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THE (UN)MAKING OF INFORMATION DISORDERS AS A POLICY OBJECT IN THE UNITED STATES, 2023-2025

Policy Paper No 7 | 2026

Co-funded by the European Union

İstanbul Bilgi University

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1. Introduction

Over the past decade, dis- and misinformation have become one of the most rapidly institutionalized objects of public policy. Between 2010 and 2022, eighty countries adopted legislation directed at online misinformation (Bradshaw et al., 2025), and a cross-national inventory documents 239 distinct governmental responses across 103 countries through 2021, ranging from media literacy programs and electoral-integrity task forces to criminal prohibitions (Cipers et al., 2023). International organizations supplied the conceptual infrastructure for this expansion, as the Council of Europe's report on "information disorder" furnished the widely adopted typology of mis-, dis-, and mal-information (Wardle & Derakhshan, 2017), and the OECD catalogued governance responses and design principles for member states (Matasick et al., 2020). A substantial literature documents the harms that disinformation poses to policymaking (Silva & Vaz, 2024), evaluates countermeasures (Bateman & Jackson, 2024), and reviews the European Union's (EU) initiatives (Fusacchia, 2025). Yet the pattern of response is far from uniform. Democracies with high levels of press freedom pursue comparatively holistic approaches centered on elections, media, and education, whereas authoritarian states typically incorporate broad prohibitions into their penal codes (Cipers et al., 2023). The variation itself is analytically significant. What disinformation is, whether it constitutes a matter for government intervention, and which instruments are fit to address it are questions that receive different and often incompatible answers across polities and over time.

For post-structural policy analysis, such variation is not measurement error around a stable problem; it is evidence of the constructed character of the “information disorder” problem itself. Policies do not respond to preexisting conditions in an objectively verifiable policy world awaiting government action. Instead, in the act of proposing remedies, policies constitute the very problems they aim to address, and each problematization rests on contingent presuppositions, institutes a particular governing rationality, and assigns particular positions to the subjects it governs (Bacchi, 2009, 2016; Bacchi & Goodwin, 2025). Each policy domain is an arena of continuous discursive contestation between opposed ideological projects. At any given moment, one discursive construction prevails;

its prevalence reflects the outcome of that very political struggle rather than epistemic correctness, and it remains permanently open to renegotiation as power relations continue to shift. Contrary to problem-solving approaches in public policy analysis, the primary function of the WPR approach is to make politics in the policymaking process visible (Bacchi & Goodwin, 2025, p. 18). Disinformation policy exemplifies this condition with unusual clarity, because the policy object itself, false or misleading information, is constituted differently by every actor with a stake in governing (Ricard et al., 2024).

The United States illustrates both the construction and deconstruction of information disorders. The constitution of false information as a domain of federal intervention proceeded through a sequence of specific events. Revelations of foreign interference in the 2016 election prompted Congress to redirect the State Department's Global Engagement Center to counter foreign propaganda and disinformation (Congressional Research Service, 2024). As Bradshaw et al. (2025) argue, high-profile events revealing the extent of the harm caused by digital platforms have elevated digital policy discussions in the public. One case in point is the Cambridge Analytica affair (Walker et al., 2019), where platforms' handling of user data and power to influence election results through targeted disinformation have come into question. By the 2020 election cycle, federal agencies, platforms, and university research centers had been drawn into cooperative monitoring arrangements such as the Election Integrity Partnership, whose origins congressional investigators would later attribute to a request from the Department of Homeland Security (Committee on the Judiciary, 2023a).

The COVID-19 pandemic was the pivotal moment of explicit federal problematization in the United States. The Surgeon General's advisory of 2021 represented health misinformation as an "urgent threat" that "pollutes our information environment," declared its limitation "a moral and civic imperative that will require a whole-of-society effort," and assigned obligations to platforms, researchers, funders, and governments in turn (Office of the Surgeon General, 2021). Expert recommendations to the incoming administration urged intelligence sharing between platforms and federal law enforcement, noting that "the Administration can take other steps unilaterally or in collaboration with industry" (Atkinson et al., 2021, p. 8). The White House reviewed platform liability for COVID-19 misinformation (Brown, 2021) and publicly monitored misinformation on X (Twitter) in late 2022 (Shalal, 2022). Four years later, this very effort was constituted as the problem. Executive Order 14149 of 20 January 2025 declared that the previous administration had "trampled free-speech rights" while acting "under the

guise of combating 'misinformation,' 'disinformation,' and 'malinformation'"; within eighteen months, hundreds of research grants had been terminated and offices at three agencies closed. This brief analyses the reversal of the disinformation policy in the United States as re-problematization, in which one construction of the information disorders was displaced by its opposite, with far-reaching discursive, subjectification, and material effects.

