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Reactionary Authoritarianism, Encryption, and You!

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The reactionary authoritarian drive to rein in unacceptable social deviance is directly linked to limiting the internet for kids and the scanning of private content, which means technologists must encrypt content quickly and defend encryption publicly.

Contains references to and discussion of:

- Abortion
- Homophobia
- Transphobia
- Child abuse

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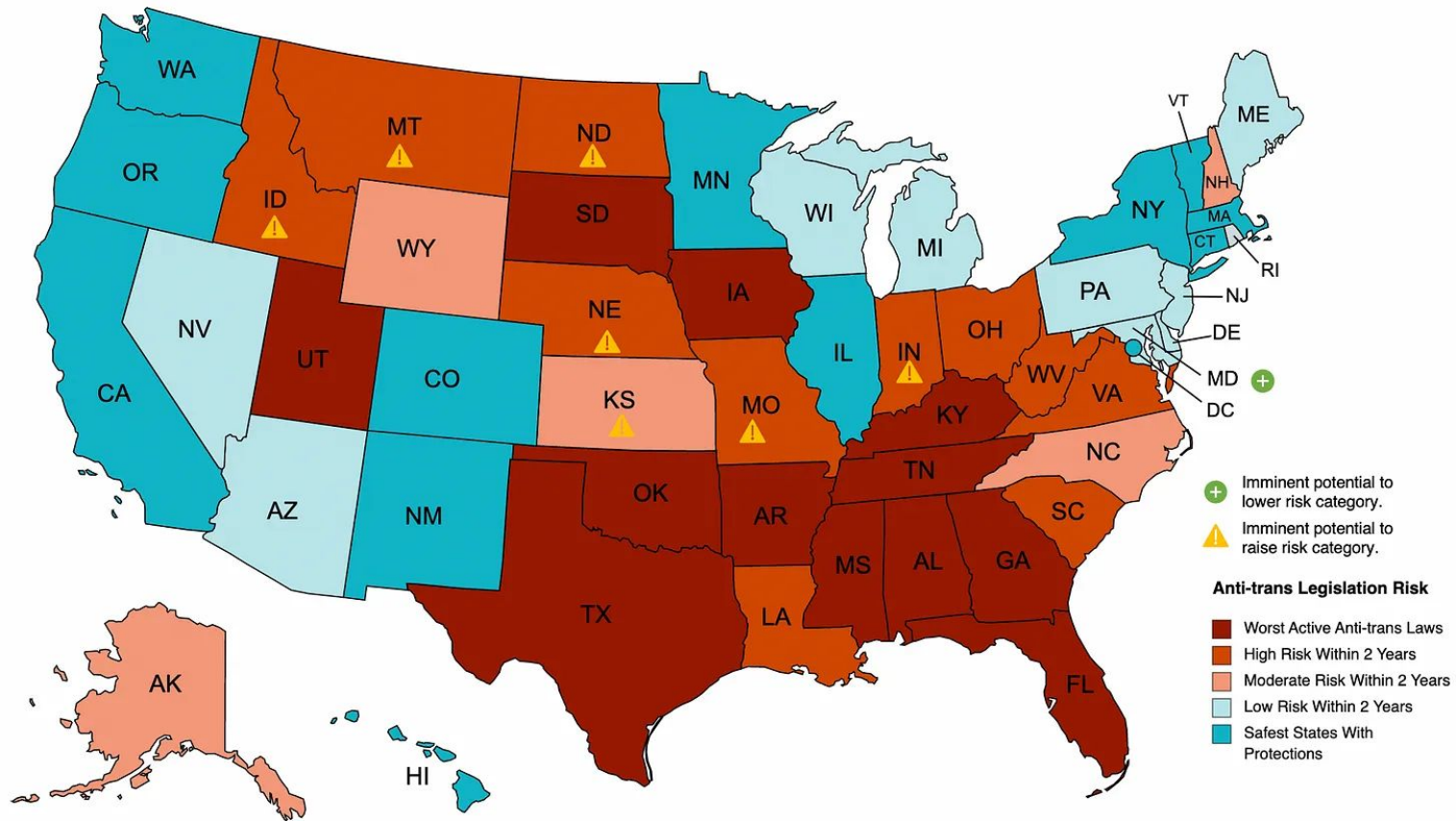
Deviance is the enemy of societal function, and must be limited and controlled.

