Feed: State Transparency Amidst Informational Surplus

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Available at: https://works.bepress.com/mark_fenster/26/
[Freedom of Information] supporters commonly assert the law’s ability to serve as a tool for achieving desirable social and political outcomes, including government accountability, good governance, and economic development. These and other rationales for FOI in turn stem from different frames of reference that emphasize various, though often overlapping, purposes. These frames include broader discourses and philosophies pertaining to human rights, political rights, participatory democratic theory, and transparency and accountability initiatives.¹

Politics operates in part through the relationship between the seen and unseen, the open and closed.² We cannot always see the state, and therefore must rely upon disclosure and exposure—what the state shows us and what others show us about the state—in order to understand and evaluate its workings. Government works in capitols near and far, in buildings down the street that we can enter and structures surrounded by high fences and sophisticated security systems that we cannot see, much less access. We must necessarily rely on reports delivered by state institutions, individual elected officials, and civil servants who write or are interviewed on and off the record, anonymously and for attribution. To access these reports, we must rely further on private actors like the press and anyone with a website or social media account, as well as on our own and our acquaintances’ quite limited experience.

Debates about whether government should be more or less transparent go like this: More information is essential for democracy, one side says. Democracy requires information’s flow. The citizens’ right to know is foundational for democratic participation and accountability. The public cannot act as a public without the ability to exercise that right.

No, goes the response: Excessive disclosure damages the government’s ability to act—its ability to protect the nation and its citizens, to protect individuals’ privacy, and to deliberate and
act carefully. The state cannot govern effectively without the authority to keep certain information secret.

Information is thus a thing that must be freed—the “freedom of information,” as liberal reformers name legislation to expand public access. Or it’s a thing that “wants to be free,” as hackers and technophiles opposed to government constraints on information’s flow proclaim, in which case it has a spirit as well as a body. Information is thus a thing that must be freed—the “freedom of information,” as liberal reformers name legislation to expand public access. Or it’s a thing that “wants to be free,” as hackers and technophiles opposed to government constraints on information’s flow proclaim, in which case it has a spirit as well as a body. Above all, it’s a thing that moves, that is in fact defined in large part by its movement. Information flows, as early metaphors of the Internet characterized it, through tubes or down a superhighway. Its failure to flow therefore represents a problem of information architecture and management.

Freedom of information laws presume government information can and must flow downstream from the state that creates and keeps it to the public that awaits it. The metaphor of the pipeline performs a lot of heavy lifting in these laws and in our understanding: The government must release information; private and public media serve as the pipeline to deliver information from its source to the public that needs it; the government has the authority to stop certain types of information from entering the pipeline; but the government springs “leaks” that circumvent efforts to keep information secret; and when it does so, the government must rely on “plumbers” (a term coined in the Nixon administration) to staunch the leaks as well as on criminal laws to prosecute the leakers. Consider the following account, from an earlier era:

* * * *

In the spring of 1975, KQED, a public television station based in San Francisco, sought access to the Alameda County Jail in the wake of a prisoner’s suicide. Sheriff Tom Houchins, who ran the prison, denied the station’s request. KQED filed suit. Soon thereafter, the sheriff began to allow a limited number of tours for the press and members of the public, but he refused to grant access to the portion of the facility where the suicide occurred, nor would he allow those on the tour to photograph or make tape recordings of what they saw and heard or to interview prisoners they saw. Believing that these limited tours were insufficient for its investigation into the suicide and the jail’s conditions, KQED continued to press the federal District Court to order the sheriff to allow access, arguing that the sheriff’s unwillingness to do so violated KQED’s constitutional right as a member of the press.
The case proceeded on appeal ultimately to the U.S. Supreme Court, which decided *Houchins v. KQED* in favor of the sheriff.\textsuperscript{4} The Court’s majority held that the Constitution did not require the sheriff to provide the press with the level of access that KQED demanded. The press’s constitutional rights, the Court reasoned, were limited to freedom from government constraint—a negative restraint upon the liberal state rather than an affirmative right against it. The government could not, for example, exercise prior restraint on publishing information that KQED had lawfully or unlawfully obtained. It could only punish the press and its sources after it made the information public if its report disclosed information to which it should have been denied access. But KQED’s constitutional rights, and the limitations on the government’s authority, did not extend further. Specifically, the First Amendment did not establish an affirmative right to extract information from the state against the latter’s wishes or duty of the state to allow KQED into all parts of the prison without limitation.\textsuperscript{5}

