

FAILURES IN THE MARKETPLACE OF IDEAS:
MISINFORMATION, DISINFORMATION AND THE AFFORDABLE CARE ACT

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ABSTRACT

A healthy democracy requires an informed citizenry with access to accurate information. There is evidence that misinformation is prevalent in our society on topics of public policy. This paper examines how citizens become misinformed and if the media and political elites might be contributing to the problem. This paper examines misinformation in context of the theory of democracy as a marketplace of ideas where the truth, given a free and open encounter with other ideas, will prevail. Given the existence of misinformation, this research asked what market failures might be prohibiting the truth-seeking function of the marketplace from working properly.

This research answers these questions using case studies, comparative analysis, and analysis of public polling data.

The research concludes that misinformation is both present and persistent on an important topic of public policy, the Affordable Care Act. This paper finds five marketplace failures that allow misinformation to proliferate: weakened or divided countervailing institutions, press responding to economic incentives over accuracy, dishonest political speech as a result of short office tenure, a lack of punishment mechanisms for dishonest political speech, and a polarized, niche media bubble.

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This paper is a direct reflection of my experience working on Capitol Hill for the brilliant former Representative David Obey. His skilled staff instilled in me an appreciation for the important work done by our government to benefit the country. Mr. Obey gavelled in the passage of the Affordable Care Act while I was serving on his staff. I came to learn even more about health care and health care reform from the astute policy minds and talented communicators who are my colleagues at the American Hospital Association. I am indebted to both of those experiences, which shaped this paper.

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INTRODUCTION

Public surveys show that Americans are misinformed on a variety of topics relating to politics and public policy. From misperceptions on vaccines and Ebola to false beliefs on the economy or politics, misinformation is prevalent in our society. In a healthy democratic society, citizens must have access to correct information.¹ There is a metaphor of democracy as a marketplace that envisions how the accuracy of information will be tested. In this metaphor, the truth, given free and open debate, will prevail. Correct information is necessary in order to make informed choices as a voter. A secondary reason for the importance of factual information is so that citizens might contribute to dialogue on issues of public policy in a way that facilitates greater understanding of an issue.

There is evidence that this ideal society does not exist in the United States. When significant percentages of the population believe that climate change is a hoax, the President was born in Kenya, the economy is doing poorly, or that the health insurance exchanges sell only one government-sponsored plan, there is something awry in the marketplace.² Misinformation is present in the population when citizens believe information that is incorrect, as proven by scientists or other experts. This paper explores the causes of citizen misinformation on topics of public policy and pinpoints possible market failures that do not allow the truth to prevail.

Due to the advent of the internet and subsequent explosion of news media sources catering to niche sections of the population, citizens increasingly find themselves trapped

¹ This is a composite idea commonly found in articles on this topic. James Kuklinski describes the various sources of this concept well in "Misinformation and the Currency of Democratic Citizenship"

² "Share of Americans With An Unfavorable View of the Affordable Care Act Rises in July; Majority Continues To Want Congress To Improve, Not Repeal, The Law," Kaiser Family Foundation, August 1, 2014, accessed April 1, 2015, <http://kff.org/health-reform/press-release/share-of-americans-with-an-unfavorable-view-of-the-affordable-care-act-rises-in-july-majority-continues-to-want-congress-to-improve-not-repeal-the-law/>.

in a bubble of their own ideology, consuming strictly like-minded news. This may not allow the open and free encounter necessary in the truth-seeking function of the marketplace. New media organizations have different business models than old media and thus respond to different incentives that may lead to the publication of nonfactual information. Politicians and media sometimes work hand in hand to disseminate the political speech political elites make to further their own goals, whether those goals are electoral or political. These goals, often short-term, incentivize pushing out purposefully inaccurate information known as disinformation.

Literature Review

The marketplace of ideas concept was developed by Supreme Court Justice Oliver Wendell Holmes and holds that truth can be found in open discussion among many ideas.³ The idea with the most believers or most widely accepted is likely the truth. False claims, the theory holds, will be discredited when they are closely scrutinized by many.⁴

There are three schools of thought in academic literature on how the marketplace functions: the rational voter theory, the rational electorate or “wisdom of the crowds” theory and the agent theory. However, these theories do not fully account for misinformation.

Rational voter theorists like Anthony Downs look at political science in the lenses of economic rational choice theory. Here we see voters acting rationally based on self-interest, often finding that it is not worth their time to seek out information. Instead a

³ *Abrams v. United States*, 250 U.S. 616, 630 (1919) (dissent of Justice Oliver Wendell Holmes).

⁴ Michael Gurevitch and Jay Blumler, “Political Communication Systems and Democratic Values,” *Democracy and the Mass Media* (1990), accessed March 21, 2015, <http://www.csub.edu/~mault/political%20communication%20sys.pdf>, 28.

voter chooses rational ignorance since the costs of investigation and education outweigh the potential benefits.⁵ One such theorist, Samuel Popkin, finds that voters use information short cuts or “low-information rationality” to make rational choices in elections.⁶ Academics in this line of thinking believe that voters know more than they are given credit for by political theorists or public opinion polling.

There is a great deal of literature on voters making choices based on random things such as any given current event. These irrational “noise traders” are balanced out by the others in the marketplace. Rational electorate scholars assert that individuals form a rational collective intelligence which diminishes the poorly informed members of the electorate.⁷ James Surowiecki’s “wisdom of the crowds” theory similarly sees a diverse group of people making better decisions than individuals or experts.⁸

Agent theorists perceive an informed citizenry as unnecessary in our political system. They look at voting as a commercial transaction, where citizens “hire” their elected officials. Joseph Schumpeter created a theory of procedural democracy where representatives compete for voters like a business looking for customers. The representatives sell their policy ideas and their own judgment.⁹ Johns Hopkins political scientists Benjamin Ginsberg and Jennifer Bachner fall in this agent group. They elaborate on the agent concept by asserting that agents, or elected officials, have a fiduciary or civic responsibility to the principals, or citizens.¹⁰ In this model it is not

⁵ Anthony Downs, *Economic Theory of Democracy* (New York: Harper and Row, 1957).

⁶ Samuel Popkin, *The Reasoning Voter: Communication and Persuasion in Presidential Campaigns*, (Chicago: The University of Chicago Press, 1991).

⁷ Robert Erikson, Michael Mackuen and James Stimson, *The Macro Polity*, (Cambridge: Cambridge University Press, 2002).

⁸ James Surowiecki, *The Wisdom of Crowds*, (New York: Anchor Books, 2005), xiv.

⁹ Joseph Schumpeter, *Capitalism, Socialism, and Democracy*, (New York: Harper and Row, 1947), 282.

¹⁰ Benjamin Ginsberg and Jennifer Bachner, *Chapter Three: What the Government Thinks of Its Citizens*. Emailed by Professor Ginsberg in advance of book release.

necessarily rational for citizens to acquire extensive political knowledge.

A note on political ignorance, this thesis finds (as many scholars in this area) that information is necessary for democracy. This is a central tenet to the marketplace of ideas concept. Political ignorance, however, is a different thing entirely than misinformation. Ignorance is not knowing anything on a subject, it is the lack of information, whereas misinformation is the belief in a fact that is demonstrably wrong. Many theorists of voter behavior and competence find that there is a significant amount of political ignorance. Larry Bartels referred to voter ignorance as “one of the best documented features of contemporary politics” and while that may be true, it is important to distinguish political ignorance from misinformation.¹¹ Delli Carpini and Keeter in their assessment of the voter competence landscape find it short of what would be necessary to fill democratic electoral needs.¹²

Rational electorate academics believe that political ignorance explains a lot of the problems with misinformation. Those that subscribe to this point of view think that citizens are inattentive to the news media and therefore, political ignorance explains surveys and reports of widely-held inaccurate beliefs. But might those who are paying attention to inaccurate news stories or listening to false claims from political elites be misinformed in a more active manner than rational electorate theorists would like to believe? Furthermore, the crowd may be increasingly less diverse as citizens consume news and information that fits their own ideology.¹³

¹¹ Larry Bartels, "Uninformed votes: Information effects in presidential elections," *American Journal of Political Science* 40, no. 1: 194.

¹² Scott Keeter and Michael X. Delli Carpini, *What Americans Know About Politics and Why it Matters*, (New Haven, CT: Yale University Press, 1997).

¹³ Cass Sunstein, "The Law of Group Polarization," Chicago, John M. Olin Law & Economics Working Paper No. 91 (2nd Edition) December 7, 1999, accessed April 29, 2014, <http://www.law.uchicago.edu/Publications/Working/index.html>.

Academic literature on misinformation and disinformation is not very deep. Brendan Nyhan and James Kuklinski find misinformation to be especially persistent.¹⁴ Once citizens believe a fact that is wrong, it is very difficult to correct, especially if the information does not align with their preexisting beliefs.¹⁵ Cass Sunstein's work on group polarization and the consumption of media tailored to ideology acknowledges how those phenomena may be contributing to a less than ideally informed democratic society.

Roadmap

The marketplace of ideas concept will be the guiding metaphor for this paper on how and why misinformation is problematic for democratic societies who need to examine topics of public policy. Chapter one examines the ways that the news media may be contributing to misinformation. The changing media landscape reveals different business incentives for old and new media. Additionally, chapter one surveys the existing research on misinformation and the fascinating psychological mechanisms by which it takes hold on an individual level. Finally, chapter one suggests how the media may be responding rationally to incentives which prohibit them from taking an active role in the truth-seeking function of the marketplace thus representing a possible marketplace failure.

Chapter two explores a concept closely related to misinformation—disinformation. Disinformation is the deliberate dissemination of inaccurate information. Since this thesis looks at the problem with a careful eye towards public policy, politicians and their

¹⁴ James H. Kuklinski, et al. "Misinformation and the Currency of Democratic Citizenship," *Journal Of Politics* 62 (August 2000): 790, accessed November 20, 2013, <http://www.jstor.org/stable/2647960>.

¹⁵ Stephan Lewandowsky, et al., "Misinformation and its Correction: Continued Influence and Successful Debiasing," *Psychological Science in the Public Interest*, (December 2012): 106-131, accessed November 4, 2013, doi:10.1177/1529100612451018.

surrogates are the primary focus for disinformation. Chapter two focuses on the mechanisms of disinformation, lying and framing, through case examples. The framing of the arguments to go to war with Iraq by President George W. Bush and his administration is one case. The other case example is a lie by President Barack Obama who repeatedly stated, “if you like your health plan, you can keep it.”¹⁶ The paper concludes with an economic analysis of the incentives for politicians to lie or frame their arguments in a misleading or inaccurate fashion. The nature of seeking a short-term political office may represent an incentive to be dishonest and therefore, a market failure.

Chapter three examines an area of public policy where there is prevalent misinformation, the Affordable Care Act. The chapter looks at the controversial passage of the law and the reported, yet anecdotal areas of misinformation throughout implementation. Using public polling data, the chapter reveals that a sizable number of citizens hold inaccurate beliefs about the law. The law’s text and supporting implementation documents are reviewed against the accuracy of the citizens beliefs. Two areas in particular are examined, the claim that the law will establish “government death panels” and the claim that the law allows immigrants living in the country illegally to receive health insurance subsidies. Through careful analysis, the immigration subsidy question is not as black and white false as the death panel claim.

By examining the role of the news media and political elites in misinformation, as well as the case example of the Affordable Care Act, this thesis will closely examine where the marketplace of ideas may be failing.

¹⁶ Obama: 'If you like your health care plan, you'll be able to keep your health care plan,' Politifact, accessed October 12, 2014, <http://www.politifact.com/obama-like-health-care-keep/>.

CHAPTER ONE:

Misinformation in an Era of a Changing Media Landscape

Introduction

If a healthy democracy requires an informed citizenry, then citizens need access to "factual information that facilitates the evaluation of public policy,"¹⁷ leading to them to form opinions on the issues of the day. However, it is increasingly obvious that we do not live in this ideal healthy democracy. With 24/7 cable news, the advent of internet and mobile devices that bring the news to us everywhere, and the sheer addition of sources of information, it may seem that today's public would be more informed because of access to a greater amount of factual information. Unfortunately, despite its potential to provide information and opportunities for citizen engagement, the proliferation of these new media sources have simply resulted in more commentary and opinion, with less newsworthy content that actually provides credible information about public policies.¹⁸

Although partisan news organizations existed in the U.S. for centuries, the more recent rapid expansion of the digital news media industry created a commensurate expansion of more partisan news publications, cable television channels, blogs, and the like.¹⁹ Furthermore, given an ideologically polarized country as well as an abundance of partisan-leaning news outlets, citizens can easily focus exclusively on like-minded sources, finding themselves trapped in a bubble of their own ideology. The problem is

¹⁷ Kuklinski, et al.

¹⁸ Robert W. McChesney, *Rich Media, Poor Democracy: Communication Politics in Dubious Times* (New York: The New Press, 1999).

¹⁹ Cass Sunstein, *On Rumors: How Falsehoods Spread, Why We Believe Them, What Can Be Done* (New York: Farrar, Straus and Giroux, 2009).

that partisan news organizations may choose to not simply report facts, but rather report facts plus commentary or grossly oversimplified facts. This type of reporting may technically add to a citizen's store of facts but, by editorializing or providing only a partial set of facts, it may not actually adequately facilitate the evaluation of public policy. The ideal democracy previously referenced would also include citizens informed enough to be able to evaluate public policy, but the current amount of misinformation on such topics calls into question whether areas of public policy are being adequately evaluated. Might the current media landscape be contributing to citizen misinformation?

One study by public opinion researcher Clay Ramsay found that people who receive their news "almost daily" from FOX Newschannel were much more likely to believe incorrect facts such as "most economists agree that the new health law will worsen the deficit."²⁰ Readers of the New York Times in 2002 were lead to believe that the Iraq was actively pursuing a weapons of mass destruction program.²¹ It is a grave situation when the public as a whole is without the necessary, unbiased information to make choices or form opinions based on reality.²² When democracy is considered to be a "market place of ideas"²³ where the truth eventually wins out, misinformation can be particularly damaging if it is widespread, unchecked by other ideas and adopted as a belief.²⁴

Consequently, it is worth considering ways that the media is advancing misinformation

²⁰ Clay Ramsay, et al., "Misinformation and the 2010 election: A study of the US electorate," *University of Maryland Program on International Policy Attitudes* (December 2010), accessed November 1, 2013, http://www.worldpublicopinion.org/pipa/pdf/dec10/Misinformation_Dec10_rpt.pdf.

²¹ Bill Moyers, "Buying the War," *Bill Moyers Journal*, accessed November 23, 2013, <http://www.pbs.org/moyers/journal/btw/watch.html>.

²² Michael Gurevitch, Stephen Coleman and Jay G. Blumler, "Political Communication--Old and New Media Relationships," *The Annals of the American Academy of Political and Social Science* 625 (September 2009): 164, accessed November 20, 2013, <http://www.jstor.org/stable/40375913>.

²³ *Abrams v. United States*.

²⁴ Richard C. Hofstadter, et al., "Information, Misinformation, and Political Talk Radio," *Political Research Quarterly* 52, No. 2 (Jun., 1999): 353-369, accessed November 23, 2013, <http://www.jstor.org/stable/449222>.

and how the changing media landscape contributes to the persistence of misinformation.

Before these concepts can be examined, this chapter will consider the theory of the marketplace of ideas, the definition of misinformation, and how misinformation takes root on an individual level. The remainder of the chapter will look at how the current media landscape interferes with the success of the media in living up to the ideal of the marketplace. Finally, this chapter seeks to test our compelling metaphor, namely whether the media adequately serves the marketplace of ideas or whether economic or other incentives create a market failure. The chapter will conclude with thoughts on how effective the truth-seeking function of the marketplace is today and note the incentives for misinformation to flourish in today's media landscape.

Democracy as a Marketplace of Ideas

The metaphor of democracy as a marketplace of ideas was first used in the United States by Supreme Court Justice Oliver Wendell Holmes in 1919. His dissent in *Abrams v. United States* sets forth the concept, "'But when men have realized that time has upset many fighting faiths, they may come to believe . . . that the ultimate good desired is better reached by free trade in ideas--that the best test of truth is the power of the thought to get itself accepted in the open market, and that truth is the only ground upon which their wishes safely can be carried out. That at any rate is the theory of our Constitution (at 630).'"²⁵

The scientific community has a comparable truth-seeking process consisting of peer-reviewed experiments and the scientific method. Similarly, in the financial and economic world, economists seek to test the truth of their forecasts by turning a profit or

²⁵ *Abrams v. United States*.

measuring economic indicators through observing trends. In theory, policy and political communication reported through the media also has a truth-seeking process, namely the marketplace of ideas.