2. Analytical Framework: The "What's the Problem Represented to Be?" Approach

The analysis employs Bacchi's "What's the problem represented to be?" (WPR) approach, the central instrument of post-structural policy analysis. The approach begins with the premise of problematization in policymaking: "Governmental practices produce 'problems' as particular kinds of problems" (Bacchi & Goodwin, 2025, p. 16). A policy text is therefore read not as a solution to a pre-existing problem, but as a statement, explicit or implied, of how the problem is defined. Four analytical operations follow this premise: First, the problem representation embedded in a policy must be identified from the remedies the policy proposes. Second, the presuppositions underlying that representation, the conceptual logics and governing rationalities that must be in place for the representation to appear coherent, are excavated. Third, the analysis attends to silences, in which certain questions are hidden from public view and alternative problematizations are concealed. Fourth, it examines subjectification effects, the positions a representation assigns to the actors it names; since policies constitute the subjects, they govern as particular kinds of subjects (Bacchi & Goodwin, 2025, p. 99). As problematizations are studied comparatively and genealogically, their contingency becomes visible only in relation to rival representations of the same object.

The main empirical corpus of US federal disinformation policy consists of federal policy documents published between 2023 and 2025, accompanied by congressional hearing records, testimony, and committee reports, and policy texts of the 2021 Biden administration that map out the initial representation of disinformation as a societal problem to be countered by the federal government. Secondary literature and investigative journalism serve to corroborate observed discursive and institutional shifts. Through this targeted single-case analysis, the study demonstrates how a specific problem representation of disinformation was constructed and consolidated as the

dominant policy discourse after the 2024 US presidential election, displacing previous frameworks in disinformation governance.

3. The Reversal as Re-Problematization: Executive Orders 14147 and 14149

The complete reversal of the federal disinformation policy was implemented through two executive orders signed on 20 January 2025, and its governing logic becomes clear only when they are analyzed together. “Executive Order 14147, Ending the Weaponization of the Federal Government” constitutes the previous administration's conduct as "a systematic campaign against its perceived political opponents," directs the Attorney General and the Director of National Intelligence to review agency conduct over the previous four years, and send the findings to the President "through the Deputy Chief of Staff for Policy and the Counsel to the President" (Exec. Order No. 14147, 2025). Executive Order 14147 thereby establishes the general template for the reversal by retrospectively redefining former government policy as abuse and/or federal overreach.

“Executive Order 14149, Restoring Freedom of Speech and Ending Federal Censorship”, applies the overarching template of the Executive Order 14147 to the information environment. Its first section indicates that the previous administration exerted "substantial coercive pressure on third parties, such as social media companies" and "trampled free-speech rights" (Exec. Order No. 14149, 2025). The policy problem is remade to be the conduct of federal officials rather than the circulation of false content. Therefore, the problem representation is inverted compared to 2021 as the site of the problem is relocated from the online information space to the federal government itself, and state withdrawal replaces state coordination as the rational instrument.

This representation is underpinned by two central presuppositions. The first is that communication between federal officials and social media platforms constitutes coercion. The judicial record on this question was unsettled at the time of signing. The Fifth Circuit held that certain federal officials unconstitutionally coerced or significantly encouraged platform moderation decisions (Sullum, 2023). The Supreme Court overturned that ruling in *Murthy v. Missouri* (2024), but only on procedural grounds. It held that those suing the government failed to demonstrate the tangible harm caused by the government's conduct in a way that gave them the right to sue over it. As the case failed on that procedural threshold, the Court never actually examined whether the government's conduct was in fact coercion. In that sense, Executive Order 14149 simply asserts that the prior conduct

constituted "substantial coercive pressure," treating it as an established fact, while no court has found that such coercion occurred. The second presupposition concerns expertise. The quotation marks around "misinformation," "disinformation," and "malinformation" mean the ultimate rejection of these previously defined categories. Under this representation, the classification of content as false or misleading is redefined as an exercise of governmental power over speech rather than as an empirical judgement on what is true and/harmful and what is not. The same suspension recurs in the State Department's September 2025 statement, which describes the frameworks it abolished as having been created "to counter so-called disinformation" (U.S. Department of State, 2025c).