Thus, the Constitution restrained the government from stopping the flow of information from press to public, but it did not require the state to create an informational flow from itself to the press. The *Houchins* majority quoted from an earlier case to reject the claim that the Constitution mandated access:

> [T]here are few restrictions on action which could not be clothed by ingenious argument in the garb of decreased data flow. For example, the prohibition of unauthorized entry into the White House diminishes the citizen’s opportunities to gather information he might find relevant to his opinion of the way the country is being run, but that does not make entry into the White House a First Amendment right. The right to speak and publish does not carry with it the unrestrained right to gather information.\textsuperscript{6} In the absence of a constitutional right to “data flow,” the majority concluded, a court has no authority to require access to the jail. Only the legislature had the power to do so.\textsuperscript{7}

The dissenting justices disagreed. “The preservation of a full and free flow of information to the general public,” they argued, “has long been recognized as a core objective of the First Amendment to the Constitution.”\textsuperscript{8} Courts must protect some level of informational flow from the state, even if the government can identify justifications for limiting it. Without the public’s ability to access information about prisons, an especially hidden and important type of government institution, “the process of self-governance contemplated by the Framers would be
stripped of its substance.” The First Amendment demands that the “flow of information,” which the sheriff had cut off “at its source,” be restored.

Both sides of the Court had agreed to the terms of its debate: Information exists. The state has it. The state’s information could flow and could be made to flow. But the state has the authority to restrict its distribution. Once the press has access to the information, the state cannot stop it from distributing it to the public. And the public, with the press as its agent, can access this flow and use its resources to make informed decisions about the government’s performance and hold the state accountable for its actions.

The sides may have disagreed over whether the Constitution establishes a right for the press and public to force the state to remove obstructions and to require the flow of information even when the state wants to stop it. But they agreed to begin their analysis from a highly stylized model of the state, the public, the press, and information. The courts sits at the informational spigot between the state and the public, and they can force the spigot to open or allow the state turn it off. In Houchins, the Court ruled that it could not make the state open the flow of information in the absence of a clear legal requirement that the state itself had created.

* * *

“Flow” suggests order and pathways. It presumes directionality, as well as stoppages and starts. It posits actors who can stop and start the thing that moves on command. Flow does not, however, account for our present informational environment, nor does it describe our current predicament—if in fact it ever was an adequate metaphor.

Instead, one of social media’s prevailing metaphors seems more apt: the “feed.” Feed suggests not one stream but many constant streams; no single, authoritative source but instead an infinite number of sources, updated in real time as circumstances warrant and even when circumstances don’t. You can start your own account in order to create your own feed and tap into others’. It presumes no particular direction, since a feed can come from everywhere and go anywhere. It suggests not one voice or perspective, but a multitude; not shortages but uncontrollable floods with the imminent threat of chaos.

Flow also posits that information reaches its audience. This too fails to capture the present. Information is available in oversupply, but demand is uncertain and attention is a scare
resource. Whether any single piece of information or any source has an audience, market, or public, proves unclear, contingent—even random.

The vignettes that follow offer snapshots of how feed rather than flow helps us understand our current informational relationship to the state.

I. Calling All Patriots: Scouring the Feed for Conspiracy

It is the spring of 2018. An email arrives in someone’s inbox; a similar posting appears on her Facebook feed. It suggests that she follow the internet posts of an anonymous government official who has special access to certain types of classified information. She clicks the link and sees strange posts that appear to be in code, making them difficult for her to decipher. They seem mysterious, almost poetic.

