



## **Online Censorship and AI Mass Surveillance: How the EU Has Captured the Digital Era and Why America Must Challenge It**

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An iron curtain has descended across Europe. It's an informational iron curtain that limits the flow of information. The fortress at the heart of it is the European Union's Digital Service Act (DSA).<sup>1</sup> Launched in 2022, the DSA has changed the character of European cyberspace. A range of actors, from states to NGOs, have the power to report violations and initiate litigation. Social media platforms must fulfill their new legal obligations by removing posts and implementing algorithmic governance techniques themselves. If they fail to do this, they face massive fines. Thanks to pressure from the state and NGOs, algorithms monitor online speech for signs of hate or for transmitting misinformation. Platforms participate in a legal regime where individuals' speech is suppressed. Whether their posts are removed or algorithms render their posts virtually invisible, the effect is the same. The DSA is, of course, censorship, and as the EU sets the terms for how AI must run in the EU, this censorship is poised to become even more aggressive. Chat control of private communications and mass surveillance is next.

Yet the common response in the United States to this threat to freedom of speech and religion is that it is an exclusively European problem, a foreign law that need not concern Americans. This way of thinking hides the size of the menace. In the Cold War, the Iron Curtain divided two disparate, disconnected worlds. Life in the "Soviet sphere" was contrasted to life in the West, in the "Washington" sphere.<sup>2</sup> Moscow was dangerous, but it was separate and cut off. After the descent of the new informational iron curtain, it's not possible to draw such a clear divide. The "Brussels" sphere and the "Washington" sphere are interconnected: The internet operates globally. Thanks to the internet and to American platforms, American individuals transmit their ideas and thoughts in Europe. American companies operate in Europe and are subject to European laws. These laws can subject American companies to penalties. The DSA is part of a broader EU offensive of regulatory imperialism, which aims to impose the EU's rules and standards on American companies operating in the EU's jurisdiction. Because many American businesses will be penalized for failing to comply, they will decide it is cheaper to adopt the EU's standards than to maintain their own. Thus, the EU

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<sup>1</sup> The full name of the act is "Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and Amending Directive 2000/31/EC (Digital Services Act)." The text is available at [https://www.eu-digital-services-act.com/Digital\\_Services\\_Act\\_Articles.html](https://www.eu-digital-services-act.com/Digital_Services_Act_Articles.html). This paper focuses on the DSA and the European Union rather than Great Britain and the Online Safety Act, which recently went into effect. Nevertheless, the dangers the Online Safety Act poses to Americans individuals and platforms are similar.

<sup>2</sup> Winston Churchill, "The Sinews of Peace," March 5, 1946. <https://winstonchurchill.org/resources/speeches/1946-1963-elder-statesman/the-sinews-of-peace/>

will set the rules for how Americans run their businesses, changing the way the economy works in both Europe and the United States.

No matter which economic sector is at stake, the EU's ratchet of regulatory imperialism only turns in one direction. It favors progressive obsessions and works against populists of the left and right, as well as conservatives.<sup>3</sup> Regulations on online speech are a weapon. It makes it more difficult to speak, debate, and organize against progressive politics. Moreover, this model of regulatory imperialism ensures that if the EU gets its way, the future of digital innovation in AI will be determined by progressives, controlled by progressives, and used to advance progressive ends.

The DSA is therefore not a distant threat to freedom of speech and religion. The Act constitutes the international reality of cyberspace censorship. It is changing the way that the internet works. We have passed the point where it's necessary to warn Americans about future dangers to free speech in cyberspace. Algorithmic governance, enforced with the help of state-funded and affiliated activist NGOs, already sets the rules that hinder Americans and Europeans. Unless it runs up against serious opposition, algorithmic governance, helped by the latest developments in AI, will permanently cripple populists and conservatives in Europe and elsewhere. Americans need to understand how this system works and how the tools of American statecraft can help topple it.

