey-china-egypt-saudi-arabia.php.

Trump's systematic degradation of the press has even put journalists in physical danger. In calling the press as "the enemy of the people," Trump implicitly casts himself as their foil, as the champion of the people. He creates a new reality wherein he and his Twitter account are more legitimate sources of information than the mainstream media, and more "truthful" than actual truth. His constant negative barrage against the established press not only damages their credibility, but also their capacity to function as a "watchdog" for societally salient issues that need to be brought to the public eye.

Chapter 4: Rule of Law

"Where-ever law ends, tyranny begins."
- John Locke, *Two Treatises of Government*

4.1 Legal Wrongs

Trump's tweets do not promote regard for the law, and some of them even violate the spirit of laws. As political scholar George Edwards III argues, Trump's "public discourse has been characterized by … challenging the rule of law," and has eroded respect for the rule of law.[137] In focusing on the practical wrongs of his tweets rather than the legal wrongs, it seems that the resulting practical consequences on our democracy may be more detrimental. While Trump's tweets may not technically be illegal, their most basic function is to undermine respect for the rule of law. Let us now examine the legal wrongs of his tweets and consider the ramifications of degrading the rule of law in this manner.

On June 28th, 2017, Trump made false allegations against Amazon and the *Washington Post*, tweeting "The #AmazonWashingtonPost sometimes referred to as the guardian of Amazon not paying Internet taxes (which they should) is FAKE NEWS!"[138] Although both are owned by Jeff Bezos, the two entities are separate and distinct corporations. The claim advanced in his tweet that the companies were not paying taxes owed is false and could be considered libel. Additionally, in many states it is illegal to knowingly make false allegations of criminal conduct, further casting legal doubt on Trump's tweet.

Never one to be discouraged by legalities, the very next day Trump went after MSNBC's Morning Joe hosts Mika Brzezinski and Joe Scarborough for criticizing him on their program. "I heard poorly rated @Morning_Joe speaks badly of me (don't watch anymore). Then how come low I.Q. Crazy Mika, along with Psycho Joe, came.....to Mar-a-Lago 3 nights in a row around New Year's Eve, and insisted on joining me. She was bleeding badly from a face-lift. I said

[137] George C Edwards, "The Bully in the Pulpit: The Impact of Donald Trump's Discourse," August 25, 2019
[138] Donald J. Trump, Twitter post, June 28, 2019, https://twitter.com/realdonaldtrump/status/880049704620494848.

no!"[139] Republican Senator Lisa Murkowski tweeted in concise response, "Stop it! The Presidential platform should be used for more than bringing people down."[140]

By disclosing personal information and using the damaging power of his tweets to discourage further criticism from the hosts, Trump yet again wades into questionable legal territory. The two journalists are based in New York, where it is a crime under Penal Law PEN § 135.60 to coerce a person by the "use or abuse [of] his or her position as a public servant by performing some act within or related to his or her official duties." Further, coercion includes causing "action injurious to some person's business" and also exposing "a secret or publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt or ridicule."[141] In attempting to use the power of the presidency to coerce the journalists from criticizing him, Trump undeniably abuses this power. As Murkowksi's tweet points out, this activity is simply not what the presidential platform should be used for.

Less than a week later, on July 2nd, Trump tweeted a video of him body-slamming a man with CNN's logo superimposed over his face.[142] Whether or not this was an explicit threat is up for debate, but the threatening tone of the content is not. The tweet implicitly condones and even encourages violence against the media and more generally against those who disagree with Trump. It is a federal crime to make such threats under 18 U.S.C. 875(c). Specifically, this applies to anyone who "transmits in interstate or foreign commerce any communication containing any threat to kidnap any person or any threat to injure the person of another."[143] In the past, the Department of Justice has successfully prosecuted threats with similar political

[139] Donald J. Trump, Twitter post thread, June 29, 2017, https://twitter.com/realdonaldtrump/status/880408582310776832.
[140] Lisa Murkowski, Twitter post, June 29, 2017, https://twitter.com/lisamurkowski/status/880497491736702978.
[141] NY Penal Law § 135.60: Coercion in the second degree, https://criminaldefense.1800nynylaw.com/new-york-penal-law-135-60-coercion-in-the-second-degree.html.
[142] Donald J Trump, Twitter post, July 2, 2017, https://twitter.com/realDonaldTrump/status/881503147168071680.
[143] *Interstate communications,* 18 U.S. Code (1994) § 875, https://www.law.cornell.edu/uscode/text/18/875.

intentions; however Trump's protection under the First Amendment eliminates any chance of comparable prosecution. CNN has received serious threats from Trump supporters, so Trump might be held accountable for damages in a civil suit for inspiring violence. And once again, in stooping to such questionable legal behavior, Trump damages the institution of the presidency.

When Hurricane Dorian approached the southeast in September of 2019, Trump tweeted that contrary to predictions made by the National Oceanic and Atmospheric Association (NOAA),

In addition to Florida - South Carolina, North Carolina, Georgia, and Alabama, will most likely be hit (much) harder than anticipated. Looking like one of the largest hurricanes ever. Already category 5. BE CAREFUL! GOD BLESS EVERYONE![144] A few days later he tweeted images that appeared to be from NOAA showing Hurricane Dorian moving towards Alabama with the comment Just as I said, Alabama was originally projected to be hit. The Fake News denies it![145]

Not a single prediction or projection from NOAA matched the images from Trump's tweet. Falsifying weather reports is a crime under 18 U.S. Code § 2074 punishable by a fine and/or imprisonment for up to 90 days.[146] It would be highly unlikely that such an alteration would result in a prosecution, however the purpose of the law is to ensure that citizens can trust weather

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[144] Donald J. Trump, Twitter post, September 1, 2019,
https://twitter.com/realDonaldTrump/status/1168174613827899393.
[145] Donald J. Trump, Twitter post, September 5, 2019,
https://twitter.com/realDonaldTrump/status/1169705282123046913.
[146] *Interstate communications,* 18 U.S. Code (1994) § 875.

forecasts. False weather reports are dangerous in that they can cause mass panic and discredit

real, potentially life-saving reports. In the case of Hurricane Dorian, Trump falsely asserted that

not only was Alabama going to be hit by one of the largest hurricanes ever, it was going to be hit

much harder than expected. Citizens of Alabama who believed Trump's tweet prepared for a

calamitous storm and its ensuing damage to lives and property, that never came.

In June of 2019, Trump attacked Democratic congresswomen in xenophobic terms, and

tweeted:

> So interesting to see "Progressive" Democrat Congresswomen, who originally
>
> came from countries whose governments are a complete and total catastrophe, the
>
> worst, most corrupt and inept anywhere in the world (if they even have a
>
> functioning government at all), now loudly..........and viciously telling the people
>
> of the United States, the greatest and most powerful Nation on earth, how our
>
> government is to be run. Why don't they go back and help fix the totally broken
>
> and crime infested places from which they came. Then come back and show us
>
> how........it is done. These places need your help badly, you can't leave fast
>
> enough. I'm sure that Nancy Pelosi would be very happy to quickly work out free
>
> travel arrangements![147]

Though he did not identify them by name, it was apparent that he was targeting Reps. Alexandria

Ocasio-Cortez (D-N.Y.), Ilhan Omar (D-Minn.), Rashida Tlaib (D-Mich.) and Ayanna Pressley

(D-Mass.), all freshmen women of color. The only woman of the four who was born outside the

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[147] Donald J. Trump, Twitter post, July 14, 2019,
https://twitter.com/realDonaldTrump/status/1150381394234941448.