Like so much poetry, their meaning eludes her or, when she recognizes names or initials or nicknames, the posts’ significance and implication slip through her grasp on first reading. Intrigued, she seeks and finds Reddit communities and Twitter feeds that help her begin to understand the posts. Now enlightened, she sees that they speak a wondrous truth.
She already knew this much: The government is not what it claims to be. Powerful individuals are corrupt, even evil. The nation and its culture have been perverted and no longer reflect the values with which she was raised. She and many of her friends often speak of the lost sense of purpose and mission they see in the people around them. They often share tales and evidence of this loss by email and Facebook, and together they track a fallen nation through the websites they check regularly and the radio shows they listen to while driving.

These new posts she has found—they are leaks, really, not just random, insignificant rants—explain in detail why the world is filled with perfidious lies. They differ from the links and sentiments she shares with her friends. The seemingly cryptic terms refer to events that have occurred or will soon happen. They come in code from an authentic source buried within the Deep State which is why they require specialized knowledge to comprehend. And the things they predict come to pass.

Even better, the story that the leaks reveal promises redemption from the evil that surrounds her. It portends a “Great Awakening,” a “Storm” whose chronicler promises will sweep away all of the forces dragging the nation and its culture to its seemingly inevitable and even necessary end.

The official who releases these leaks goes by the anonymous handle of Q, so-called because of his apparently extraordinary “q-clearance.” His “breadcrumbs”—that’s what Q and his followers call his posts on anonymous message boards—reveal that Donald Trump isn’t just a smart, funny truth-teller who was clearly better than Hillary Clinton. He stands tall as a transcendent hero.

Here is what she’s learned. President Trump is on the verge of exposing the horrific conspiracy that plagues the nation. He has taken necessary steps to lock the perpetrators up at the military prison in Guantánamo Bay, using the very investigation that she thought was so biased against the president. All of this will occur shortly—in fact, it has already begun in secret. And listen to this: Robert Mueller, the former FBI Director whom President Trump regularly excoriates on Twitter, whose “witch hunt” is conducted by a bunch of biased Democrats, is in fact working for Trump! He appears otherwise so that the real villains, including especially the Clintons and Barack Obama and George Soros and all the immoral perpetrators of Fake News and indecent entertainment, cannot suspect the imminence of their doom and try to escape judgment.
Meanwhile, she regularly checks her inbox and Twitter and Facebook feeds for news of the latest breadcrumbs. She has a few friends who share her interest in Q, and they meet weekly at the Starbucks to discuss and share what they’ve learned and suspect in person. They plan to attend the next nearby Trump rally; they may get or make t-shirts with Q-anon on them (that’s what everybody calls both the anonymous Q and the whole phenomenon) or make a sign, but that might be more than they’re willing to do. She’s not quite that crazy, and she really doesn’t want to have her picture taken or be interviewed by the Fake News. She just wants to follow Q, to find the breadcrumbs one at a time, to know the truth before it occurs, and to support her President.

2

Benjamin Wittes has a Baby Cannon.

Baby Cannon began to blast when news leaked out about Trump and “L’affaire Russe.” (That’s what Wittes and his associates have called Russian interference in the 2016 presidential election, the Trump campaign’s relationship with various Russian figures, and the Trump administration’s effort to obstruct investigation into that relationship.13) The blasts appeared in videos Wittes tweeted, captioned with the word “BOOM” and a telling number of exclamation points. The tweets also linked to the relevant document or article on a mainstream news site that relied on leaked information or a newly issued criminal indictment.

Baby Cannon’s blasts have had a large direct audience. Wittes’s Twitter account grew exponentially in followers after Trump’s 2016 victory from fewer than 10,000 just after the presidential election to 291,000 as of September 2018. Baby Cannon’s blasts alerted followers of a new informational nugget, something available online about Special Counsel Robert Mueller’s investigation into L’affaire Russe or about Trump’s relationship with Russia that augured the imminent demise of his presidency. Followers could excitedly click the tweet’s provided link to learn what the cannon blast signified. As it gained prominence, Baby Cannon even garnered its own Twitter account to retweet each blast, and its fans could purchase merchandise promoting its image on t-shirts, coffee mugs, pillows, tote bags, and iPhone covers.14
Baby Cannon, of course, was fun—perversely gleeful and amusing. It was nerdy humor made for serious, educated anti-Trump Twitter users who closely followed the Mueller investigation. They knew the story and its principals and even the bit players. Baby Cannon heralded that a new episode had dropped.