Underlying principles of the movement

- Society has gone mad; we must protect the future by restoring control
- Authoritarian = the authorities in charge Know What's Best
- Law enforcement should have access to basically everything in all cases, regardless of any other rights it treads on like privacy.
- Parents know what's best for their children, and therefore can protect them best by surveilling them.
- Exposing children to "deviant" beliefs like abortion and trans care is tantamount to child abuse.

Anti-trans laws in the US

- Prohibit trans people from changing the gender marker on their birth certificate.
- Ban on new or existing gender-affirming care (for minors)
- Criminalize doctors who provide care
- Banning drag in public or in the presence of children (Tennessee)
- Providing treatment for trans teens is child abuse and investigating with family and protective services (Texas)



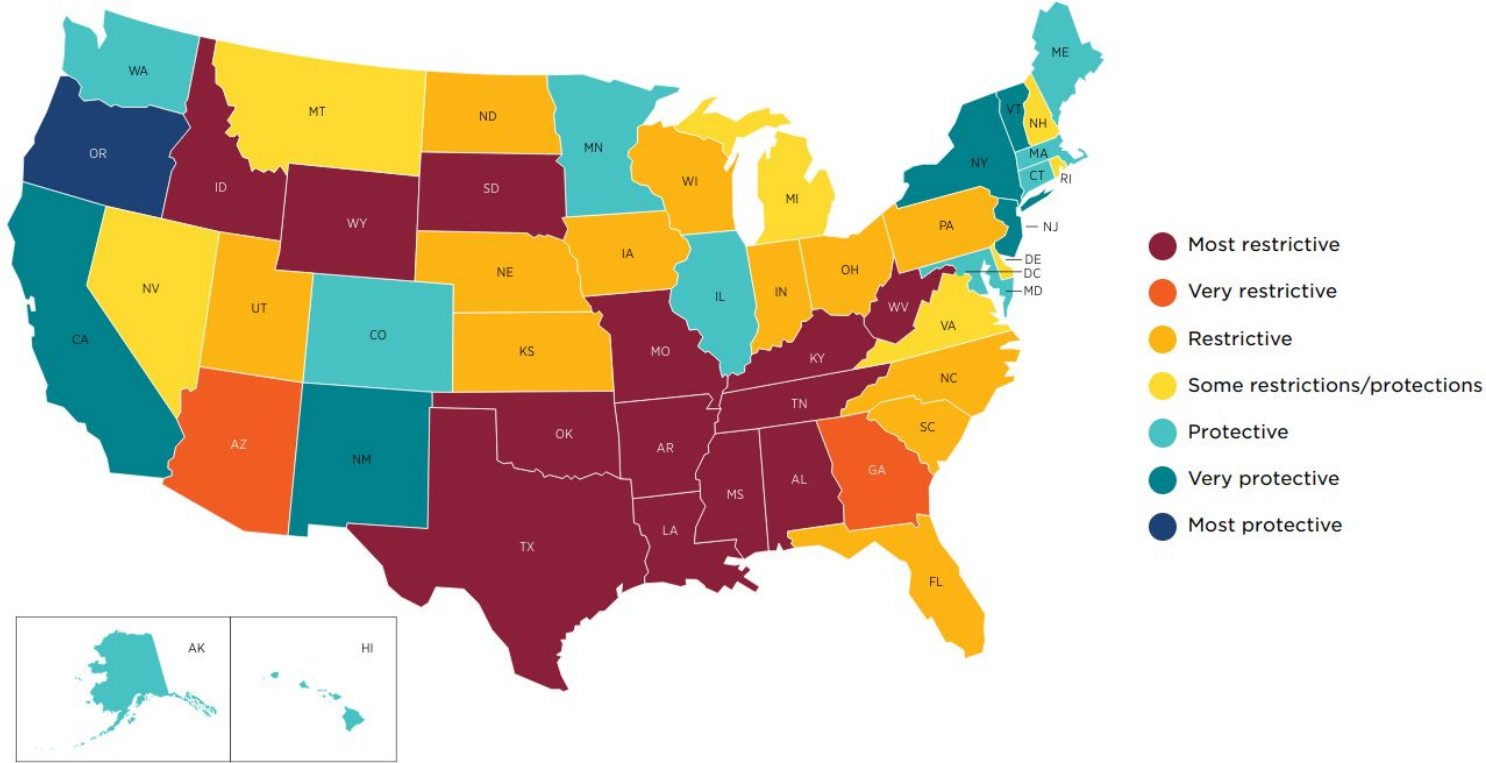
(as of 3/18/2023)

