

Aff

AT: Circumvention – reform good

Reform will snowball

Patel 6/25/2015 (Faiza [co-director of the Brennan Center’s Liberty and National Security Program];

When will surveillance reform stop being just 'cool'?; www.brennancenter.org/blog/when-will-surveillance-reform-stop-being-just-'cool'; kdf)

Last week, former National Security Agency Director Michael Hayden declared that he was “cool” with the recently enacted USA Freedom Act, which reined in government bulk collection of Americans’ phone records. His characterization of that program as “little” is no doubt accurate. Information from the archive of documents released by NSA whistleblower Edward Snowden has revealed many other programs that pose equal or greater risks to Americans’ privacy. But Hayden is too quick to assume that the phone records program will be the only reform. The passage of the USA Freedom Act is the first curtailment of intelligence authorities since the 9/11 attacks and should mark the beginning — not the end — of reform. It’s no surprise that Congress chose to tackle the phone record program first. It is relatively straightforward for people to understand, and its goal of amassing a vast database of information about Americans is patently difficult to square with our constitutional values. Two review boards found it to be of minimal counterterrorism value, and a federal appeals court declared it illegal. Even the intelligence community and the president were amenable to reform. But Congress is well aware that this reform is insufficient. Many of the votes against the act in the House and Senate came from lawmakers who believe it didn’t go far enough.

AT Fill in: Corporations/Other countries spy

Government surveillance is unique and invites tyranny

Robertson 2015 (James [served on the FISC from 2002 to 2005, resigning the day after warrantless wiretaps were exposed]; Forward of What went wrong with the FISA court; https://www.brennancenter.org/sites/default/files/analysis/What_Went_%20Wrong_With_The_FISA_Court.pdf; kdf)

Many people are surprised to learn that there is no “right to privacy” in the Constitution. Privacy is more of a cultural construct than a legal one in this country, and we are aiding and abetting its steady erosion with our dependence on the Internet, our credit cards and smartphones, our flirtation with social media, and our capitulation to commercial exploitation of Big Data. In a sense, **we are all under surveillance, all the time** — our whereabouts, activities, and transactions reduced to metadata and available to anyone who can break the code — and we have brought it upon ourselves. Surveillance by the government, however, is another matter. Distrust or at least wariness of a government that collects data about us lies deep in the amygdala of our civic consciousness. This administration may be operating lawfully and with full regard to our rights and privileges, but what about that one? Have we been reading too many novels, or is there a real threat of tyranny? Here, of course, is where the Constitution comes in, with the Fourth Amendment’s guarantee of “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” I have no criticism of the FISA Court. I know and deeply respect every one of its presiding judges for the last 30 years, and I am well acquainted with many of the other FISA judges who have served. They are, every one of them, careful and scrupulous custodians of the extraordinary and sensitive power entrusted to them. The staff that supports the FISA Court, the Justice Department lawyers who appear before the FISA Court, and the FBI, CIA and NSA personnel who present applications to the FISA Court are superb, dedicated professionals. What I do criticize is the mission creep of the statute all of those people are implementing.

No Circumvention

Circumvention won't happen if surveillance is prohibited

Ackerman, 15 --- American national security reporter and blogger, national security editor for the Guardian (6/1/2015, Spencer, The Guardian, "Fears NSA will seek to undermine surveillance reform; Privacy advocates are wary of covert legal acrobatics from the NSA similar to those deployed post-9/11 to circumvent congressional authority," Lexis, JMP)

Despite that recent history, veteran intelligence attorneys reacted with scorn to the idea that NSA lawyers will undermine surveillance reform. Robert Litt, the senior lawyer for director of national intelligence, James Clapper, said during a public appearance last month that creating a banned bulk surveillance program was "not going to happen".

"The whole notion that NSA is just evilly determined to read the law in a fashion contrary to its intent is bullshit, of the sort that the Guardian and the left - but I repeat myself - have fallen in love with. The interpretation of 215 that supported the bulk collection program was creative but not beyond reason, and it was upheld by many judges," said the former NSA general counsel Stewart Baker, referring to Section 215 of the Patriot Act.

This is the section that permits US law enforcement and surveillance agencies to collect business records and expired at midnight, almost two years after the whistleblower Edward Snowden revealed to the Guardian that the Patriot Act was secretly being used to justify the collection of phone records from millions of Americans.