### **The European Origins of the Censorship-Industrial Complex**

The DSA represents the capstone of a historic reorientation within Western countries. It is now obvious that moral confidence in the powers of online speech and social networks was a turn-of-the-millennium fad. That confidence has vanished. Not long ago, the idea that governments would try to control the internet was rejected as an impossibility: "That's sort of like trying to nail Jell-O to the wall," said Bill Clinton in 2000.<sup>4</sup> Today, Western governments see Clinton's words as a challenge. Most Western governments treat online speech with suspicion, as a political threat.

Americans sense this paradigm shift. It appeared from late 2016 onwards, driven by the hysteria over the now-debunked claims about Russian electoral interference that allegedly "installed" Trump as president. During that time, social media platforms came under intense pressure to monitor the online speech of their users for promoting "misinformation" and "disinformation." This process accelerated in 2020 during the COVID-19 pandemic and reached its peak in 2022, when thousands of dissident Twitter accounts were suspended or removed. Only when Elon Musk bought Twitter and released its internal files did we begin to understand the full scale of the censorship-industrial regime. It involves media platforms, corporate entities, U.S.-funded NGOs, and the U.S. government itself collaborating to restrict the speech of Americans.<sup>5</sup>

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<sup>3</sup> See, for example, the regulatory requirements placed on American companies by the EU's Corporate Sustainability Reporting Directive and the Corporate Sustainability Due Diligence Directive, outlined in "Europe's Economic War on America," Baron Public Affairs, Fall 2025. <https://www.baronpa.com/library/europe-economic-war-on-america>

<sup>4</sup> "Clinton's Words on China: Trade is the Smart Thing," *New York Times*, March 9, 2000.

<https://www.nytimes.com/2000/03/09/world/clinton-s-words-on-china-trade-is-the-smart-thing.html>

<sup>5</sup> See also CRA Staff, "Primer: The National Endowment for Democracy and an NGO Ecosystem Actively Undermining America," Center for Renewing America, February 7, 2025.

The censorship-industrial complex is also enforced from the European side. The peak of Twitter censorship in the summer of 2022 coincided with the launch of the DSA; social media platforms were adapting to the new legal pressures coming from Europe. To be sure, the legal means to suspend accounts in the United States were much weaker than they were in the EU. But because these platforms operated in Europe, the pressure to comply remained. Moreover, the practices launched in the United States imitated practices that had emerged in Europe.

In 2015, several European governments began putting pressure on social media to combat certain kinds of political speech. Germany's Chancellor Angela Merkel, for example, was caught on a hot mic telling Facebook's CEO Mark Zuckerberg to take down anti-migrant posts.<sup>6</sup> Her government followed this up with legal enforcement. In 2017, Germany passed the Network Enforcement Act, which forced platforms to take down these kinds of posts or face immense fines and criminal actions. This act was the legal precursor to the DSA.

The Germans codified these laws because they believed that free speech on the internet risked revealing the full extent of disapproval for mass migration. The French, by contrast, sketched out the state-society partnership necessary for enforcing European laws restricting free speech.

The template works as follows. Ostensibly independent actors—NGOs—identify an alleged breach of speech standards. They file a suit or start a prosecution. Judges go beyond the existing statutes to rule in favor of the litigants. The state uses these rulings as a reason to revise the laws further. Administrative regulations and algorithms enforce the new speech standards. The NGOs identify an alleged breach of the new speech standards, and the process repeats. This kind of state-society partnership works in tandem to create the environment that strangles free speech.

In 2020, for example, four activist NGOs operating in France accused Twitter of not acting quickly enough to suppress hate speech and lacking transparency on how they monitor hate speech. The case was dismissed, but going beyond existing statutes, the judges compelled Twitter to disclose its moderation data to these NGOs. With better knowledge of Twitter's algorithmic governance, the NGOs then had the information they needed to harass Twitter further and compel it to do more to combat hate speech, writing more aggressive algorithms and undertaking tighter censorship. Twitter tried to resist, but in 2023, France's Court of Cassation (its high court for criminal law) ruled that the company needed to hand over more data.<sup>7</sup> In retrospect, the campaign of these years looks like a

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<https://americarenewing.com/primer-the-national-endowment-for-democracy-and-an-ngo-ecosystem-actively-undermining-america/>

<sup>6</sup> Javier E. David, "Angela Merkel Caught on Hot Mic Gripping to Facebook CEO over Anti-Immigrant Posts," CNBC, September 27, 2015.

