

From Secret White House Recordings to @realDonaldTrump: The Democratic Value of Presidential Tweets | SSRN

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Douglas B. McKehnie argues that it is important to pay attention to presidential Tweets, as objects that have “collapsed the divide between the private and public sphere,” saying that they provide the electorate with unprecedented access to a president’s decisions and personality.

Modern U.S. presidents have chosen their words meticulously and deliberately, with the assistance of aides and speechwriters, all with a view toward how their message would be delivered and understood. Rarely has the electorate had access to the unvarnished thoughts of a president. At times, secretly recorded conversations in the White House have allowed Americans to hear the unabashed thoughts of various presidents. However, save for the Watergate scandal, those recordings had no immediate, discernible democratic impact because they were released years after the presidents’ words were recorded. The recordings are noteworthy because they capture presidents’ musings in the private sphere, where one is more secure and more likely to engage in self-reflective, authentic expression. In contrast, presidents typically engage the electorate in the public sphere, where one’s speech is more likely to be refined and restrained and where the democratically oriented interchange of ideas occurs. First Amendment jurisprudence reflects these realities.

The Supreme Court has identified the value of speech in the private sphere as facilitating individual cognitive and emotional development, while speech in the public sphere is valued because it is essential to self-governance. Social media, however, has the capacity to collapse the public and private spheres so that private, self-reflective expression and affect easily enter the public sphere. This Article posits that, to the extent social media collapses the public and private sphere, President Donald Trump’s use of Twitter redounds to the electorate’s

benefit. While private, self-reflective expression might otherwise only serve the needs of an individual, it becomes a matter of public concern worthy of democratic value when it is on public display in a President's tweets. Through President Trump's tweets, the electorate can instantly access the President's character and motivation and make concomitant democratic decisions.

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