U.S. was Omar, who immigrated from Somalia as a refugee in 1992. Under the Equal

Employment Opportunity Commission's (EEOC) anti-discrimination laws, discrimination and

harassment on the basis of race, color, sex, national origin, age, and mental or physical

disabilities are prohibited. A publication by the EEOC includes a "Harassment Based on

National Origin" section that states: "Ethnic slurs and other verbal or physical conduct because

of nationality are illegal if they are severe or pervasive and create an intimidating, hostile or

offensive working environment, interfere with work performance, or negatively affect job

opportunities. Examples of potentially unlawful conduct include insults, taunting, or ethnic

epithets, such as making fun of a person's foreign accent or comments like, 'Go back to where

you came from,' whether made by supervisors or by co-workers."[148] If Trump were a coworker

or supervisor, his tweets would be in violation of the EEOC's anti-discrimination laws, as well as

the literal example provided by the Commission on what constitutes unlawful conduct. While

this example is not a violation of law because the members do not work directly for or with

Trump, as has been shown, Trump spawns imitation. In this case, citizens imitating Trump in the

workplace would indeed lead to violations of the law.

Trump retweeted the purported name of the whistleblower who was the catalyst for the

Ukraine investigation.[149] Prior to his retweet on December 27, 2019, Trump had made repeated

demands for the source to be named, which resulted in the issuance of a cease-and-desist

warning to the president from the whistleblower's lawyers. "The President of the United States,

is engaging rhetoric and activity that places my client … and their family in physical danger,"

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[148] "Fact Sheet: Immigrants' Employment Rights under Federal Anti-Discrimination Laws," U.S. Equal Employment
Opportunity Commission, 2010, https://www.eeoc.gov/laws/guidance/fact-sheet-immigrants-employment-rights-
under-federal-anti-discrimination-laws.
[149] Trump, Donald J. @LovelyGigi33 Twitter retweet. December 27, 2019.
https://twitter.com/realdonaldtrump/status/1210784642271301632.

the letter from November 8 read.[150] Worse still, the account Trump retweeted (@sufermom77) showed signs of automated activity, with a stock image taken from online as a profile photo, abnormally high amounts of activity, and xenophobic and conspiracy-based content. In March of 2020, even as the coronavirus crisis was spreading rapidly, Trump continued his attacks on the whistleblower, tweeting "95% Approval Rating in the Republican Party, 53% overall. Not bad considering I get nothing but Fake & Corrupt News, day and night. "Russia, Russia, Russia", then "the Ukraine Scam (where's the Whistleblower?)", the "Impeachment Hoax", and more, more, more."[151] A few weeks later, he fired intelligence community Inspector General Michael Atkinson for communicating the whistleblower's report to Congress, undermining the Trump administration's efforts to cover up the scandal. H.R.3829, the Intelligence Community Whistleblower Protection Act of 1998 guarantees the protection of whistleblowers who come forward with reports of perceived wrongdoing.[152] Within the intelligence community, a 2014 law established that reprisals against a whistleblower from the intelligence community are prohibited and (supposedly) this prohibition is to be enforced by the President.[153] Rule of law decrees not only that whistleblowers are to be protected, but more precisely that the President has a *legal obligation* to protect the identity of the whistleblower. As mentioned earlier, the Constitution requires the president to "take care that the laws be faithfully executed." His failure to protect the whistleblower's identity -- not to mention his own exposure of that identity -- is a clear violation of his constitutional duty.

[150] Andrew P. Bakaj, "Whistleblower lawyer's cease and desist letter to White House" *CNN Politics*, November 8, 2019, https://www.cnn.com/2019/11/07/politics/read-whistleblower-lawyer-letter-to-trump/index.html.
[151] Donald J. Trump, Twitter post, March 18, 2020, https://twitter.com/realDonaldTrump/status/1240269212871995393.
[152] Intelligence Community Whistleblower Protection Act, H.R. 3829, U.S.C, (1998).
[153] Intelligence Authorization Act, U.S.C. (2014).

Yet again, Trump models behavior for his followers, who go on to break the law. In putting the supposed identity of the whistleblower out into the public domain of Twitter, Trump not only failed in his legal duty to protect the whistleblower, he violated rule of law, with the result of putting the person's life, and the lives of their family in danger. Not only is this behavior injurious to the rule of law regarding whistleblower protection, it carries grave implications for the legal future. Potential whistleblowers in the future may hesitate to reveal cases of governmental corruption if they believe that the law will not protect them, and their supposed-protector and enforcer of the law (i.e. the President) will actually put them in harm's way.

After the killing of Irani Major General Qasem Soleimani in an American airstrike on January 3, 2020, at Trump's directive, he took to Twitter to signal his foreign policy objectives. On January 4th, he wrote the following in a string of three tweets:

Iran is talking very boldly about targeting certain USA assets as revenge for our ridding the world of their terrorist leader who had just killed an American, & badly wounded many others, not to mention all of the people he had killed over his lifetime, including recently....hundreds of Iranian protesters. He was already attacking our Embassy, and preparing for additional hits in other locations. Iran has been nothing but problems for many years. Let this serve as a WARNING that if Iran strikes any Americans, or American assets, we have.....targeted 52 Iranian sites (representing the 52 American hostages taken by Iran many years ago), some at a very high level & important to Iran & the Iranian culture, and

those targets, and Iran itself, WILL BE HIT VERY FAST AND VERY HARD.

The USA wants no more threats![154]

Targeting cultural sites is a violation of Article 53 of the Geneva Conventions, which protects cultural objects and places of worship. States are banned from engaging in "any acts of hostility directed against the historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples ... to use such objects in support of the military effort ... [and] to make such objects the object of reprisals."[155] While threatening to break international law is not the same as actually ordering and executing a military strike, Trump's tweet puts his disregard for international law on display for the international community. The illegality of striking cultural sites makes Trump's threat seem less credible, and implicitly makes the American government as a whole seem less credible to foreign actors. It will be increasingly difficult to engage in foreign affairs if other countries do not perceive the US or its actions -- be they threats or promises -- to be credible.

A day later, on January 5th, he tweeted "These Media Posts will serve as notification to the United States Congress that should Iran strike any U.S. person or target, the United States will quickly & fully strike back, & perhaps in a disproportionate manner. Such legal notice is not required, but is given nevertheless!"[156] The Twitter account for the House Foreign Affairs Committee responded to Trump's tweet, "This Media Post will serve as a reminder that war powers reside in the Congress under the United States Constitution. And that you should read the

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[154] Donald J. Trump, Twitter thread post, January 4, 2020,
https://twitter.com/realdonaldtrump/status/1213593965838163968.
[155] International Committee of the Red Cross (ICRC), Geneva Convention, "Protocol I," *(Fifth Geneva Convention)*,
June 8 1977, https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/WebART/470-750068.
[156] Donald J. Trump, Twitter post, January 5, 2020,
https://twitter.com/realdonaldtrump/status/1213919480574812160.