<https://www.cnbcm.com/2015/09/27/angela-merkel-caught-on-hot-mic-pressing-facebook-ceo-over-anti-immigrant-post.s.html>

<sup>7</sup> For further details, see Pascal Clérotte and Thomas Fazi, "How France Invented The Censorship Industrial Complex: The Twitter Files— — France, Case Studies," Civilization Works, September 3<sup>rd</sup>, 2025.

<https://www.civilizationworks.org/cw-master-blog/france-invented-the-censorship-industrial-complex-the-twitter-files-france-case-studies>

coordinated effort to expand state powers and force new obligations upon platforms. It's no coincidence that each of the above three stipulations is now enforced through the DSA. The litigation was effectively the draft of a legislative project to enforce digital censorship. Activist NGOs set the standard; the state followed along.

### **How the DSA Works**

The DSA developed out of this ecosystem. In essence, the law has two objectives: requiring platforms to remove offending content and compelling them to collaborate in alleged misinformation and disinformation campaigns. NGOs play a critical role in securing each.

National governments, including the European Commission, have the power to report offending content to social media platforms and issue orders to remove it. If platforms refuse or do not act “quickly enough,” as the 2020 litigation puts it, they face massive fines. These fines are calculated based not on the company’s European presence but on its global value (up to 6 percent of its global annual revenue). It doesn’t just fall to states and the European Commission to enforce this law. Following the French model, other individuals, or “entities,” can also report content. According to the provisions, EU member states must establish a “Digital Services Coordinator,” and Article 22 requires the “Coordinator” to appoint “Trusted Flaggers.” These NGOs are juridically empowered informers and prosecutorial assistants. They report on hate posting on the internet, bringing it to the attention of the state. They help compile the evidence and launch prosecutions. They receive state support to do so and rewards for success. Thanks to their concerted efforts, it’s likely that individuals will face penalties for posts they have deleted or regretted posting.

Individuals and organizations are also forced to collaborate with misinformation and disinformation campaigns. In 2018, the European Commission launched the Code of Practice on Disinformation, intended to legally obligate companies to cooperate with the EU’s initiatives. In the summer of 2020, this effort turned to combating COVID-19 disinformation. To maintain transparency, online platforms were required to submit regular reports on their efforts to suppress COVID-19 disinformation. The standard was neither national nor regional but global: To demonstrate their compliance with the European Commission, they needed to show content removed and accounts suspended from all around the world.<sup>8</sup>

The DSA also secures the aforementioned objectives through more subtle, less obvious instruments than removing content and suspending posts. Platforms can use algorithmic strategies of “demotion” and “restriction of visibility” to downgrade content. Faced with the risk of posts or users spreading misinformation or disinformation, platforms can weaken the “prevalence, views, or impressions” of such posts or users. To give a sense of the scale of this effort, the reduction of visibility constitutes the response to over half of all complaints lodged by EU member states or the

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<sup>8</sup> John Rosenthal, “Make Speech Free Again,” *Claremont Review of Books*, Spring 2025.  
<https://claremontreviewofbooks.com/make-speech-free-again/>

European Commission; over one five-month period, it was the action taken in 123,217 instances (out of 226,350 reported).<sup>9</sup>

It's important to understand the extensive use of the algorithmic strategy of shadow banning or limiting reach. Because it avoids banning a high-profile account, this strategy enables platforms to tout their free speech credentials, showing that they are not removing users except in rare instances.