In such a system, ideas compete against one another for acceptance in the marketplace with the expectation that the truth will prevail in such a free and open encounter.²⁶ While the internet holds great potential as a marketplace of ideas because of the very democratic accessibility for nearly all citizens, the proliferation of online news sources and opinions disguised as fact may actually work as a detriment to the truth-seeking function.

It would be remiss in the exploration of this topic to sidestep the discussion of truth and what is knowable. While this is a fascinating question, it is perhaps better suited for philosophers. The study of misinformation here will rely on the good-faith efforts of policy experts, scientists and other trusted sources to present unbiased information as facts. Albeit difficult to ascertain the truth of any matter, accuracy in information is a concept that is important enough to be drilled into students from an early age.

It is important to mention at the outset of this thesis that the marketplace of ideas used as the guiding metaphor for this thesis and the exploration of misinformation concept works better on the discovery of the truth of facts. Ideas are notoriously difficult to label as true or false and each faction in our society makes passionate cases for the truth of their ideas. As such, this research looks at marketplace of ideas concept and its application to facts.

²⁶ Charles Levendowsky, "Marketplace of Ideas is a Hallmark of Democracy," *Sun Sentinel*, July 19, 1997, accessed April 5, 2014, http://articles.sun-sentinel.com/1997-07-19/news/9707160408_1_communications-decency-act-metaphor-justice-holmes.

This chapter aims to explore the effectiveness of the marketplace in seeking out the truth in communications regarding questions of public policy. Has the metaphor's function of determining the truth been oversold in today's media and political environment? In other words, can we count on the market to provide citizens with factual information on pressing public policy matters? The examples of misinformation detailed suggest that the marketplace of ideas is corrupted by the prevalence of misinformation. In order to flesh out that distortion, it is important first to examine what is meant by misinformation.

To be informed, citizens must believe in accurate facts. Without belief in or knowledge of facts, citizens are merely uniformed. When the facts that they believe are inaccurate, they are misinformed. For the purposes of this chapter all inaccurate information will be considered misinformation. Some scholars have explored the intentional spreading of inaccurate information and call this malicious or deceptive dissemination of false facts 'disinformation,' but this chapter will assume the media acts in good faith and only rationally responds to incentives.²⁷

The scientific community's consensus on global warming is a useful example to demonstrate what is meant by misinformation. In surveys, many citizens reportedly do not believe there is a scientific consensus that the "global net effect of human activity since 1750 has been one of warming."²⁸ These citizens may not believe in climate change, but more importantly they do not believe a verifiable and reportable fact that

²⁷ Natascha Karalova, and Karen Fisher, "A social diffusion model of misinformation and disinformation for understanding human information behavior," *Information Research* 18 (2013), accessed March 23, 2014, <http://www.informationr.net/ir/18-1/paper573.html#.Uy9MFPldVoA>.

²⁸ Daniel Bedford, "Agnotology as a Teaching Tool: Learning Climate Science by Studying Misinformation." *Journal Of Geography* 109, no. 4 (2010): 159-165, accessed March 23, 2014, <http://www.informaworld.com/openurl?genre=article&id=doi:10.1080/00221341.2010.498121>.

calls their belief into question, namely the scientific community's own consensus. So while there is a definitive fact in this example, namely the scientific community's consensus on the human contribution to global warming, there continues to be a public contest over the truth. Some believe climate change is a serious problem that requires government action, others believe the problem to be "imaginative fiction, generated by zealots and self-serving politicians."²⁹ The debate which is reflected in public opinion polling, shows that many citizens are misinformed and report inaccurate belief that the scientific community is fractured, when in fact, it is not.

Another current example of misinformation in our society is the false belief that a child who receives the widely-distributed measles, mumps and rubella vaccination (MMR) will be at risk for developing autism later in life because of the vaccination. The Centers for Disease Control and Prevention and other scientific researchers and public health professionals have provided considerable education, studies and communication efforts to combat this false notion.³⁰ The notion that the MMR vaccine causes autism can be linked to a medical study published in Britain in 1998. In subsequent years, mainstream newspapers published stories reporting on the link and parents' decision to stop vaccinating their children. Citizens could read articles on the topic such as "Vaccine-autism link feared; Parents demand answers as rate of disorder soars," in *USA Today*³¹ or "Fear of Link Between Vaccines and Autism," in *Daily Mail*.³²

A recent study aimed to correct the beliefs of anti-vaccine misinformed parents used

²⁹ Cass Sunstein, *Republic.com 2.0* (Princeton, New Jersey: Princeton University Press, 2007).

³⁰ "Vaccines not associated with risk of autism," Centers for Disease Control and Prevention," accessed April 12, 2014, <http://www.cdc.gov/vaccinesafety/Concerns/Autism/antigens.html>.

³¹ Anita Manning, "Vaccine-autism link feared Parents demand answers as rate of disorder soars," *USA Today*, August 16, 1999, accessed February 7, 2015, LexisNexis.

³² George Gordon and Jenny Hope, "Fear of Link Between Vaccine and Autism," *Daily Mail*, August 17, 1999, accessed February 7, 2015, LexisNexis.

images of sick children with conditions that would be prevented by the vaccine as well as information and stories.³³ However, the effort failed to convince many parents to have their child vaccinated. This particular study demonstrates how stubborn misinformation can be once the individual places confidence in the false idea. The author of the study and misinformation expert Brendan Nyhan articulated, “the harder doctors or public health officials fight to persuade parents to vaccinate their children, the more stubbornly unconvinced some of them remain, asking, ‘Why are they trying so hard to reassure me that everything is safe?’ The fact that it is safe never enters into the equation.”³⁴

This example of misinformation is particularly powerful and timely because many children are in very real danger of missing vaccinations and contracting diseases such as the recent measles outbreak that began in Disneyland in California.³⁵ In addition, misinformation can be harmful in other ways, especially when examining public policy proposals. If the goal of a representative democracy is to empower the society with political power in order to govern effectively, there must be credible information available to the electorate. Without accurate information, efforts to address problems in a society may fail due to a lack of support.

A related argument to truth and misinformation is the sub-question - surely citizens should bear the responsibility themselves for seeking out correct information? Citizens certainly should question information and opinions presented to them by the media, their friends, families and coworkers, as well as elected officials. The focus of this chapter

³³ Brendan Nyhan, and Jason Reifler, et al., “Effective Messages in Vaccine Promotion: A Randomized Trial,” *Pediatrics*, (April 2014): 133(4):e835-42, accessed April 12, 2014, doi: 10.1542/peds.2013-2365.

³⁴ Jeffrey Kluger, “Don’t Confuse Me With Facts: When Misinformation Kills,” *Time*, March 5, 2014, accessed April 12, 2014, <http://time.com/13297/vaccine-denial-can-kill/>.

³⁵ Jack Healy and Michael Paulson, “Vaccine Critics Turn Defensive Over Measles,” *New York Times*, January 30, 2015, accessed January 31, 2015, http://www.nytimes.com/2015/01/31/us/vaccine-critics-turn-defensive-over-measles.html?emc=edit_th_20150131&nl=todaysheadlines&nid=51763513.

narrows on whether the media in its current structure is living up to their portion of the equation. A healthy democracy, again, works best with both media and citizens doing their part to present and seek out unbiased, neutral facts on questions of public policy.

Psychology of Misinformation

The study of misinformation from a psychological perspective is quite useful background to understanding the topic. In a work paramount to this subject, Kuklinski et al. detail the ways that misinformation can easily take root in the brain. Humans are known to fill in missing gaps of information when it's not available by making their own inferences. These inferences are encoded in a way that is indistinguishable from verified data, and are later on retrieved as the truth. Even more worrisome, research suggests that the more often the information is retrieved, the more "central it becomes to future inferences and judgments."³⁶ Because of this, there is the potential for people to become overconfident in their misinformed beliefs and even come to defend them passionately.³⁷

In a survey on global climate change, researchers observed that survey respondents who vehemently rejected conclusive scientific evidence were also those who most strongly felt they were very well informed.³⁸ Moreover, scholarly research indicates that mere ignorance, or the lack of information, will not lead to strongly held beliefs. Rather, "false beliefs based on misinformation, which are often held strongly and with (perhaps infectious) conviction" are the source of stubborn dogma.³⁹ This certainly holds true for

³⁶ Kuklinski et al.

³⁷ Doris Graber, *Processing Politics: Learning from Television in the Internet Age*, (Chicago, University of Chicago Press: 2001), 17.

³⁸ Anthony Leiserowitz, et al., "Politics and global warming: Democrats, republicans, independents, and the tea party," *Yale Project on Climate Change Communication* (2011), accessed November 1, 2013. <http://environment.yale.edu/climate-communication/files/PoliticsGlobalWarming2011.pdf>

³⁹ Stephan Lewandowsky, et al., "Misinformation and its Correction: Continued Influence and Successful

the earlier example of Brendan Nyhan's research on parents who see a connection between vaccinating a child and the child developing autism.

In "Misinformation and its Correction," Lewandowsky et al. characterize belief as a precursor or byproduct of comprehension. They indicate suspension of belief requires "a high degree of attention, considerable implausibility of the message, or high levels of distrust," which suggests that information is most often accepted, even if it is incorrect information.⁴⁰ Given the comprehension necessary for understanding complex public policy concepts, this tendency of individuals may be magnified when they consider many of the pressing issues of the day. Based on this research, the tendency of citizens is to fill in the gaps where they might be confused with manufactured inferences. This could especially be the case on public policy topics that are complex.

Academics often pursue the worthy cause of researching efforts to fix misinformation, known as corrections. Corrections are efforts to retract false information or replace it with factual information. Lewandowsky et al. conclude that preexisting personal worldviews will often override corrections.⁴¹ Furthermore, Nyhan and Reifler in an earlier study found corrections to be ineffective, sometimes leading to a "backfire effect" that increased misperceptions.⁴² Their later work on vaccinations and the false link to autism certainly reinforces the concept of a backfire effect where efforts to correct misinformation and replace it with factual information lead to stronger beliefs.

Cass Sunstein, an expert in law and human behavior, describes how difficult

Debiasing," *Psychological Science in the Public Interest* (December 2012): 106-131, accessed November 4, 2013, doi:10.1177/1529100612451018.

⁴⁰ Ibid

⁴¹ Ibid.

⁴² Brendan Nyhan and Jason Reifler, "When corrections fail: The persistence of political misperceptions," *Political Behavior* (June 2010): 32, 303-330, accessed October 21, 2013, http://www.stat.columbia.edu/~gelman/stuff_for_blog/reifler.pdf.

corrections can be due to group polarization. The phenomenon of group polarization takes place when like-minded people deliberate together and push one another towards a more extreme point of view, “becoming even more aligned in the direction they were already tending.”⁴³ In this scenario, discussing and deliberating any sort of false information would further cement the belief in that inaccurate fact. Sunstein explains how difficult corrections to misinformation can be in this dynamic, “once group polarization has entrenched a false belief, those who tell the truth in order to dispel the rumor may end up defeating their own goal.”⁴⁴ His research touches on the idea that the source of information is very important to belief of information. Sunstein suggests the best correction efforts present information from a source that the misinformed person would trust, but otherwise such efforts are largely ineffective.⁴⁵

Individuals may be so resistant to efforts to correct misinformation because their values are solidly in line with the information they believe to be true. Additionally, individuals acknowledge the existence of false information being spread in media, especially with regard to political campaigns, but they are unable to identify what facts or information is inaccurate. A study conducted after the landmark Congressional 2010 midterm election, where Republicans regained majority control of the House of Representatives with many Tea Party victors, found widespread misinformation among voters. While participants were aware of a vast amount of politically-motivated misinformation, the participants in the study were unable to distinguish between correct and false information.⁴⁶ One example they tested was questioning voters on the “bailout”

⁴³ Sunstein, “The Law of Group Polarization.”

⁴⁴ Sunstein, *On Rumors*, 49.

⁴⁵ Ibid.

⁴⁶ Ramsay et al.

of the banking industry. 40% of voters believed that the payments to banking industry were made under President Obama, when in fact, this action happened at the end of President George W. Bush's second term in 2008.⁴⁷

The Changing Media Landscape

Americans throughout the past century digested news in a variety of ways, with many remarkable changes in format. And, of course, misinformation has always been a potential problem. Still, these problems seem more acute in the contemporary “new media” or digital environment. Accordingly, analysis of the changing landscape of media will begin with the explosion of the internet in the mid-1990s and the beginning of “New Media.” New media refers to communications that occur with a digital element; the contrast to new media would be old media such as newsprint, television and analog radio.⁴⁸

Media organizations in the 1990s confronted a changing environment with the advent of the internet and many rushed to horizontally integrate by buying up smaller organizations, networks and channels. The News Corporation president in 1998 stated, “That way, regardless of where the profits move to, you’re in a position to gain.” In addition to media concentration, the 1990s saw a rapid increase in the number of cable television channels, digital media efforts and websites.⁴⁹

This explosion of digital news sources affected the newspaper industry, whose plight is well-known and continues today. Competition from online sources, radio and cable

⁴⁷ Ibid.

⁴⁸ Robert K. Logan, *Understanding New Media*, (New York: Lang Publishing, Inc., 2010).

⁴⁹ McChesney.

news means many newspapers found their readership declining precipitously. In addition, advertising dollars dropped significantly and internet sites such as Craigslist made classifieds and their corresponding revenue nearly obsolete. Combined, these factors mean that traditional newspaper newsrooms are much smaller today than in the past.⁵⁰

According to research by the Pew Journalism Project, there are currently 5,000 professional jobs at 500 digital outlets and many of these jobs were recently created.⁵¹ However, the majority of content production still happens at newspapers where jobs are considerably less secure. Newsroom employment in the print sector is still on the decline.⁵² Significantly less staff means that the newspaper industry as a whole is without the resources to unearth stories, question the information they receive or do any sort of time-intensive investigative reporting. It may be that the quality of content suffers.

The changing nature of news content is visible in other areas of the news media in addition to newspapers. Cable news channels, as well, are cutting back. CNN produced half the number of story packages from 2007 to 2012. It may be much easier to air prepackaged content from public relations firms. There is a noticeable trend across MSNBC, Fox and CNN during daytime coverage to air live interviews that require less manpower rather than the more costly coverage of live events.⁵³

Notably, these live interviews are often characterized by a debate between two

⁵⁰ Rick Edmonds, "ASNE census finds 2,600 newsroom jobs were lost in 2012," *Poynter*, June 25, 2013, accessed April 1, 2014, <http://www.poynter.org/news/mediawire/216617/asne-census-finds-2600-newsroom-jobs-were-lost-in-2012/>.

⁵¹ Amy Mitchell, "State of the News Media: 2014," *Pew Research Journalism Project*, accessed April 12, 2014, <http://www.journalism.org/2014/03/26/state-of-the-news-media-2014-overview>.

⁵² "Summary: News in the Internet Age: New Trends in News Publishing," Organization for Economic Cooperation and Development, accessed April 19, 2014, <http://www.oecd.org/sti/ieconomy/46367882.pdf>.

⁵³ "The State of the News Media 2013: An Annual Report on American Journalism," The Pew Research Center's Project for Excellence in Journalism, accessed April 19, 2014, <http://stateofthemediamedia.org/2013/overview-5/>.

ideological opposites or two people representing either side of a conflict. In *Blur*, Bill Kovach and Tom Rosentiel describe this cable news phenomenon as “conversation devolves into ad hominem attacks from both sides--a kind of entertaining combat that might thrill partisan audiences but that certainly represent[s] something far different from journalistic inquiry.”⁵⁴ This problematic structure will be explored further.

Local television reaches 9 in 10 adults. It continues to be a primary source of news for many Americans and remarkably increased in audience size in 2013 for the first time in five years. However, due to mergers and acquisitions and new market trends, fewer local stations are producing their own original content.⁵⁵ Video news releases or “bites and b-rolls” are prepackaged by public relations companies for distribution, as well as national content that is shown across the country.

