Negative: Toys

By “Coach Vance” Trefethen

***Resolved: The United States federal government substantially reform the use of Artificial Intelligence technology***

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Negative: Toys – not a problem

INHERENCY

1. Market pressure solves

Public reaction to perceived threats from “Hello Barbie” forced it off the market

CNBC 2021 “Future AI toys could be smarter than parents, but a lot less protective” 11 July 2021 <https://www.cnbc.com/2021/07/11/future-ai-toys-may-be-smarter-than-parents-and-less-protective.html> (accessed 12 Mar 2022) (brackets added; for use in a home school debate league, we removed one word from the quote to avoid any ethical problems with students reading this evidence out loud; the deleted word refers to the Biblical “lake of fire” and is a pun on the word “hello.”)

Mattel’s Hello Barbie was released in 2015 even though concerns preceded the launch, but it was met with a social media campaign titled, ”#[EXPLETIVE DELETED]noBarbie” to demonstrate consumer opposition to the doll. Hello Barbie is no longer manufactured but can be found used on [eBay.](https://www.cnbc.com/quotes/EBAY)

“My Friend Cayla” and “iQue” were taken off the market by public pressure

CNBC 2021 “Future AI toys could be smarter than parents, but a lot less protective” 11 July 2021 <https://www.cnbc.com/2021/07/11/future-ai-toys-may-be-smarter-than-parents-and-less-protective.html> (accessed 12 Mar 2022) (brackets added)

EPIC [Electronic Privacy Information Center], along with other parties, filed a complaint to the FTC in 2016 about Genesis Toys and its My Friend Cayla dolls along with another product, iQue intelligent robots. EPIC said these toys collect, use and disclose recordings of children’s voices without parental consent, which is a direct violation of COPPA, according to [the complaint report filed.](https://epic.org/privacy/kids/EPIC-IPR-FTC-Genesis-Complaint.pdf) A year after the report, these toys were still available on [Amazon](https://www.cnbc.com/quotes/AMZN) but were removed from other retailers like [Walmart,](https://www.cnbc.com/quotes/WMT) [Target](https://www.cnbc.com/quotes/TGT) and Toys “R” Us. Now, neither of these toys are sold at any U.S. retailers, except on used toy markets like[eBay](https://www.cnbc.com/quotes/EBAY). According to Ailo Ravna, a senior policy advisor at the Norwegian Consumer Council, it is unclear if Genesis Toys is operational today. Ravna said My Friend Cayla dolls and iQue robots don’t appear to be sold in Europe and the company’s website has not been updated in years.

The ultimate market solution: If you think it’s harmful, don’t buy it

Every single American has the capacity right now to decide whether the harms of the AFF case are significant and every American has the capacity to solve for them if they agree. JUST DON’T BUY THE PRODUCT. Problem solved.

HARMS / SIGNIFICANCE

1. A/T “AI Toys violate the law”

Harm / Topicality dilemma

**First Response**: So what? It’s not a harm until someone gets harmed. The fact that a toy violates a law is not a harm. Some laws are useful, some are stupid and some are harmful, and we’re better off if some laws are ignored or violated in some cases. Christianity was illegal for the first three centuries of its existence in the Roman Empire. But Christianity is a good thing, not a harm, and I’m glad they broke the law for it.

**Second Response**: If AI toys really are breaking some existing law, and that’s really a bad thing for some reason, then the resolution calling for substantial policy reform is unjustified. Just enforce existing laws – problem solved. No policy reform needed.

2. Nobody’s buying them

Market demand for AI toys in the US is low and declining

CNBC 2021 “Future AI toys could be smarter than parents, but a lot less protective” 11 July 2021 <https://www.cnbc.com/2021/07/11/future-ai-toys-may-be-smarter-than-parents-and-less-protective.html> (accessed 12 Mar 2022)

Market demand for smart toys has been low. Between May 2020 and May 2021, the market for programmable smart toys, specifically, made up 0.1% of the whole toy industry, according to Juli Lennett, the U.S. toys industry advisor at NPD Group, and sales were roughly half of the previous year period. There have been sales spikes when a specific toy hits, such as in 2018, when Anki, a robotics and artificial intelligence start-up, was selling a popular toy named Cozmo, similar to ROYBI Robot, designed to use programmable features to enhance learning. According to NPD, Anki had $24 million in annual sales from Cozmo, but Lennett said the company [went bankrupt](https://www.theverge.com/2019/4/29/18523124/anki-drive-robot-toy-company-out-of-business-shutting-down) in 2019, potentially due to high manufacturing costs.