War Powers Act. And that you're not a dictator."[157] As the latter tweet points out, without a

formal declaration of war by Congress, the War Powers Resolution §1543 requires the president

to alert Congress of any military action within 48 hours. Specifically, the president must submit a

report to the Speaker of the House of Representatives and to the President pro tempore of the

Senate "in writing, setting forth - the circumstances necessitating the introduction of United

States Armed Forces; the constitutional and legislative authority under which such introduction

took place; and the estimated scope and duration of the hostilities or involvement."[158] Trump's

tweet clearly does not satisfy this requirement. His insistence that "such notice [to Congress] is

not required" is an outright insult to our rule of law. Moreover, his threat to respond to an Iranian

military strike "in a disproportionate manner" came just a day after his threat to strike cultural

sites in Iran, further signaling that he is willing to violate international law and commit war

crimes, all without congressional approval. These tweets illustrate Trump's contempt for any

legal check on his actions, both domestically and internationally. Moreover, making military

threats on Twitter puts American lives at risk, especially members of the military stationed

abroad. On January 8th, thirty-four US military members suffered traumatic brain injuries when

Iran retaliated with missile strikes at US military targets in Iraq.[159] That same day in a White

House address, Trump announced that "The American people should be extremely grateful and

happy no Americans were harmed in last night's attack by the Iranian regime. We suffered no

casualties, all of our soldiers are safe."[160] Legality aside, Trump's outright denial of the sacrifices

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[157] House Foreign Affairs Committee, Twitter post, January 5, 2020,
https://twitter.com/HouseForeign/status/1213953699371982853.
[158] War Powers Resolution, U.S.C. § 1543 (2020),
https://uscode.house.gov/view.xhtml?req=(title:50%20section:1543%20edition:prelim.
[159] "Pentagon Say 34 U.S. Troops Diagnosed with Concussions, Brain Injuries After Iran Missile Strike in Iraq," C-SPAN, January 24, 2020, https://www.c-span.org/video/?c4849075/pentagon-34-us-troops-diagnosed-concussions-brain-injuries-iran-missile-strike-iraq.
[160] "Remarks by President Trump on Iran," *White House,* January 8, 2020. https://www.whitehouse.gov/briefings-statements/remarks-president-trump-iran/.

of American soldiers is wrong. These tweets demonstrate a chilling disregard for human life, a disregard which Trump apparently even extends to American soldiers.

4.2 Eroding Empathy

A typical Trump tweet involves the attacking and labeling of individuals. He uses this style of tweeting to intimidate critics. His tweets expose individuals and encourage his followers to join in the intimidation and harassment, even inciting violence in some instances. In labeling individuals with derogatory nicknames, Trump implicitly downgrades their credibility and, in a sense, their humanity. The labels present the individual not as a human worthy of respect in virtue of their humanity, but rather as a caricature that may be a threat to Trump's political pursuits.

Trump's tweets are a form of propaganda, or duplicitous content that aims to circumvent theoretical rationality.[161] As George Orwell famously noted, "If thought corrupts language, language can also corrupt thought."[162] As we have seen, the power of language lies in its influence on people's perceptions. Propaganda is merely the realization of this exclusive capacity of language. According to Jason Stanley's *How Propaganda Works*, this capacity often manifests itself in a liberal democracy as demagoguery. Most basically, language may serve as a mechanism of control, as it "takes the form of a contribution to public debate that is presented as embodying reasonableness yet in fact contributes a content that clearly erodes reasonableness … [and] functions via an initial selection of a target within the population."[163]

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[161] Jason Stanley, *How Propaganda Works*, (Princeton, NJ: Princeton University Press, 2015).
[162] George Orwell, *Politics and the English Language: an Essay Printed as a Christmas Keepsake for the Typophiles*, (Evansville, IN: Herbert W. Simpson Inc., 1947).
[163] Jason Stanley, *How Propaganda Works*.

Trump's tweets fit into this conception of propaganda, especially the condition that propagandistic demagoguery aims to keep targeted individuals from using their critical faculties. Crucially, the capacity for reason, presupposes another human quality, namely the capacity for empathy. If content can erode a target's reasonableness, it can go on to erode empathy. It follows from this, on Stanley's view, that "we should expect paradigm cases of propaganda to have as part of their communicative content that a group in society is not worthy of respect. So one characteristic way to convey that a target is not worthy of respect is to cause one's audience to lose empathy for them."[164]

4.3 Attacks on Individuals

In labeling and villainizing individuals, Trump's tweets may erode whatever is left of his followers' empathy and respect for the "other." Let us now examine examples of such labeling and attacking, and consider some of the direct and indirect consequences Trump's tweets may have had on these individuals.

Following the announcement of Trump's former counsel, Michael Cohen's plea deal with Robert Mueller and ahead of Cohen's scheduled testimony before the House Oversight Committee, Trump not only flipped on his former friend but also made not-so-veiled threats. After more than ten years of doing Trump's dirty work, Cohen surely had some secrets to share. On December 3rd, Trump tweeted:

"Michael Cohen asks judge for no Prison Time." You mean he can do all of the

TERRIBLE, unrelated to Trump, things having to do with fraud, big loans, Taxis,

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[164] Ibid, 26-27.

etc., and not serve a long prison term? He makes up stories to get a GREAT &

ALREADY reduced deal for himself, and get.....his wife and father-in-law (who

has the money?) off Scott Free. He lied for this outcome and should, in my

opinion, serve a full and complete sentence.[165]

On December 16th, he tweeted "Remember, Michael Cohen only became a 'Rat' after

the FBI did something which was absolutely unthinkable & unheard of until the Witch

Hunt was illegally started. They BROKE INTO AN ATTORNEY'S OFFICE! Why

didn't they break into the DNC to get the Server, or Crooked's office?"[166] Then, on

January 18th, he tweeted "Kevin Corke, @FoxNews "Don't forget, Michael Cohen has

already been convicted of perjury and fraud, and as recently as this week, the Wall Street

Journal has suggested that he may have stolen tens of thousands of dollars...." Lying to

reduce his jail time! Watch father-in-law!"[167] By January 22nd, Cohen had withdrawn his

commitment to testify. His lawyer cited "ongoing threats against his family from

President Trump and Mr. Giuliani" as the reason for Cohen's withdrawal.[168] Under 18

U.S.C. § 1515(a)(1) (Protection of Governmental Processes), intimidating a witness who

is testifying before Congress is a crime.[169] Trump's insinuations on Twitter against a

witness who had flipped on him was an obvious effort to prevent Cohen from testifying.

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[165] Donald J. Trump, Twitter thread post, December 3, 2018,
https://twitter.com/realDonaldTrump/status/1069613383622803456.
[166] Donald J. Trump, Twitter post, December 16, 2018,
https://twitter.com/realdonaldtrump/status/1074313153679450113.
[167] Donald J. Trump, Twitter post, January 18, 2019
https://twitter.com/realDonaldTrump/status/1086277705916502017.
[168] Jeremy Herb, "Michael Cohen postpones House testimony, citing 'threats against his family,'" CNN Politics,
(CNN, January 24, 2019), https://www.cnn.com/2019/01/23/politics/michael-cohen-testimony-
postponed/index.html.
[169] Protection of Government Processes, U.S.C. § 1512 (1729), https://www.justice.gov/archives/jm/criminal-
resource-manual-1729-protection-government-processes-tampering-victims-witnesses-or.

Not only did Trump go after the witness, he went after Cohen's family in his suggestion that Cohen's wife and father-in-law should also be prosecuted. Ronald Safer, former chief of the Chicago U.S. Attorney's criminal division, likened Trump's behavior to that of mafia mobsters and gang leaders. "But they wouldn't tell the news; we'd pick it up in a wiretap. Nobody would come out and say these things—the gangsters know better."[170] It seems Trump still has a thing or two to learn from the mob.

During the impeachment hearings in November of 2019, former ambassador to Ukraine Marie Yovanovitch was a key witness. "As Foreign Service professionals are being denigrated and undermined," she testified, "the institution is also being degraded. This will soon cause real harm, if it hasn't already." Of course, in the middle of the hearing while Yovanovitch was describing how she had felt personally threatened by Trump, he immediately took to Twitter to attack her. During her hearing, he tweeted "Everywhere Marie Yovanovitch went turned bad. She started off in Somalia, how did that go? Then fast forward to Ukraine, where the new Ukrainian President spoke unfavorably about her in my second phone call with him. It is a U.S. President's absolute right to appoint ambassadors."[171] Later on in the hearing, House Intelligence Committee Chairman Adam Schiff noted that "What you saw today — witness intimidation in real-time by the president of the United States." Arguably, Trump's tweet constitutes witness tampering, its "real-time" attribute made possible by Twitter. It would be hard to prove, however, that Trump's intention was to intimidate her. Additionally, some legal opinions hold that a sitting president cannot be indicted at all.