These presuppositions are then translated into concrete legal requirements in the substantive sections of the executive order. Section 2(c) of Executive Order 14149, for instance, requires that “no taxpayer resources are used to engage in or facilitate any conduct that would unconstitutionally abridge the free speech of any American citizen” (Exec. Order No. 14149, 2025). This turns a constitutional principle into a rule about spending, one that requires no proof that any specific grant actually violated anyone's free speech. Instead, the order simply treats funding research on falsehoods as inherently facilitating the violation of the free-speech doctrine. This means individual grants never need to be reviewed or judged on their own merits before being cut. Section 3(b) then directs the Attorney General to investigate conduct that Section 1 has already characterized. The order rests on remarkably thin legal foundations. It cites no specific law granting the president authority over speech, research funding, or agency programs. Instead, it relies on a general provision allowing presidents to delegate routine duties. It explicitly states that no one can sue the government to enforce the executive order. It neither provides a new budget nor grants new powers to any agency; it operates entirely within existing budgets and authority. The re-problematization therefore did not require new legal capacity, but it merely reorganized existing executive discretion around a new representation of the problem.

4. The Genealogy of the Counter-Representation, 2022–2024

The 2025 orders were assembled over the preceding three years across congressional committees, expert testimony, think tanks, and partisan media. Reconstructing this genealogy explains the near absence of institutional resistance against this reversal. Contestation preceded the consolidation of the counter-representation. The Department

of Homeland Security's Disinformation Governance Board was suspended within three weeks of its announcement in May 2022 amid accusations that it would police speech (BBC News, 2022), and by late 2022, House Oversight Republicans were accusing the Biden administration of using the department to "suppress free-speech and discredit legitimate criticism" (Committee on Oversight and Accountability, 2022). The governability of disinformation was thus already contested while the 2021 representation remained official policy.

Prompted by the late 2022 release of the Twitter Files, which offered a publicized yet selective perspective into communications between platforms and the government, this counter-representation was formally articulated during Shellenberger's March 2023 testimony before the House Select Subcommittee on the Weaponization of the Federal Government, titled *The Censorship-Industrial Complex*. The testimony supplied a named institutional network, spanning the Stanford Internet Observatory, the University of Washington, the Atlantic Council's Digital Forensics Research Lab (DFRLab), and Graphika; a funding account, including at least 64 National Science Foundation grants totaling $31.8 million; and a periodization running from counter-terrorism through counter-extremism to the countering of "simple misinformation" (Shellenberger, 2023, pp. 5–8, 6). The major claim of this testimony is that the entire distinction between information and misinformation depends on the assumption that content can always be sorted into strictly true or false categories. Malinformation offers the sharpest test of this assumption, since the category labels content as harmful even when the content is accurate. Shellenberger treats this category as the moment where the underlying governing logic of the whole system becomes visible (pp. 23–24). In addition to Shellenberger's testimony, other committee publications expanded upon the same account. For instance, an interim report of June 2023 charged the Cybersecurity and Infrastructure Security Agency (CISA) with facilitating censorship while concealing its role (Committee on the Judiciary, 2023b), and a November 2023 staff report on the Election Integrity Partnership characterized federally connected researchers as "'disinformation pseudo-experts" and located the partnership's origin in a request from the Department of Homeland Security (Committee on the Judiciary, 2023a; Select Subcommittee on the Weaponization of the Federal Government, 2023).

By the 2024 election, this account had consolidated into a party program for a potential new Republican government. The Heritage Foundation's *Mandate for Leadership* identified CISA as an agency operating beyond its proper mission (Dans & Groves, 2023), and the Select Subcommittee's April 2024 report extended the charge to

the White House itself, alleging that senior officials had coerced platforms to censor Americans and “true information” (Select Subcommittee on the Weaponization of the Federal Government, 2024). What had begun at the online fringe had moved, through these institutional relays, into the center of federal policymaking (Guo, 2026). Therefore, the 2024 election brought this counter-representation into the executive branch and made it into the dominant discourse on disinformation policy.

5. Subjectification and Institutional Effects: Research Funding and Administrative Capacity

In the WPR framework, a problem representation produces three kinds of effects: discursive, subjectification, and lived (Bacchi & Goodwin, 2025). For the counter-representation, the most consequential subjectification effect is about who the researcher is taken to be. Shellenberger's testimony described research institutions as bodies that "institutionalize censorship research and advocacy within dozens of other universities and think tanks" and that build "blacklists of disfavored people" (Shellenberger, 2023, p. 5). Within this description, the researcher appears as a participant in the misconduct rather than as an outside observer of the information environment, and public funding appears as the money that finances the abuse rather than as support for science. How openly this new subject position was contested can be seen in the Murthy litigation, where Stanford University filed a supporting brief defending the constitutional right of universities "to conduct research and to communicate their findings to the public and the government" (Stanford University, 2023).