However, because posts' reach is limited, the result is the same. As far as the EU is concerned, the platform follows the law. The EU grasps that limiting the reach of posts is an effective way to prevent someone from being heard without the person realizing it. Platforms can showcase their commitment to free speech while quietly following the requirements of EU law, leaving none the wiser.

X, for instance, has "safety labels" designed to flag accounts that are spreading misinformation, but these labels are only visible to the platform administrators. In short, platforms touting their support for freedom of speech are restricting freedom of reach, thereby undermining freedom of speech.<sup>10</sup>

It is also important to understand that an algorithmic censorship strategy is required at all stages to monitor speech. No person is scrolling through the massive number of social media posts to determine which ones are harmful; algorithms must screen for certain categories, adopting mechanisms to automate censorship.

The real function of NGO litigation against the speed of removing posts ("actioning hate speech quickly enough," as the 2020 litigants put it), then, is to get platforms to commit to more aggressive forms of algorithmic governance that screen and remove certain kinds of posts in advance. It's for this reason that even the French Constitutional Court (the high court tasked with ruling on constitutional matters) ruled that the timeline of twenty-four hours for removing posts was an unconstitutional limitation on freedom of expression.<sup>11</sup>

Finally, it's important to see that across this terrain, the DSA is not examining or evaluating the legality of digital content based on its country of origin. Rather, it's evaluating it based on the country of consumption. A post or management strategy developed in America is potentially illegal in Europe. The pressure is on the post or management strategy to change. In this respect, the DSA already constrains American companies and citizens, limiting the expression of their political and religious views. As of September 23, 2025, for instance, *The Charlie Kirk Show* is unavailable on Apple Podcasts in Europe, BibleGateway is blocked, and Hallow (an app with resources for prayer) is running into increasing regulatory demands it cannot meet.<sup>12</sup>

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<sup>9</sup> The period is the five months prior to April 2024. This number excludes complaints made by individuals, "entities," or other trusted flaggers. See Rosenthal, "Make Speech Free Again."

<sup>10</sup> Rosenthal, "Make Speech Free Again."

<sup>11</sup> This was the timeline proposed in the 2020 Law Against Hate Speech on the Internet.

<sup>12</sup> See ADF International, "Europe is making it harder and harder to access basic religious and conservative content. 1. Charlie Kirk show 'unavailable' on Apple Podcasts 2. BibleGateway blocked 3. Hallow App threatened by 'over-regulation' What is going on with digital censorship in Europe?" X, September 23, 2025. <https://x.com/ADFIntl/status/1970485565801046386>. It would come as no surprise if an algorithm or human agent has classified *The Charlie Kirk Show* as hate speech. The German news anchor Dunja Hayali, who is a newscaster for the

## How AI Enables Further Threats

The DSA's threat to free speech, particularly to Americans, is clear. After Elon Musk hosted a conversation on X with Donald Trump, the French politician and former EU commissioner for the internal market Thierry Breton threatened to use the provisions of the DSA to take action.

Moreover, the EU is instrumentalizing concerns about child sexual abuse (termed “child sexual exploitation material”) to justify further changes.<sup>13</sup> Thanks to advances in AI, it is now possible for the EU to implement chat control. This regulation, first proposed by the European Commission on May 11, 2022, represents the next stage of digital surveillance.<sup>14</sup> It would impel all platforms to automatically and constantly search all emails, messages, and private chats, including encrypted channels, to detect illegal content. In essence, devices would be converted into scanners, monitoring all of an individual's electronic communications.