[170] Stephanie Francis Ward, "Legal Experts Weigh in on Trump's Cohen Comments and Whether They Amount to Witness Intimidation," ABA Journal (ABA, January 15, 2019), https://www.abajournal.com/news/article/following-fox-news-interview-some-wonder-if-president-engaged-in-obstruction.
[171] Donald J. Trump, Twitter post, November 15, 2019, https://twitter.com/realdonaldtrump/status/1195356198347956224

Although Yovanovitch was not intimidated from testifying, Trump's tweet opened her up to attacks from his followers. His tweet indisputably put a witness in danger, and anyone with a sense of responsibility and regard for rule of law would know better. The purpose of impeachment proceedings was not to evaluate statutory crimes (as it is not a criminal process), but rather to evaluate Trump's overall abuse of power and abuse of public trust that would justify his impeachment and removal from office. Attempting to obstruct testimonies during these proceedings, or to put the testifier in danger, certainly constitutes an abuse of power. The legal harms are degradation of our democratic institution and of rule of law; the practical harm is done unto the safety of Yovanovitch and her family.

Trump's rhetoric has incited violence. A compilation by *The Guardian* of incidents involving Trump supporters across the country, either threatening or carrying out acts of violence, provides details on fifty-two incidents from 2015 to August 2019.[172] Targets included minorities, anti-Trump critics and protestors, supporters of Elizabeth Warren, journalists, professors, mosques, Muslims, people of color, LGBTQ+ community members, abortion providers, immigrants, a taxi driver, Democrats, Democatic members from both chambers of Congress, and former president Barack Obama. Death threats were made against Kamala Harris, Barack Obama, Bernie Sanders, and Representatives Eric Swalwell, Ilhan Omar, Rashida Tlaib, Maxine Waters and Al Green.[173]

Trump uses derogatory nicknames for political foes, from past opponents to potential 2020 Democratic nominees. From his inauguration to his impeachment, Trump issued 146 tweets about "Crooked Hillary Clinton," 120 tweets about the "Do Nothing Democrats/Dems," 84

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[172] Jon Swaine and Juweek Adolphe, "Violence in the Name of Trump," The Guardian, August 28, 2019, https://www.theguardian.com/us-news/ng-interactive/2019/aug/28/in-the-name-of-trump-supporters-attacks-database.
[173] Ibid.

tweets about "Crazy Bernie Sanders," 50 tweets about "Shifty Schiff," 40 tweets about "Sleepy Joe Biden," 35 tweets about "Crazy" or "Nervous Nancy Pelosi," 33 tweets about "Cryin' Chuck Schumer," 14 tweets about Elizabeth Warren as "Pocahontas," and 20 tweets about Ilhan Omar or "Foul Mouthed Omar." [174] Such nicknames create an association for his supporters between the individual's name and some negative trait that becomes realized as part of the individual's identity. Media coverage of this process and acceptance among Trump's followers allow the negative associations to propagate outside of the Twittersphere, further harming the individual in question. The more he tweets about an individual, and the more memorable the nickname is, the more that negative trait becomes part of the individual's identity. The individual may be targeted online and in real life; of these nicknamed individuals, both Bernie Sanders and Ilhan Omar have received death threats from Trump supporters.

4.4 New Presidential Norms

Trump partisans have countered that Trump never explicitly calls for such violence, arguing that if you read his words *literally*, they are not technically problematic. The only problem then, is the inferences that people may draw. Technically this may be true, however his rhetoric tacitly portrays prejudice as a norm. Citizens' perceptions of societal norms are key factors in constraining or expressing their prejudices. Indeed, a 2020 study on "The Trump Effect" on the embodening effects of elite speech found that in the absence of prejudiced elite speech, prejudiced citizens curb their prejudices and their related expressions to fit into the environment where equality is the accepted norm. When elites use prejudiced speech, citizens

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[174] Author's calculation from Trump Twitter Archive

are emboldened to express and act upon their biases. This effect is only furthered by the implicit

endorsement, or lack of explicit condemnation of Trump by other elites.[175]

Jeffrey Tulis emphasized the importance of norms. As the Constitution is very sparing

about the powers and limits of the presidency, we are left to fill in the gaps. Norms -- be they

presidential, cultural, or societal -- help us to do so. Historically, norms of propriety have held

presidential rhetoric to be, for lack of a better descriptor, presidential. In the foreword to *The*

Rhetorical Presidency: A New Edition, Tulis argues that Trump has a new norm: demagoguery.

He goes on to contend that:

> The tone of Trump's tweets — accusatory, adorned with petty invective —
>
> reveals Trump's scorn for the codes of propriety that historically constrained
>
> presidential talk. His disavowal of politeness, his easygoing name-calling and
>
> derogation of all who might disagree, might complete the rhetorical presidency's
>
> deconstruction of formality … Donald Trump has brought the rhetorical
>
> presidency to its limit: to take it much further likely will transform and thereby
>
> eradicate constitutional forms.[176]

Trump's tweets breached presidential norms that we did not even notice until he tweeted

and breached them. In September of 2019 he quoted a pastor who had spoken on Fox

News. "If the Democrats are successful in removing the President from office (which

[175] Benjamin Newman, Jennifer L. Merolla, Sono Shah, Danielle Casarez Lemi, "The Trump Effect: An Experimental Investigation of the Emboldening Effect of Racially Inflammatory Elite Communication," *British Journal of Political Science,* 2020, p. 1-22.

[176] Jeffrey Tulis, *The Rhetorical Presidency,* (Princeton, NJ: Princeton University Press, 1987), p. xvi.

they will never be), it will cause a Civil War like fracture in this Nation from which our Country will never heal."[177] Under any other president such a statement would have been unthinkable. A president threatening civil war in response to his impeachment might once have been considered as grounds for impeachment, but in the age of Trump this tweet barely made it through one news cycle. Most essentially, Trump is the incarnate of Tulis's final warning that we only appreciate norms until they stop working. Just like internal organs, norms guide the functionings of a body (in this case, a democracy), an essential function which is assumed -- until too late.

Chapter 5: COVID-19

"I don't take responsibility at all."
-Donald J. Trump on COVID-19, March 13, 2020

5.1 Existential Communication

The remarkable circumstances of these concluding chapters deserve notice. COVID-19 has swept across America. The coronavirus has made this reality in the most physical sense, as

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[177] Donald J. Trump, Twitter post, September 29, 2019,
https://twitter.com/realDonaldTrump/status/1178477539653771264.

tens of thousands of people in this country have died. Even worse, the misinformation that Trump has spread on Twitter related to the virus has already resulted in deaths, both directly and indirectly. Suddenly, Americans have found themselves in a life or death situation in which they must rely on the president. Presidential rhetoric becomes existential communication. One may draw parallels between this disaster and the upheavals of the FDR era. Both instilled fear in the hearts of Americans, a fear that Americans turn first and foremost to their chief executive to ease.