“Protecting the children”

“Though our session in SD is now over and our efforts to protect gender-confused vulnerable children failed, I continue to receive ugly email and social media posts,” – South Dakota Republican state Rep. Fred Deutsch, March 2020

“It was like Deutsch assembled a team of Navy SEALs—we were all trained killers in a specialty,” says Elisa Rae Shupe, a retired US Army soldier who became a vocal anti-trans advocate and participated in Deutsch’s working group after detransitioning. Shupe has since retransitioned, disavowed much of her old activism, and shared her copies of the working group’s emails with reporters. Religious-right rhetoric about wanting to help children with gender dysphoria is “just a front for what they do behind the scenes,” she says. “It’s like they want to do as much damage to the trans community as they can.”

Anti-abortion laws in the US



(as of 3/19/2023)

Anti-abortion is digital, too

- Texas State Bill 8: bounty hunters
 - Individuals and organizations **providing basic educational resources, sharing information, identifying locations of clinics, arranging rides and escorts, fundraising to support reproductive rights, or simply encouraging women to consider all their options**—now have to consider the risk that they might be sued for merely speaking.
 - Encourages private persons to file lawsuits against anyone who “knowingly engages in conduct that aids or abets the performance or inducement of an abortion.”
 - And you can be liable even if you simply intend to help, regardless of whether an illegal abortion actually resulted from your assistance.
 - It guarantees that a person who files and wins such a lawsuit will receive at least \$10,000 for each abortion that the speech “aided or abetted,” plus their costs and attorney’s fees. At the same time, SB8 may often shield these bounty hunters from having to pay the defendant’s legal costs should they lose.

LGBTQ+ content = child abuse

- Pretty common rhetoric, but linked in law in Hungary
- 2021 law “prohibits sharing with minors any content that portrays being gay or transgender” passed as an amendment to a bill fighting child abuse
- “ban the representation of any sexual orientation besides heterosexual as well as gender change information in school sex education programs, or in films and advertisements aimed at anyone under 18”



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**The internet is where
ideas spread.**

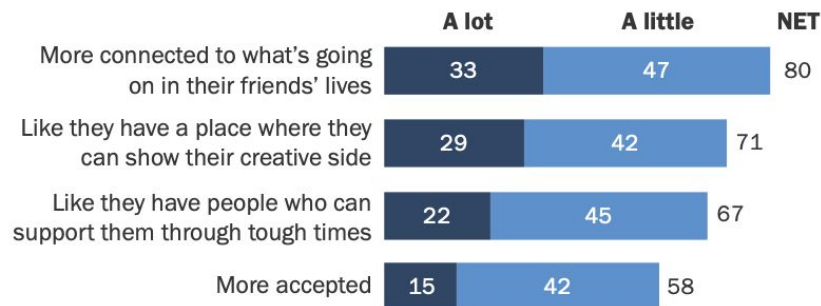
**Children are objects
of protection, and
their actions must be
tightly limited and
controlled.**

Social media is dangerous for kids

...unless you ask kids.