This regulation would breach the few remaining alcoves of internet privacy. With AI scanning, there are already concerns about the accuracy and reliability of the algorithms. Right now, many platforms voluntarily cooperate with searches for child sexual exploitation material, but the number of false positives is very high. At least some governments already store the data of innocent people caught up in searches or referrals.<sup>15</sup>

Chat control would also mark the abolition of end-to-end encryption in Europe. This last bastion of private online communication would thereby be completely destroyed. Encrypted services such as Signal would lose their *raison d'être*; the platform has already indicated it will cease to operate in Europe if this regulation passes.<sup>16</sup> Signal and its subsidiary, Signal Messenger LLC, are American

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public news program *heute* (“today”) on ZDF, said Kirk had delivered “often abhorrent, racist, sexist and misanthropic statements.” She proceeded to call Kirk a “radical religious conspiracy theorist.” On another state broadcast, she said, “You don't have to feel sympathy or pity” over his death; instead of offering condolences or regret, it would be better to “just shut up for a moment and perhaps not say anything at all.” See Eugyppius, “German State Media Have Systematically Slandered Charlie Kirk in the Wake of His Assassination,” Substack, September 16, 2025. <https://www.eugyppius.com/p/german-state-media-have-systematically>. Clips are available at [https://x.com/oida\\_grantler/status/1966241011409252520](https://x.com/oida_grantler/status/1966241011409252520) and <https://x.com/XzumTreme/status/1966775939884282128>.

<sup>13</sup> This strategy was also pursued by the British government to force passage of the Online Safety Act through Parliament. Because they wanted to be seen as protecting children, they signed on to a bill they did not really understand. Note that the legislative debates relied on hypothetical cases of abuse, not actual ones. See Melisa Tourt, “The Road to Online Hell Is Paved with Good Intentions,” *The Critic*, July 3, 2025. <https://thecritic.co.uk/the-road-to-online-hell-is-paved-with-good-intentions/>

<sup>14</sup> For a summary, see “Chat Control: The EU's CSAM Scanner Proposal,” Patrick Breyer, accessed October 23, 2025, <https://www.patrick-breyer.de/en/posts/chat-control/>

<sup>15</sup> For example, at least 10 percent of referrals to the Irish National Police were for innocuous material, yet the personal data of these people was retained. “An Garda Síochána Unlawfully Retains Files on Innocent People Who It Has Already Cleared of Producing or Sharing of Child Sex Abuse Material,” Irish Council for Civil Liberties, October 19, 2022. <https://www.iccli.ie/news/an-garda-siochana-unlawfully-retains-files-on-innocent-people-who-it-has-already-cleared-of-producing-or-sharing-of-child-sex-abuse-material/>

<sup>16</sup> See “For a Future with Privacy, Not Mass Surveillance, Germany Must Stand Firmly Against Client-Side Scanning in the Chat Control Proposal,” Signal, press statement, October 3, 2025.

organizations. The proposed law thus poses an existential risk for the ability of an American organization to operate in the European market. The informational iron curtain would descend on this American group.

For those who remain behind the informational iron curtain, the dangers will persist. It's already all too easy under current laws for prosecutors to launch lawfare against platforms and their managers; this is already happening and, as seen in 2024 with the threats against Trump, X, and Musk, will inevitably continue to affect Americans. In 2022, Damien Viel, the head of Twitter in France, was prosecuted and tried for “non-compliance with a judicial injunction” and “complicity to libel.” Other investigations by opportunistic prosecutors are ongoing. In this environment, it's not idle speculation to envision a future where an American citizen involved in Twitter's senior management is arrested on a dizzying array of charges while passing through France or another European country. That is, after all, what happened to Pavel Durov, Telegram's founder.<sup>17</sup>

### **The Globalization of the EU's Censorship and Surveillance Regime**

Defenders of the DSA and the continued expansion of digital mass surveillance often try to invoke a right for a sovereign nation to adopt its own laws. One can argue, for instance, that all Germany is doing is applying its own distinct speech laws. Because of the country's history, Germans have since the end of the Second World War banned Nazi symbols. What business, they argue, does America have condemning another country's laws, shaped by different historical circumstances?<sup>18</sup>