Parents aren’t buying them

CNBC 2021 “Future AI toys could be smarter than parents, but a lot less protective” 11 July 2021 <https://www.cnbc.com/2021/07/11/future-ai-toys-may-be-smarter-than-parents-and-less-protective.html> (accessed 12 Mar 2022)

“Parents tend to like it simple. If it’s something that doesn’t really enhance the play value of the toy and it adds cost, then it’s not going to be successful,” said Gerrick Johnson, an BMO Capital Markets equity research analyst following toy companies like Mattel, [Hasbro](https://www.cnbc.com/quotes/HAS), which sold a smart R2-D2 droid and later discontinued it, and [Funko](https://www.cnbc.com/quotes/FNKO), which does not currently sell any smart toys.

3. More study needed

Study not Ban: because AI toys can be good, we just need to study it more to figure out how to distinguish and regulate

Kathryn Rattigan 2021 (attorney; member of the [Business Litigation Group](http://www.rc.com/practices/Litigation/BusinessLitigation/index.cfm) and the [Data Privacy and Security Team](http://www.rc.com/practices/CorporateLaw/PrivacyandDataSecurity/index.cfm)) Smart Toys and How they May be Invading our Privacy 15 July 2021 <https://www.dataprivacyandsecurityinsider.com/2021/07/smart-toys-and-how-they-may-be-invading-our-privacy/> (accessed 12 Mar 2022)

Whether we like it or not, smart toys and AI capabilities will only continue to grow. AI can in fact be helpful and effective in aiding children’s learning and experiences. However, we may need to examine this trend now (and the legislation related to these smart toys) to stay ahead of some of the big issues that could arise if this space is not adequately regulated and monitored.

We need more study find the best policy and determine what, if any, the harms and benefits are. It requires input from multiple sources, not just a couple debaters fiating something into existence after an hour of debate

Human Rights Center at Univ of Calif.-Berkeley School of Law2018.( Mélina Cardinal-Bradette, Diana Chavez-Varela, Samapika Dash, Olivia Koshy, Pearlé Nwaezeigwe, Malhar Patel, Elif Sert, and Andrea Trewinnard, who conducted their research and writing under the supervision of Alexa Koenig of the UC Berkeley Human Rights Center) “Executive Summary Artificial Intelligence and Childrens Rights” <https://www.unicef.org/innovation/media/10726/file/Executive%20Summary:%20Memorandum%20on%20Artificial%20Intelligence%20and%20Child%20Rights.pdf> (accessed 12 Mar 2022)

As Artificial Intelligence-based technologies become increasingly integrated into modern life, the onus is on companies, governments, researchers and parents to consider the ways in which such technologies impact children’s human rights. The potential impact of artificial intelligence on children deserves special attention, given children’s heightened vulnerabilities and the numerous roles that artificial intelligence will play throughout the lifespan of individuals who are born in the 21st century. As much of the underlying technology is proprietary to corporations, corporations’ willingness and ability to incorporate human rights considerations into the development and use of such technologies will be critical. Governments will also need to work with corporations, parents, children and other stakeholders to create policies that safeguard children’s human rights and related interests.

4. Exaggerated fear of the “new”

Books were once a “new” thing people feared introducing to kids, but we all got over it

CNBC 2021 “Future AI toys could be smarter than parents, but a lot less protective” 11 July 2021 <https://www.cnbc.com/2021/07/11/future-ai-toys-may-be-smarter-than-parents-and-less-protective.html> (accessed 12 Mar 2022)

“I don’t think any of us have any doubt that the world these children are going to live in is going to be a world that’s enhanced by artificial intelligence,” said Richard Gottlieb, CEO of Global Toy Experts, a toy industry consultancy firm. Gottlieb said the introduction of AI toys is similar to when kids were first introduced to books. Books are now vital forms of literacy and education, but parents were initially concerned about access to uncensored information.