Digital news is the most rapidly changing sector of the media industry. Pew’s 2014 State of the Media report mentions the societal “explosion of social media and mobile devices” and connects the trend to the news. The Pew report finds that half of Facebook users get news on the Facebook site even though they did not go there looking for it.⁵⁶ Of note, users who receive news from Facebook are subject to the phenomenon of self-selecting narrowing of information. They are assisted by Facebook in this through the website’s algorithmic feed that track preferences. Online news-readers behave differently from print readers; they visit newspaper websites irregularly and find a mix of sources that fits their personal preferences.⁵⁷

⁵⁴ Bill Kovach and Tom Rosentiel, *Blur: How to Know What's True in the Age of Information Overload* (New York: Bloomsbury, 2010), 48.

⁵⁵ Mitchell.

⁵⁶ Ibid.

⁵⁷ “Summary: News in the Internet Age: New Trends in News Publishing,” Organization for Economic Cooperation and Development.

A new form of revenue for the news industry called native advertising is problematic because it can be indistinguishable from a news article. Native advertising is paid for by commercial advertisers, but the content is developed by journalists on staff and placed on their websites. When surveyed by the Donald W. Reynolds Journalism Institute and the Missouri School of Journalism, newspaper publishers cited the “proliferation of paid content models” in addition to the growth of mobile products as a reason for optimism about the future of newspapers.⁵⁸ In this survey, newspaper publishers note that success is found by disseminating news across several platforms including mobile and online. The number of publishers who predict that they will cease to publish print editions in the next 10 years increased by 27 percent from the previous year’s survey.⁵⁹

Media Framing Leads to Misinformation

Without a doubt, the new media shapes public opinion through framing. Framing is defined as “when in the course of describing an issue or event, a speaker’s emphasis on a subset of potentially relevant considerations causes individuals to focus on these considerations when constructing their opinion.”⁶⁰ Media observers have researched the ways that the media frames issues and presents the attitudes of the elite to the public as a whole. One study on the subject found that the public considers how a topic is discussed in the media and how often the topic is covered when assigning relative importance to

⁵⁸ Michael M. Jenner, “Newspaper publishers remain optimistic about the future of their industry,” Donald W. Reynolds Journalism Institute, March 17, 2014, accessed April 12, 2014, <http://www.rjionline.org/pci/newspaper-publishers-remain-optimistic-about-future-their-industry>.

⁵⁹ Ibid.

⁶⁰ James M. Druckman and Kjersten R. Nelson, “Framing and Deliberation: How Citizens’ Conversations Limit Elite Influence,” *American Journal of Political Science* 47, no. 4: 729-745, accessed October 31, 2013, doi: 10.1111/1540-5907.00051.

various issues.⁶¹ A recent example of this would be the oversaturated and alarmist coverage of Ebola in the fall of 2014. The media is particularly powerful in shaping the opinions of citizens on public policy topics, again through repetition of coverage and the style of presentation of facts.

Furthermore, this can happen in a negative manner, and considerable research demonstrates the "hostile media effect," where citizens look at the media reports of an event or issue critically, examining for bias against their own point of view.⁶² Cass Sunstein's research on human behavior indicates that the current media landscape with many digital sources allows citizens to customize what they see and hear to fit their own views, essentially trapping themselves in an ideology bubble of their own making. If citizens are accustomed to having their opinions reinforced through their own media diet, a contrary opinion is potentially subject to this "hostile media effect" of outright denial and critique.

At times, due to the nature of reporting news, the media can transmit inaccurate or misleading information to the public. In particular, the media can boil down facts and choose newsworthy events leading to agenda-setting and a potential distortion of the truth.⁶³ Even the old media stalwart the *New York Times* frames stories in way that can be misleading. Because straight news is often broken in advance of a morning front page through cable and digital sources, a daily cursory glance at the *New York Times* front page

⁶¹ Amy E. Jasperson, Dhavan V. Shah and Mark Watts, "Framing and the public agenda: media effects on the importance of the federal budget deficit," *Political Communication* 15, no. 2 (April 1998): 205-224, accessed November 23, 2013, doi: 10.1080/105846098199037.

⁶² Laura M. Arpan and Arthur A. Raney, "An Experimental Investigation of News Source and the Hostile Media Effect," *Journalism & Mass Communication Quarterly* 80, no. 2 (Summer 2003): 265-281, accessed November 24, 2013, <http://jmq.sagepub.com/content/80/2/265.full.pdf>.

⁶³ Peter Drier and Christopher R. Martin, "The News Media, the Conservative Echo Chamber, and the Battle over ACORN: How Two Academics Fought in the Framing Wars," *Humanity & Society*, Vol. 35, Issue 1/2 (February/May 2011), p4-30, 27pF, accessed November 16, 2013, http://scholar.oxy.edu/cgi/viewcontent.cgi?article=1578&context=uep_faculty.

would should news plus analysis, above the fold, more often than straight news.⁶⁴

Today's journalism is comprised of a significant amount of news analysis, opinion pieces and native advertising, none of which are straight reporting of hard facts.

Additional structural errors that lead to misinformation abound. One such problem is the unfolding nature of reporting news of an event on television or the internet. Stories must rapidly be updated, leading to corrections and retractions that can be missed or never included.⁶⁵ For example, the initially widely reported and incorrect facts regarding the attacks in Benghazi, Libya on September 11, 2012 still contribute to the considerable confusion that continues to characterize the event.⁶⁶

In February of 2014, the Congressional Budget Office, a federal agency in the legislative branch that analyzes the cost of legislative proposals, released a report on the Affordable Care Act. The mischaracterization of the report by the news media was swift and far-reaching. Initial reactions were inaccurate or even contradictory. For instance, the *Washington Post's* online politics section contained a story with the headline that the "CBO estimates the health law will result in 2 million fewer jobs."⁶⁷ However, the Washington Post also simultaneously provided a link on that very page to a fact-checking blog on their website with the headline, "No, CBO did not say Obamacare will kill 2

⁶⁴ Margaret Sullivan, "'Just the Facts Ma'am' No More," *New York Times*, January 25, 2014, accessed April 26, 2014, <http://www.nytimes.com/2014/01/26/public-editor/just-the-facts-maam-no-more.html>.

⁶⁵ Lewandowsky et al., "Misinformation and its Correction: Continued Influence and Successful Debiasing."

⁶⁶ James D. Meernik and Michael Ault, "Finding Bigfoot and Hying Benghazi: The Missing Link: A Semi-Serious Essay," *2013 Annual Meeting of the American Political Science Association*, August 27, 2013, accessed December 8, 2013, <http://dx.doi.org/10.2139/ssrn.2316930>.

⁶⁷ Zachary Goldfarb and Amy Goldstein, "Health-care law will prompt over 2 million to quit jobs or cut hours, a CBO report says," *Washington Post*, February 4, 2014, accessed February 4, 2014, http://www.washingtonpost.com/business/economy/cbo-botched-health-care-law-rollout-will-reduce-signups-by-1-million-people/2014/02/04/c78577d0-8dac-11e3-98ab-fe5228217bd1_story.html.

*Washington Post has since changed the headline, including an explanation at the top

million jobs.”⁶⁸ The true takeaway from the CBO’s report was actually far more nuanced, simply suggesting that the labor force would change if employees were no longer reliant on their employer for healthcare. Unfortunately, many news reports claimed the CBO report declared the health law was “killing jobs,” the more sensational, but less accurate story. Finally, after fact checkers and several publications accurately described the findings of the CBO’s report, there were only half-hearted attempts by media organizations to correct the false headlines and articles.⁶⁹

In the era of new media, where digital efforts provide news organizations with the most opportunity for growth and development, there is a laser-like focus on being the first outlet to break news and “win” every news cycle by being first to report fresh bits of information.⁷⁰ When outlets are competing fiercely and rushing to post breaking news quickly, there could be a tendency for oversimplification that adds to public confusion. Undoubtedly this seems to be the likely case with the CBO report on the Affordable Care Act in February 2014.

Competition and the vast number of sources should in theory create significant opportunities for the truth-seeking function to prevail. Digital media organizations who move quickly to break news may assume that any inaccuracy resulting from breakneck speed might be later corrected elsewhere, and that the benefits of breaking news outweigh the risks of inaccuracy. But with public polling showing that citizens readily believe

⁶⁸ Glenn Kessler, “No, CBO did not say Obamacare will kill 2 million jobs,” *Washington Post*, February 4, 2014, accessed February 4, 2014, <http://www.washingtonpost.com/blogs/fact-checker/wp/2014/02/04/no-cbo-did-not-say-obamacare-will-kill-2-million-jobs/>.

⁶⁹ Brian Beutler, “Anatomy of a media disaster: Why the press is botching the latest Obamacare story,” *Salon*, February 5, 2014, accessed February 6, 2014, http://www.salon.com/2014/02/05/anatomy_of_a_media_disaster_why_the_press_is_botching_the_latest_obamacare_story/.

⁷⁰ Mark Leibovich, “The Man the White House Wakes Up To,” *New York Times*, April 21, 2010, accessed April 24, 2014, <http://www.nytimes.com/2010/04/25/magazine/25allen-t.html?pagewanted=all>.

inaccurate information, this trade-off may not be working as well some digital journalists hope.⁷¹

Even when the media reports facts accurately, misinformation can still be found through a treatment that fails to tell the whole story, or leaves out an important consideration. When examining the particular media framing of President George W. Bush's tax cut proposals in 2001 and 2003, Bell and Entman found that the media focused their coverage on the more appealing collective benefits of the tax-cutting proposals and glossed over the unequal distribution of these cuts to the wealthiest Americans. With this one-sided focus, the media framed the issue in a manner that left citizens without a "balanced assessment."⁷² In a similar case, Mann and Ornstein in their 2012 book, *It's Even Worse Than it Looks*, call on journalists to change the way that U.S. Senate filibusters are framed, providing a more truthful depiction of these filibusters as obstructionism rather than framing them as a routine procedure.⁷³

Today there is also a perception of a journalistic obligation to report on both sides of a story. This leads to a commonly used reporting narrative, where journalists present a conflict between two ideas, parties or individuals, conveniently including both sides of the story. Comedian John Oliver spoke to this balance issue on the subject of climate change by broadcasting "a statistically representative debate on climate change." On his HBO show, he hosted 97 scientists who believe humans are causing climate change and

⁷¹ Marc Fisher, "Who cares if it's true?" *Columbia Journalism Review*, March 3, 2014, accessed April 12, 2014, http://www.cjr.org/cover_story/who_cares_if_its_true.php?page=all.

⁷² Carole V. Bell and Robert M. Entman, "The Media's Role in America's Exceptional Politics of Inequality: Framing the Bush Tax Cuts of 2001 and 2003," *The International Journal of Press/Politics* 16(October 2011): 548-572, accessed October 25, 2013. doi:10.1177/1940161211417334.

⁷³ Thomas E. Mann and Norman J. Ornstein, *It's Even Worse Than It Looks* (New York: Basic Books, 2012), 195.

three who do not to mock the unequal cable news head-to-head approach.⁷⁴

While this section previously discussed the examples of not reporting both sides of the story, such as filibusters and the 2001 and 2003 tax proposals, the greater problem was a lack of truth to the framing. Reporting on both sides of the story in the vaccination example or the global warming example seems to do the public a disservice. In either example, the media's "two sides to each story" approach may continue to propagate and fuel misinformation by giving the false facts credence through news coverage. Cass Sunstein describes this problem, "As the media report both sides of the story from polls and other sources, the misinformation continues."⁷⁵

At what point should journalists not report both sides of the story, so as to not risk pushing out false information? The answer may lie in the greatest journalistic obligation of all: to report the facts. If there is a news story suggesting citizens may not want to vaccinate their children due to the potential of autism, it needs to be framed properly as false information, rather than part of an ongoing scientific debate.

Senior Managing Editor of the Associated Press Michael Oreskes aptly describes the problems consumers of news face today in determining what news is. Oreskes outlines journalist standards,

"A journalist applies professional standards in gathering and presenting the news. That gives us some common basis for using that news--some ability to have faith in its accuracy, its fair-mindedness, its balance and thoroughness. A journalist leaves things out because they are scurrilous or unproven. A gossip doesn't. A journalist puts facts in that contradict each other. A polemicist doesn't. A preacher gives a moral lesson with the news.

⁷⁴ Dana Nuccitelli, "John Oliver's viral video: the best climate debate you'll ever see," *Guardian*, May 23, 2014, accessed February 7, 2015, <http://www.theguardian.com/environment/climate-consensus-97-per-cent/2014/may/23/john-oliver-best-climate-debate-ever>.

⁷⁵ Sunstein, Republic.com 2.0.

A journalist doesn't. There is plenty of room in the world for gossips, polemicists, and preachers. They are just not practicing journalism. Indeed, each of them builds his or her work on the work of journalists."⁷⁶

The standards Oreskes summarizes seem to be black and white, but with the “new media” digital disruption to the media landscape, there is anything but clarity on this topic. It may be that the rise of new media gives new prominence to these less journalistic methods of relaying information.

Complicating Oreskes' thoughts further is the prevalence of partisan news and phenomenon of citizens being able to increasingly narrow the news they consume to fit their own worldview. While partisan media is not a new trend, the influx of digital news makes it even more possible for citizens to primarily consume the news that fits their ideological views. Academics devote considerable study to the partisan influences on modern media, noting an increased fragmentation of news that allows citizens to find sources fitting their worldview or "tune out news outlets with which they disagree."⁷⁷ Nyhan and Reifler reinforce the concept that misinformation is often the result of one's political preference.⁷⁸ An indirect result of media framing, group polarization, coaches citizens to ignore contrary facts by "judg[ing] a statement according to how conveniently it fits with one's settled position."⁷⁹

Changing Incentives for Misinformation

⁷⁶ Michael Oreskes, “News: A Bit Hard to Define,” *Harvard International Journal of Press/Politics* 5.3 (2000) 102-104, accessed April 19, 2014, http://muse.jhu.edu/journals/harvard_international_journal_of_press_politics/v005/5.3oreskes.html.

⁷⁷ Kevin Argeneaux, Martin Johnson, and Chad Murphy, "Polarized political communication, [US] oppositional media hostility, and selective exposure," *Journal of Politics* 74, no. 1 (January 1, 2012): 174-186, accessed December 8, 2013, doi: 10.1017/S002238161100123X.

⁷⁸ Nyhan, "When Corrections Fail."

⁷⁹ Daniel B. Klein, "I Was Wrong, and So Are You," *Atlantic*, October 26, 2011, accessed December 8, 2013, <http://www.theatlantic.com/magazine/archive/2011/12/i-was-wrong-and-so-are-you/308713/>.

While the dissemination of misinformation is not always done intentionally, accuracy may be a lower priority compared to other dynamics the media must confront to remain profitable and viable in today's competitive landscape. The old media operated in an environment where reliability and authority were their chief assets. Publications and outlets vied to be perceived as the most trustworthy news source. Today, new media organizations operate in a very different competitive environment, where speedy reporting and page views are the most valuable assets. In such a world, accuracy is often compromised for the sake of speed. Furthermore, the need for one outlet or publication to correct any misinformation that results from moving too quickly may be assumed to be corrected by a different source.

The media often partners with elected officials in publishing inaccurate information, which will be explored further in the next chapter. However, it is worth noting here that the views of elected officials are often reported by the media, and these views are not concrete facts but rather opinions or half-truths. In this scenario, both the media and the elected officials gain power, profits or influence from coverage. Kuklinski et al. state "citizens can use facts only if the political system disseminates them. Generally speaking, the American political system fares poorly on this count. Those best positioned to provide relevant facts, elected officials and members of the media, lack the incentive to do so."⁸⁰

Due to the changing landscape of media that values digital revenue models, there may be an incentive through ratings, web traffic or advertising revenue for organizations to present sensational, controversial news that has an ideological agenda. The citizen consumers of these outlets and publications expect the information to be presented in a manner that conforms to their opinions and outlook. If it does not conform, they look for

⁸⁰ Kuklinski, et al.

bias and reasons to distrust the source, a concept confirmed in studies on confirmation bias and hostile media effects.⁸¹

Criticism of how profit motives affect media content is abundant. There is an incentive for speed. Mark Leibovich scrutinized the “inside the beltway” publication *Politico* and described the organization’s practice of breaking tidbits as vital to *Politico*’s business operation “whether or not the morsel proves relevant, or even correct, in the long run — and whether the long run proves to be measured in days, hours or minutes.”⁸²

An additional profit incentive may be for stories to be compelling, “clickable” or entertaining and this often means that the story describes a conflict. Former British Prime Minister Tony Blair on his way out of office lambasted the “feral beast mode” of media, describing the dilemma with conflict-oriented journalism. “Broadsheets today face the same pressures as tabloids; broadcasters increasingly the same pressures as broadsheets. The audience needs to be arrested, held and their emotions engaged. Something that is interesting is less powerful than something that makes you angry or shocked. The consequences of this are acute...scandal or controversy beats ordinary reporting hands down.”⁸³ In conflict-driven journalism where there must be a villain, two competing sides or a crisis, information can be distorted and simplified.