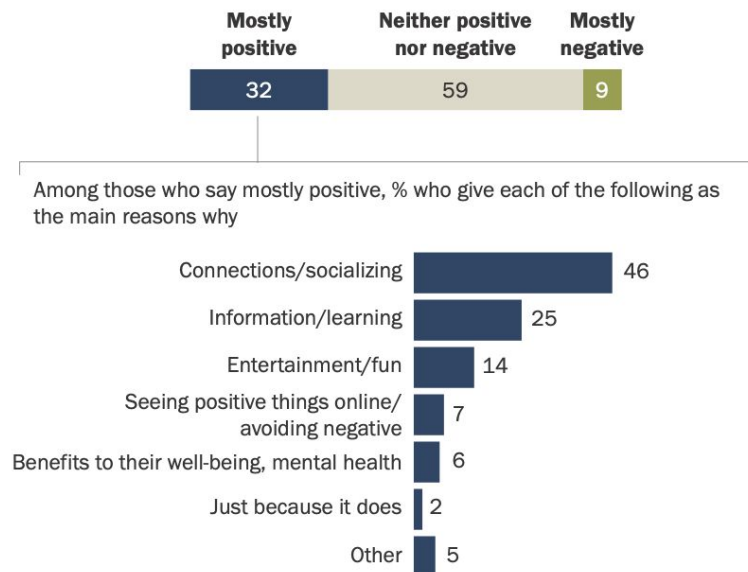
Majorities of teens say social media provides them with a space for connection, creativity and support ...

% of U.S. teens who say that in general, what they see on social media makes them feel ...



... and are more likely to say these sites have had a positive rather than negative impact on them, with many citing friendships, connections as reasons why

% of U.S. teens who say social media has had a ___ effect on them, personally



Kids Online Safety Act

- Lets Congress and state Attorneys General decide what's appropriate for children to view online
- Requires platforms to ban the potentially infinite category of “other matters that pose a risk to physical and mental health of a minor.”
- Leaves it up to individual state attorneys general to decide what topics pose a risk to the physical and mental health of a minor
- A co-author of this bill, Sen. Blackburn of Tennessee, has referred to education about race discrimination as “dangerous for kids.”

Utah Senate Bill 152 (and other state bills)

- Require parents to have access to all direct messages
- On the governor's desk
- Would require a social media company to stop a resident minor from creating an account unless they have the express consent of a parent or guardian
- The parent has to have the password to the account