The construction of this new subject position became a funding rule at the National Science Foundation. The agency's public statement of priorities announces that it "will not support research with the goal of combating 'misinformation,' 'disinformation,' and 'malinformation' that could be used to infringe on the constitutionally protected speech rights of American citizens … in a manner that advances a preferred narrative about significant matters of public debate" (National Science Foundation, 2025). Starting in April 2025, the agency cancelled more than 400 grants, with misinformation and disinformation research among the named categories, inside a larger wave of more than 1,400 cancellations (Scire, 2025; Mervis, 2025). The agency also announced that appeals against these cancellations "will not be reviewed or considered" (National Science Foundation, 2025). Individual projects were never examined one by one. Judicial intervention remained minimal. For example, a preliminary injunction in June 2025

mandated that the agency restore 114 grants previously terminated via the standard form letter. The court corrected the procedure, but the representation behind the procedure remained exactly in place.

Similar effects can be seen in the two agencies with operational duties. At CISA, employees working on election security and on mis-, dis-, and malinformation were placed on administrative leave in February 2025 (Johnson, 2025). Furthermore, the legal authorization of the Global Engagement Center within the Department of State expired on 23 December 2024, under the previous administration, after Congress declined to renew it, and the department moved the center's staff and functions into other offices (CRS, 2024). Then, the Secretary of State Rubio closed the successor office, the Counter Foreign Information Manipulation and Interference Hub, "formerly known as the Global Engagement Center" in April 2025. The closure statement put the office's cost at "more than $50 million per year" and claimed that it had "spent millions of dollars to actively silence and censor the voices of Americans they were supposed to be serving" (U.S. Department of State, 2025b). Congress had ended the program by letting its authorization expire.

Two further details complete the picture of how the policy worked in practice. First, the account continued to be performed publicly even after it had become official policy. In February 2025, the House Judiciary Committee held a hearing under the familiar title The Censorship-Industrial Complex, at which Shellenberger reported that the Stanford Internet Observatory had shut down in June 2024 "in response to our collective exposés" (Committee on the Judiciary, 2025a). Second, the investigation demanded by the Exec. Order No. 14149 never actually came to fruition. The order instructed the Attorney General to investigate the previous administration's conduct and to report the results to the President. Two Freedom of Information Act requests confirmed that nothing had been released by the Justice Department's own response deadline of 4 May 2026.

6. Silences and the Transatlantic Divergence of Problem Representations

Every problematization is constituted as much by what it silences as by what it makes visible. The counter-representation did not dissolve the information disorders as an object of government; it partitioned the object. The State Department's September 2025 statement announces the cessation of the counter-disinformation frameworks and, in the same text, commits the United States to "counter genuine malign propaganda from

adversaries that threaten our national security" (U.S. Department of State, 2025c). Foreign adversarial propaganda survives as a governable problem while domestic disinformation is labelled "so-called disinformation" within the same sentence. The criterion of governability shifts from the falsity of the claim to the foreignness of the speaker. By relying on the term "genuine," this position assumes the state retains the capacity to make such distinctions like claiming the exact epistemic authority that the broader representation rejects when exercised by funded researchers. Therefore, what becomes silenced is not whether an information problem exists, but whether the domestic case could constitute one.

The subject position constructed in 2023 outlived the institutions dismantled in 2025, and it was enforced through private litigation as well. In December 2024, a federal district court allowed a lawsuit against the Stanford Internet Observatory, the Atlantic Council, and the Aspen Institute over their monitoring work to proceed to discovery (America First Legal, 2024). On 23 December 2025, the State Department announced entry restrictions against "five individuals who have led organized efforts to coerce American platforms to censor, demonetize, and suppress American viewpoints," designating them "agents of the global censorship-industrial complex" (U.S. Department of State, 2025a). The announcement names no one but press reporting identified the five as former European Commissioner Thierry Breton, Imran Ahmed of the Center for Countering Digital Hate, Clare Melford of the Global Disinformation Index, and Josephine Ballon and Anna-Lena von Hodenberg of the German organization HateAid (Guardian staff and agencies, 2025). The authorities invoked inadmissibility (section 212) under the Immigration and Nationality Act (INA) and deportability statutes (section 237) under the INA. The phrase “censorship-industrial complex”, coined in the congressional testimony in March 2023, resulted in sanctions against five individuals in Europe thirty-three months later.

