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Assignment III

1. Censoring free speech by the least restrictive means is important because it allows for in-depth exploration and understanding of nuanced and controversial ideas; it promotes individual and collective intellect; and it prevents the government from codifying any ideology as the dominant social norm. The removal of these restrictions opens the door to broad censorship based on loosely defined and easily abused standards. This may restrict the depth of parlance to the point that it is of interest only children, people with traditional conservative views, or people with narrow political views.
2. For the purposes of clarity, let’s establish working definitions of terms. Let controversial information mean opinions stemming from personally held beliefs, such as political, philosophical, or religious ideology. Let sensitive information mean personally identifiable information (social security numbers, credit card numbers, etc.), information safeguarded under a confidentiality or non-disclosure agreement, or information already protected under law, such as files on a personal desktop.

Informing the public of controversial information outweighs the dangers and risks in that only dangers risks are that people with opposing opinions may be offended or forced to realize they are not omniscient. In that sense, these are no dangers or risks at all. Banning certain opinions (thought crime) stifles innovation, limits solutions to problems, and creates echo chambers. Offense or discomfort with certain words or utterances is so commonplace that to prohibit each instance from the lexicon would be to strip us of our humanity. The only speech that should be banned is speech that incites violence. Outside of that, speak freely.

In most cases, informing the public of sensitive information does not outweigh the dangers and risks. Such information may be protected under contract (e.g., trade secrets). This causes civil harm and is thus a danger. The same for personally identifiable information. Such information may be protected as a matter of national security (i.e., classified information). Rightly so, there are severe criminal penalties for leaking such information. The criminal and civil ramifications justify not making sensitive information public. The only ethical reason for making such information public *might be* if keeping it private would beyond any shadow of a doubt cause greater measurable harm. Even then, the decision should not be taken lightly.

1. There should be no laws that prohibit anonymity on the Internet. Firstly, how would such laws even be enforced? In the current state of Internet, new accounts can be created with ease and with no care of who it belongs to. Now, some websites may establish some identify verification process, and they are free to do that. But such an action is an election of a private company which is not and should not be related to the law. How would identity be established with such a law? Would taxpayers be issued a smart card with a credential that they must use to log onto the Internet? For this, there would be a high cost to implement, maintain, update, and litigate. Not to mention the taxpayer may strongly oppose having to pay for such a protocol. And if counterfeiters figure out a way to forge smart cards, there may still be anonymous users anyway. Would people be tracked by IP address? This could easily be circumvented with tools such as Tor. If the law outlawed anonymity to persons within the US, those persons could utilize a VPN to appear outside of the US. Secondly, anonymity itself is a form of expression that is protected by the First Amendment. Ghostwriters and pseudonyms are already common practice in the publishing industry and have the same merit as anonymity. Are those to be banned as well?
2. Philosophically, free speech should be universal. Global free speech would be ideal, but not at the expense of national sovereignty. As much as I dislike the internal cyber practices of Russia, China, North Korea, Iran, and Saudi Arabia, it is not my place to demand these countries implement my desired American free speech policies. Externally, users in these countries should abide by the terms and conditions of services headquartered abroad, though this is not often the case. Conversely, online services with global reach should abide by the laws of the countries in which they are operating. Not accepting a country’s terms of operation and withdrawing from the country can be a powerful voicing of a commitment to free speech (good P.R.). Promoting and enabling Internet free speech in countries that try to subvert it is noble in given contexts, but where’s the line between humanitarianism and foreign aggression?
3. Internet companies should be permitted to provide different levels of speed at different prices if the companies offer the same base level of service to all customers. With higher speeds comes higher costs and it is fair for companies to pass that cost onto a consumer willing to pay it. What should not be permitted is reducing the level of service a customer paid for based on some action (except criminal) or opinion of the customer. This is a contract and breaking it because of unintended uses but ones that do not violate the terms and conditions, because of political, religious, societal, or philosophical views, or because of outright discrimination should be subject to civil liability.