But it wasn’t all fun. Wittes is a very serious adult. He has a prominent position at the Brookings Institution, one of the oldest and most important Washington think-tanks. He is the author of several important, well-received books about law and national security. He edits Lawfare, a widely-read blog that Brookings hosts. He co-hosts “Rational Security,” a leading podcast about national security, along with Shane Harris, an investigative journalist at the Washington Post, Susan Hennessey, a former attorney at the National Security Agency and Brookings fellow, and his spouse Tamara Cofman Wittes, a senior fellow at Brookings who served as a Deputy Secretary of State during the Obama Administration.

Wittes’s opinions are those of an establishment Washingtonian, albeit an outspoken establishmentarian. He is a radical centrist in a Trumpian age—socially liberal but also a vocal supporter of a robust and empowered national security state that is checked by law, congressional oversight, and a free press. Wittes boasts prominent friends in both political parties and the press, and especially among attorneys, political appointees, and civil servants who go back and forth from public service to the private sector in the national security agencies. These friends include, most famously, former FBI Director James Comey, whose relationship with Wittes became a news item and potential legal issue soon after President Trump fired Comey, when Wittes served as an initially confidential source in a New York Times story about the period leading up to Comey’s firing. When the influential publication Politico listed Wittes as the 15th
most influential person “blowing up American politics” in 2017, it dubbed him the “Bard of the Deep State.”

And, Baby Cannon notwithstanding, Wittes decidedly did not joke about the dangers of Trump’s presidency to the nation and to its settled constitutional structure and norms; indeed, he had been worrying about the perilous state of the nation in print, social media, and podcasts since before the election. Nor was he joking about his belief that *L'affaire Russe* raised significant criminal and constitutional concerns. He is convinced that enough information had leaked about Trump’s conduct as president and businessman to have warranted his ringing defeat in 2016 as well as his impeachment and criminal prosecution as early as 2017. Wittes tirelessly worked to bring groups and individuals on opposite sides of the political spectrum to work together in opposition to Trump and proposed a “Coalition of All Democratic Forces” based on “an agreement to maintain the status quo on major areas of policy dispute while Americans of good faith collectively band together” to defeat the “national emergency” of the Trump presidency. To that end, he participated in Patriots and Pragmatists, an invitation-only, “cross-partisan” gathering of concerned politicos. As in the Cold War fight against communist influence, the Coalition of All Democratic Forces sought a transcendent movement that could attract all reasonable Americans to fight Trump’s existential threat to the American way of government and life.

Given Wittes’s seriousness and credibility, we may surely assume that Wittes is no crazy conspiracy theorist. He certainly does not resemble the anti-Trump Twitter activists Louise Mensch (@LouiseMensch, 279,000 followers as of September 2018), Claude Taylor (@TrueFactsStated, 213,000 followers), and Eric Garland (@ericgarland, 178,000 followers), all of whom reviewed the head and entrails of the day’s news in the wake of the 2016 election in order to ascertain Trumpian criminality. Mensch, for example, gained infamy and derision for claiming in early 2017 that Special Counsel Mueller had secretly filed sealed indictments against Trump and virtually all members of his cabinet, and that elements of the judiciary had begun to make sure that Senator Orrin Hatch, the fourth in line of success to the presidency, was receiving security briefing in anticipation of his assuming control of the government after those above him were arrested. Wittes may have viewed at least some of the same heads and entrails as Mensch and the others, but those loonies were unmoored from reality and offered little more than
fevered, anticipatory speculation. Wittes was, and is, deeply moored to the community and values of American institutions, as well as to the institutions themselves.