If you examine any particular example of misinformation, there are underlying incentives for the misrepresented facts to be reported. For example, the global climate change discussed previously may be mischaracterized by the media due to “economic interests with a vested interest in the status-quo carbon economy” gaining “preferred

⁸¹ Argeneaux, Johnson, and Murphy.

⁸² Leibovich.

⁸³ Tony Blair, “Prime Minister Tony Blair’s Reuters speech on public life,” *BBC News*, June 12 2007, accessed April 26, 2014, http://news.bbc.co.uk/2/hi/uk_news/politics/6744581.stm.

access to the media compared to the scientific community.”⁸⁴

Conclusion

Public polling confirms that there is significant amount of citizen misinformation on certain topics relating to politics and public policy. Careful analysis of news reports suggests that misinformation may stem from inaccurate articles and stories. Additionally, even if the media does not “break” the story or first report the false facts, repetition of the inaccuracies may reinforce the misinformation.

In current era of new media, information is pushed out at an increasingly rapid pace. An apt quote, often attributed to Mark Twain on various internet pages suggests, “A lie will go round the world while truth is pulling its boots on.” Ironically, Mark Twain never spoke or wrote these words, this quote is attributable to C.M. Spurgeon, but the sentiment is the same.⁸⁵

In the competitive world of digital news, accuracy is often compromised for speed. There are efforts to correct falsely reported information by many publications and organizations, but the research on how misinformation takes hold is clear. Once a citizen, especially one who subscribes to a set of certain political beliefs and participates in self-selecting media consumption, believes in the information they are handed by the media, it is very difficult to counter those false beliefs with accurate information. Misinformation is extremely persistent.

Sunstein succinctly captures the political problem with the digital news world we live

⁸⁴ Karl S. Coplan, “Climate Change, Political Truth, and the Marketplace of Ideas,” January 26, 2012, accessed April 1, 2014, <http://dx.doi.org/10.2139/ssrn.1992632>.

⁸⁵ Robert Shapiro, “Quotes Uncovered: How Lies Travel,” *Freakonomics*, April 7, 2011, accessed April 29, 2014, <http://freakonomics.com/2011/04/07/quotes-uncovered-how-lies-travel/>.

in where citizens can find themselves trapped in an ideological information bubble, “If diverse groups are seeing and hearing quite different points of view, or focusing on quite different topics, mutual understanding might be difficult, and it might be increasingly hard for people to solve problems that society faces together.”⁸⁶ The possibility of public policy dialogue in a free and open marketplace becomes even more unlikely when there is stubborn false information being spread by the media and repeated by citizens in group polarization.

The presence of group polarization and partisan news sources makes the ideal of democracy as a marketplace of ideas where the truth prevails seem very precarious. If the truth is only being reported in a haphazard manner and believed by a segment of the population, the truth-seeking function may be corrupted.

Particularly problematic is the prevalence of online sources that cater to a certain ideological viewpoint. In a democracy it is necessary for citizens to have access to accurate information. Citizens may well believe they know what information they can trust and what sources they cannot trust. But in this digital world, there are necessary analytic skills for examining the news and topics of public policy. Especially with younger citizens born in the era of new media, how do online sources provide the necessary analytic tools for a consumer of information in a democracy? The answer may lie in education of journalistic standards. In this period of rapid change for the media, the journalistic standards are sure to be a topic of much debate. Misinformation must be part of that conversation.

⁸⁶ Sunstein, Republic.com 2.0.

CHAPTER TWO

Obfuscation and Mendacity

Introduction

In the throes of political campaigns, politicians often make claims that prove to be false. President George H.W. Bush famously promised “read my lips, no new taxes.”⁸⁷ This promise and claim proved to be untrue. Former Massachusetts Governor Mitt Romney made a last-ditch effort in his 2012 presidential bid against President Barack Obama with a campaign advertisement in Ohio that deliberately misled. The television advertisement inaccurately claimed that President Obama was responsible for shipping Ohio automotive jobs overseas.⁸⁸ Undoubtedly, citizens examine political campaign advertisements and their claims with a suspicious eye.⁸⁹ But are political claims made in campaign “off-season” similarly scrutinized? Is all political speech campaign-style due to its very nature or the nature of our current political system? What does this mean for inaccurate and false political speech?

The metaphor of democracy as a marketplace of ideas may not explain today’s political society with the prevalence of inaccurate claims made by politicians and adopted as truth by citizens. The marketplace theory suggests that a democratic society needs informed citizens to function properly. Access to accurate information is available to

⁸⁷ Glenn Kessler, “Grover Norquist’s history lesson: George H.W. Bush, ‘no new taxes,’ and the 1992 election,” *Washington Post*, November 27, 2012, accessed March 12, 2015, http://www.washingtonpost.com/blogs/fact-checker/post/grover-norquists-history-lesson-george-hw-bush-no-new-taxes-and-the-1992-election/2012/11/26/cfd6d65a-3811-11e2-8a97-363b0f9a0ab3_blog.html.

⁸⁸ Angie Drobnic Holan, “Lie of the Year: the Romney campaign’s ad on Jeeps made in China,” *Politifact*, December 12, 2012, accessed March 12, 2015, <http://www.politifact.com/truth-o-meter/article/2012/dec/12/lie-year-2012-Romney-Jeeps-China/>.

⁸⁹ Jacob Rowbottom, “Lies, Manipulation and Elections—Controlling False Campaign Statements,” *Oxford Journal of Legal Studies* 32, no. 3: 509, accessed March 12, 2015, <http://ojls.oxfordjournals.org/content/32/3/507.abstract>.

citizens who seek this information out in order to make choices on Election Day. In this theory, misinformation can be problematic. How citizens become misinformed is a query central to this thesis. A related question is how citizens receive their information. This thesis previously examined the news media. Other sources of information on matters of public policy include friends, family and coworkers. However, there is another important source of information that will be explored in this chapter, political elites. Political elites include candidates for office, representatives of political parties, elected officials and their surrogates or spokespeople.

Misinformation takes place when citizens report belief in facts that are wrong. This chapter continues the study of how citizens are misinformed on matters of public policy. The last chapter demonstrated evidence that there is considerable misinformation present in today's society and looked at the news media's role. This chapter will examine how politicians might be contributing to a situation where considerable percentages of the public report belief in inaccurate facts on matters of public policy.

A related concept to misinformation, although slightly different due to intent, is disinformation. When false information is deliberately spread this is known as disinformation. This chapter will confirm the presence of disinformation, exploring how elected officials and their surrogates spread disinformation and why they might do so. From the political left, this chapter will explore why President Barack Obama misstated that if citizens liked their insurance plan, they could keep it. From the political right, this chapter will look at the misleading arguments used by President George W. Bush and his administration to justify a war with Iraq.

When citizens believe the disinformation being spread by politicians, might this

represent a market failure in the theory of democracy as a marketplace of ideas? The prevalence of disinformation on a topic of public policy may supersede the careful evaluation of public policy proposals. Political elites may be responding to incentives that lead to less-than-honest political speech, representing a market failure.

Former Senator Jon Kyl, a Republican from Arizona, was speaking on live cable television to CNN's John King in October of 2009 about the health care reform efforts in Congress when he said, "Almost everybody agrees that we can save between one hundred and two hundred billion dollars if we had effective malpractice reform."⁹⁰ John King did not question the senator's assertion that "everybody agrees" which was patently false, but the next week the Congressional Budget Office stated that the real number would be around eleven billion dollars the first year, and fifty-four billion over ten years.⁹¹ It is difficult to know whether or not Senator Kyl believed his claim to be true, however the wholly inaccurate qualifier at the beginning of his statement "almost everybody agrees" casts suspicion that he was not speaking precisely or accurately.

Why might politicians spread inaccurate information? Certainly a top reason would be to win or retain office. Another motivation might be to influence audiences such as their base, primary or general election voters or even policy elites. A prime tactic for influencing these audiences would be to have their claims or views published in newspapers and online and broadcast on television. The ultimate goal would perhaps be to win support for a policy proposal or a foreign policy initiative.

There is a flip side to this sort of inaccurate speech to win support. There are also those who spread disinformation to gain traction in opposition to a policy proposal. By

⁹⁰ Kovach and Rosenstiel, 124.

⁹¹ Ibid., 125.

having these negative views broadcast or printed, politicians may seek to throw cold water on the opposition party's idea. By disputing provisions with their own take or bringing in new but false information, they can discredit the opposition, thus securing a victory for themselves or their party.

Literature Review

As previously discussed, this thesis explores the rational voter and rational electorate theory in the context of democracy as a marketplace of ideas. In the first theory, rational voters weigh the costs and benefits of seeking out information and making electoral choices, often deciding a low information or low participation route. Rational electorate theorists see the population as largely capable of sorting out the truth of the matter. In either theory access to at least some accurate information is necessary.

In the marketplace, all citizens must have access to credible information in order to be valuable members of a function democracy. Sunstein explains the importance of this spread of information, "when any one of us learns something, other people, are likely to benefit from what we have learned."⁹² Sunstein's description echoes the saying "the rising tide lifts all boats." This may be true, but given the misinformation present in society and the media's role in contributing to misinformation, the rising tide saying requires an alteration. Perhaps information today is flooding some areas and leaving other areas in drought.

What does academic literature say about when politicians spread inaccurate information? It is complicated, especially when factoring in the interplay of political elites and the news media. The press is an important consideration in the study of

⁹² Sunstein, *Republic 2.0*, 101.

inaccurate political speech since the media rebroadcasts, reports on, or fact checks politicians' claims. W. Lance Bennett in *News: The Politics of Illusion* argues that the press is "dependen[t] on government and powerful officials as its reference on reality" to the point of fault. He pinpoints the fault or failure as occasions when a politician's reality no longer coincides with scientific reality, such as the Bush administration rejecting scientific consensus on climate change.⁹³ Bennett maintains that the news media works hand in hand in spreading falsehoods of politicians due to their dependent relationships. Whether or not this is a conscience or active decision by both political elites and the media is not addressed in much of the literature on this subject.

Sunstein, an expert on behavior looks at this question of political speech by describing what he sees as confusion between the role of citizens versus the role of consumers. He laments, "we talk as if politicians are 'selling' a message, and even themselves, we are treating the political domain as a kind of market, subject to the forces of supply and demand" versus the more idyllic and democratic role of a citizen who should value "government by discussion."⁹⁴ According to Sunstein, this democratic representation may not be the case given the new internet-era preference for consumer choice where political sovereignty is undermined by "insufficient understanding of public problems . . . mak[ing] it difficult to have anything like a shared or deliberative culture."⁹⁵ Noting misinformation's presence, Sunstein blames the phenomenon of niche media consumption and group polarization, which makes it impossible for the truth-seeking function of the marketplace to work properly.

Erik Asard and W. Lance Bennett similarly see more potential for disinformation and

⁹³ W. Lance Bennett, *News: The Politics of Illusion*, (New York: Pearson, 2011), 15.

⁹⁴ Sunstein, *Republic 2.0*, 40.

⁹⁵ Ibid.

misinformation in the era of new media. In their work *Democracy and the Marketplace of Ideas* the authors describe political speech, “The irony, or perhaps the result, of communication in this Digital Age is that the quality of political ideas in many nations has deteriorated into simplistic sloganeering and angry rhetoric with little perceptible improvement in the human political condition.”⁹⁶ Along the lines of sloganeering, a widely referenced author Samuel Popkin developed the theory of “low-information rationality” wherein voters do not need, or have time to seek out much information. Instead, voters utilize information shortcuts to make a decision, based on knowledge they have developed over time that fits with their preexisting beliefs or opinions, such as the Democratic Party cares more about the environment.⁹⁷

Several academics explain disinformation by using economic theory. Ferrantino and Davis in their influential work on the subject, “Towards a Positive Theory of Political Rhetoric: Why Do Politicians Lie?” examine lying through the lens of economics and cost benefit analysis.⁹⁸ Accordingly, politicians weigh the pros and cons to lying and sometimes decide the lie is worth the potential risks. Another economic perspective, Chaim Kaufmann’s *Threat Inflation and the Failure of the Marketplace of Ideas*, looks at the marketplace of ideas in the context of Anthony Downs’ median or rational voter logic. According to the median voter theory, at least in the realm of national security and international affairs, voters analyze claims from proponents of aggressive interventions and reject those claims that do not serve broad national or international interests. Again,

⁹⁶ Erik Asard and W. Lance Bennett, *Democracy and the Marketplace of Ideas: Communication and Government in Sweden and the United States* (Cambridge, Cambridge University Press: 1997), vii.

⁹⁷ Popkin.

⁹⁸ Michael L. Davis and Michael Ferrantino, “Towards a Positive Theory of Political Rhetoric: Why Do Politicians Lie?,” *Public Choice* 88: no. 1-2 (July 1996): 1-13, accessed March 6, 2015, <http://link.springer.com/journal/volumesAndIssues/11127>.

this may be more of an idyllic scenario that does not represent the persistent marketplace failures present today. Kaufmann finds that “median voter logic can often be bypassed by elite manipulation of how issues are framed in debate.”⁹⁹

Mechanisms for Disinformation

There are a variety of ways that disinformation is used by politicians and their surrogates. One example would be a lie, which is defined as a “false statement with deliberate intent to deceive.”¹⁰⁰ A recent example of this from December 2014 is how Representative Peter King (R-NY) publicly reacted to the controversial Senate report on the CIA interrogation program. King is chairman of the House Homeland Security Subcommittee on Counterintelligence and Terrorism. Representative King on a radio program attempted to make light of the report’s findings on CIA interrogation tactics by saying, “This is not a case where people were killed . . . nobody suffered any lasting injuries.”¹⁰¹ This is a lie uttered in order to discredit the report. Contrary to King’s remarks, the report detailed examples of both death and profound injuries. A lie by President Barack Obama will be analyzed at further depth, as well as exploration of incentives a politician may have to lie.

Another method of spreading disinformation is through framing, which resembles a half-truth or deliberate effort to leave out part of the truth and deceive. Framing “involves

⁹⁹ Chaim Kaufmann, “Threat Inflation and the Failure of the Marketplace of Ideas: Selling the War in Iraq,” *International Security* 29: no. 1 (Summer 2004): 5-48, accessed February 21, 2015, DOI: 10.1162/0162288041762940.

¹⁰⁰ Merriam and Webster, “Definition: Lie,” accessed February 28, 2015, <http://www.merriam-webster.com/dictionary/lie>.

¹⁰¹ Steve Cotorno, “Peter King says Senate CIA report found detainees were not killed, did not suffer 'lasting injuries',” *Politifact*, December 15, 2014, accessed February 14, 2015, <http://www.politifact.com/truth-o-meter/statements/2014/dec/15/peter-king/peter-king-says-senate-cia-report-found-detainees-/>.

choosing a broad organizational theme for selecting, emphasizing, and link elements of a story.”¹⁰² It could also be described as a narrative which is designed “to pare down information in order to manage complexity.”¹⁰³ Bennett uses the analogy of a picture frame that focuses attention inside the frame. Similarly, framing draws focus to certain elements of a situation and away from other elements. Politicians and their surrogates use framing as a technique of disinformation by leaving out crucial aspects of a situation and focusing on the pieces of the narrative that sell their points or argument. By leaving out these important parts, they are deliberately leading citizens to form inaccurate conclusions.