5. It’s not about harm, it’s about information

COPPA isn’t designed to protect children from being “harmed.” It’s about disclosing information

Melanie L. Hersh 2001 (J.D. Candidate, 2002, Fordham University School of Law) FORDHAM URBAN LAW JOURNAL Vol. 28 No. 6 “IS COPPA A COP OUT? THE CHILD ONLINE PRIVACY PROTECTION ACT AS PROOF THAT PARENTS, NOT GOVERNMENT, SHOULD BE PROTECTING CHILDREN'S INTERESTS ON THE INTERNET” https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=2058&context=ulj&httpsredir=1&referer=

Because children can access pornography and encounter dangerous people on the Internet, the government has a justification for regulating access to the Internet. However, it is unclear whether this power extends to protection of children from people who solicit their personal information. All previous court holdings have related to a child's encounters with preexisting materials, such as pornography; there has not yet been a court holding protecting a child from disclosing the child's personal information. This would be much like a law that attempts to forbid a child from talking to strangers on the street; it is improbable that such a law would withstand judicial scrutiny.

6. Harms don’t justify the solution

We don’t ban children from the street (even if there’s risk in talking to someone). Internet is no different

Melanie L. Hersh 2001 (J.D. Candidate, 2002, Fordham University School of Law) FORDHAM URBAN LAW JOURNAL Vol. 28 No. 6 “IS COPPA A COP OUT? THE CHILD ONLINE PRIVACY PROTECTION ACT AS PROOF THAT PARENTS, NOT GOVERNMENT, SHOULD BE PROTECTING CHILDREN'S INTERESTS ON THE INTERNET” https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=2058&context=ulj&httpsredir=1&referer=

Although it is true that in the off-line world the government can regulate where pornography is placed both within a locality and within a store, there is no regulation of what a child may encounter on the street or with whom he might speak. The most obvious solution to protecting children's privacy is to restrict Internet access to minors. But if we don't keep children constantly off the streets for fear of what or whom they might encounter, why would we keep children off the Internet for the same reason?

7. No constitutional right to privacy

No constitutional right to privacy, just whatever a legislature comes up with

Melanie L. Hersh 2001 (J.D. Candidate, 2002, Fordham University School of Law) FORDHAM URBAN LAW JOURNAL Vol. 28 No. 6 “IS COPPA A COP OUT? THE CHILD ONLINE PRIVACY PROTECTION ACT AS PROOF THAT PARENTS, NOT GOVERNMENT, SHOULD BE PROTECTING CHILDREN'S INTERESTS ON THE INTERNET” https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=2058&context=ulj&httpsredir=1&referer=

There is no broad privacy protection in the United States, despite the fact that the Supreme Court has described privacy as "implicit in the concept of ordered liberty.' There is a collection of diverse privacy laws focusing on specific issues. There is no specific constitutional right to privacy, but rather "various provisions of the United States Constitution limit state and federal government activities affecting the individual's disclosural privacy.

8. A/T “Hello Barbie” – it was never a problem

“Hello Barbie” – Not a problem, has multiple safeguards

Human Rights Center at Univ of Calif.-Berkeley School of Law2018.( Mélina Cardinal-Bradette, Diana Chavez-Varela, Samapika Dash, Olivia Koshy, Pearlé Nwaezeigwe, Malhar Patel, Elif Sert, and Andrea Trewinnard, who conducted their research and writing under the supervision of Alexa Koenig of the UC Berkeley Human Rights Center) “Executive Summary Artificial Intelligence and Childrens Rights” <https://www.unicef.org/innovation/media/10726/file/Executive%20Summary:%20Memorandum%20on%20Artificial%20Intelligence%20and%20Child%20Rights.pdf> (accessed 12 Mar 2022)