Roosevelt faced an economic crisis with the Depression, and then an existential crisis as the U.S. entered World War II. Two speeches exemplify the presidential communication standard modeled by FDR, which Trump would go on to disregard in contemporary times. FDR's first inaugural address, given on March 4, 1933 began his presidency with an explicit commitment to the truth. "This is preeminently the time to speak the truth, the whole truth, frankly and boldly," he said. Roosevelt spoke to the fears of Americans, without downplaying the reality of the situation. Indeed, he faced it head on:

> Values have shrunken to fantastic levels; taxes have risen; our ability to pay has fallen; government of all kinds is faced by serious curtailment of income; the means of exchange are frozen in the currents of trade; the withered leaves of industrial enterprise lie on every side; farmers find no markets for their produce; the savings of many years in thousands of families are gone. More important, a host of unemployed citizens face the grim problem of existence, and an equally great number toil with little return. Only a foolish optimist can deny the dark realities of the moment.

But he also knew how to inspire and reassure his fellow citizens. "So, first of all, let me assert my firm belief that the only thing we have to fear is fear itself — nameless, unreasoning, unjustified terror which paralyzes needed efforts to convert retreat into advance."[178] Roosevelt's rhetoric underscored his responsibility to be both reassuring and honest. Speaking with empathy, he advocated empathy.

Years later, when the U.S. was facing the darkest days of the war and Pearl Harbor -- just a few months in the past -- was an open wound on public morale, Roosevelt gave his now-famous "Map" speech. During this fireside chat broadcast on national radio on February 23, 1942, Roosevelt spoke "On the Progress of War," hoping to instill confidence and hope. He asked Americans to spread out their maps of the world with him, so he could refer to future battle lines across the world and calmly explain why the war was hard but winnable. He laid out purposes for each American and emphasized the importance of trust between citizens and their government. "Your Government has unmistakable confidence in your ability to hear the worst, without flinching or losing heart. You must, in turn, have complete confidence that your Government is keeping nothing from you except information that will help the enemy in his attempt to destroy us. In a democracy there is always a solemn pact of truth between Government and the people," he said.[179] What Roosevelt's rhetoric in these examples embodies, is most essentially logos in service of pathos. His logical and truthful presentation of reality in

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[178] "'Only Thing We Have to Fear Is Fear Itself': FDR's First Inaugural Address," History Matters: The US Survey Course on the Web, accessed May 10, 2020, http://historymatters.gmu.edu/d/5057/.
[179] "February 23, 1942: Fireside Chat 20: On the Progress of the War," Presidential Speeches (UVA Miller Center), accessed May 10, 2020, https://millercenter.org/the-presidency/presidential-speeches/february-23-1942-fireside-chat-20-progress-war.

both cases was followed with an empathetic recognition of the gravity of the situation, and an explanation of how each citizen, as well as the U.S. as a whole, was going to persevere.

Conversely, Trump's existential communication is best described as populist pathos with an intentional lack of logos. His populist pathos is devoid of the empathy that characterized Roosevelt's rhetoric. We now have much more to fear than fear itself, and the consequences of Trump's disregard for the truth will be dire.

Trump has sought to frame coronavirus as a foreign threat rather than a domestic one, in part by labeling the virus as the "Chinese virus." This talk has profoundly negative consequences for Asian Americans. Reports of physical and verbal attacks on Asian American have increased, and new data from Nationscape's ongoing national weekly surveys indicate that the American public views Asian people and China in an increasingly negative manner. Since January, the data have shown a statistically significant four percent increase in unfavorable views of Asian people. Prior to the coronavirus crisis, Americans' views of Asian had been growing more positive since 1992. A YouGov/Economist poll documented a five percent increase (from 18 to 23 percent) in the proportion of Americans who said China is an "enemy" from October 2019 to March 2020. Republican views shifted the most, as the proportion who said China was an "enemy" increased eleven percent (from 24 to 35 percent) during the time frame, compared to a one percent increase (from 13 to 14 percent) among Democrats.[180] Representative Judy Chu of California condemned the rise in anti-Asian incidents in a video tweeted by *MSNBC* on April 4. "These are very, very alarming and they're not helped by President Trump who's been calling this the 'Chinese virus.' Every time he says that, it just fans the flames of xenophobia," she said.[181]

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[180] Robert Griffin, John Sides and Michael Tesler, "Negative views of Asian people have risen in both parties," *Washington Post,* April 8 2020, https://www.washingtonpost.com/outlook/2020/04/08/asian-china-public-opinion-racism-attacks.
[181] MSNBC, Twitter post, April 4, 2020, https://twitter.com/MSNBC/status/1246634431395368960.

In deflecting the blame on China in this manner, Trump politicizes the crisis while the U.S. death toll rises. He has continued his attacks on the mainstream media for their coverage of the outbreak, blaming them for inciting panic and for helping China spread anti-American propaganda. His populist pathos implies that anyone who does not support him is harming U.S. interests, and his intentional lack of logos has a problematic consequence of establishing an alternative set of "facts" about the virus that will result in death. During times of crises, every aspect of the presidency and the government is magnified, as citizens turn to officials for guidance.

Trump's first communications about the coronavirus sought to downplay the threat and maintain perceptions of a strong economy. He refused to declare a national emergency for more than seven weeks after the first domestic case of the virus was reported. From Trump's first tweet about the virus on January 24 through April 6th, he had issued 204 tweets containing the word "virus." Of these tweets, 24 tweets attack the Democratic Party or individual members and 17 attack the media for their coverage of the crisis.[182] On February 26th, he tweeted "Low Ratings Fake News MSDNC (Comcast) & @CNN are doing everything possible to make the Caronavirus look as bad as possible, including panicking markets, if possible. Likewise their incompetent Do Nothing Democrat comrades are all talk, no action. USA in great shape! @CDCgov....."[183] He even misspelled the name of the virus. He projected and displayed his economic anxieties, seeking to instead blame the media's negative coverage. It is unclear why Trump mentioned the Center for Disease Control in his tweet, but a CBS News poll from April

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[182] Author's calculations from Trump Twitter Archive.
[183] Donald J. Trump, Twitter post, February 26, 2020, https://twitter.com/realdonaldtrump/status/1232652371832004608.

10 revealed that more Republicans trust Trump than they trust the CDC.[184] This tweet may have had the effect of further eroding Republican trust in the CDC in order for Trump to control the narrative.

Initially, Trump praised China's ongoing battle with the virus. On February 7th he tweeted "Just had a long and very good conversation by phone with President Xi of China. He is strong, sharp and powerfully focused on leading the counterattack on the Coronavirus. He feels they are doing very well, even building hospitals in a matter of only days. Nothing is easy, but.......he will be successful, especially as the weather starts to warm & the virus hopefully becomes weaker, and then gone. Great discipline is taking place in China, as President Xi strongly leads what will be a very successful operation. We are working closely with China to help!" The phrase "Chinese virus" did not appear in his tweets until March 16 and has appeared in seven other tweets since then.[185] As American cases of the coronavirus began to increase sharply around this time, Trump quickly flipped on China, seeking to shift blame away from his own administration.