This argument downplays how standards globalize, even online. When a powerful country, corporation, or commercial bloc adopts a particular standard and enforces that standard within its own territory, other entities are placed under increasing pressure to adopt that standard themselves or lose access to the market. The standard then expands and can, over time, become uniform. So the practical effect of a law on a seemingly innocuous trade matter is often to extend that law to the entire world. This is the phenomenon theorists of globalization call “network power”: the pressure a network exercises on entities to adopt the dominant standards, even if they are not the optimal ones.<sup>19</sup> The risk of losing access to the network is often too great to maintain another standard, even if it is intrinsically better. This is the danger built into the DSA: Countries will be forced to adopt its standards to keep their business in Europe. If that happens, what is banned in Germany will be banned everywhere else.<sup>20</sup> Defenses of the DSA using unique models or national sovereignty miss

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<https://signal.org/blog/pdfs/germany-chat-control.pdf>

<sup>17</sup> For other examples, see Clérotte and Fazi, “How France Invented the Censorship Industrial Complex.

<sup>18</sup> Andreas Rinke and Ingrid Melander, “Scholz Rebukes Vance, Defends Europe's Stance on Hate Speech and Far Right,” Reuters, February 15, 2025.

<https://www.reuters.com/world/europe/germanys-scholz-rebukes-vance-defends-europes-stance-hate-speech-far-right-2025-02-15/>; Summer Niederman,

“CBS Host Links Free Speech to the Holocaust During Interview with Secretary of State, Draws Criticism,” The Free Speech Project, April 10, 2025.

<https://freespeechproject.georgetown.edu/tracker-entries/cbs-host-links-free-speech-to-the-holocaust-during-interview-with-secretary-of-state-draws-criticism/>

<sup>19</sup> See David Singh Grewal, *Network Power: On the Social Dynamics of Globalization* (Yale University Press, 2008).

<sup>20</sup> Rosenthal, “Make Speech Free Again.”

the mark. The DSA isn't a *sui generis* experiment in national law; it represents an alternative model to manage the whole internet.

Whether this model of algorithmic governance becomes the world's model is an open question: There are other contenders, albeit ones likewise unfriendly to speech.<sup>21</sup> Regardless, the DSA's model of restricting the reach of speech could very well become the model governing the United States and Europe once again, as it was during 2022. The Trump administration has suspended State and War Department contracts that supported organizations dedicated to censoring political speech. But these organizations still exist in the private sector and in the universities. They are dormant, not defeated. The EU apparatus keeps them on life support, and a future administration could start funding them again, making these kinds of public-private partnerships a permanent part of the security apparatus.<sup>22</sup> The EU provides the template: the regulatory standards, support for NGOs, and institutional muscle to help the American censorship-industrial complex power up again. That's ultimately why the DSA is so dangerous to Americans. It's the left's official opposition, the algorithmic government-in-waiting.

To truly break the power of DSA and vitiate this threat, it is not enough to press for the reformation of European law. We must work to limit the influence of Brussels, then remove the networks that enable the law to be enforced.<sup>23</sup> The targets must include the NGO-complex that censors free speech, compels platforms to adopt more aggressive algorithmic enforcement, and punishes political dissidents.

### **An Internet Speech Charter for the West**

Because of the danger the DSA poses to free speech throughout all Western countries, it's critical to reconfigure transatlantic relations to combat this threat, working closely with trusted allies and new partners to restore political freedom, set the standards governing an ordered, free internet, and ensure that the future of digital innovation in AI and elsewhere is not pre-programmed to support progressive ideology and work against populists and conservatives.

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<sup>21</sup> China has its own model of digital sovereignty that likewise restricts speech, as was widely acknowledged and warned about until the pandemic prompted many countries to cease criticizing the Chinese model and begin emulating it. See Adam Segal, "When China Rules the Web: Technology in Service of the State," *Foreign Policy* (September/October 2018). <https://www.foreignaffairs.com/china/when-china-rules-web>

<sup>22</sup> Josh Christenson, "Pentagon, Other Agencies Funded Potential 'Agent of Censorship Campaigns,' House Committee Reveals," *New York Post*, October 25, 2024.