Framing is used often in in political speech. It can be an appealing technique in communication since it helps assign meaning to a narrative by “distill[ing] large amounts of information into very simple capsule summaries-such as sex scandal, government waste, natural disaster, election horse race, terrorism or weapons of mass destruction.”¹⁰⁴ Terrorism and weapons of mass destruction will be discussed in greater depth by examining how President George W. Bush’s Administration engaged in disinformation through framing the arguments to go to war in Iraq. Phrases such as “weapons of mass destruction” immediately signal a much larger meaning because of the way they have been framed in the media and American political system. One to three carefully constructed words are packaged and sold through repetition in propaganda and the media in such a way that they come to carry a very loaded meaning.

This is a very similar concept to Samuel Popkin’s theory of low-information

¹⁰² Bennett, *News: The Politics of Illusion*, 42.

¹⁰³ Stephan Lewandowsky, et al., "Misinformation, Disinformation, and Violent Conflict," *American Psychologist* 68, no. 7: 487-501, accessed February 20, 2015, <http://dx.doi.org/10.1037/a0034515>.

¹⁰⁴ Bennett, *News: The Politics of Illusion*, 127.

rationality and a skilled politician could use framing shortcuts to their advantage.¹⁰⁵

Popkin's concept of low-information rationality would explain that citizen voters do not have to understand the entire issue because the phrases used boils it down to something manageable, that they already have an opinion on. For example, a Republican politician could use the phrases "government waste" or "socialized medicine" when speaking to their base supporters and the supporter would be "signaled" to have an opinion on the subject.

Disinformation is spread by the mechanisms of framing and lying. Politicians use a assortment of tactics to deploy their claims. They can disseminate disinformation through their remarks to the public that are reported on by the press. Sometimes these remarks are unfiltered; they are viewed in live addresses, either in person or on television. Sometimes remarks are printed verbatim in transcripts of speeches. Political elites give interviews on television and in the interviews where they make claims for public consumption in order to further a political goal.

Disinformation and the War in Iraq

President George W. Bush built an argument to wage war with Iraq in 2002 as a part of his "War on Terror." Kaufmann details four arguments made by President Bush and his administration justify the use of force and persuade citizens to support the military endeavor against Saddam Hussein: "(1) he was an almost uniquely undeterrable aggressor who would seek any opportunity to kill Americans; (2) he was cooperating with al-Qa'ida and had even assisted in the September 11, 2001, terrorist attacks against the United States; (3) he was close to acquiring nuclear weapons; and (4) he possessed chemical and

¹⁰⁵ Popkin.

biological weapons.”¹⁰⁶ Claims two through four were all found to be false. The CIA and the Senate Select Committee on Intelligence each issued reports debunking any sort of connection between Iraq and Al-Qaida.¹⁰⁷ The absence of weapons of mass destruction was reported almost immediately after the invasion, yet in a confirmation of chapter one’s findings on the persistence of misinformation, many citizens continued to report knowledge that weapons of mass destruction did exist in Iraq.

Nonetheless, the Bush Administration’s claims took hold and proved to have considerable lasting power. In late 2002, up to 90 percent of citizens polled believed that Saddam Hussein would eventually use weapons of mass destruction on the United States. With regard to the second claim, polls cited numbers between 44 percent and 66 percent of citizens attesting to Saddam Hussein’s involvement in September 11th.¹⁰⁸ A poll taken in January of 2003 revealed that 44 percent of respondents believed that “most or some of the [September 11] hijackers were Iraqi.”¹⁰⁹ The true answer is that none of the nineteen hijackers were of Iraqi nationality. The disinformation was stubborn with between 35 percent and 40 percent of citizens reporting belief up to five years after the weapons of

¹⁰⁶ Kaufmann, 5.

¹⁰⁷ Associated Press, “CIA’s Final Report: No WMD Found in Iraq,” *NBC News*, April 25, 2005, accessed March 12, 2015, http://www.nbcnews.com/id/7634313/ns/world_news-mideast_n_africa/t/cias-final-report-no-wmd-found-iraq/#.VQG6oFTD_IU.

¹⁰⁸ Kaufmann i¹⁰⁸ Kaufmann, 5.

¹⁰⁸ Associated Press, “CIA’s Final Report: No WMD Found in Iraq,” *NBC News*, April 25, 2005, accessed March 12, 2015, http://www.nbcnews.com/id/7634313/ns/world_news-mideast_n_africa/t/cias-final-report-no-wmd-found-iraq/#.VQG6oFTD_IU.

¹⁰⁸ Kaufmann in *Threat Inflation* cites Gallup polling data, 30.

¹⁰⁸ Kane Pryor, “A National State of Confusion,” *Salon*, February 6, 2003, accessed March 28, 2015, http://www.salon.com/2003/02/06/iraq_poll_2/.

¹⁰⁸ Gary C. Jacobson, “Perception, memory, and partisan polarization on the Iraq War,” *Political Science Quarterly*, 125, 31– 56, accessed February 20, 2015, doi: 10.1002/j.1538-165X.2010.tb00667.x. n *Threat Inflation* cites Gallup polling data, 30.

¹⁰⁹ Kane Pryor, “A National State of Confusion,” *Salon*, February 6, 2003, accessed March 28, 2015, http://www.salon.com/2003/02/06/iraq_poll_2/.

mass destruction were found to be nonexistent.¹¹⁰

Framing, as a narrative device, relies on carefully tailored wordsmithing. The language used by the Bush Administration in support of these arguments dehumanized the enemy, made World War II analogies such as comparing Islamic terrorism to fascism, and painted the conflict as a civilized society versus a barbaric society.¹¹¹ Additionally, President Bush deliberately widened the scope of the problem with Iraq as a threat to United States homeland security, versus a regional question.¹¹²

The Bush Administration, unknowingly or not, was deploying textbook tactics of framing distortion and disinformation. Research into the ways that a society grapples with a violent conflict found that “parties involved in a conflict nearly always create a conflict-supporting narrative that provides an explanation and justification for their involvement.”¹¹³ The arguments exploited Americans’ emotions of fear in the aftermath of the terrorist attacks of September 11th. This is another common technique in using the disinformation technique of framing, engaging “many mental activities, emotional, visual, and cognitive.”¹¹⁴

By using manufactured language frames such as the loaded phrase “weapons of mass destruction” that manipulates citizen fears in the aftermath of September 11th, the Bush Administration was very successful in their efforts to persuade citizens that war was necessary. At the outset of the invasion in March 2003, 72% of poll respondents said they

¹¹⁰ Gary C. Jacobson, “Perception, memory, and partisan polarization on the Iraq War,” *Political Science Quarterly*, 125, 31– 56, accessed February 20, 2015, doi: 10.1002/j.1538-165X.2010.tb00667.x.

¹¹¹ Lewandowsky, et al., “Misinformation, Disinformation, and Violent Conflict.”

¹¹² Kaufmann, 41.

¹¹³ Daniel Bar-Tal, Eran Helperin and Ruthie Pliskin, “Why is it so difficult to resolve intractable conflicts peacefully?,” *Handbook of International Negotiation* (2014): 73-92, accessed February 14, 2015, doi: DOI 10.1007/978-3-319-10687-8_7.

¹¹⁴ Bennett, *News: The Politics of Illusion*, 127.

avored the war.¹¹⁵

What other factors made the Bush Administration's arguments and effort to go to war successful? By virtue of holding the executive office, the President and his team controlled the intelligence apparatus of the nation. This eased the production of favorable reports that could bolster public opinion.¹¹⁶ Also worth noting, the Administration had an ally in the news media, some of whom helped spread the war disinformation. In asking reporters to sign agreements to have the military vet their stories, the White House was able to control messaging.¹¹⁷ The news media largely sidelined dissenting views, choosing instead to feature sources from the administration or the military.¹¹⁸ The fact that the opposition party, the Democrats, were split on the subject of going to war with Iraq prevented them from providing a check on the Bush Administration's disinformation.¹¹⁹

A Lie to Sell the Affordable Care Act

President Barack Obama campaigned for the office of the presidency in 2007 through 2008. He spoke about the need for reforming the country's health care system. The promise of health care reform was one of the central tenets of his campaign. By the time President Obama took the oath of office, the country was dealing with a frightening economic

¹¹⁵ Frank Newport, "Seventy-Two Percent of Americans Support Against Iraq," *Gallup*, March 24, 2003, accessed March 28, 2015, <http://www.gallup.com/poll/8038/seventytwo-percent-americans-support-war-against-iraq.aspx>.

¹¹⁶ Kaufmann, *Threat Inflation*, 8.

¹¹⁷ *Ibid.*, 44.

¹¹⁸ Steve Rendell, "In Prelude to War, TV Served as Official Megaphone," *Fairness and Accuracy in Reporting*, April 1, 2003, accessed March 1, 2015, <http://fair.org/extra-online-articles/in-prelude-to-war-tv-served-as-official-megaphone/>.

¹¹⁹ Raymond Hernandez, "Democrats Are Divided in Debate on Force Against Iraq," *New York Times*, October 4, 2002, accessed March 2, 2015, <http://www.nytimes.com/2002/10/04/nyregion/threats-responses-new-york-region-democrats-are-divided-debate-force-against.html>.

recession. Subsequently, his first legislative priority was an economic stimulus package. Despite the reform effort's shift to secondary priority, healthcare policy analysts, committee staffers in the House of Representatives and the Senate, as well as White House policy aides began developing the plans for a legislative package that would increase health insurance access to millions of Americans. Other, some would say secondary, goals included: changing rules for the insurance industry and piloting new ways to deliver health care in a cost-effective and patient-centered approach.

The mechanisms to increase access were debated in congressional hearings and White House policy papers. In the legislative crafting discussions, it was decided that there would be two paths to increase health insurance coverage. One path was through an expansion of the Medicaid definition and therefore, eligibility to provide insurance to lower income Americans. The second path would be created through state insurance exchanges where citizens could purchase insurance plans.

The Affordable Care Act was a contentious piece of legislation. There was significant Republican opposition from the beginning.¹²⁰ In the flurry of lawmaking and posturing, there are many press conferences, speeches and television interviews that happen in Washington, D.C. to “get in front” of an issue or make your opposition known. Politicians and their surrogates in the minority have to tread a careful line in appearing firm on their opposition while still offering ideas that they would support. Politicians and their surrogates in the majority need to sell their legislative ideas and make them seem as attractive as possible, while painting the opposing party as intransigent.

¹²⁰ Steven Brill, *America's Bitter Pill: Money, Politics, Backroom Deals, and the Fight to Fix Our Broken Healthcare System* (New York: Random House, 2015), 92.

Congressional Democrats and the President began touting their efforts in the summer of 2009. It is at this point that President Obama began making a claim, “If you like your health care plan, you can keep your health care plan.”¹²¹ The Pulitzer Prize-winning fact-checking website *PolitiFact* named this claim “Lie of the Year” for 2013 (another claim examined in chapter three was also named Lie of the Year, for 2009). *PolitiFact* lists 37 instances of the President either publicly stating this misleading claim or posting it on his webpage.

The problem with President Obama’s claim is that it ended up being completely false. The ACA contained reforms to the insurance industry, such as no longer allowing lifetime limits on coverage. Many plans would have to change. The White House knew this and discussed ways to grandfather in plans that already existed, despite containing provisions such as annual limits on payouts, which would be illegal once the law was fully implemented in 2013. White House health policy advisers and top Department of Health and Human Services (HHS) officials discussed how long they could let inadequate plans remain on the market. Journalist Steven Brill in his accounting of the health care reform passage and implementation describes the grandfather debate as challenging since advisers were “wrestling with the exact issue that contradicted Obama’s promise.”¹²² One health adviser in particular, Jeanne Lambrew, advocated for ending the grandfathering of the inadequate plans once the exchanges opened so citizens could purchase plans that included all the reforms and consumer protections.

¹²¹ Obama: ‘If you like your health care plan, you’ll be able to keep your health care plan,’ *PolitiFact*, accessed October 12, 2014, <http://www.politifact.com/obama-like-health-care-keep/>.

¹²² Brill, 146.

The grandfathering rules were complicated when they were released in the Federal Register on June 17, 2010.¹²³ The regulations did not receive much in the way of press coverage. Essentially, HHS announced through the federal rule-making process that plans that did not continuously operate without changes before the health law was passed in March of 2010, would not be allowed to be grandfathered.¹²⁴ Health insurance companies make changes in their plans from year to year so this would be a high bar. The rule in the Federal Register made as much clear stating, “Reliable data are scant, but a variety of studies indicate that between 40 percent and 67 percent” of individual plans would be canceled in the fall of 2013.¹²⁵ President Obama continued to make his claim that “if you like your plan, you can keep it” after the rules were announced, notably during his 2012 presidential reelection campaign.¹²⁶

President Obama took quite a bit of heat once the cancellations began. Conservative publications and politicians cried foul. Citizens received notices that their plan was no longer available and they would either be automatically enrolled in a new plan or need to choose a new plan, sometimes at a higher cost. Some these cancellation notices made their way into the media. Even members of the President’s party were forthcoming with their outrage to the press, such as former Representative Barney Frank declaring, “They just lied to people.”¹²⁷

¹²³ National Archives and Record Administration, *Federal Register*, <http://www.gpo.gov/fdsys/pkg/FR-2010-06-17/pdf/2010-14488.pdf>.

¹²⁴ Louis Jacobson, “Barack Obama says that what he’d said was you could keep your plan ‘if it hasn’t changed since the law passed,’” *Politifact*, November 6, 2013, accessed March 20, 2015, <http://www.politifact.com/truth-o-meter/statements/2013/nov/06/barack-obama/barack-obama-says-what-hed-said-was-you-could-keep/>.

¹²⁵ Brill, 207.

¹²⁶ Jacobson.

¹²⁷ Zach Carter, “Barney Frank ‘Appalled’ by Obama Administration: ‘They Just Lied to People,’” *Huffington Post*, August 1, 2014, accessed August 5, 2014, http://www.huffingtonpost.com/2014/08/01/barney-frank-obama-lie_n_5642132.html?ncid=txtlnkusaolp00

Steven Brill in *America's Bitter Pill* reveals that President Obama was “blindsided” on the cancellation controversy and had never been briefed on the grandfathering issue.¹²⁸ Brill discovered that policy staffers tried to warn the President’s communications team that they needed to qualify his “keep your plan” promise in speeches. The speechwriters and communications staff did not take this advice. Brill reports they thought qualifiers “complicated the message.”¹²⁹ Whether or not the President himself knew he was lying, members of his Administration certainly did know and crafted the President’s remarks in an untruthful way.

What reasons did the President and the President’s team have to lie about the grandfathered plans and subsequent cancellations? The Brill book suggests that the communications staffers were unwilling to dilute their message. Diluting the message refers to a public relations technique of messaging or message construction where words are carefully planned in order to relay information in a way that is understandable and appealing to the audience. Messaging is a public relation tactic to further goals.

Messaging relates back to the concept of framing where politicians try to simplify an issue by focusing on the parts of a proposal or story that they feel benefits their cause. Sometimes framing involves leaving out other details. This seems to be the case with the Obama communications team’s decision to not qualify their “keep your plan” claim. Their framing technique intentionally excluded an admittedly complicated and nuanced policy detail. As such, the Obama Administration is at the very least guilty of selling a half-truth to the American public. Their communications strategy of simplification did not capture

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* Frank made these comments once he left office and months after the cancellations controversy began.

¹²⁸ Brill, 367.

¹²⁹ Ibid.

the reality of the insurance market changes necessary to implement the reforms in the Affordable Care Act.

The contentious nature of the health care reform debate certainly raised the stakes for any communications effort or strategy. The President and his communications team ostensibly were trying to garner public support for the health care reform efforts, which became his signature legislative proposal. After the passage and implementation of the law, the Obama Administration was still interested in ramping up support for the Affordable Care Act. In March of 2015, the five years after passage, the law has a 43% unfavorable rating.¹³⁰

By claiming that citizens did not have to fear any disruption in their current health care regime, or the doctor they visit, the insurance card they carry, the Administration aimed to soothe or quell any health reform angst present in the population. The President and his Administration may have been indirectly and preemptively addressing the anxieties about a government-sponsored health care takeover. Similarly, they may have been reacting to President Clinton's failed attempt to reform the health care system.

Marketplace Failures and a Possible Solution

Why do politicians lie and mislead despite the potential risk of damaging their reputation? According to Davis and Ferrentino's economic explanations, the difference between political markets and other markets explains how politicians might conduct a cost benefit analysis that often favors dishonesty. Politicians hold a special place in United States society since they are campaign to keep their jobs every two years, four or six years.