And yet: Baby Cannon. Its explosions were not precisely calibrated to particular events; as Wittes told the *Washington Post* in May 2018, Baby Cannon only blasted for a “really big deal.” “The problem with that methodology,” he admitted, “is I’m not sure I know what the threshold of a really big deal is anymore.” A “really big deal” ranged from the obvious to the obscure. Blasts occurred in 2018 when, for example, the *Washington Post* reported that Mueller was interested in interviewing President Trump about his firing of James Comey and National Security Advisor Michael Flynn; when the Justice Department indicted various Russian individuals and organizations that had allegedly conspired to disrupt and interfere with the 2016 election; when the BBC, citing an unnamed former high-ranking Ukrainian intelligence official, reported that Michael Cohen, Trump’s personal lawyer, had been paid $400,000 to schedule a meeting between the President and the Ukrainian president; when a *Buzzfeed News* article, relying on two anonymous sources, reported that the President’s daughter Ivanka had contacts during the campaign with a Russian athlete with close ties to Vladimir Putin; and when the Department of Justice released a superseding criminal indictment of former Trump campaign chairman Paul Manafort, just prior to the announcement and release of Manafort’s plea deal with the Special Counsel’s office.

Some of these, most notably the indictments, were big deals—especially the official announcements of substantive advances in the Mueller investigation. Mere speculation about the investigation, or rumors about seeming bit-players like Ivanka or Michael Cohen, seemed at best gap-filling information about the backstory and more likely a subplot that might never develop or to tie into an actual investigation. Baby Cannon’s blasts might not equate to Louise Mensch’s breathless Twitter threads that inevitably predicted that the revelation under scrutiny would ultimately unravel the perfidious nature of Vladimir Putin’s plot to take over the world. But Wittes’s search for the next really big deal demonstrated a motivated overwrought-ness in response to the day’s latest news.

Baby Cannon blasts thus offered a glimpse into the polite end of Trump #Resistance. In 2017 and 2018, those who followed Wittes longed for evidence of a coming end to the madness and a return to normalcy, for days that could pass pleasantly and in an orderly fashion, without monitoring one’s many feeds. Sometimes Wittes and his followers had to make do with
something less than evidence and more like vague portents. But they were welcome portents, signaling imminent political disruption and ultimate redemption. Mueller would restore order and save the nation. But one could not see his investigation in real time because his crew of prosecutors and their grand jury proceedings were leak-proof. Instead, one was forced to rely on court documents, partial reports in newspapers, and supposition derived from piecing all these things together. Baby Cannon called the polite #Resistance to order, one blast at a time.

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None of this is to deny the suspect nature of the Trump campaign and his presidency’s suspicious approach to foreign affairs. His strangely cozy relationship with Russia and Saudi Arabia suggested corrupt dealings at the least and something more insidious like blackmail at worst. Conspiracies do occur, after all, and some conspiracy theories rest more on verified and verifiable facts than others. Nor is it to deny the disdain for Trump and his followers in the mainstream news media (even if that did not necessarily render their institutions “fake”). But Q-anon fans and Baby Cannon followers both invest in a structural narrative which features a shadowy few who have seized power and endanger the nation. And they both scour the available feeds for evidence to support their narrative. The feeds have supplied such evidence in abundance, while they have enabled the theories’ efficient circulation and development.

II. All the President’s Tweets

1.
Donald Trump established his @realDonaldTrump Twitter account in March 2009. At first the account tweeted sporadically and consisted mainly of third-person plugs for his television reality show “Celebrity Apprentice,” announcements of upcoming TV appearances, and marketing pitches for Trump-branded products. Beginning in 2011, however, the account noticeably tweeted more frequently and in the first-person. Its tone became combative. It instigated fights with celebrities like Rosie O’Donnell and it expanded its scope into political matters, including trade, China, Iran, and personal attacks on then-President Barack Obama.