With one exception, the judges that upheld the interpretation sat on the non-adversarial Fisa court, a body that approves nearly all government surveillance requests and modifies about a quarter of them substantially. The exception was reversed by the second circuit court of appeals.

Baker, speaking before the Senate voted, predicted: "I don't think anyone at NSA is going to invest in looking for ways to defy congressional intent if USA Freedom is adopted."

AT: Internet Freedom Impacts – Defense

Zero chance of solving internet freedom

Morozov 15 [Evgeny Morozov, Who's the true enemy of internet freedom - China, Russia, or the US?, The Guardian, <http://www.theguardian.com/commentisfree/2015/jan/04/internet-freedom-china-russia-us-google-microsoft-digital-sovereignty>]

Given that Russia and China are not known for their commitment to freedoms of expression and assembly, it is tempting to view their quest for information sovereignty as yet another stab at censorship and control. In fact, even when the far more benign government of Brazil toyed with the idea of forcing American companies to store user data locally – an idea it eventually abandoned – it was widely accused of draconian overreach. However, Russia, China and Brazil are simply responding to the extremely aggressive tactics adopted by none other than the US. In typical fashion, though, America is completely oblivious to its own actions, believing that there is such a thing as a neutral, cosmopolitan internet and that any efforts to move away from it would result in its “Balkanisation”. But for many countries, this is not Balkanisation at all, merely de-Americanisation. US companies have been playing an ambiguous role in this project. On the one hand, they build efficient and highly functional infrastructure that locks in other countries, creating long-term dependencies that are very messy and costly to undo. They are the true vehicles for whatever is left of America's global modernisation agenda. On the other hand, the companies cannot be seen as mere proxies for the American empire. Especially after the Edward Snowden revelations clearly demonstrated the cosy alliances between America's business and state interests, these companies need to constantly assert their independence – occasionally by taking their own government to court – even if, in reality, most of their interests perfectly align with those of Washington. This explains why Silicon Valley has been so vocal in demanding that the Obama administration do something about internet privacy and surveillance: if internet companies were seen as compromised parties here, their business would collapse. Just look at the misfortunes of Verizon in 2014: uncertain of the extent of data-sharing between Verizon and the NSA, the German government ditched its contract with the US company in favour of Deutsche Telekom. A German government spokesman said at the time: “The federal government wants to win back more technological sovereignty, and therefore prefers to work with German companies.” However, to grasp the full extent of America's hypocrisy on the issue of information sovereignty, one needs to look no further than the ongoing squabble between Microsoft and the US government. It concerns some email content – relevant to an investigation – stored on Microsoft's servers in Ireland. American prosecutors insist that they can obtain such content from Microsoft simply by serving it a warrant – as if it makes no difference that the email is stored in a foreign country. In order to obtain it, Washington would normally need to go through a complex legal process involving bilateral treaties between the governments involved. But now it wants to sidestep that completely and treat the handling of such data as a purely local issue with no international implications. The data resides in cyberspace – and cyberspace knows no borders! The government's reasoning here is that the storage issue is irrelevant; what is relevant is where the content is accessed – and it can be accessed by Microsoft's employees in the US. Microsoft and other tech giants are now fighting the US government in courts, with little success so far, while the Irish government and a handful of European politicians are backing Microsoft. In short, the US government insists that it should have access to data regardless of where it is stored as long as it is handled by US companies. Just imagine the outcry if the Chinese government were to demand access to any data that passes through devices manufactured by Chinese companies – Xiaomi, say, or Lenovo – regardless of whether their users are in London or New York or Tokyo. Note the crucial difference: Russia and China want to be able to access data generated by their citizens on their own soil, whereas the US wants to access data generated by anybody anywhere as long as American companies handle it. In

opposing the efforts of other countries to reclaim a modicum of technological sovereignty, Washington is likely to run into a problem it has already encountered while promoting its nebulous “internet freedom” agenda: its actions speak louder than its words. Rhetorically, it is very hard to oppose government-run digital surveillance and online spin in Russia, China or Iran, when the US government probably does more of it than all of these countries combined. Whatever motivates the desire of Russia and China to exert more control over their digital properties – and only the naive would believe that they are not motivated by concerns over domestic unrest – their actions are proportional to the aggressive efforts of Washington to exploit the fact that so much of the world’s communications infrastructure is run by Silicon Valley. One’s man internet freedom is another man’s internet imperial.