Another example is that of the Hello Barbie doll, which raised civil society concerns around the interception of sensitive information and whether the doll allowed for pervasive surveillance in ways that were not transparent to users. In that case, the toy’s manufacturer, Mattel – in collaboration with Toy Talk, Inc.– released an FAQ to try to address these pressing questions. First, the document states that the conversations between the doll and the child cannot be intercepted via Bluetooth technology because the conversation takes place over a secured TLS (HTTPS) network, making it impossible to connect the doll via Bluetooth. The document does advise against connecting the doll to third party Wi-Fi, which may be especially vulnerable to interception. Further, the document claims that the Hello Barbie doll is not always listening but becomes inactive when not expressly engaged. According to the document released by Mattel, the doll has similar recognition technology to Siri and is activated only when the user pushes down the doll’s belt buckle. Finally, the company states that the doll does not ask questions that are intended to elicit personal information, in order to minimize the circumstances in which a child might divulge sensitive information during his/her conversation with the doll.

“Hello Barbie” – Complies with COPPA, encrypts data, and allows parents full control over information

Human Rights Center at Univ of Calif.-Berkeley School of Law2018.( Mélina Cardinal-Bradette, Diana Chavez-Varela, Samapika Dash, Olivia Koshy, Pearlé Nwaezeigwe, Malhar Patel, Elif Sert, and Andrea Trewinnard, who conducted their research and writing under the supervision of Alexa Koenig of the UC Berkeley Human Rights Center) “Executive Summary Artificial Intelligence and Childrens Rights” <https://www.unicef.org/innovation/media/10726/file/Executive%20Summary:%20Memorandum%20on%20Artificial%20Intelligence%20and%20Child%20Rights.pdf> (accessed 12 Mar 2022)

Notably, parents can access their child’s ToyTalk cloud account and listen to what their child has said, deleting any personal information. As a safeguard, ToyTalk also participates in the FTC’s KidSafe Seal Program, a compliance program for websites and online services targeted towards children. There are two types of certificates that a website or online service can obtain: the KidSafe certificate and the KidSafe+ certificate. The KidSafe+ certificate requires additional requirements and compliance with COPPA. Because Hello Barbie targets children in the age range protected by COPPA, ToyTalk makes sure to comply with not only the basic KidSafe requirements but the additional requirements for KidSafe+. For example, the communications between Hello Barbie and a child are encrypted and stored on a trusted network.

9. A/T “Germany banned AI toy(s)”

Not because anyone was harmed. It was because it was “vulnerable to hacking”

Stefania Druga and Randi Williams 2017 (research assistants at M.I.T. Media Lab) “Children are growing up with technology that blurs the line between animate and inanimate objects. How does this interaction affect kids’ development?” <https://www.media.mit.edu/posts/kids-ai-devices/> (accessed 12 Mar 2022)

In February of this year another smart toy, the interactive Cayla doll was taken off the market in Germany because its bluetooth connection made it vulnerable to hacking.

“IF” that’s a harm justifying a ban, then you must ban credit cards too, since they are hacked all the time

Danny Palmer 2021 (journalist) 22 Nov 2021 “Hackers used this software flaw to steal credit card details from thousands of online retailers” <https://www.zdnet.com/article/hackers-targeted-thousands-of-online-retailers-to-steal-credit-card-details/> (accessed 12 Mar 2022)

Over 4,000 online retailers have been warned that their websites had been hacked by cybercriminals trying to steal customers' payment information and other personal information.  In total, the [National Cyber Security Centre](https://www.ncsc.gov.uk/news/guidance-for-retailers-to-prevent-websites-becoming-black-friday-cyber-traps) (NCSC) has identified a total of 4,151 retailers that had been compromised by hackers attempting to exploit vulnerabilities on checkout pages to divert payments and steal details.