This decision runs directly in contrast with the representation codified in the European Union's Digital Services Act. Recital 84 of the regulation directs platforms to attend to "information which is not illegal but contributes to the systemic risks identified in this Regulation," including "misleading or deceptive content, including disinformation" (Regulation (EU) 2022/2065). Lawful but misleading content is precisely the category Executive Order 14149 suspends as "malinformation". One regime constitutes it as a governable object, whereas the other constitutes the very act of categorization as the abuse. Article 40(4) obliges platforms to grant "vetted researchers" access to data for

research on systemic risks, constituting the disinformation researcher as a legally recognized governance actor at the moment US policy constituted the same professional role as a component of censorship. The House Judiciary Committee's interim report on the DSA contends that "European regulators are targeting core political speech that is neither illegal nor harmful" under a law "camouflaged as a regulation to increase online safety" (Committee on the Judiciary, 2025b). The European representation is equally a construction, won against platform self-regulation and member-state fragmentation; its treatment of expression as a systemic-risk factor to be weighed is itself contingent. Two comparable polities, addressing the same governable object with access to the same evidence, produced incompatible problem representations of information disorders in the same period.

The European Commission's response of 24 December 2025 makes the US-EU rift on how to define and tackle information disorders even more visible, but it does so in an implicit way. The statement "strongly condemns" the restrictions and then re-describes its instrument: "The EU is an open, rules-based single market, with the sovereign right to regulate economic activity in line with our democratic values and international commitments" (European Commission, 2025). The words “censorship” and “disinformation” appear nowhere. Confronted with a charge concerning speech, the Commission shifts the dispute to sovereignty and represents the Digital Services Act as economic regulation. A single institution thus deploys two representations of one instrument for two audiences. The Surgeon General's 2021 advisory had previously cited the Center for Countering Digital Hate and the Stanford Internet Observatory's Virality Project as legitimate institutions which are authorized to do research on disinformation (Office of the Surgeon General, 2021, refs. 45, 62). However, by December 2025, the Observatory had ceased operations, and the Center's chief executive was barred from entering the United States for counter-disinformation work, due to a striking reversal in policy where the very apparatus built to tackle false and harmful content was turned against the institutions and researchers that had done work to counter it.

7. Conclusion

The trajectory of U.S. federal policy between 2021 and 2025 vividly demonstrates that "information disorders" are not stable, objective conditions awaiting state intervention, but deeply constructed policy problems. As analyzed through the "What's the problem represented to be?" (WPR) framework, the rapid reversal in federal policy, from declaring

health misinformation an urgent threat requiring whole-of-society action to classifying the government's own countermeasures as an unconstitutional "censorship-industrial complex", illustrates how policies actively constitute the objects they aim to govern. This sweeping re-problematization did not occur because of the changes in the online information environment, or because a legislature formally defunded statutory programs, but because the governing rationality and political discourse that rendered those programs intelligible were fundamentally replaced.

The material and subjectification effects of this discursive shift have been profound, completely realigning federal administrative capacity and rewriting the role of academic expertise. By presupposing that federal communication with platforms constitutes coercion and redefining the very classification of false and/or harmful content as an abuse of state power, the 2025 executive orders dismantled existing counter-disinformation frameworks using preexisting executive discretion. Consequently, the researcher's subject position was fundamentally inverted. Rather than being recognized as an essential governance actor, as they remain under the European Union's Digital Services Act, the researcher was repositioned as a participant in state-sponsored censorship. This new representation materialized swiftly through the mass cancellation of National Science Foundation grants, the closure of organizations within the State Department, and unprecedented immigration sanctions against European policy advocates.

Ultimately, this episode exposes the inherent contingency and political nature of disinformation policy. The counter-representation consolidated in 2025 did not entirely abandon the governance of information; instead, it selectively partitioned the problem, maintaining "genuine" foreign propaganda as a valid national security target while actively rendering domestic applications of the same epistemic frameworks unthinkable. This selective policing of truth, alongside the stark transatlantic divide between Washington and Brussels, underscores that current policy regimes reflect the prevailing discourse in the midst of the ever-shifting power relations among political actors rather than evidence-based solutions to preexisting problems. As the rapid dismantling of the U.S. federal apparatus shows, any prevailing representation of information disorders remains historically contingent and perpetually vulnerable to being unmade.

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CENTRE OF EXCELLENCE

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Policy Paper No 7 | 2026

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This policy paper has been prepared as part of the Creating Societal Cognitive Resilience Against Information Disorders (RESAID) Project supported by the European Commission Jean Monnet Centres of Excellence.

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