A federal court, asked to decide whether President Trump could block users from his Twitter account (55.2 million followers as of October 2018) under the Free Speech doctrine of the U.S. Constitution’s First Amendment, offered the following summary of how the account operated after the 2016 election:

Since his inauguration in January 2017, President Trump has used the @realDonaldTrump account as a channel for communicating and interacting with the public about his administration. He also has continued to use the account, on occasion, to communicate about other issues not directly related to official government business. The Twitter page associated with the account is registered to Donald J. Trump, “45th President of the United States of America, Washington, D.C.” The @realDonaldTrump account is generally accessible to the public at large without regard to
political affiliation or any other limiting criteria. Any member of the public can view his tweets without being signed in to Twitter, and anyone who wants to follow the account can do so.

President Trump sometimes uses the account to announce matters related to official government business before those matters are announced to the public through other official channels. For example, the President used @realDonaldTrump to announce on June 7, 2017, for the first time, that he intended to nominate Christopher Wray for the position of FBI director. The President has also used the @realDonaldTrump account in removing then-Secretary of State Rex Tillerson and then-Secretary of Veterans Affairs David Shulkin. Additionally, the National Archives and Records Administration has advised the White House that the President's tweets from @realDonaldTrump are official records that must be preserved under the Presidential Records Act.

[White House Social Media Director and Assistant to the President Daniel Scavino] has explained that @realDonaldTrump is a channel through which “President Donald J. Trump ... communicates directly with you, the American people!”

Twitter users engage frequently with the President’s tweets. Typically, tweets from @realDonaldTrump generate thousands of replies from members of the public, and some of those replies generate hundreds or thousands of replies in turn. For example, on July 26, 2017, President Trump issued a series of tweets ... announcing “that the United States Government will not accept or allow ... Transgender individuals to serve” in the military, and after less than three hours, the three tweets, collectively, had been
retweeted nearly 70,000 times, liked nearly 180,000 times, and replied to about 66,000 times....

The President presents the @realDonaldTrump account as being a presidential account as opposed to a personal account and, more importantly, uses the account to take actions that can be taken only by the President as President. Accordingly, we conclude that the control that the President and Scavino exercise over the account and certain of its features is governmental in nature.  

The court ruled that the First Amendment prevents this governmental Twitter account—insulting, occasionally profane, pugnacious, often lying or stretching the truth—from blocking individuals who themselves engaged in insulting, profane, and pugnacious replies or mentions. Although @realDonaldTrump could mute anyone and thereby prevent the president and his fans from having to see the abusive or opposing views of the president’s haters, it could not prevent anyone from seeing the president’s tweets or publicly reply. Trump’s feed must be available to all Twitter users, and all Twitter users must be able to use their own feeds to talk back.

3.

A Twitter bot called the “Real Press Sec.” (@RealPressSecBot) scans the @realDonaldTrump account and formats his tweets into “documents” that resemble official memos coming from the White House, sending them out just minutes after they appear on @realDonaldTrump. It transforms them all—his policy announcements and his self-promotion, his angry, embittered rants, everything—into official-seeming proclamations. After all, such “memos” serve as his most regular, accessible direct communications to the public—and on some days and on some topics his tweets are the only such communications from the head of state.
The bot’s feed had 128,000 followers as of October 2018. Those who subscribed might prefer to follow the bot account rather than the president’s for two reasons. One is to resist subscribing directly to Trump’s official account while still enjoying the ability to monitor the tweets that the account sends. His tweets are official and important, and keeping up with his feed is essential for everyone to monitor, supporter and foe alike.

The second reason, which is the stated purpose of Russel Neiss, the bot’s creator, is to give “the president's tweets the honorable treatment they deserve,” to satirize Trump by revealing the distance between what they say and the exalted status of presidential communiques. The tweets comprise official presidential communications, as the federal district court noted, and are therefore important by definition. “The only buffoonery,” Neiss says, “is from the content of the tweets itself.”

