

Trans Pacific Partnership â€“ More Bad News for Privacy and Freedom of Speech

March 18, 2016 â€“ Last week we published another story on the Trans Pacific Partnership (TPP) and itâ€™s negative impact on personal privacy. Weâ€™re still researching the agreement and as we expected, weâ€™re finding more things about it that we donâ€™t like. Turns out that it directly impacts your privacy and free speech rights as they are written in the Bill of Rights. Thatâ€™s no small matter.

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When the United States was founded, one of the core rights Americans gained was the right to anonymous free speech. Originally, that meant that Americans were free to print and distribute information â€“ objectionable or not â€“ and remain anonymous. That ability has allowed controversial political movements to get off the ground and, over time, flourish. And it has protected those who printed and distributed that information. In some cases, it actually protected the information distributors from the government itself.

It is quite likely that without this ability, American history would look quite different. Just think about the civil rights movement. How do you think that would have worked out if distribution of anonymous information had been banned? And thatâ€™s just one example.

Yes, much of the civil rights movement took place in front of news cameras in the 1960â€™s. But much of it was also waged silently and over the course of more than a century.

Frankly, the American Revolution relied heavily on the distribution of information anonymously published information too. It is a right that Americans enjoy because of ancestors that were willing to pay for it in their own blood.

In more recent years, the Supreme Court has brought the right of anonymous free speech into the modern era with rulings that anonymous internet speech is also protected. This right clearly establishes a link between personal privacy and freedom of speech. TPP is a significant threat to these rights.

Specifically, TPP would end the practice of allowing you to anonymously register an internet domain name. All internet domains would have to use real names for registration purposes and governments of TPP countries would have an obligation to take down any domain that violated this rule. Since many TPP countries donâ€™t allow freedom of speech in the way that we do, this would make it nearly impossible for dissidents to distribute information without facing great personal threat.

As if these issues arenâ€™t bad enough, TPP would also allow corporations to have information removed from websites simply by stating that it contained trade secrets, was copyrighted, or confidential. No finding by a court would be required. This opens up the prospect of having a company in another country accuse an American website of publishing its trade secrets in the United States, and forcing them to take that information off the internet. Even if the American publisher was revealing information that was harmful to consumers â€“ such as information from a whistleblower â€“ they could be forced to remove it.

TPP is an anathema to both personal privacy and freedom of speech. No trade agreement should contain these types of provisions. And no politician in the United States should support provisions like this. Simply put, they are un-American, as is this agreement.

by Jim Malmberg

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