¹³⁰ Bianca DiJulio, Jamie Firth, and Mollyann Brodie, "Kaiser Health Tracking Poll," *Kaiser Family Foundation*, March 19, 2015, accessed March 28, 2015, <http://kff.org/health-costs/poll-finding/kaiser-health-tracking-poll-march-2015/>.

Ferrentino and Davis assert that since politicians hold political office for a limited amount of time, their “property rights” or use of office are much different than, for example, a corporation or business who would stay in operation for much longer. Subsequently, the limited amount of time potentially holding the office means that there are no transferable property rights. Politicians doing a cost benefit analysis weigh the long term costs of dishonesty versus any potential immediate benefits may decide on the immediate benefits which makes “political speech ... less honest than other types of speech.”¹³¹ In the political market, there is a “winner take all” mentality of campaigning so lying and winning may be valued higher than defeat, despite the possibility of a shattered reputation.¹³²

Davis and Ferrantino find that normally “the need to maintain reputation may be a particularly vital force for truth” if there was “direct penalties to liars” such as a costly lawsuit.¹³³ However, a punishment mechanism like a lawsuit would not be practical in some instances of political lies. The authors give the ludicrous example of suing “a politician who promises peace and prosperity but creates war and depression.”¹³⁴ Normal marketplace mechanisms for punishing dishonesty are not at play when it comes to a political market or political speech. This is a marketplace failure since the threat of punishment seems low to many politicians.

There is another possible marketplace failure at play when it comes to dishonest political speech. If the marketplace of ideas’ truth-seeking function worked as envisioned, then dishonest claims would be examined against other facts and information and inaccurate information would be dismissed. This is all made possible by the availability of

¹³¹ Davis and Ferrantino, *Towards a Positive Theory of Political Rhetoric: Why Do Politicians Lie?*, 2.

¹³² *Ibid.*, 4.

¹³³ *Ibid.*, 4.

¹³⁴ *Ibid.*, 3.

countering information. Countervailing institutions such as the press and opposition parties are very important for the truth-seeking function when it comes to political speech. If the news media is working too closely with government, without independence or by not providing much investigation, this can allow dishonest political speech to proliferate. Similarly, if the opposition party is divided or weak, this too will allow inaccurate claims to go unchecked and potentially gain a foothold in the society.

There may be a burgeoning solution to the correct the marketplace failure of the political cost benefit analysis. Fact checking websites are becoming more and more common, with many national media companies such as the *Washington Post* employing a fact checker and publishing their work. Brendan Nyhan and Jason Reifler, prominent misinformation experts, examined the potential of these sites to stop disinformation before it began. Nyhan and Reifler assert that the effects of increased scrutiny by these fact checkers “extend[s] beyond providing information to motivated citizens who seek out these websites.”¹³⁵

Their 2012 study involved sending reminders to candidates for state legislatures that the candidate was vulnerable to fact-checking. Those who received the reminders were less likely to receive a negative *PolitiFact* rating or have the accuracy of their statements questioned publicly than legislators who were not sent reminders.¹³⁶ The authors concluded that the fact-checking posted a threat to the reputation of the politicians, possibly changing their behavior. They acknowledged that journalistic fact-checking

¹³⁵ Brendan Nyhan and Jason Reifler, “The Effects of Fact-Checking Threat,” *New American Foundation*, October 2013, accessed March 12, 2015, <http://www.newamerica.net/sites/newamerica.net/files/policydocs/nyhan-reifler-report-naf.pdf>.

¹³⁶ Ibid.

websites “could play an important role in improving political discourse and strengthening democratic accountability.”¹³⁷

Conclusion

Citizens in a democracy cannot live “in echo chambers or information cocoons.” Sunstein makes this assertion in *Republic 2.0*, citing Supreme Court Justice Louis Brandeis’ fear that a great threat to freedom is “an inert people.” Inertness could be damaging to the marketplace of ideas and the truth-seeking function of the marketplace. To avoid inertness we must also “ensure that people are exposed to competing perspectives.”¹³⁸ A lack of competing perspectives can be particularly detrimental to a democratic society. It may be that the findings of chapter one including group polarization, confirmation bias, and tailored media consumption make for an inert population when it comes to seeking out competing perspectives.

When countervailing institutions such as the press and opposition party do not provide a check on disinformation, this is a marketplace failure. Politicians and their surrogates can and likely do take advantage of weak institutions that should be checking their claims. There is a failure in the marketplace of ideas when false claims are not subjected to rigorous scrutiny and open exchange with countering, and perhaps more truthful information. Kaufmann takes a charitable view on these institutions, concluding that such countervailing institutions may not have the power that the marketplace of ideas theory “expects of them” when it comes to foreign policy debate.¹³⁹

On the topic of countervailing institutions, the case examples did not show the media

¹³⁷ Ibid.

¹³⁸ Sunstein, *Republic 2.0*, xi.

¹³⁹ Kaufmann, 8.

to provide an adequate check on disinformation by political elites. While many in the media questioned President Obama's claims on the health care reform debate, including the "keep your plan" claim, the grandfathering issue was largely ignored until the cancellations began. Numerous reports by media watchdogs in the lead up to the Iraq War found the press to be lopsided in their coverage, featuring many more viewpoints and sources that favored a war.¹⁴⁰ This is especially seen in the use of unconfirmed sources, predominantly official sources or agreements to allow stories to be vetted by the military.

Importantly, press coverage on matters of framing is not quite as black and white as "pro war" and "anti-war." Whether or not the press picks up on the framing narrative of the political elites would be a valuable marker for how much the media is spreading disinformation and misinformation. For example, there are two common ways to frame health care reform in the press. Lawrence Jacobs and Robert Shapiro in their important book on this topic, *Politicians Don't Pander*, describe how the press is much more inclined to report on health care reform in the context of "political maneuverings and calculations" versus the framing of "a national problem."¹⁴¹ Similarly, by the press utilizing the Bush Administration's framing of Iraq's threat to the United States, the media enabled the spread of disinformation.

Another countervailing institution is opposition parties who have a mixed report card on their ability to provide a check in the two case examples examined in this chapter. The Republican Party fared better on this count in the Affordable Care Act example than the Democratic Party did during the lead up to the Iraq war. Congressional Republicans used every tool possible to stop the Affordable Care Act. Their doubt and skepticism of

¹⁴⁰ Rendall.

¹⁴¹ Lawrence Jacobs, and Robert Shapiro, *Politicians Don't Pander: Political Manipulation and the Loss of Democratic Responsiveness*, (Chicago: University of Chicago Press, 2000), 185.

President Obama's health reform claims was made very clear to the press and citizens paying attention to the debate. Senate Republicans, notably, Senator Mike Enzi, a Republican from Wyoming, tried to bring attention to the grandfathering rules issued by the Department of Health and Human Services in 2010.¹⁴² The Democratic Party, either because they were weak or divided, did not provide an adequate check on President Bush's arguments in the lead-up to war with Iraq.

Applying Ferrantino and Davis' economic cost benefit model to the case examples examined in this chapter it may be that Presidents Obama and Bush and their surrogates made a similar calculation, either subconsciously or actively. With the case of the Iraq War, there were more immediate benefits to framing the arguments in a less-than-honest fashion since the claims would help start the war. Once the war was underway, it would be more difficult to stop the intervention and at that point different reasons could be given to keep the conflict going. With regard to President Obama's claim on the health care reform effort and law, the immediate benefits to garner support may have seemed more pressing than investigating the details of a complicated policy and explaining that to the masses.

Despite the burgeoning presence of political speech fact checkers, disinformation the resulting misinformation is both present in our society and persistent in its length of stay. For a democracy to live up to the ideal marketplace of ideas there would need to be a greater check on dishonest political speech than currently exists.

¹⁴² Igor Volsky, "Republicans Will Attempt To Roll Back Popular Consumer Protections With 'Grandfather' Resolution," *Think Progress*, September 28, 2010, accessed March 28, 2015, <http://thinkprogress.org/health/2010/09/28/171673/grandfather-enzi/>.

CHAPTER THREE:

Citizen Misinformation on the Affordable Care Act

Introduction

Political elites and the media misrepresent facts and do so for a host of reasons. When these misrepresented facts are broadcast and printed for citizen consumption as an explanation of public policy there is the potential that citizens will believe these false facts to be true. This is misinformation. Misinformation creates a problem for a healthy democracy that requires informed citizens. Chapter one of this thesis explored how citizens increasingly find themselves consuming information that is tailored to their specific beliefs which reinforces their own ideology. The tendency of citizens to consume media fit to their own beliefs and ideology can be particularly problematic when a false claim is being spread by political elites and the media. The echo chamber becomes entrenched and these false notions are difficult to correct.¹⁴³ Efforts to correct false information with accurate facts can actually backfire. Sometimes these efforts to correct false facts cause citizens to report stronger belief, making the misperceptions more fixed.

The Affordable Care Act provides a case example of how misinformation is present in our society on matters of public policy. The health care reform debate and subsequent law is a perfect public policy initiative to examine for misinformation since it was widely discussed by politicians and covered in the press. By examining some of the anecdotal reports of misperceptions and looking at public polling data, this chapter will demonstrate that there is considerable confusion about what the law does. Finally, this chapter will

¹⁴³ Sunstein, *On Rumors*.

look at the law itself and subsequent implementation to look for the truth of two such controversies.

In Chapters 1 and 2, misinformation is viewed through the lenses of the theory of society as a marketplace of ideas. These chapters found several marketplace failures that prevent the market from working as expected. This concept, adopted from the Supreme Court, describes information undergoing a truth-seeking function where ideas compete against one another for acceptance in the marketplace. The expectation is that the truth will prevail in such a free and open encounter.¹⁴⁴ This chapter will confirm the presence of misinformation and examine why and how it came to be.

Misinformation is a difficult subject to tackle. The very nature of discovering what is true in any sort of political debate is both ambitious and challenging. While there are a few political scientists taking up this laborious research including Cass Sunstein and Brendan Nyhan, there is not a deep body of work on this topic.

There is substantial academic research on political ignorance or how many citizens do not have working knowledge of politics such as “What Americans Know About Politics and Why it Matters” by Michael X. Delli Carpini and Scott Keeter.¹⁴⁵ It cannot be stressed enough that lack of knowledge, while interesting and definitely a topic for political research, is not the same thing as misinformation. Misinformation is even more damaging than ignorance because policy preferences and opinions develop based on information as Kuklinksi et al found in another important work, “Misinformation and the Currency of Democratic Citizenship.”¹⁴⁶

Brendan Nyhan contributes heavily to the academic understanding of misinformation.

¹⁴⁴ Abrams v. United States.

¹⁴⁵ Keeter and Delli Carpini.

¹⁴⁶ Kuklinksi et al.

His work factors substantially into this thesis. As such, his explanation will also serve this paper as the guidelines for “defining political misperceptions to include both demonstrably false claims and unsubstantiated beliefs about the world that are contradicted by the best available evidence and expert opinion.”¹⁴⁷

For the purposes of this paper, misinformation will be used interchangeably with the terms false idea, false beliefs and misperception. Finally, it is worth noting that this paper studies mass misinformation of average citizens who are political novices.

The Affordable Care Act

The United States employer-based health care system has continuously proven to be a difficult problem for politicians to tackle. President Bill Clinton tried to pass a comprehensive reform bill, but the legislation stopped in its tracks for a variety of reasons including the enormity of the challenge.¹⁴⁸ President George W. Bush attempted a piecemeal approach and secured a legislative victory in providing senior citizens with prescription drug coverage. By adding this coverage, known as Medicare Part D, the nation incurred an expensive new program, costing \$395 billion.¹⁴⁹ At the time of passage, the country was soaring through economically prosperous times so the price tag did not seem very steep. After the financial crisis of 2008, the newly elected President Barack Obama found himself slated to make a case for health care reform. Providing health care insurance to the 46 million Americans without coverage was a central part of

¹⁴⁷ Brendan Nyhan, “Why the ‘Death Panel’ Myth Wouldn’t Die: Misinformation in the Health Care Reform Debate,” *Forum* 8, no. 1 (April 2010), accessed October 21, 2013, doi: 10.2202/1540-8884.1354.

¹⁴⁸ Jonathan Cohn, “How They Did It,” *New Republic*, May 21, 2010, accessed July 9, 2014, <http://www.newrepublic.com/article/75077/how-they-did-it>.

¹⁴⁹ Thomas R. Oliver, Philip R. Lee, and Helene L. Lipton, “A Political History of Medicare and Prescription Drug Coverage,” *Milbank Quarterly* 8, no. 2 (June 2004): 283-354, accessed July 9, 2014, doi: 10.1111/j.0887-378X.2004.00311.

his campaign for the presidency. The economic conditions the country faced made the situation dire.¹⁵⁰

When President Obama took office in January of 2009, the first item on his agenda was passing an economic stimulus package through Congress. The bill's congressional drafters began working on the legislation even before his Inauguration. Passing the stimulus through both houses of Congress proved to be very difficult. Democrats were only able to squeeze out enough votes in the Senate by lowering the price tag to attract moderate Republican Senators Snowe, Specter, and Collins.¹⁵¹ It was clear that approving new domestic spending bills would be challenging.

Nonetheless, Congress set to work on the President's second priority, a comprehensive health care reform package. There were extensive hearings in seven committees of jurisdiction. The contentious messaging began early. After an August recess where Members of Congress faced combative town hall meetings, it was obvious that there were provisions of the various bills that were causing confusion and anger.¹⁵² After passage in March of 2010 and the subsequent implementation, some of this confusion over aspects of the law is still reported by the American public. Areas of confusion will be examined including the possibility that the law allows government panels to make end of life decisions for senior citizens, the law allows insurance subsidies

¹⁵⁰ US Census Bureau, *Income, Poverty, and Health Insurance Coverage in the United States: 2008*, by Carmern DeNavas-Walt, Bernadette D. Proctor, and Jessica C. Smith, Issued September 2009, accessed July 9, 2014, <http://www.census.gov/prod/2009pubs/p60-236.pdf>.

¹⁵¹ David M. Herszenhorn, and Carl Hulse, "Deal Reached in Congress on \$789 Billion Stimulus Plan," *New York Times*, February 11, 2009, accessed July 9, 2014, <http://www.nytimes.com/2009/02/12/us/politics/12stimulus.html>.

¹⁵² New York Times, "Frequently Asked Questions at Health Care Town Halls," *New York Times*, August 12, 2009, accessed July 9, 2014, <http://www.nytimes.com/2009/08/12/health/policy/12townhall-faq.html?module=Search&mabReward=relbias%3Ar%2C%7B%221%22%3A%22RI%3A8%22%7D>.

for immigrants living in the country illegally¹⁵³ and several other areas of concern.

Areas of Confusion

A notable area of misinformation in the health care reform law is whether or not the law mandates government panels on end-of-life care for senior citizens under Medicare. Former Republican Vice Presidential nominee and former Alaskan Governor Sarah Palin posted on her Facebook page on August 7, 2009 a note about health care reform. She claimed that the “sick, the elderly, and the disabled” would “stand in front of Obama’s ‘death panel’ so his bureaucrats can decide, based on a subjective judgment of their ‘level of productivity in society,’ whether they are worthy of health care.”¹⁵⁴ Her statement, while it does not reference a particular bill or plan, does suggest that the goal of the Democratic Party in their health care plan is to save federal dollars by denying patients care through government panels. Her statement received a lot of attention, causing a spike in Google searches for the phrase “death panels.”

Other political elites began using this phrase and the topic received considerable media coverage. President Obama responded by clarifying that one of the House bills called for doctors to be reimbursed by Medicare when patients receive counseling sessions on end-of-life care decisions.¹⁵⁵ Palin countered in another Facebook note that the sessions would be coercive, stating, “Is it any wonder that senior citizens might view such consultations as attempts to convince them to help reduce health care costs by

¹⁵³ For purposes of this paper, the AP style guidelines on immigration will be followed, <http://writingexplained.com/ap-style/ap-style-illegal-immigration>.

¹⁵⁴ Sarah Palin, “Statement on the Current Health Care Debate,” August 7, 2009, accessed July 9, 2014, https://www.facebook.com/note.php?note_id=113851103434&ref=mf.