10. Privacy doesn’t matter

Most people don’t care about privacy as much as they claim to

Prof. Neil Sahota 2020 ( IBM Master Inventor, United Nations Artificial Intelligence Advisor, Professor at UC Irvine) 14 Oct 2020 “Privacy Is Dead And Most People Really Don’t Care” https://www.forbes.com/sites/neilsahota/2020/10/14/privacy-is-dead-and-most-people-really-dont-care/?sh=5fc1aa97b733

Have you read the terms and conditions to use Facebook? Your smart phone? [Most people have not](https://www.npr.org/2014/09/01/345044359/why-do-we-blindly-sign-terms-of-service-agreements), and probably with good reason. They’re hundreds, if not, thousands of pages long. In fact, even contract lawyers with thirty years of experience have struggled in trying to understand these agreements. Deep down, though, each of us knows that we’re signing away our privacy rights to use these platforms and devices. So why do we do it? We don’t truly value privacy as much as we like to believe we do.

Naïve to expect privacy any more, and people’s behavior proves they don’t really care

Identity Management Institute 2019 (global certification organization dedicated to identity governance, risk management, and compliance) (article is undated but mentions events in Sept 2019) “6 REASONS WHY DATA PRIVACY IS DEAD” <https://identitymanagementinstitute.org/6-reasons-why-data-privacy-is-dead/> (accessed 27 Nov 2021)

Decreasing difference between private and identifiable data is recognized at the governmental level, which proves that expecting privacy is naïve. In its report published years ago, the Federal Trade Commission raised concerns about “the diminishing distinction” between de-identified and personally identifiable information. Therefore, the “death of privacy” goes far beyond conspiracy theories. Based on our observations of the latest incidents and trends, consumer privacy appears dead no matter how much consumers expect it or organizations, industry experts, and regulators try to ensure the confidentiality of personal information and reassure consumers that all their personal data is in good hands. As we observe the latest trends and news, we have a hard time reconciling consumer expectation of privacy with consumer behavior as they post so many personal information on social media.

There’s nothing anyone can do about data privacy

WALL STREET JOURNAL 2018 (Christopher Mims, technology columnist) 6 May 2018 “Privacy Is Dead. Here’s What Comes Next” <https://www.wsj.com/articles/privacy-is-dead-heres-what-comes-next-1525608001> (accessed 27 Nov 2021)

Short of living in a remote hut while forsaking cellphones, the internet and credit cards, there is no longer any way that you, as an individual, can prevent marketers, governments or malicious actors from gathering and using comprehensive, personally identifying information about you.

SOLVENCY

1. Problem (if it is a “problem”) is too big to be solved

Advertising industry collects 72 million pieces of data per child before age 12 [before AI toys are even widespread]

Jack Revell 2021 (Master’s degree in International Relations; News and Culture Editor at The Latch, an Australian publication) 15 July 2021 “[AI Toys Are Coming and They Might Even Be Smarter Than Parents](https://thelatch.com.au/ai-toys-australia/)” <https://thelatch.com.au/ai-toys-australia/> (accessed 12 Mar 2022)

The children’s advertising market is a multi-billion dollar industry and marketing companies are building profiles on their target market from a young age to better sell them products down the line. Dylan Collins, CEO of kid-tech advertising company Super Awesome, [has said](https://which-50.com/cover-story-australia-is-falling-behind-on-protecting-childrens-online-privacy/) that by the time a child reaches the age of 12, more than 72 million pieces of personal data have been collected about them by advertising technology designed for adults.

DISADVANTAGES

1. Parental complacency

Link: COPPA deceives us into thinking government can protect children, so parents become complacent

Melanie L. Hersh 2001 (J.D. Candidate, 2002, Fordham University School of Law) FORDHAM URBAN LAW JOURNAL Vol. 28 No. 6 “IS COPPA A COP OUT? THE CHILD ONLINE PRIVACY PROTECTION ACT AS PROOF THAT PARENTS, NOT GOVERNMENT, SHOULD BE PROTECTING CHILDREN'S INTERESTS ON THE INTERNET” (accessed 28 Nov 2021) https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=2058&context=ulj&httpsredir=1&referer=

In response to these failed acts, The Child Online Privacy Protection Act of 1998 ("COPPA") was enacted in April 21, 2000 to deal with a different problem-privacy. COPPA grants more freedom to parents by allowing them to choose whether or not their children can access sites, in a way that is similar to regulation of other industries. However, it still places too much of the burden of regulation on website providers and the government, which leads to parental complacency. COPPA is not the answer; it is simply the latest failed attempt at statutory regulation, proving self-regulation to be far preferable to less useful statutes.