Trisha Hope, from the Houston suburb of League City, Texas, has self-published what she describes as an “historic, chronological archive” of every tweet from @realdonaldtrump during Trump’s first year as president. Titled Just the Tweets, Vol. I, the 390-page, hardbound, blue-linen book with gold trim is the first of what Hope believes will be an annual compendium. It is a deluxe volume, Trumpian in packaging, available only via direct order from her website, and priced at $35. There is no ebook edition.
On the book’s website, Hope describes the book in narrative terms, as a document of the beginning of “his fight to ‘Make America Great Again’ despite staggering ‘Deep State’ opposition.” The book promises to enable the reader to:

- Discover the immense corruption and bias embedded in our government and main stream media at the highest levels.
- Realize (if you haven’t already), Donald Trump is a marketing and strategic genius as he out markets and out maneuvers the “Trump Haters” at their own game [sic].
- Realize President Trump was right about many things for which he was criticized.  

Interviewed by a local television newscast, Hope explained why she published the book: “I had a lot of friends and family reach out to me about his tweets because they’re not on Twitter. And they always asked, ‘What did he tweet today? What’s going on?’ I hope to get people to read it and understand and watch and reflect what he said when he said it and then how things evolve.”

“He talks to us, every single day,” she said of how Trump uses his Twitter account. “He tells us what he’s doing, what he’s thinking. He doesn’t hold back much. I think we all can agree to that.”

Hope travels to Trump rallies, especially in the south and southwest, where she sells the book. She claims to have sold all of the book’s first print run of 500 copies. Buyers apparently want an old-technology means to tap into a social media feed, as well as a permanent, material archive that captures the president’s thoughts and that can assume a substantial place on their book shelves.
In June 2017, The Donald J. Trump Presidential Twitter Library opened as a “pop-up,” 4000-foot exhibition in New York City, close to Trump Tower in midtown Manhattan for three days in June 2017. Created by Comedy Central’s nightly satirical news show The Daily Show with Trevor Noah, the “Library” ridiculed the president’s use of his favored medium of communication. A series of framed tweets and caricatures rather than a traditional library, the exhibition proved to be a marketing ploy for the book cataloging the exhibition, which appeared in print the following year. The exhibit traveled the country following the book’s 2018 publication, spending several days in Chicago, San Francisco, Los Angeles, and Miami.
The marketing materials characterize the book this way:

This one-of-a-kind exhibition catalog presents the Library’s complete contents, including:

- **The Masterpieces:** In-depth critical appreciations of history’s most important Trump tweets, from “Very Stable Genius” to “Covfefe” to “Trump Tower Taco Bowl/I Love Hispanics!”

- **The Greatest Battles:** @realDonaldTrump’s brutal Twitter campaigns against fellow Republicans, Diet Coke, women generally, and Kristen Stewart specifically

- **Sad! A Retrospective:** a compendium of the many people, events, and twists of fate that apparently made Donald Trump feel this human emotion

- **Trumpstradamus:** DJT’s amazing 140-character predictions—none of which came true!

- **The Hall of Nicknames:** the greatest of Trump’s monikers, from “Lyin’ Ted” to “Low I.Q. Crazy Mika,” accompanied by original caricature artwork
• **Trump vs. Trump:** You’re going to want to sit for this one. Donald Trump has sometimes been known to contradict himself.

• **Always the Best:** the greatest boasts of the greatest boaster of all time, ever!

Comprising hundreds of Trump tweets, and featuring a foreword by Pulitzer Prize-winning historian Jon Meacham, and even a place for readers to add their own future Trump tweet highlights—because he is making new Twitter history literally every day—The Donald J. Trump Presidential Twitter Library is a unique portrait of an artist whose masterworks will be studied by historians, grammarians, and mental health professionals for years to come.

* * *

Everyone agrees, then: Donald Trump’s Twitter account makes history. It reveals the man, his presidency, and his administration’s priorities and actions. It plays a transparency game with fans and foes alike, who look to it as a source of intimate information about their reality TV show president. We can truly see the real president, an object of ridicule and veneration, via his Twitter feed. No matter if his tweets tell the truth or lie, they reveal Trump’s essence in ways that few presidential communications and official documents ever do. They are MODERN DAY PRESIDENTIAL, the telling products of contemporary governance.