Paradoxically, as coronavirus began to spread across the U.S., people took it less seriously. An NPR/PBS NewsHour/Marist poll from March 17th found that just 56 percent of Americans considered the coronavirus to be a "real threat," down from 66 percent the month before. Moreover, the poll found that an increasing number of Americans believed that the virus was "blown out of proportion." When the poll was conducted in February, around 25 percent of Americans believed the threat to be exaggerated; by March that number had risen to about 40 percent. Public perceptions of the severity of the virus split down partisan lines, as the vast

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[184]Anthony Salvanto et al., "Views of Trump's Handling of Coronavirus Outbreak Slip Again," CBS News, April 10, 2020, https://www.cbsnews.com/news/coronavirus-outbreak-donald-trump-handling-economic-impact/.
[185] Author's calculations from Trump Twitter Archive.

majority of Democrats considered the virus to be a threat while most Republicans did not. In

February, 72 percent of Republicans considered the threat to be real but by March only 40

percent believed so.[186]

5.2 Alternative "Facts" and Alternative "Treatments"

The consequences of partisans' alternative sets of facts are already on display. Trump has

fixated on a cure (despite there being none), and has repeatedly touted hydroxychloroquine and

chloroquine -- drugs used to treat malaria and lupus and rheumatoid arthritis, respectively -- as

remedies. In this case, his alternative set of "facts" has already resulted in death. On March 23rd,

a couple in their sixties consumed chloroquine phosphate hoping it would protect them from the

coronavirus. They had heard Trump talk about the potential benefits of chloroquine and ingested

a parasite treatment for fish that had chloroquine listed as an ingredient. The man died and his

wife received critical care.[187]

A recent study found that following Trump's first televised endorsements of the drugs on

March 19th, there was a corresponding increase in Google searches for purchasing

hydroxychloroquine and chloroquine. Queries for purchasing hydroxychloroquine and

chloroquine increased 442 percent and 1389 percent. The authors warned against the dangerous

consequences of public figures promoting unproven therapies during a public health crisis, and

cautioned that "until such time as these or other drugs are found to be effective for COVID-19

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[186] Bobby Allyn and Barbara Sprunt, "Poll: As Coronavirus Spreads, Fewer Americans See Pandemic As A Real Threat," NPR KPBS, (National Public Radio, March 17, 2020), https://www.npr.org/2020/03/17/816501871/poll-as-coronavirus-spreads-fewer-americans-see-pandemic-as-a-real-threat.
[187] Erika Edwards and Vaughn Hillyard, "Man Dies after Taking Chloroquine in an Attempt to Prevent Coronavirus," NBC News, March 24, 2020, https://www.nbcnews.com/health/health-news/man-dies-after-ingesting-chloroquine-attempt-prevent-coronavirus-n1167166.

treatment, regulatory agencies and public-facing companies should be actively mitigating the

negative consequences of this misinformation."[188]

Similarly, an analysis of first-time prescriptions of the drugs by the *New York Times*

found that by the evening of March 19th, prescriptions were reaching retail pharmacies at a rate

more than 46 times higher than that of the average weekday.[189]
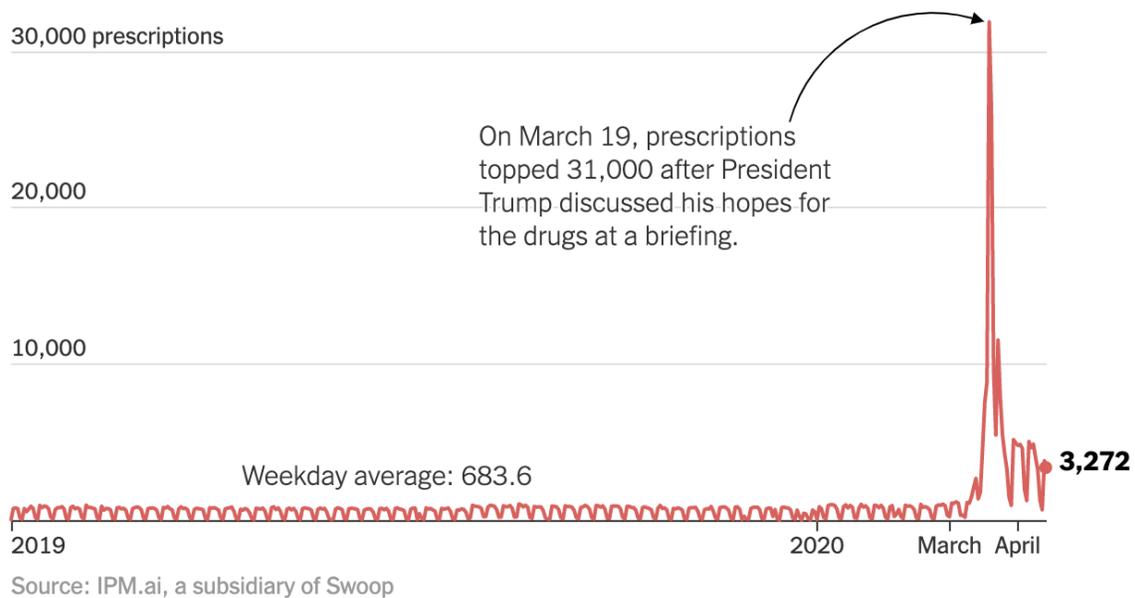
By April 24, the FDA had issued a warning against the use of both drugs for treating coronavirus

outside hospitals or clinical trials due to safety concerns. Risks of using the drug included heart

rhythm problems, serious heart-related adverse events, and even death.[190]

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[188] Michael Liu, Theodore Caputi, and Mark Dredze, "Internet Searches for Unproven COVID-19 Therapies in the United States," *JAMA Internal Medicine*, April 29, 2020, https://jamanetwork.com/journals/jamainternalmedicine/fullarticle/2765361.

[189] Ellen Gabler and Michael H. Keller, "Prescriptions Surged as Trump Praised Drugs in Coronavirus Fight," *New York Times,* April 25, 2020, https://www.nytimes.com/2020/04/25/us/coronavirus-trump-chloroquine-hydroxychloroquine.html.

[190] "FDA Cautions against Use of Hydroxychloroquine or Chloroquine for COVID-19 Outside of the Hospital Setting or a Clinical Trial Due to Risk of Heart Rhythm Problems," Drug Safety and Availability (U.S. Food and Drug Administration, April 24, 2020), https://www.fda.gov/drugs/drug-safety-and-availability/fda-cautions-against-use-hydroxychloroquine-or-chloroquine-covid-19-outside-hospital-setting-or.

During a press conference on April 23, Trump suggested injecting disinfectant to cure coronavirus. "And then I see the disinfectant, where it knocks it out in a minute," he said. "Is there a way we can do something like that, by injection inside or almost a cleaning? Because you see it gets in the lungs and it does a tremendous number on the lungs. So it would be interesting to check that."[191] The following morning, the manufacturer of Lysol published a statement on the improper use of disinfectants:

> Due to recent speculation and social media activity, RB (the makers of Lysol and Dettol) has been asked whether internal administration of disinfectants may be appropriate for investigation or use as a treatment for coronavirus (SARS-CoV-2). As a global leader in health and hygiene products, we must be clear that under no circumstance should our disinfectant products be administered into the human body (through injection, ingestion or any other route).[192]

The following day, after receiving more than 100 calls about consuming disinfectant to treat the coronavirus, the Maryland Emergency Management Agency sent out an emergency alert. "This is a reminder that under no circumstances should any disinfectant product be administered into the body through injection, ingestion or any other route," the Agency tweeted.[193] Poison control centers in Illinois, Georgia, Kansas, and New York reported significant increases in calls about disinfectant exposure in the days immediately

[191] "Remarks by President Trump, Vice President Pence, and Members of the Coronavirus Task Force," *White House,* April 23, 2020, https://www.whitehouse.gov/briefings-statements/remarks-president-trump-iran/.
[192] "Improper Use of Disinfectants," RB, accessed May 10, 2020, https://www.rb.com/media/news/2020/april/improper-use-of-disinfectants/.
[193] Maryland Emergency Management Agency (MDMEMA), Twitter post, April 24, 2020, https://twitter.com/MDMEMA/status/1253721510570844162.

following the conference. The National Capital Poison Center in Washington D.C.

reported at least 33 calls regarding disinfectant exposure the week afterwards, nearly half

of which explicitly referenced the press conference. One caller had already consumed

disinfectant and another had bathed in it; both told the Center they had done so because

of Trump's comments.[194] The Center's co-medical director Kelly Johnson-Arbor reported

that after being warned against using disinfectant, "some of the responses that we get

back are, 'Well, the president said we should be doing it. The president said it was

safe.'"[195]

5.3 An Absent Administration

The Trump administration focused on other issues during the critical time period when

the virus could have been stopped from reaching American soil. A brief look through the Trump

Twitter Archive from this time period reveals Trump's thoughts on the matter. His tweets focus

on everything *but* the severity of the coronavirus, and his only tweets about the virus were to

praise himself and his handling of the matter, hurl invectives at his critics, or to dispel fears

about the economy.