<https://nypost.com/2024/10/25/us-news/pentagon-other-agencies-funded-censorship-firm-that-blacklisted-the-post-house-committee-reveals/>

<sup>23</sup> Katherine Thompson, "Two Paths Before Europe: Globalist Socialism or Independent Nationalism," Center for Renewing America, May 20, 2022.

<https://americarenewing.com/two-paths-before-europe-globalist-socialism-or-independent-nationalism/>

Since Trump's reelection in 2024, Americans have resisted the EU's direction, but primarily through a war of words criticizing the decline of freedom of speech in Europe, particularly in Germany.<sup>24</sup> To take the next steps, the United States can follow the example of the Biden administration. It was not entirely wrong, as the Biden administration claimed, that the circumstances of the twenty-first century required a "New Atlantic Charter."<sup>25</sup> That document, however, was overwhelmed by its own hubris. It listed a litany of progressive causes, ranging from the "climate crisis" to combating "disinformation." The original Atlantic Charter was much simpler and clearer: It focused on the requirements of self-government and peace. A similar clear focus is needed today. What needs to change is to move beyond a document catered to the predilections of Great Britain and the United States. The number of Western nations facing threats to their self-determination now requires wholly different content and reach. The United States should partner with national governments and political parties throughout Europe to encourage more countries to adopt the principles of a free internet conducive to national self-government. Using the preamble of the original Atlantic Charter, a far simpler document is in order. It could look something like this:

Respecting the right of all peoples to choose the form of government under which they will live, and wishing to see sovereign rights and self-government restored to those who have been forcibly deprived of them, these countries agree that

1. All political speech in the West is protected by freedom of speech. No citizen of any Western country should be penalized or prosecuted for the exercise of political speech. No social media platform that hosts content uttered by such a citizen should be penalized or prosecuted.
2. Freedom of speech must mean freedom of reach. Platforms must not engage in algorithmic shadow banning. Users must be notified if they have breached platform policies and are being subject to shadow banning.
3. Social media platforms must adopt transparency standards that demonstrate their commitment to the above two principles.
4. It is the role of the state, not private actors, entities, or other NGOs, to enforce the standards for acceptable speech. These organizations should not undertake litigation or prosecutions on behalf of third parties. No such organization should ever be rewarded as part of a legal settlement for bringing a third party to prosecution for a speech-related incident.

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<sup>24</sup> "US Secretary of State Rubio Says Germany Is a "tyranny in disguise" After AfD Verdict," *Euronews*, May 3, 2025. <https://www.euronews.com/my-europe/2025/05/03/us-secretary-of-state-rubio-says-germany-is-a-tyranny-in-disguise-after-afd-verdict>; "2024 Country Reports on Human Rights Practices," U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, August 12, 2025. <https://www.state.gov/reports/2024-country-reports-on-human-rights-practices/>

<sup>25</sup> "The New Atlantic Charter," White House Briefing Room, June 21, 2021. <https://bidenwhitehouse.archives.gov/briefing-room/statements-releases/2021/06/10/the-new-atlantic-charter/>

5. Governments and social media platforms should cooperate to focus on precise, specific goals: fraud, combating fraud, organized crime, terrorism, and incitement to violence. To combat child sexual abuse material and pornography, they should disavow backdoor access to private or encrypted channels and focus on implementing age verification standards across social media.

Such policies should enable the ideas of all men to traverse the high seas and oceans of space and cyberspace without hindrance.

### **Implementation**

First, the U.S. government should exert pressure in its ongoing trade negotiations with the European Commission to abrogate the DSA or reform it according to the above principles.

