

Substantial Disruption



Jeff and Martha's Magnetic Ink

By Mike Tully

First Man:

*I think...
I think I am.
Therefore I am!
I think...*

Establishment:

*Of course you are, my bright little star...
I've miles and miles of files
Pretty files of your forefather's fruit
And now to suit our great computer
You're magnetic ink!*

- The Moody Blues, "On the Threshold of A Dream," 1969

When The Moody Blues released "On the Threshold of A Dream" in 1969, the world was on the threshold of the Internet, a dream being slowly realized by the Advanced Projects Research Agency (ARPA), which was created in 1958 in reaction to the Soviet Union's successful launch of Sputnik. The Internet's primordial ancestor, the ARPAnet, [launched in 1969](#) by linking four universities in the western United States. The effort spread overseas and into the private sector and, in 1989, the same year the Berlin Wall fell, the World Wide Web was created. The Soviet Union disintegrated two years later and, by the end of the 1990s, the term "Internet" was entering common parlance.

The cables and fibers of the Internet gradually became neurons of a planetary nervous system and visionaries like Steve Jobs realized that individual computing devices were not merely tools, but extensions of the human nervous system into the grander structure. Pleasure, purchases and knowledge were at our fingertips. But we learned that the Internet, the planetary brain, had an id, a darker side laden with lies, pornography and terror. We also came to realize that the wondrous new planetary network was a two-way mirror: when we looked into the Internet, it looked back.

As we search the Internet, we write our stories. Track somebody's browsing history and you unpeel their life. You can learn their political inclinations, their taste in music and clothing, where they go and what they do there. You can learn about friends, lovers, and mistresses, whether they have children, where they went to school, where their kids go to school. You can find out if they have pets, what organizations they belong to, their age and gender, their shopping and buying habits. You can map out their fears and desires. The tracks people leave on the Internet are worth their weight in gold to marketers and blackmailers. Our [lives can be monetized](#) on the Internet and there is not much we can do about it without laws to protect our Internet privacy. Unfortunately, our lawmakers have decided to deny us that protection.

It is a [Constitutional protection](#). While the Constitution does not include a specific recitation of an individual right to privacy, various Supreme Court opinions have determined such a right to be necessary and consistent with its content and purpose. As Warren and Brandeis [wrote](#) in the 1890 Harvard Law Review, “(T)he right to life has come to mean the right to enjoy life, -- the right to be let alone; the right to liberty secures the exercise of extensive civil privileges; and the term "property" has grown to comprise every form of possession -- intangible, as well as tangible.” That is not a universal view, especially among Constitutional “originalists” who complain that the absence of a specific mention in the Constitution means the right does not exist. Years ago a friend of mine argued that the Constitution protected liberty, not privacy. I asked him this question: suppose you have “liberty” to go anywhere you want and do anything you want any time you want, but you will be *under constant surveillance*. Is that liberty – or captivity?

On December 2, 2016, the Federal Communications Commission [adopted a rule](#) to protect the privacy of Internet users, [noting](#), “Privacy rights are fundamental because they protect important personal interests—freedom from identity theft, financial loss, or other economic harms, as well as concerns that intimate, personal details could become the grist for the mills of public embarrassment or harassment or the basis for opaque, but harmful judgments, including discrimination.” The Commission [observed](#) that Internet access providers have access to a vast amount of information about their customers and [stated](#): “Without appropriate privacy protections, use or disclosure of information that our broadband providers collect about us would be at odds with our privacy interests.”

Arizona Senator Jeff Flake [introduced](#) and Congresswoman Martha McSally [supported](#) an unconscionable sellout to the Internet providers that adds our private lives to the miles and miles of pretty files of our forefathers’ fruit. Our right to protection against abuse of our private information is being stripped away. Any proprietary interest we have in our personal information has been confiscated and given to generous campaign donors. We are nothing more than digital detritus, Jeff and Martha’s magnetic ink.

Remember this, come Election Day. Or, if you prefer to make your feelings known earlier, you can contact Senator Flake [here](#) and Congresswoman McSally [here](#).