¹⁵⁵ Factcheck.org, “Palin vs. Obama: Death Panels,” August 14, 2009, accessed July 9, 2014, <http://www.factcheck.org/2009/08/palin-vs-obama-death-panels/>.

accepting minimal end-of-life care?”¹⁵⁶ It should be noted that Palin may have been warning that efforts to control costs in health care and give doctors payment to consult their patients on end of life options would lead to “rationed” end of life care. However, she made this point by saying that end of life sessions were required, coercive and ordered by the government.

These conflicting points of view on the question of government panels were reported by the media. Citizens learning of the conflicting views through media, word of mouth or political speech adopted their own opinions and beliefs.

Another area of confusion emerged in November of 2013 during open enrollment period. Starting January 1, 2014, health insurances plans needed to be compliant with the insurance reforms passed into law in the Affordable Care Act. Because many of these plans did not meet the new requirements, the plans had to be canceled. Many Americans, some estimate as many as 4.7 million, received notices that their insurance plans were canceled. While many were automatically enrolled in a new, ACA-compliant plan, some were not. Some people had to shop for new plans and some of these plans had much higher costs.¹⁵⁷ President Obama stated several times during the health care reform debate and in his 2012 reelection campaign “if you like your health care plan, you can keep it.”¹⁵⁸ This false claim added to the list of misinformation about the Affordable Care Act.

¹⁵⁶ Sarah Palin, “Concerning the ‘Death Panels,’” August 12, 2009, accessed July 9, 2014, https://www.facebook.com/note.php?note_id=116471698434.

¹⁵⁷ Glenn Kessler, “The GOP claim that more Americans have lost insurance than gained it under Obamacare,” *Washington Post*, January 6, 2014, accessed July 9, 2014, <http://www.washingtonpost.com/blogs/fact-checker/wp/2014/01/06/the-gop-claim-that-more-americans-have-lost-insurance-than-gained-it-under-obamacare/>.

¹⁵⁸ Angie Drobnic Holan, “Lie of the Year: ‘If you like your health care plan, you can keep it,’” *PolitiFact.com*, December 12, 2013, accessed July 9, 2014, <http://www.politifact.com/truth-o-meter/article/2013/dec/12/lie-year-if-you-like-your-health-care-plan-keep-it/>.

Confusion about whether or not the Affordable Care Act was still a law, whether or not an individual's state "had Obamacare" and other implementation questions were the subject of many news stories before the open enrollment period began on October 1, 2013. Late night talk show host Jimmy Kimmel famously interviewed people on the street to see if they preferred Obamacare or the Affordable Care Act, despite the fact that these names refer to the same law. Kimmel's interviewees adamantly defended their preference, highlighting the lingering confusion over the law.¹⁵⁹

These anecdotal stories serve an important purpose to demonstrate the pervasive news coverage of confusion on the law. One such area highlighted by several publications took place in Texas. The Affordable Care Act's goal to expand health insurance coverage to uninsured Americans included an expansion of Medicaid, a shared federal and state health program. The Supreme Court ruled in 2012 that each state could decide if they would expand the program. Texas Governor Rick Perry decided against expansion after a combative political debate.¹⁶⁰ According to the United States Census, Texas holds the most uninsured citizens, nearly 6 million.¹⁶¹

It may be that the intensity and prevalence of this political debate led to citizen confusion about the options available in Texas. Despite the lack of Medicaid expansion, Texas still offers traditional Medicaid with the narrower eligibility, and insurance plans were available on the federal exchange for purchase during open enrollment. Even so,

¹⁵⁹ Jonathan Welsh, "Affordable Care Act, Obamacare and The Government Shutdown: Jimmy Kimmel's Prank," *Wall Street Journal*, October 1, 2013, accessed July 12, 2014, <http://blogs.wsj.com/speakeasy/2013/10/01/affordable-care-act-obamacare-and-the-government-shutdown-jimmy-kimmels-prank/>.

¹⁶⁰ Jennifer Haberkorn, "Obamacare showdown in Texas," *Politico*, October 7, 2013, accessed July 9, 2014, <http://www.politico.com/story/2013/10/obamacare-showdown-in-lone-star-state-97906.html>.

¹⁶¹ Rick Jervis, "Obamacare' and you: Resistance in Texas, where many are uninsured," *USA Today*, September 23, 2013, accessed July 9, 2014, <http://www.usatoday.com/story/news/nation/2013/08/13/obamacare-in-texas/2649647/>.

Texans reported confusion on their ability to receive coverage under the Affordable Care Act. Nonprofit health organization employees and others tasked with encouraging citizens to enroll for health plans described these efforts as a “struggle in persuading residents that the exchanges will be available, despite highly publicized attacks from leaders in Austin.”¹⁶² Former Secretary of Health and Human Services Kathleen Sebelius cited misinformation as a problem in Texas because “many uninsured people do not know about the federal health insurance subsidies available under the Affordable Care Act.”¹⁶³

A final, yet significant, area of confusion to highlight is the claim that the Affordable Care Act allowed immigrants living in the country illegally to receive taxpayer-funded health care. During the debate in Congress leading up to passage of the law this issue received a considerable amount of attention. In a speech to Congress, President Obama addressed the concern that “reform efforts would insure illegal immigrants.” He went on to say, “This too is false.” Representative Joe Wilson, a Republican from South Carolina, yelled “You lie!” His outburst called national attention to the conflicting beliefs on the question of health insurance coverage for immigrants living in the country illegally subsidized by the U.S. government.¹⁶⁴

Representative Wilson later clarified that he based his assertion on a Congressional Research Service (CRS) report. Additional evidence of this claim being spread comes

¹⁶² Ibid.

¹⁶³ Edgar Walters, “Obamacare Enrollment Climbs, Misses Expectations,” *Texas Tribune*, March 11, 2014, accessed July 9, 2014, <http://www.texastribune.org/2014/03/11/obamacare-enrollment-climbs-misses-expectations/>.

¹⁶⁴ David M. Herszenhorn, “Illegal Immigrants and the Health Care Legislation,” *New York Times*, September 10, 2009, accessed July 9, 2014, http://prescriptions.blogs.nytimes.com/2009/09/10/illegal-immigrants-and-the-health-care-legislation/?_php=true&_type=blogs&module=Search&mabReward=relbias%3Ar%2C%7B%221%22%3A%22RI%3A8%22%7D&_r=0.

from a chain email¹⁶⁵ that also cited this CRS report.¹⁶⁶ The report highlighted unclear legislative language in H.R. 3200, a House bill on health care reform. The gray areas in the bill, pointed out by CRS, may have led immigrants living in the country illegally to either purchase a plan on the federal exchanges or become eligible for the Medicaid expansion.¹⁶⁷ It is important to note that confusion on this topic persists. While H.R. 3200 was not the bill that passed, immigrant concerns were addressed in the enacted law. There will be further discussion of this provision later.

Public Opinion Polls

Newspaper sources and statements from political elites anecdotally suggest that misinformation exists on aspects of the health care reform law. Another way to confirm the presence of misinformation is to look at public opinion polling data. This chapter will examine polling data from The Henry J. Kaiser Family Foundation, hereafter referred to as Kaiser. Kaiser's stated goal is to "build an institution that plays a special role as a trusted source of information in a health care world dominated by vested interests."¹⁶⁸ (This organization is not connected to the insurer and health care provider Kaiser Permanente.) Kaiser completes a monthly Health Tracking Poll. Information from the March 2014 poll will be examined. This poll is the most recent to ask questions on the

¹⁶⁵ Politifact describes chain emails as "Chain emails circulate on the Internet, usually anonymously, making a variety of political claims." 97% of chain emails are given the "pants on fire" designation by Politifact as patently false.

¹⁶⁶ Politifact Florida, "Obamacare "will provide insurance to all non-U.S. residents, even if they are here illegally," July 7, 2013, accessed July 9, 2014, <http://www.politifact.com/florida/statements/2013/jul/09/chain-email/illegal-immigrants-are-covered-under-health-care-l/>.

¹⁶⁷ Alison Siskind and Erika K. Lunder, "Treatment of Noncitizens in H.R. 3200," *Congressional Research Service*, August 26, 2009, accessed July 11, 2014, http://assets.opencrs.com/rpts/R40773_20090826.pdf.

¹⁶⁸ Drew Altman, "History and Mission," *Kaiser Family Foundation*, accessed July 12, 2014, <http://kff.org/history-and-mission/>.

political misperceptions. The poll is a nationally representative sample of 1,504 adults and weighted to match demographic estimates of the United States population based on the Census.

The health tracking poll asks respondents questions about a wide variety of health topics, including their opinion and knowledge of the Affordable Care Act. Figures 1 and 2 below highlight two areas previously discussed in this chapter on misperceptions of provisions of the Affordable Care Act. Figures 1 and 2 separate the beliefs of the poll respondents by their answer. The columns break down how respondents report knowledge in the Affordable Care Act and whether or not they believe the law continues specific provisions. The first two columns show either belief in a false fact or rejection of the false fact.

The final column and choice for respondents is “don’t know/refused.” This final column demonstrates simple ignorance on these provisions. How does it reveal ignorance? Because respondents have the ability to say “I don’t know.” The first column where respondents report belief in a false fact is what this paper calls misinformation and what the polling experts at Kaiser describe as misperception. In order to say that the false fact is true the respondent must believe that false fact. Belief in a false fact is different than ignorance where there is no knowledge or belief.

Figure 1

To the best of your knowledge, would you say the health reform law does or does not allow undocumented immigrants to receive financial help from the government to buy health insurance?			
	Yes, the law does this	No, law does not do this	Don't know/ refused
March 2014 ¹⁶⁹	46	32	22
March 2013	47	33	21
February 2013	42	35	23
December 2010	41	42	16

According to Kaiser Family Foundation researcher Bianca DiJulio, the change in numbers over time in Figure 1 is not statistically significant. It is worth noting that Kaiser's analysis places column one and three together because Kaiser recognizes both answers as evidence of confusion. For this paper, the third column is not treated as misinformation since it is partially filed as "don't know." The third column may be evidence of confusion or a lack of information. However, it is clear that this response does not demonstrate belief in a false fact, which is the standard that must be met in order to be labeled as misinformation.

The third column response of "refused/I don't know" is a larger number in this most

¹⁶⁹ Liz Hamel, Jamie Firth, and Mollyann Brodie, "Kaiser Health Tracking Poll: March 2014," *Kaiser Family Foundation*, March 26, 2014, accessed June 6, 2014, <http://kff.org/report-section/kaiser-health-tracking-poll-march-2014-methodology/>.

recent poll than when the first question was asked. It appears that the number of respondents choosing this answer have increased over time. The question was first asked in May of 2010, several months after the bill became law and less than a year after Representative Wilson's immigration outburst. It is difficult to say what may be causing this increase in respondents answering "don't know/refused." Nonetheless, 46% of the 1,504 adults responding to this poll believe that the Affordable Care Act includes a provision allowing immigrants living in the United States illegally to receive financial support to purchase health insurance coverage.

The wording of this question is important, it does not say "receive free health care" or "enroll in Medicaid." The question asks about the portion of the law that expands access through purchase of private insurance on the exchange. On the federal exchange, lower income citizens who have a higher income than that which would qualify them for Medicaid can still be eligible for subsidies to purchase insurance. This question aims to see if respondents believe that immigrants living in the country illegally are receiving those government subsidies. 46% of respondents believe this is the case.

The next question examined looks at the polling data from Kaiser on the topic of government end-of-life panels. Here, Kaiser asks respondents to report on whether or not they understand the law to have created such a panel.

Figure 2

To the best of your knowledge, would you say that the health care reform law does or does not establish a government panel to make decisions about end-of-life care for people on Medicare?

	Yes, the law does this	No, the law does not do this	Don't know/ refused
March 2014 ¹⁷⁰	34	44	23
March 2013	40	39	21
September 2012	39	39	22
November 2011	35	53	12
June 2011	31	48	20
December 2010	40	45	15
July 2010	41	43	16

The most recent numbers from March of 2014 show 34% of respondents reporting belief that the health law does establish a government end-of-life panel. 44% correctly assert that this is not the case, and 23% answered “I don’t know” or refused to answer the question. There is an uptick over time in the third column response from when the question was first asked in July of 2010. This is a similar trend compared with the question on immigrants living in the country illegally receiving government subsidies to purchase insurance on the exchanges. These answers both show an increase over time of

¹⁷⁰ Ibid.

respondents choosing the answer “I don’t know/refused.”

The wording of this question should also be examined. Kaiser phrased this question with the construction “establish a government panel to make decisions about end-of-life care for people on Medicare.” This construction seems to be a deliberate step away from the inflammatory term “death panel.” The way the question is phrased echoes the perceived argument from political elites such as Sarah Palin who spoke out on death panels. By including the “for people on Medicare” clause Kaiser is asking a narrow question that aims to explore the misperception of the contested provision in the Affordable Care Act.

What’s in the Law

The Affordable Care Act’s text consolidated with related statutes is a substantial document. There are over 900 pages in the online version accessed. Additional research is necessary due to the ongoing nature of implementing this voluminous law. Searching the Federal Register website with the terms “Affordable Care Act” found 12,949 documents. However, only 5,872 of these documents are rules.¹⁷¹ The Federal Register is the publication in which federal agencies publish proposed and final rules for administrative regulations. This process of rulemaking, either formal or notice and comment takes place for most federal laws, especially a law with the size and reach of the ACA.

According to the Kaiser Health Tracking Poll, 46% of respondents believe that the ACA allows the government to provide subsidies for immigrants living in the United States illegally to purchase an insurance plan on the exchange. What is the basis for this

¹⁷¹ National Archives and Record Administration., *Federal Register*, <https://www.federalregister.gov/articles/search?conditions%5Bterm%5D=affordable+care+act&commit=Go>.

claim? A previously mentioned CRS report outlined some areas of concern for possible health insurance coverage of immigrants living in the country illegally. Members of Congress requested that CRS examine H.R. 3200 on this topic. However, it is important to note that this bill introduced in the House of Representatives never became law.

Legislators in the House of Representatives drafted H.R. 3200, a comprehensive health reform bill, after holding congressional hearings and marking up this legislation. H.R. 3200 could be considered the first comprehensive attempt in the reform effort for the 111th Congress. As with other major “first draft” legislative undertakings, this was not a bill that ever saw a floor vote. The bill that the House passed in November of 2009 was H.R. 3962 and the bill that became law after passage by both the House and Senate was H.R. 3590. H.R. 3200 was analyzed by CRS on the question of providing government subsidies to immigrants living in the country illegally to purchase health insurance. This bill stipulated, as does the codified Affordable Care Act, that “individuals must be lawfully present” to receive credits, or subsidies, to pay for their health insurance.¹⁷² This can be interpreted that no immigrants living in the country illegally would receive government insurance subsidies. Applying the Nyhan test, the respondents to the Kaiser poll are misinformed as they believe a fact that is false and contradicted by available evidence and expert opinion.

A more nuanced perspective would paint a different picture. While the final version of the law itself clearly states that to receive benefits a person must be lawfully present, the concern for some people in this debate was on how to enforce that provision. Representative Joe Wilson expressed this concern days after his “You lie!” outburst on a

¹⁷² Patient Protection and Affordable Care Act. Public Law 111-148. 111th Cong., 2d sess. March 23, 2010.

Sunday morning talk show.¹⁷³

WALLACE: Are illegals banned from the president's reform plan or not? Let's take a look at House Bill 3200, perhaps the main House bill. Under the title "No Federal Payment for Undocumented Aliens," it says, "Nothing in this subtitle shall allow federal payments for affordability credits or subsidies on behalf of individuals who are not lawfully present in the United States."

Congressman, as you read that, wasn't the president right and you wrong?

WILSON: No, because there's no enforcement, and that's why they've agreed and so did the Senate on Friday adopt enforcement provisions. And then the White House itself on Friday had said it will be changed to have enforcement provisions.

In July of 2012, the Department of Health and Human Services clarified who would be covered under the term "lawfully present."¹⁷⁴ Some lawmakers, it seems, did not realize that this terminology meant that immigrants residing in the country on a student visa would be eligible.¹⁷⁵ It may be that some citizens responding to the Kaiser question, as carefully worded as it was, would not expect coverage for someone who is not a citizen, but an immigrant living in the United States with lawful status.