The Feed

Empirical studies have begun to confirm what we might have intuitively grasped even without its revelation in contemporary politics: that the freedom of information does not in fact set us free. Indeed, it’s unclear precisely what it accomplishes. Contrary to what the U.S. Supreme Court and political and legal theory urge, government information cannot be calibrated, balanced, or controlled. The state’s information speaks, it leaks, it lies, it disappears, it
confounds. The public’s imagination of the democratic state, drawn only in part from this information, is often partial and fantastic, built on an imaginary conception of the state’s deep meaning that alternates between good and evil. The informational model of democracy and governance, which holds that the flow of information enables a legitimate and functional state, assumes facts about governance and the public not in evidence. Partially meeting a long, frustrated demand for the release of Donald Trump’s tax returns, the New York Times instigated and then published a long investigation into the source of Donald Trump’s money, thereby revealing a set of facts about tax evasion and fraud in the president’s family that many Trump opponents had long suspected. But the Times report and its movement through newspapers, blogs, social media feeds and conversations appeared to make no immediate difference to public opinion and inspired no new official investigation. The president and his administration merely dismissed it as untrue and the product of a biased, fake news organization.

Presently, two gaps seem painfully obvious: that between the state as the public imagines it and as it operates, and that between the state as political and legal theory imagines it and as it operates. These gaps between the “perception” and “reality” of the state on the one hand and between its “theory” and “practice” on the other are no doubt inevitable. They are the inescapable products of mass democracy and the Sisyphean project of normative prescription in the wake of social description. Instead of a transparency built on information’s flow, we live within proliferating stories and suspicions, fed instantaneously by feeds that themselves proliferate, seemingly autonomously.

It is possible, of course, that we live merely in a populist fever dream instigated by social, political, and economic conditions but broadcast and fed by social media. Perhaps we will soon awake from what proves to be a temporary condition, with our state institutions wounded but still intact, and with a renewed ability to trust and communicate with and hear from the state in a truly democratic manner. But such welcome reassurances would assume that the state had once been rational, forthright, and capable of managing its information, and that the public was previously knowledgeable, attentive, and free of justified and unjustified paranoid fears of the state. These reassurances would assume too that our present informational landscape is capable of improving in a democratic direction, despite the broken promises that so many social networks once appeared to offer and continue to claim will be met with their next update. To succeed, we must rely on the same feed-based technologies and media to help restore the flow-
based political and epistemological order that they helped destroy, an order that may never have existed as the law and prevailing theory currently and romantically imagine.


6 *Ibid.* at 12, citing *Zemel v. Rusk*, 381 U. S. 1, 16-17 (1965)

7 *Houchins*, 12-15.

8 Id. at 30 (Stevens, J., dissenting).


12 Regarding the gender balance among Q-anon supporters, see the photographs taken of a small march of Q-anon believers past the White House and Trump Hotel in April 2018, which appear to show as many women as men. See Will Sommer, *Twitter thread*, April 7, 2018 (5:52-8:54 AM), https://twitter.com/willsommer/status/982602056744755200. Pictures taken at Trump rallies in mid-2018 showed nearly as many women as men wearing Q-anon t-shirts and holding Q-anon signs.


25 [https://twitter.com/benjaminwittes/status/104059460056873792](https://twitter.com/benjaminwittes/status/104059460056873792) (Sept. 14, 2018, 6:34 AM) (Baby Cannon shooting a stack of dominos, on which two tomatoes are perched, linking to Lawfare blog post where a copy of the superseding indictment of Paul Manafort had been posted).


28 Id.


31 [https://justthetweets.com](https://justthetweets.com).


33 A literature review of the past twenty-five years of research on transparency in the field of public administration suggests that while studies confirm positive benefits from transparency in certain technical areas of governance (holding financial management accountable and limiting some forms of public corruption, for example), they could not identify any clear relationship to broader normative goals like legitimacy and trust. Maria Cucciniello, Gregory A. Porumbescu & Stephan Grimmelikhuijsen, “25 years of transparency research: Evidence and future directions,” *Public Administration Review*, 77(1): 32–44 (2017).