Squo solves—net neutrality

Garside March 3, 2015 (Juliette; Net neutrality is like free speech – and the internet needs rules, says FCC boss; www.theguardian.com/technology/2015/mar/03/net-neutrality-free-speech-fcc-tom-wheeler; kdf)

The US’s top media regulator hit back at critics of new net neutrality rules voted into law last week, comparing them to the first amendment and saying neither government nor private companies had the right to restrict the openness of the internet. The Federal Communications Commission chairman, Tom Wheeler, was speaking in Barcelona at Mobile World Congress, the world’s largest telecoms trade show, just as European governments are meeting to thrash out their own principles for keeping the internet open. “This is no more regulating the internet than the first amendment regulates free speech in our country,” Wheeler said. “If the internet is the most powerful and pervasive platform in the history of the planet, can it exist without a referee? There needs to be a referee with a yardstick, and that is the structure we have put in place. A set of rules that say activity should be just and reasonable, and somebody who can raise the flag if they aren’t.” Telecoms companies across Europe and America have railed against Wheeler’s reforms, saying they will discourage investment in better cable and wireless networks and simply benefit bandwidth-hungry services like Netflix and YouTube, which do not normally pay for their content to be carried across the internet. In the US, Verizon and AT&T, the two largest mobile operators, have said they will try to reverse the new rules in the courts. Meanwhile, Wheeler told conference attendees in Barcelona: “Those who were opposed to the open internet rules like to say this is Depression-era monopoly regulation. We built our model for net neutrality on the regulatory model that has been wildly successful in the US for mobile.” The FCC rules will treat telecoms companies in a similar way to utilities such as electricity. Internet service providers will be explicitly prohibited from blocking, throttling or prioritising internet traffic for commercial reasons. Where complaints are raised, the FCC will decide on a case-by-case basis whether what network owners are doing is “fair and just”. The FCC has said it would not intervene areas such as pricing, network unbundling and technical operating requirements. The European parliament is in the midst of negotiations with member states and network operators over final net neutrality rules, which could be published later this spring. A source at one of Europe’s largest mobile carriers said the fear was that Europe would introduce similar rules, only to find itself out of step when the FCC is forced to back down by a legal challenge or a change of president.

AT: Internet k2 economy

Internet not key to growth

Lowrey 2011 (Annie; Freaks, geeks, and the GDP; Mar 8;

www.slate.com/articles/business/moneybox/2011/03/freaks_geeks_and_gdp.html; kdf)