Impact: Protection for children gets worse, so the harms get worse

Nancy Willard 2002 (with Responsible Netizen Institute) “Safe and Responsible Use of the Internet: A Guide for Educators” https://www.ntia.doc.gov/legacy/ntiahome/ntiageneral/cipacomments/comments/willard/Chapters.htm

We, as society, are too often willing to believe that a technological "quick fix" will solve the problem. When we believe in the sufficiency of the technological "quick fix," we fail to engage in the more important actions that are necessary to effectively address the underlying concerns. Far too many decision-makers, educators, and parents believe in a myth--that the installation and use of a "technology protection measure" will protect children against access to potentially harmful material and people on the Internet. The unfortunate result of the belief in this myth is false security, which leads to complacency, which results in the failure to adequately protect our children by preparing them to use the Internet in a safe and responsible manner.

Impact: Negative Net Benefits. Complacency under COPPA is worse than having no COPPA at all.

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It is turning out to be even more dangerous to have COPPA than to have no regulation at all, because under COPPA, despite appearances, no one, is really in control. Ironically, COPPA gives parents the false impression their role in protecting their children from the Internet is no longer needed. When Bonus.com, a game website for children, asked for parental consent from its members, only forty-nine percent of parents even responded (five percent declined). This website is losing more than half of the children who are interested in participating, and it doesn't even have chat, email, e-commerce, or instant messaging-the potentially dangerous activities against which the law was intended to protect. Even so, parents are likely not doing their part because they feel someone else has already taken on that responsibility.

2. Parental rights violated

Link: COPPA is a clear example of why parents should be in charge of their children, not the government

Melanie L. Hersh 2001 (J.D. Candidate, 2002, Fordham University School of Law) FORDHAM URBAN LAW JOURNAL Vol. 28 No. 6 “IS COPPA A COP OUT? THE CHILD ONLINE PRIVACY PROTECTION ACT AS PROOF THAT PARENTS, NOT GOVERNMENT, SHOULD BE PROTECTING CHILDREN'S INTERESTS ON THE INTERNET” (accessed 28 Nov 2021) https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=2058&context=ulj&httpsredir=1&referer=

As with most new legislation, there is praise for what COPPA has done well and criticism for its shortcomings. As was the case when its predecessor laws were enacted, the debate is between those who believe that regulation of the Internet to protect children should come from the government and those who believe the industry should regulate itself in a way that allows families to make individualized choices. COPPA presents this regulation conflict in a new context-privacy. An analysis of the Act and what consequences have arisen since its enactment in April 2000, makes clear that in this new realm of cyberspace, the regulating power has not been placed in the right hands. COPPA's shortcomings demonstrate, once again, that the government should not be regulating the Internet. Instead, this power should be left primarily with parents, with help from the industry.

Link & Impact: Parents have the right & duty to decide what their children should be restricted from, not the government

Melanie L. Hersh 2001 (J.D. Candidate, 2002, Fordham University School of Law) FORDHAM URBAN LAW JOURNAL Vol. 28 No. 6 “IS COPPA A COP OUT? THE CHILD ONLINE PRIVACY PROTECTION ACT AS PROOF THAT PARENTS, NOT GOVERNMENT, SHOULD BE PROTECTING CHILDREN'S INTERESTS ON THE INTERNET” (accessed 28 Nov 2021) https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=2058&context=ulj&httpsredir=1&referer=

Lastly, government regulation of the Internet does not allow parents to have enough control over what their children see or hear, and this kind of control has been constitutionally placed in their hands. As the court held in Action for Children's Television v. FCC, letting the government control what channels a child can watch infringes upon the rights of parents to raise their children. In FCC v. Pacifica Foundation, the Court held the government may not control children's access to materials contrary to the wishes of their parents. These two cases stand for the proposition that parents, not governments, need the power to control the actions of children when it comes to interactions with media.