On January 21st, the day the first case of coronavirus was confirmed in America, Trump

tweeted nothing about the virus, but "READ THE TRANSCRIPTS."[196] On January 30th, the day

the World Health Organization declared a global health emergency, Trump tweeted "Working

closely with China and others on Coronavirus outbreak. Only 5 people in U.S., all in good

[194] Carter Sherman, "People Are Still Calling Poison Control to Ask If They Should Be Drinking Bleach," VICE News (VICE, May 1, 2020), https://www.vice.com/en_us/article/jgey3p/people-are-still-calling-poison-control-to-ask-if-they-should-be-drinking-bleach.

[195] Carter Sherman, "People Are Still Calling Poison Control to Ask If They Should Be Drinking Bleach."

[196] Donald J. Trump, Twitter post, January 21, 2020, https://twitter.com/realdonaldtrump/status/1219698190129225728.

recovery,"[197] and "Americans across the political spectrum are disgusted by the Washington

Democrats' Partisan Hoaxes, Witch Hunts, & Con Jobs. Registered Democrats and Independents

are leaving the Democrat Party in droves, & we are welcoming these voters to the Republican

Party w/ wide open arms!"[198] On February 2nd, when the first death outside of China was

reported, 11 of Trump's 19 tweets from the day were about the Super Bowl and zero tweets were

about the coronavirus.[199] On February 14th, the day the first death in Europe was reported,

Trump tweeted "Great honor, I think? Mark Zuckerberg recently stated that 'Donald J. Trump is

Number 1 on Facebook. Number 2 is Prime Minister Modi of India.' Actually, I am going to

India in two weeks. Looking forward to it!"[200] On February 24th, the day the Trump

administration asked Congress to allocate $1.25 billion in emergency funds for coronavirus,

Trump tweeted "The Coronavirus is very much under control in the USA. We are in contact with

everyone and all relevant countries. CDC & World Health have been working hard and very

smart. Stock Market starting to look very good to me!"[201] On February 28th, the day of the first

American death, he tweeted "Will be in the Great State of South Carolina tonight, 7:00 P.M., for

a really BIG Rally. Best place to be is a Trump Rally. See you later!"[202] Upon officially

declaring a national emergency on March 13th, he tweeted:

[197] Donald J. Trump, Twitter post, January 30, 2020,
https://twitter.com/realdonaldtrump/status/1223004106408833025.
[198] Donald J. Trump, Twitter post, January 30, 2020,
https://twitter.com/realdonaldtrump/status/1223082623351713792.
[199] Author's calculation from Trump Twitter Archive.
[200] Donald J. Trump, Twitter post, February 14, 2020,
https://twitter.com/realdonaldtrump/status/1228463577335554049.
[201] Donald J. Trump, Twitter post, February 24, 2020,
https://twitter.com/realdonaldtrump/status/1232058127740174339.
[202] Donald J. Trump, Twitter post, February 28, 2020,
https://twitter.com/realdonaldtrump/status/1233403109038346246.

For decades the @CDCgov looked at, and studied, its testing system, but did

nothing about it. It would always be inadequate and slow for a large scale

pandemic, but a pandemic would never happen, they hoped. President Obama

made changes that only complicated things further......... Their response to H1N1

Swine Flu was a full scale disaster, with thousands dying, and nothing meaningful

done to fix the testing problem, until now. The changes have been made and

testing will soon happen on a very large scale basis. All Red Tape has been cut,

ready to go![203]

On March 26, the U.S. became the country with the most confirmed cases and Trump

merely tweeted "Our great Oil & Gas industry is under under siege after having one of the best

years in recorded history. It will get better than ever as soon as our Country starts up again. Vital

that it does for our National Security!"[204] Finally, on April 2nd, the day the number of cases

worldwide surpassed one million, Trump tweeted "Just spoke to my friend MBS (Crown Prince)

of Saudi Arabia, who spoke with President Putin of Russia, & I expect & hope that they will be

cutting back approximately 10 Million Barrels, and maybe substantially more which, if it

happens, will be GREAT for the oil & gas industry!"[205] The next day he fired Intelligence

Community Inspector General Michael Atkinson. Instead of turning his attention to the

coronavirus following his acquittal by the Senate in early February, Trump embarked on a

mission to exact retribution against those who had testified or spoken out against him,

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[203] Donald J. Trump, Twitter thread post, March 13, 2020,
https://twitter.com/realDonaldTrump/status/1238410044263333894.
[204] Donald J. Trump, Twitter post, March 26, 2020,
https://twitter.com/realdonaldtrump/status/1243313399284498434.
[205] Donald J. Trump, Twitter post, April 2, 2020, https://twitter.com/realdonaldtrump/status/1245720677660925952.

culminating with his firing of Atkinson. Windsor Mann poignantly tweeted that "Trump's

impeachment distracted him from preparing for a pandemic, but the pandemic did not distract

him from firing the man he holds responsible for his impeachment."[206]

At the end of April, protests against state issued stay-at-home orders broke out. Armed

protestors in Michigan, Virginia and Minnesota clamored for state governments to lift

coronavirus restrictions. Trump took to Twitter to tweet his support and wrote in three separate

tweets: "LIBERATE MINNESOTA!"[207] and "LIBERATE MICHIGAN!"[208] and "LIBERATE

VIRGINIA, and save your great 2nd Amendment. It is under siege!"[209] A president calling for

states to be "liberated" is suggesting that the states are under some kind of foreign control.

Furthermore, such acts of insurrection or rebellion are arguably illegal under USC §2383:

> Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection
>
> against the authority of the United States or the laws thereof, or gives aid or
>
> comfort thereto, shall be fined under this title or imprisoned not more than ten
>
> years, or both; and shall be incapable of holding any office under the United
>
> States.[210]

One could argue that his tweets mentioning Minnesota and Michigan were not calls for

uprisings but rather condemnations of their Democratic governors. The Virginia tweet,

[206] Windsor Mann, Twitter post, April 3, 2020, https://twitter.com/WindsorMann/status/1246276790907285510.
[207] Donald J. Trump, Twitter post, April 17, 2020, https://twitter.com/realDonaldTrump/status/1251168994066944003.
[208] Donald J. Trump, Twitter post, April 17, 2020, https://twitter.com/realdonaldtrump/status/1251169217531056130.
[209] Donald J. Trump, Twitter post, April 17, 2020, https://twitter.com/realdonaldtrump/status/1251169987110330372.
[210] Treason, Sedition, and Subversive Activities, U.S.C. §2381 (1994).

however, came closer to hinting at some sort of armed uprising. His conflict-oriented

rhetoric -- "liberate" and "siege" -- clearly aims to incite some sort of violence.

Semantics aside, his provocative rhetoric (during a public health crisis no less) is

dangerous and an abuse of power. This is not the existential communication Americans

should be receiving from *any* public official, let alone the president.

