Congress Moving to Destroy Online Privacy with the EARN Act

February 7, 2022 - Back in 2020, a bill was moving through congress that would have effectively destroyed online privacy in the United States by requiring back doors to be built into all online encryption systems. The law would have allowed the government to read pretty much any information stored or transmitted online, including text messages. Fortunately the bill died in the face of widespread opposition. But now, courtesy of senators Richard Blumenthal (D-CT) and Lindsey Graham (R-SC), it's back and it is called the EARN Act.

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If passed, the EARN Act will allow state, local and the federal government to go after any company that offers end to end encryption to protect data. Specifically, if a company like Telegram - which is an encrypted messenger - were to host or transmit their customers' data that was deemed to be illegal, they can be held legally accountable for it. A customer of theirs that transmits something that includes a copyright violation could put them in jeopardy. In order to prevent such an egregious violation of the law, these senators want to have the ability to read every single text message, email and social media post that Americans send.

By now, if you are thinking that this proposal would be like using a sledge hammer to kill a fly, we have to agree with you. But it gets even worse.

The law doesn't just impact text messages. It also impacts hosted data... meaning websites and web hosting companies. And that creates some big issues. End to end encryption is pretty well required for a lot of online data. Just think of credit card data, medical information, brokerage transactions, and the list goes on. As soon as you build some sort of back door into encryption, you open the data you are trying to protect up to hacking.

In short, the EARN Act is a horrible idea being proposed by a couple of people who know just about nothing about technology. The idea that the government should be able to read anything you send or store online without a search warrant is abhorrent to the Constitution. It's time for Americans to reach out to their senators to let them know that they oppose this legislation.

If you want to learn more about the EARN Act, the EFF published a good write up on it. You can find it here.
by Jim Malmberg
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