If you have attended any economists' cocktail parties in the past month or so—lucky you!—then you have probably heard chatter about Tyler Cowen's e-book, *The Great Stagnation*. The book seeks to explain why in the United States median wages have grown only slowly since the 1970s and have actually declined in the past decade. Cowen points to an innovation problem: Through the 1970s, the country had plenty of "low-hanging fruit" to juice GDP growth. In the past 40 years, coming up with whiz-bang, life-changing innovations—penicillin, free universal kindergarten, toilets, planes, cars—has proved harder, pulling down growth rates across the industrialized world. But wait! you might say. In the 1970s, American businesses started pumping out amazing, life-changing computing technologies. We got graphing calculators, data-processing systems, modern finance, GPS, silicon chips, ATMs, cell phones, and a host of other innovations. Has the Internet, the most revolutionary communications technology advance since Gutenberg rolled out the printing press, done nothing for GDP growth? The answer, economists broadly agree, is: Sorry, but no—at least, not nearly as much as you would expect. A quarter century ago, with new technologies starting to saturate American homes and businesses, economists looked around and expected to find computer-fueled growth everywhere. But signs of increased productivity or bolstered growth were few and far between. Sure, computers and the Web transformed thousands of businesses and hundreds of industries. But overall, things looked much the same. The GDP growth rate did not tick up significantly, nor did productivity. As economist Robert Solow put it in 1987: "You can see the computer age everywhere but in the productivity statistics." An overlapping set of theories emerged to explain the phenomenon, often termed the "productivity paradox." Perhaps the new technologies advantaged some firms and industries and disadvantaged others, leaving little net gain. Perhaps computer systems were not yet easy enough to use to reduce the amount of effort workers need to exert to perform a given task. Economists also wondered whether it might just take some time—perhaps a lot of time—for the gains to show up. In the past, information technologies tended to need to incubate before they produced gains in economic growth. Consider the case of Gutenberg's printing press. Though the technology radically transformed how people recorded and transmitted news and information, economists have failed to find evidence it sped up per-capita income or GDP growth in the 15th and 16th centuries. At one point, some economists thought that an Internet-driven golden age might have finally arrived in the late 1990s. Between 1995 and 1999, productivity growth rates actually exceeded those during the boom from 1913 to 1972—perhaps meaning the Web and computing had finally brought about a "New Economy." But that high-growth period faded quickly. And some studies found the gains during those years were not as impressive or widespread as initially thought. Robert Gordon, a professor of economics at Northwestern, for instance, has found that computers and the Internet mostly helped boost productivity in durable goods manufacturing—that is, the production of things like computers and semiconductors. "Our central theme is that computers and the Internet do not measure up to the Great Inventions of the late nineteenth and early twentieth century, and in this do not merit the label of Industrial Revolution," he wrote. Gordon's work leads to another theory, one espoused by Cowen himself. Perhaps the Internet is just not as revolutionary as we think it is. Sure, people might derive endless pleasure from it—its tendency to improve people's quality of life is undeniable. And sure, it might have revolutionized how we find, buy, and sell goods and services. But that still does not necessarily mean it is as transformative of an economy as, say, railroads were. That is in part because the Internet and computers tend to push costs toward zero, and have the capacity to reduce the need for labor. You are, of course, currently reading this article for free on a Web site supported not by subscriptions, but by advertising. You probably read a lot of news articles online, every day, and you probably pay nothing for them. Because of the decline in subscriptions, increased competition for advertising dollars, and other Web-driven dynamics, journalism profits and employment have dwindled in the past decade. (That Cowen writes a freely distributed blog and published his ideas in a \$4 e-book rather than a \$25 glossy airport hardcover should not go unnoted here.) Moreover, the Web- and computer-dependent technology sector itself does not employ that many people. And it does not look set to add workers: The Bureau of Labor Statistics estimates that employment in information technology, for instance, will be lower in 2018 than it was in 1998. That the Internet has not produced an economic boom might be hard to believe, Cowen admits. "We have a collective historical memory that technological progress brings a big and predictable stream of revenue growth across most of the economy," he writes. "When it comes to the web, those assumptions are turning out to be wrong or misleading. The revenue-intensive sectors of our economy have been slowing down and the big technological gains are coming in revenue-deficient sectors." But revenue is not always the end-all, be-all—even in economics. That brings us to a final explanation: Maybe it is not the growth that is deficient. Maybe it is the yardstick that is deficient. MIT professor Erik Brynjolfsson * explains the idea using the example of the music industry. "Because you and I stopped buying CDs, the music industry has shrunk, according to revenues and GDP. But we're not listening to less music. There's more music consumed than before." The improved choice and variety and availability of music must be worth something to us—even if it is not easy to put into numbers. "On paper, the way GDP is calculated, the music industry is disappearing, but in reality it's not disappearing. It is disappearing in revenue. It is not disappearing in terms of what you should care about, which is music." As more of our lives are lived online, he wonders whether this might become a bigger problem. "If everybody focuses on the part of the economy that produces dollars, they would be increasingly missing what people actually consume and enjoy. The disconnect becomes bigger and bigger." But providing an alternative measure of what we produce or consume based on the value people derive from Wikipedia or Pandora proves an extraordinary challenge—indeed, no economist has ever really done it. Brynjolfsson says it is possible, perhaps, by adding up various "consumer surpluses," measures of how much consumers would be willing to pay for a given good or service, versus how much they do pay. (You might pony up \$10 for a CD, but why would you if it is free?) That might give a rough sense of the dollar value of what the Internet tends to provide for nothing—and give us an alternative sense of the value of our technologies to us, if not their ability to produce growth or revenue for us. Of course, if our most radical and life-altering technologies are not improving incomes or productivity or

growth, then we still have problems. Quality-of-life improvements do not put dinner on the table or pay for Social Security benefits. Still, even Cowen does not see all doom and gloom ahead, with incomes stagnating endlessly as we do more and more online and bleed more and more jobs and money. Who knows what awesome technologies might be just around the bend?