Second, the United States must be tough on the act and its causes. The DSA is an offense against political speech, but its power comes from a particular legal ecosystem. European countries have permitted and supported an activist NGO-complex that litigates and prosecutes Westerners. This must change. In bilateral discussions with European governments, the United States must pressure these governments to weaken the power of the organizations that exist to launch prosecutions against the political speech of Westerners. European governments must immediately discontinue their practice of naming NGOs “trusted flaggers” and revoke the status of the organizations they have already named. Organizations that have accepted that label and have acted upon it should immediately disavow it and cease to participate in prosecutions. If these practices persist, the United States should place financial sanctions on those organizations and their leaders, concentrating first on those that have received monetary rewards from prosecutions.

Third, it is critical to ensure that the rights of Americans and American companies are not being vitiated by EU standards. U.S. regulators should request that U.S.-based social media platforms share their algorithms in use overseas to ensure that they protect Americans according to First Amendment standards.

### **Opportunity**

During and after the Cold War, the United States prioritized military matters over economic and political institutions regarding its relationship with Western nations. The Trump administration is changing this situation. Henceforth, economic and political matters must take priority over security questions. Europeans need to take care of their own security, but American leaders must work to ensure that Europe’s economic and political institutions are more closely aligned to match American interests. From trade in goods and services to the latest developments in AI, this is the challenge of the next decade.<sup>26</sup>

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<sup>26</sup> For an essential primer on this subject, see Jennifer Kavanagh and Peter Slezkine, “The Fatal Flaw in the Transatlantic Alliance,” *Foreign Affairs*, September 30, 2025.  
<https://www.foreignaffairs.com/united-states/fatal-flaw-transatlantic-alliance>

Currently, the EU fears that the United States will judge that the relationship is no longer in its interests and walk away. The European Commission is therefore vulnerable to American pressure. The EU's export-reliant economy needs access to the American market. The sanctions against Russia oblige the EU to purchase American-made liquid natural gas and other natural resources. Pharmaceuticals are a major American export to the EU. Maintaining the rare unity within the continental bloc comes through their support for the Ukraine War, meaning that the EU is incentivized to keep the conflict going—which is only possible with continued American assistance. Finally, there is considerable domestic opposition within Europe to digital censorship laws; U.S. pressure to change the course would be met with considerable enthusiasm and could help provoke further change.

All this gives the United States extraordinary leverage over the continent. It can be exercised through targeted tariffs, secondary sanctions, and other financial pressures to weaken the power of activist NGOs or compel policy change. It can involve direct and indirect support for opposition parties and organizations that aim to restore online speech, as well as withholding foreign and military aid. This leverage should be used to compel the commission to abrogate the DSA and set a better standard for digital innovation in AI and other technologies.

### **Conclusion**

The Western Hemisphere is turning its back on basic liberties. The regulation of online speech favors established parties and entrenched oligarchies. It skews public opinion, stifles dissent, and makes it more difficult for political opposition to organize. Algorithmic governance shores up progressive causes discredited at the ballot box. This is a poor substitute for republican, democratically elected government, and it is poised to become all the more powerful if progressives set the terms for the use of AI. The longer the DSA and other similar legislation remain in place, the more likely they are to provide a template for AI-enabled mass surveillance, and the greater the long-term danger as European habits and American companies conform themselves to these laws. If this dynamic continues, people on both sides of the Atlantic will lose the power—as the author of the original Iron Curtain speech put it—“to choose or change the character or form of government under which they dwell.”<sup>27</sup>

There was, however, a melancholy subtext to the Iron Curtain speech. Churchill recognized that neither Britain nor Western European countries had the power to defend their liberties on their own. His speech was a passing of the baton to the United States to take up the responsibility to defend liberty when his continent no longer could. The same calculus applies to our times. The DSA and proposals for chat control pose an existential threat to self-government. No compromise or coexistence with it is possible. These kinds of rules must be completely removed from the West. But due to the increasing impotence of most European countries and their collaboration with the digital censorship regime, the responsibility to act falls on the United States. Distracted by other quixotic goals, the United States has let despotism ascend in its own civilizational sphere. It alone has the power to restore self-government throughout Western countries.

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<sup>27</sup> Churchill, “The Sinews of Peace.”