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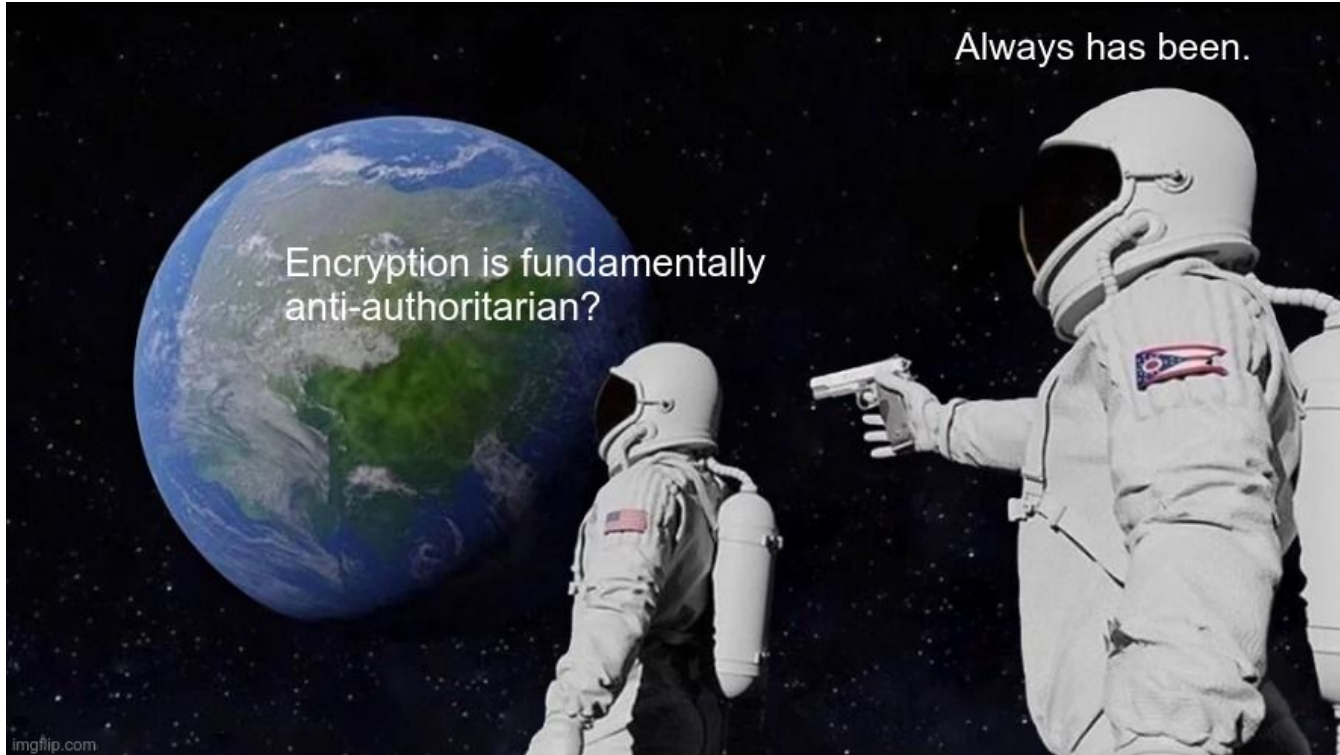
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**Dangerous content
cannot be allowed in
any sphere, no
matter the cost.**

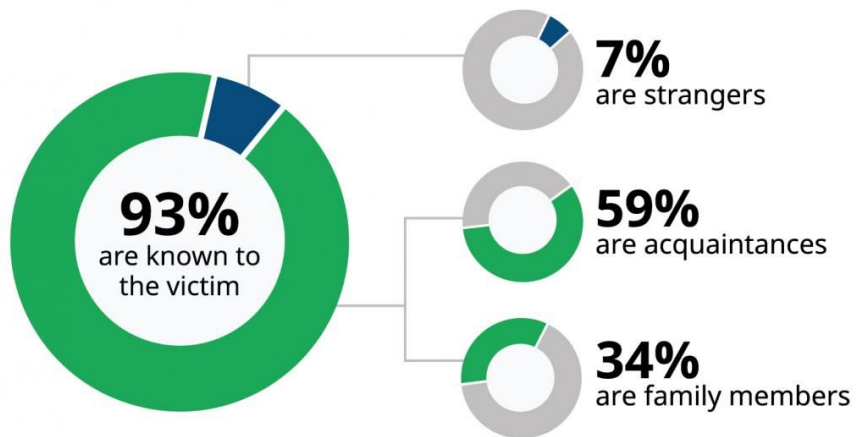
Encryption is knowledge, knowledge is power



Stopping child abuse?

CHILD VICTIMS OFTEN KNOW THE PERPETRATOR

Among cases of child sexual abuse reported to law enforcement:



RAINN

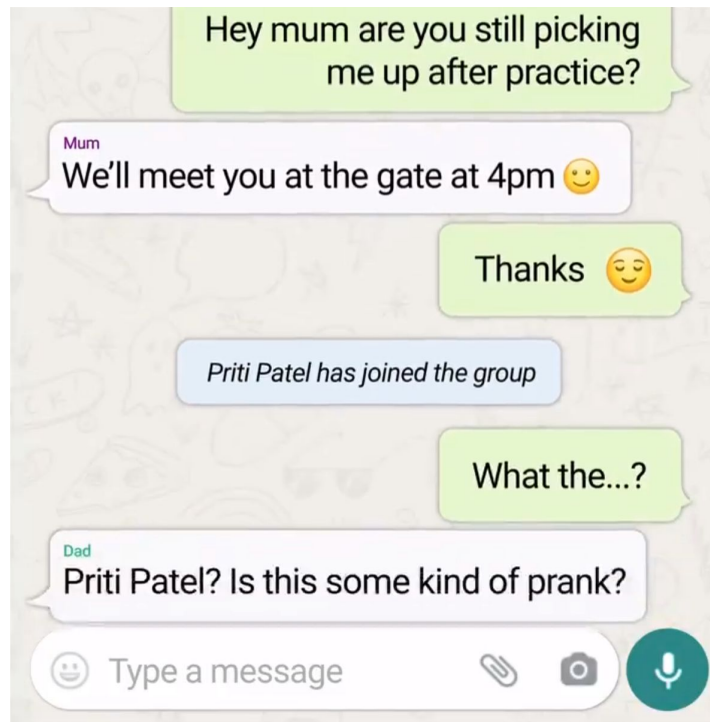
National Sexual Assault Hotline | 800.656.HOPE | online.rainn.org
Please visit rainn.org/statistics/children-and-teens for full citation.⁴

“80% of young people aged 13 to 17 years old from 13 EU Member States **would not feel comfortable being politically active or exploring their sexuality** if authorities were able to monitor their digital communication, in order to look for child sexual abuse.”

Modern proposals go around encryption

January 2019: GCHQ's ghost proposal

Arises from poorly defined endpoints; a more rigorous definition excludes these schemes (see Hale & Komlo 2022)



UK Online safety bill

- Websites and apps must proactively prevent harmful content
- Two years jail time for posting messages that cause “psychological harm amounting to at least serious distress.”
 - Simply intending to cause harm along with substantial risk of harm is enough; no actual harm need have occurred
- Orders online services to “use accredited technology”—in other words, government-approved software—to find child abuse images, even online services that use end-to-end encryption.
- Separate crime of transmitting “false communications,” punishable by fines or up to 51 weeks of imprisonment.

EU child sexual abuse regulation

- Platforms must mitigate abusive content
- If “significant” risks of online sexual child abuse remain after mitigations, law enforcement can send a “detection order”
- Under a detection order, companies must scan every private message, photo, and video using LE-approved software
- Not just matching; suggests predicting which new images might be abuse as well
- Plans to seek out “grooming” by using AI to review peoples’ text messages to try to guess at what communications might suggest future child abuse.
- Age verification requirement

US EARN-IT Act

- EARN IT will let the use of encryption be evidence in lawsuits and criminal trials.
- The overt goal of EARN IT is to pressure internet companies to start doing widespread scanning of user messages and photos.
- Bill sponsor Sen. Richard Blumenthal [told The Washington Post](#) that he rejected the idea of creating a broad exemption in the bill for the use of encryption, because he didn't want encryption to be a "get out of jail free card."
- "the misuse of encryption to further illegal activity is what gives rise to liability here."

Crime detection AI doesn't work

- A Facebook study found that [75% of the messages flagged by its scanning system](#) to detect child abuse material were not “malicious,” and included messages like bad jokes and memes.
- LinkedIn reported 75 cases of suspected CSAM to EU authorities in 2021. After manual review, [only 31 of those cases](#)—about 41%—involved confirmed CSAM.
- In 2020, [Irish police received 4,192 reports](#) from the U.S. National Center for Missing and Exploited Children (NCMEC). Of those, 852 referrals (20.3%) were confirmed as actual CSAM. Of those, 409 referrals (9.7%) were deemed “actionable” and 265 referrals (6.3%) were “completed” by Irish police.
- A 2022 New York Times story [highlighted a faulty Google CSAM scanner](#) that wrongly identified two U.S. fathers of toddlers as being child abusers. In fact, both men had sent medical photos of infections on their children at the request of their pediatricians. Their data was reviewed by local police, and the men were cleared of any wrongdoing. Despite their innocence, Google permanently deleted their accounts, stood by the failed AI system, and defended their opaque human review process.