3. First Amendment violations

Link: AFF plan increases censorship

If not, it doesn’t accomplish anything.

Link: Violates First Amendment

Judge Stewart Dalzell 1996 (United States District Judge of the United States District Court for the Eastern District of Pennsylvania)11 June 1996 opinion of the court in the case of ACLU v. Reno 924 F. Supp. 824 <https://law.justia.com/cases/federal/district-courts/FSupp/929/824/1812782/> (accessed 28 Nov 2021)

As the most participatory form of mass speech yet developed, the Internet deserves the highest protection from governmental intrusion. True it is that many find some of the speech on the Internet to be offensive, and amid the din of cyberspace many hear discordant voices that they regard as indecent. The absence of governmental regulation of Internet content has unquestionably produced a kind of chaos, but as one of plaintiffs' experts put it with such resonance at the hearing: What achieved success was the very chaos that the Internet is. The strength of the Internet is that chaos. Just as the strength of the Internet is chaos, so the strength of our liberty depends upon the chaos and cacophony of the unfettered speech the First Amendment protects.

Impact: Negative Net Benefits. Government regulation of the internet is a cure worse than the disease it’s trying to fix

Melanie L. Hersh 2001 (J.D. Candidate, 2002, Fordham University School of Law) FORDHAM URBAN LAW JOURNAL Vol. 28 No. 6 “IS COPPA A COP OUT? THE CHILD ONLINE PRIVACY PROTECTION ACT AS PROOF THAT PARENTS, NOT GOVERNMENT, SHOULD BE PROTECTING CHILDREN'S INTERESTS ON THE INTERNET” (accessed 28 Nov 2021) (brackets and ellipses in original) https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=2058&context=ulj&httpsredir=1&referer=

Self-regulation also has the advantage of allowing government and industry groups to set industry behavioral norms together. An absence of regulation will inevitably cause some chaos, but even the government admits that "[t]he strength of the Internet is that chaos. Although self-regulation is not perfect, and will not deter all crime or prevent all harm, "[c]ertain types of crimes... simply cannot be entirely prevented, short of adoption of repressive forms of order that would constitute a cure worse than the disease.

Impact: Compromising Freedom of Speech is really bad. It’s the foundation of nearly all other human rights

Prof. Stephen J. Wermiel 2018. (professor of practice of constitutional law at American University Washington College of Law) The Ongoing Challenge to Define Free Speech (article is undated but says it was written 227 years after the ratification of the Bill of Rights in 1791) <https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/the-ongoing-challenge-to-define-free-speech/the-ongoing-challenge-to-define-free-speech/> (accessed 6 Oct 2021)

Freedom of speech, Supreme Court Justice Benjamin Cardozo declared more than 80 years ago, “is the matrix, the indispensable condition of nearly every other form of freedom.” Countless other justices, commentators, philosophers, and more have waxed eloquent for decades over the critically important role that freedom of speech plays in promoting and maintaining democracy.

Impact: Harms of censorship outweigh “benefits” - James Madison 1791

Jackie Mansky 2018 (journalist) The Age-Old Problem of “Fake News” 7 May 2018 SMITHSONIAN MAGAZINE <https://www.smithsonianmag.com/history/age-old-problem-fake-news-180968945/> (accessed 24 Oct 2021)

Whether it's “fake news” fabrications like those promulgated by the Sons of Liberty or “fake news” stories that in reality break down to a difference of opinion, the tradeoffs of having a free independent press has been part of American politics since the beginning. “I think Madison was probably the best on that one when he basically said you have to tolerate some sedition in order to have free communication. You can’t root out all,” says Halperin. Writing anonymously in the *National Gazette* in 1791, Madison speaks to the power of the literati, which he classified as people who are writing things in newspapers and influencing public opinion. There, says Sheehan, he articulates the importance of a free press, partisan though it may be, writing: “They are the cultivators of the human mind—the manufacturers of useful knowledge—the agents of the commerce of ideas—the censors of public manners—the teachers of the arts of life and the means of happiness.”