Finally, how does the enforcement question factor into the truth of this political question? The first test is still underway. The federal exchanges opened for enrollment on October 1, 2013 and closed on March 31, 2014.¹⁷⁶ When the open enrollment period closed, the work of verifying eligibility was underway. In May 2014, CMS found they needed more information for 970,000 enrollees. To put that number in context, the Obama Administration announced in April of 2014 after enrollment that over 7 million

¹⁷³ *Fox News Sunday*, aired September 13, 2009, accessed August 1, 2014, <http://www.washingtonpost.com/wp-dyn/content/article/2009/09/13/AR2009091301559.html>.

¹⁷⁴ Pre-Existing Insurance Plan Program, 45 CFR Part 152, accessed August 27, 2014, <http://www.gpo.gov/fdsys/pkg/FR-2012-08-30/pdf/2012-21519.pdf>.

¹⁷⁵ Matthew Boyle, "HHS Official: Immigrants who are 'Lawfully Present' but not Citizens Qualify for Obamacare Subsidies," *Brietbart.com*, accessed August 27, 2014, <http://www.brietbart.com/Big-Government/2013/08/07/HHS-official-Immigrants-who-are-lawfully-present-but-not-citizens-qualify-for-Obamacare-subsidies>.

¹⁷⁶ "Open Enrollment Period," *Healthcare.gov*, accessed August 27, 2014, <https://www.healthcare.gov/glossary/open-enrollment-period/>.

people purchased a health insurance plan on the exchanges.¹⁷⁷ The initial error rate for incomplete immigration information was 13%. These errors related to data on immigration and citizenship. By August of 2014 many cases were closed, but 310,000 discrepancies still exist, with a new error rate of 4%. These enrollees who did not respond to the first attempt to gather more information were sent a second letter with a deadline to respond, or else their coverage would end September 30.¹⁷⁸

It is apparent that verifying the citizenship of enrollees is onerous and there are still kinks being worked out. The verification happens after enrollee purchases the insurance plan and after the subsidies are dispensed. Even with an error rate of 4%, it appears as though the enforcement concerns voiced by some were valid.

The death panel misperception is more clear-cut. The basis for the claim is multifaceted as described earlier. The impetus for claiming that government-sponsored panels would make end-of-life decisions for senior citizens to cut costs was a provision in a House bill that called for physicians to be reimbursed on counseling sessions to Medicare beneficiaries.¹⁷⁹ The final law excluded this provision. The Obama Administration tried unsuccessfully to bring it back through administrative action.¹⁸⁰ In June of 2012, the death panel misinformation took on a new form. Sarah Palin wrote a new Facebook note in June of 2012.¹⁸¹

¹⁷⁷ Maggie Fox, *NBC News*, "White House: More Than 7 Million Signed Up for Obamacare," accessed July 28, 2014, <http://www.nbcnews.com/storyline/obamacare-deadline/white-house-more-7-million-signed-obamacare-n68956>.

¹⁷⁸ Virgil Dickson, "CMS Checks Eligibility of 310,000 Immigrants who Bought ACA Plans," *Modern Healthcare*, accessed August 12, 2014, <http://www.modernhealthcare.com/article/20140812/NEWS/308129950>.

¹⁷⁹ Factcheck.org. "Palin vs. Obama: Death Panels."

¹⁸⁰ Robert Pear, "U.S. Alters Rule on Paying for End-of-Life Planning," *New York Times*, January 4, 2011, accessed August 21, 2014, <http://www.nytimes.com/2011/01/05/health/policy/05health.html>.

¹⁸¹ Sarah Palin, "'Death Panels' Three Years Later," June 25, 2012, accessed August 29, 2014,

“I stand by everything I wrote in that warning to my fellow Americans because what was true then is true now . . . It was a pretty long post, but a lot of people seem to have only read two words of it: “death panel.” Though I was called a liar for calling it like it is, many of these accusers finally saw that Obamacare did in fact create a panel of faceless bureaucrats who have the power to make life and death decisions about health care funding. It’s called the Independent Payment Advisory Board (IPAB), and its purpose all along has been to “keep costs down” by actually denying care via price controls and typically inefficient bureaucracy.”

The definition of what constituted a ‘death panel’ changed. Palin is correct that the law includes directions to establish IPAB. The panel would be appointed by the Senate and tasked with making recommendations on how to slow the rate of Medicare spending, which is something both political parties desire. Palin and others feel that this would lead to rationing of care, denying care, and cutting senior citizens life short. However, the law contains a specific provision stating, “The proposal shall not include any recommendation to ration health care . . . or otherwise restrict benefits.”¹⁸²

While this legislative language may not be enough to convince those who see IPAB as an eventual tool for rationing, the fact of the matter is that the panel would only make recommendations to Congress, who could vote up or down.¹⁸³ Finally, it is significant that Medicare cost spending slowed in the years following the ACA passage¹⁸⁴ which may have prompted the lack of action on appointing the IPAB board and moving forward on IPAB.¹⁸⁵

<https://www.facebook.com/notes/sarah-palin/death-panel-three-years-later/10150912094058435>.

¹⁸² *Patient Protection and Affordable Care Act*. Public Law 111-148, Section 3403.

¹⁸³ Glen Kessler, “Sarah Palin, ‘Death Panels’ and ‘Obamacare,’” *Washington Post*, June 27, 2012, accessed August 29, 2014, http://www.washingtonpost.com/blogs/fact-checker/post/sarah-palin-death-panels-and-obamacare/2012/06/27/gJQAysUP7V_blog.html.

¹⁸⁴ Darius Tahir, “Cost slowdown improves Medicare's life expectancy; Obamacare credited,” *Modern Healthcare*, August 2, 2014, accessed August 29, 2014, <http://www.modernhealthcare.com/article/20140802/MAGAZINE/308029962/cost-slowdown-improves-medicare-life-expectancy-obamacare-credited#src=serp>.

¹⁸⁵ Jonathan Oberlander, and Marisa Morrison, “Failure to Launch? The Independent Payment Advisory Board's Uncertain Prospects,” *New England Journal of Medicine*, July 11, 2013, accessed August 29, 2014,

Conclusion

If democracy is a marketplace of ideas where the truth prevails in a free and open encounter, political speech and political truth takes a particularly difficult, winding path through that marketplace. It may be that certain segments of the population will never uncover the truth for a host of reasons including the confirmation bias, niche media and group polarization visited in the first chapter.

Careful analysis of news reports and public polling data demonstrates citizens are confused about the current status of reform efforts. There is a portion of the population that is misinformed on the laws' creation of death panels. Many citizens were misled by the President's claim that if "you like your insurance you can keep it." The law's goal to prohibit subsidies to immigrants living in the country illegally is still being sorted out, with misinformation both present and persistent.

With a subject as contested, debated and polarized as health care insurance reform, there is bound to be a significant amount of vitriol in political speech on the topic. There is a high likelihood that specific nuances of public policy matters are lost on average citizens when they are communicated by political elites. This constitutes a market failure, creating lasting and persistent misinformation.

CONCLUSION

Access to accurate information in a democracy is of the utmost importance. Citizens must be informed to make choices in elections and contribute to public debate. People pass information on to one another or glean it from the news media and politicians. Information can greatly benefit a society and today in the era of digital media our society has an embarrassment of riches. Or does it? The influx of information and news sources may mean citizens are consuming information that is increasing in quantity but declining in quality. A rising tide lifts all boats, but is the reverse true?

Due to the presence of misinformation in our society on matters of public policy, as well as the political elites' use of disinformation, it may be that the marketplace of ideas' truth-seeking function does not work properly. There are many reasons for this. One important reason may be that the proliferation of sources and increased polarization means that there is no one unified marketplace. Political speech is not subject to rigorous scrutiny in like-minded marketplaces.

Politicians and media may be responding rationally to various incentives which lead to the publication or broadcast of false or dishonest information. These competing incentives provide an opening for misinformation. Kuklinski's assessment from earlier bears repeating, "citizens can use facts only if the political system disseminates them. Generally speaking, the American political system fares poorly on this count. Those best positioned to provide relevant facts, elected officials and members of the media, lack the incentive to do so."¹⁸⁶

Research demonstrates how misinformation is impressively sticky. Once a citizen

¹⁸⁶ Kuklinski, et al.

believes information to be true, it can be very hard to correct, especially if the information conforms to their preexisting beliefs. Psychological research on confirmation bias shows how people look for information to fit within their own opinions. If it does not fit, citizens may examine the information looking for bias, a concept called hostile media effects. Information that contradicts one's ideology can be routinely rejected, making the clashing misinformation stronger in belief. Thus, corrections to misinformation can be particularly difficult. Efforts to correct can often backfire by furthering ingraining belief in the false idea.

Misinformation is Present on the ACA

Anecdotal news reports and public polling data confirm the presence of misinformation on a prominent public policy topic, namely, the Affordable Care Act. Polling numbers from March of 2014 show 34% of respondents reporting belief that the health law does establish a government end-of-life panel. The polling data also showed 46% of respondents believe that immigrants living in the country illegally are receiving government subsidies to purchase health care insurance plans on the exchanges.

The data about focusing on public misconceptions about the Affordable Care Act revealed not only that misinformation is present, but it also is persistent. While this conception was revealed in chapter one's research it was upheld in chapter three. Up to four years after the law's passage, the public was still quite confused and misinformed on provisions of the law.

Furthermore, chapter three confirmed that political ignorance doesn't explain everything. It may be easy to dismiss reports of misinformation as ignorant citizens who

can't name the Supreme Court Justices or some similar fact. However, the polling questions examined in this paper included the opportunity for respondents to answer "I don't know." If they did not know enough about the provision or law, this would be the logical answer.

Five Marketplace Failures

There are several marketplace failures that block the truth-seeking function from working perfectly: weakened or divided countervailing institutions, press responding to economic incentives over accuracy, dishonest political speech as a result of short office tenure, a lack of punishment mechanisms for dishonest political speech and a polarized, niche media bubble.

When countervailing institutions are weak or divided they are not able to provide a check on disinformation from politicians. Crippled news rooms responding to profit incentives to publish entertaining news may not have the investigatory resources to uncover deceptive framing deployed by political elites. A divided opposition party or an opposition party in the minority may not be able to bring enough attention to inaccurate statements or narratives.

Media companies may be responding to economic incentives in a way that delineates a market failure. News media may be reacting to economic profit motives to make their stories captivating, conflict-based or "clickable." W. Lance Bennett in an unflinching assessment of the news media on this score declares, "the general preoccupation with find the most dramatic (which is often the best spun) story, rather than the best understanding

of a situation, produces little information diversity.”¹⁸⁷

The way that the news media is changing creates an opportunity for misinformation to flourish. While old media publications and news channels desired the status of most accurate and trustworthy news source, this is no longer the case in the digital era. Breaking and reacting to news quickly is now a valuable asset that has caused even stalwart old media companies to publish or air grossly inaccurate information. Old media and newspapers face considerable disruption in their economic models and struggle to remain relevant and profitable. By reporting at this breakneck speed in order to attract an audience and therefore, page views and advertising revenue, there is a new profit motive in journalism that may be harming the journalistic obligation to the truth.

Lying or inaccurate framing may be deployed when a politician runs conducts a cost benefit analysis. Politicians examine long term costs versus the more immediate benefits. Ferrantino and Davis’ theory of property rights means that campaigns and short time in office allows for dishonest political speech since the costs are lower. Because of the nature of political office, the property rights are not transferable, therefore the potential for damaging one’s reputation could be perceived to be lower.

When politicians lie or leave out important information, what is the recourse for such actions? An obvious punishment mechanism is that they might not be reelected. They could also be punished by their party leadership, depending on the situation. However, in the cost benefit analysis that politicians likely conduct, unwittingly or not, the immediate benefits could still outweigh those more long term costs. Politicians may assume that political memories are short and any exposure of their dishonesty will be forgotten by Election Day. This is gamble, to be sure, but there are countless examples of politicians

¹⁸⁷ Bennett, *News*, 42.

who took this gamble owing to their cost benefit analysis.

There are not many practical punishments for dishonest speech. It doesn't make sense to bring a lawsuit against a politician for an inaccurate claim. Nor does it seem prudent to "boycott" a politician the way you could a business. Prosecution or sanctions may be imposed by an ethics committee but that depends on a host of factors including the likelihood of a committee taking up a case against a politician for dishonest speech.

The marketplace of ideas truth-seeking function requires that the marketplace contain diverse sources. This may no longer be the case in the current era of digital journalism where niche news media can cater to a polarized society. Combined with self-selecting media consumption, citizens do not have to be exposed to information that challenges their beliefs which means they are trapped in a bubble of their own ideology. This results in many marketplaces, instead of one, unified marketplace.

Recommendations

Brendan Nyhan and Jason Reifler's study on fact checking with state-level politicians provided a fascinating, yet limited glimpse into the ability of fact checking to keep campaigns more honest. They sent letters with a threat of the possibility of fact checking to candidates. The candidates who did not receive a letter were much more likely to receive a negative rating from Politifact.¹⁸⁸ Should this study be replicated on a national campaign or state-wide campaign, the results would be very interesting.

Research in to the practical application of journalistic standards in the era of digital

¹⁸⁸ Brendan Nyhan, and Jason Reifler, "Fact Checkers can help keep the ACA debate honest," *Politico*, October 7, 2013, accessed March 28, 2015, <http://www.politico.com/story/2013/10/opinion-fact-checkers-obamacare-aca-brendan-nyhan-jason-reifler-97943.html>.

media would be a great subject. Such research might inform education efforts that would greatly benefit younger citizens raised in the digital era on how to judge the accuracy of information.

Finally, there is more work to be done on corrections. Sunstein proposes that corrections may be the most effective when they come from a source that someone trusted. This especially relates to political speech and confirmation bias. However, would partisan news sources be willing to correct dishonest speech? It seems unlikely, but it may be a field ripe for research.

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CARLY NICOLE MOORE

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EDUCATION

The Johns Hopkins University

May 2015

Master of Arts in Government

Concentration in Political Communication

Marquette University

May 2007

Bachelor of Arts in Public Relations and Political Science

EXPERIENCE

American Hospital Association

Seniors Communications Specialist

January 2015-present

- Key contributor to the association's proactive and reactive facilitation of advocacy and policy communications with internal and external audiences
- Serves as media relations liaison with the Personal Membership Groups
- Serves as spokesperson on top advocacy issues including Health Information Technology, Rural Hospitals and Recovery Audit Contractors
- Create and implement a digital strategy for the association advocacy twitter account

Communications Specialist

August 2013-January 2015

- Responds to numerous inquiries from the media
- Builds and maintains relationships with national, regional and state reporters
- Writes statements, releases and talking points on association positions
- Creates and implements media plans to communicate association's policy initiatives

Communications Coordinator

November 2010-July 2013

- Coordinate the dissemination of electronic communications including press releases
- Build and maintain relationships with national, regional and state reporters
- Assist in planning and implementing association media events
- Maintain media contacts via VOCUS database
- Keep on-line pressroom for reporters up-to-date

Office of U.S. Representative David Obey (WI-7)

Legislative Correspondent

August 2009-October 2010

- Researched and wrote constituent letters on full range of legislative issues
- Managed constituent email system
- Assisted in writing, formatting and editing press releases and media advisories
- Edited newsletters

- Tracked, organized and distributed national and local press clips
- Represented Member in constituent meetings and briefings
- Briefed legislative staff and Member
- Assisted legislative staff in processing Appropriations project requests

Staff Assistant

August 2007 - July 2009

- Completed a wide range of administrative functions
- Conducted Capitol tours, processed flags, answered phones
- Managed scheduling requests, fielding scheduling follow-up phone calls, updated the Chairman's schedule

Marquette University Office of Public Affairs

Government Relations Intern

August 2006-May 2007

- Conducted research for projects pertaining to state legislation affecting the university
- Proposed and carried out event planning for civic engagement programs such as Get Out the Vote

United Nations Office of Loretto Sisters & Community

Intern

May-July 2006

- Worked with the Sisters of Loretto's social justice program focused on United Nations work including immigration, disarmament, and women's issues at the United Nations
- Maintained website, wrote articles and news briefs for quarterly newsletter and monthly e-newsletter

Office of Senator Russell Feingold (D-WI)

Press Intern

January-May 2006

- Researched and drafted statements for the Congressional Record
- Compiled and maintained a database of press clippings
- Distributed statements to journalists at press conferences and committee hearings
- Assembled a blog round-up including mentions of the Senator for his nightly packet