Chapter 6: Recommendations and Conclusions

"And when the last law was down, and the Devil turned around on you--where would you hide,
Roper, the laws all being flat? This country's planted thick with laws from coast to coast--man's
laws, not God's--and if you cut them down...d'you really think you could stand upright in the
winds that would blow then? Yes, I'd give the Devil benefit of law, for my own safety's sake." -
Thomas More, in Robert Bolt's *A Man for All Seasons*

6.1 Major Findings

Trump uses Twitter as a conduit for misinformation. He abuses his electronic bully pulpit to influence public opinion. His vicious attacks on individuals have opened up his victims to further attacks and threats from his followers -- online, offline, in-person -- and have modeled hatred as a presidential, and thus social, norm. His tweets visually link terms, people and ideas that function to alter perceptions of reality through rhetoric. His relentless attacks on the media have resulted in violence and have done lasting damage to their ability to function as watchdogs of our democracy. In using Twitter to harness the presidential power to persuade for his own gain, Trump is damaging the principles and ideals that this nation was founded upon. His tweets functionally delegitimize laws and democratic processes and in tweeting so, Trump implicitly delegitimizes our democracy.

Trump has already sought to weaponize a new form of visual misinformation: deepfakes. On April 26, he retweeted a video of Joe Biden, clumsily manipulated to show his eyes twitching and tongue sticking out, with the caption: "Sloppy Joe is trending. I wonder if it's because of this. You can tell it's a deep fake because Jill Biden isn't covering for him."[211] While Twitter has explicitly banned manipulated media and begun to label videos that may have been altered, the video has yet to be removed. The original account labeled the video as a deepfake outright, intentionally straddling a blurry line in terms of acceptable content and in terms of Twitter's commitment to free expression. Instead of hedging their bets on sharing deceptively edited videos that would likely be removed, this tweet proves to Trump and his administration that total fabrication is somehow, *more* acceptable. Such clearly altered content may well become a driving force both on Twitter and other social media platforms in the upcoming presidential elections, and beyond. Twitter may find itself in a legal and technological quagmire as they must

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[211] Donald J. Trump, Twitter retweet @SilERabbit, April 26, 2020, https://twitter.com/realdonaldtrump/status/1254582495951101954.

label and identify or remove manipulated material, while allowing completely fabricated material to remain on the platform.

6.2 Limitations

This work has faced limitations in part due to its reliance on public opinion. To belabor the obvious, it is hard to prove exactly how tweets may cause a particular shift in public opinion. The sheer quantity of his tweets even just on the daily makes it virtually impossible to concretely link individual tweets to shifts in public opinion. Moreover, the differences between his tweets and retweets in terms of effect are virtually indistinguishable - how does the credibility of a retweeted source affect the credibility of Trump's own retweet? Such questions are again more difficult to answer due to reliance on public opinion surveys to gauge the effects of his tweeting. I have proceeded very cautiously when claiming cause and effect due to this difficulty. One thing is remarkably clear: Trump is not helping this democracy.

Trump himself has created other serious limitations for this work. From the time I began my research at the beginning of September, through the end of April 2020, Trump issued an astounding total of 7422 tweets.[212] That is a lot of content. Originally, I had planned to argue that his tweeting constituted a plethora of impeachable offenses. Then, on February 5th, the House impeached him. When COVID-19 began its spread through the United States, it became clear that Trump's tweeting was going to play a major part in presidential communications. It was now necessary to include an examination of his tweeting in relation to the disaster. The coronavirus did, however, allow clearer connections between cause and effect. For example, poison control centers in the days after Trump's "disinfectant" press conference reported increased rates of

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[212] Author's Own Calculation from the Trump Twitter Archive.

calls, many of which inquired about, or even reported using internal usage of disinfectants simply because the President said so. In the case of the man from Arizona who died after ingesting chloroquine, his wife told reporters that the pair had ingested the substance because they had heard Trump talking about it. Furthermore, the outlandish spike in prescriptions for chloroquine and hydroxychloroquine just *hours* following Trump's first public promotion of the drugs speaks volumes about the presidential power to persuade.

6.3 Future Studies

Trump's Twitter is but a single part of his broader communication strategy. Expansions of this work could situate trends in his tweeting alongside other rhetorical strategies including speeches, press conferences, rallies and campaign ads in order to paint a more holistic picture of the administration's communications. Further studies could also go in the opposite direction, focusing on a single aspect of his tweeting to explore how it has changed over the course of his presidency. For example, because of the enormous quantity of Trump's tweets and consequent user engagement, there are few studies that examine long-term trends in interactions. Potential future studies could track responses, likes, and retweets and link observed trends to shifts in public opinion or the administration's media strategy. Finally, Trump's treatment (both on and off Twitter) of the coronavirus crisis could be an entire study on its own. The unprecedented nature of the disaster leaves much to wonder about and Trump's role both as an individual and as president could provide elucidating information with regards to the effects of elite social media communications during times of crisis.

Looking to the future of presidential communications and media strategies raises the broader question, is Trump an aberration, or will future presidents copy aspects of his Twitter strategy?

6.4 Recommendations

The United States is in dire need of civic education and social media literacy programs in order to strive for a better-informed electorate. Trump's Twitter has actively spread misinformation, devalued truth and rule of law, and attacked fellow government officials and democratic processes. The nature of the platform allows such harmful contents to disseminate worldwide and in just seconds. Conversely, the only way to mitigate its spread is to educate each other. Upholding and protecting the principles of the Constitution necessitate an informed electorate. Instead of relying on the mainstream media to interpret current events or governmental action, we should strive to inform, and thus empower, the electorate.

Social media platforms evolve rapidly, making it more difficult for the social media illiterate to understand or make use of them in the first place, let alone try to guard themselves against insidious actors such as trolls or agents of misinformation. The onus of educating citizens on civics and social media ought not to fall on the individual; it is the duty of a democracy to educate all its people. A better-informed electorate will be a more engaged civil society, one where voting is seen as a privilege and not a burden, where the integrity of elections is always protected and desired by all, where a president is held to the same standards —online and off-line— as the their fellow citizens, and where information and actors on social media are seen by all for exactly what they are.

We also need to hold social media giants like Twitter accountable for the content they allow. Such platforms often err on the side of caution when it comes to censoring information from public figures, and information in general because they do not want to create controversy that may scare away users or advertisers. Yes, freedoms of speech and expression ought to be protected, but private companies have no constitutional obligation to extend these protections to include misinformation, crimes, hate speech, or foreign interference in elections. We need legislation that preserves the creativity of these virtual public forums, while also protecting users from those with more pernicious intentions

In creating policies for acceptable content, social media platforms must consider their own role in allowing for or even promoting the spread of material that harms our democracy or our fellow citizens. But considerations are not enough. As malicious actors -- both foreign and domestic -- have shown, their strategies will only continue to evolve. Misinformation is much less effective if people recognize it for what it is. Battling these insidious influences is an ongoing process that requires static defense from both social media companies and the government. It is not enough to learn from the past in this case, lessons learned must be applied proactively to the future and actively expanded upon in the present.

I leave you with a passage from Alexander Hamilton on the *true* enemy of our form of government:

When a man unprincipled in private life desperate in his fortune, bold in his temper, possessed of considerable talents, having the advantage of military habits—despotic in his ordinary demeanour—known to have scoffed in private at the principles of liberty—when such a man is seen to mount the hobby horse of popularity—to join in the cry of danger to liberty—to take every opportunity of embarrassing the General Government & bringing it under suspicion—to flatter and fall in with all the non sense of the zealots of the day—It may justly be suspected that his object is to throw things into confusion that he may `ride the [tweet]storm and direct the whirlwind.[213]

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