Broadening targets is a fact, not a slope

- Many of these bills are narrowly targeted to CSAM, which is better than not being narrowly targeted to CSAM, marginally. But it doesn't matter. The tech itself is just checking against a database.
- We know it will expand because we've seen it before – PhotoDNA-like tech used for terrorism content
- Considering the broader movement, it's impossible to think it won't be required to expand it in later legislation



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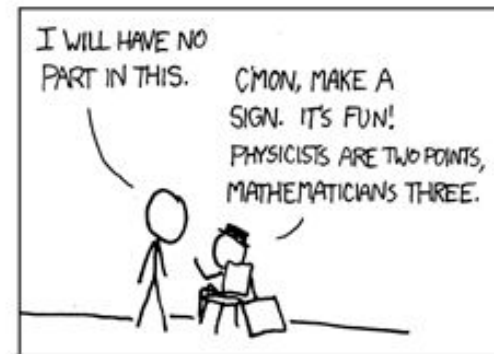
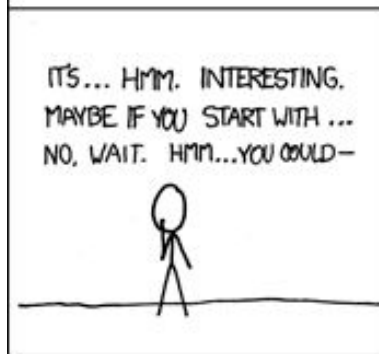
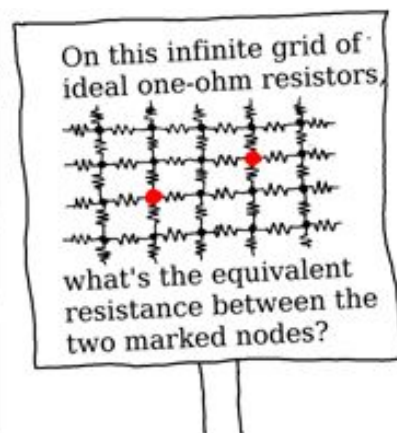
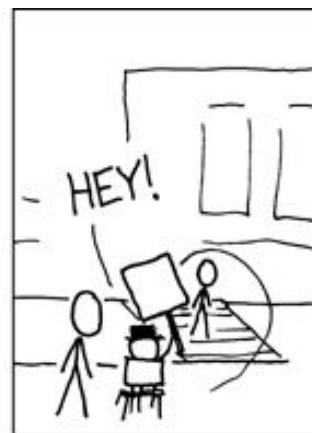
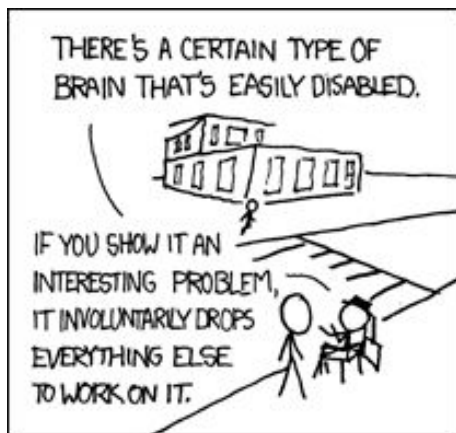
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**Narrow proposals are
not made in good
faith, and thus are
not deserving of
compromise**

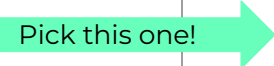
**Myth: we have to
settle for the least
bad option**

But designing these systems is fun!



**Done is better than
perfect.**

There is little room for nuance in politics

What you say	What you mean	What they hear
"It is technically possible to build such a system"	"This does not violate the laws of mathematics"	"We can and should now legislate to require it"
"We are not sure how to build this"	"It hasn't been done, and may or may not be infeasible"	"We can require it and you'll figure it out"
 "Impossible"	"Technically possible but has such limitations that it's infeasible to ship"	"We will not legislate to require this" <small>(hopefully)</small>

Speak up!

<https://act.eff.org>





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