Negative: A.I. Bill of Rights

By “Coach Vance” Trefethen

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

Case Summary: The AFF plan enacts a list of principles recommended by some experts known as the “AI Bill of Rights.” Most of them are vague platitudes along the lines of a rule that every week should have 5 sunny days. Nice ideas, but not actual laws with details that could be enforced.

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Negative: Bill of Rights

HARMS / SIGNIFICANCE

1. A/T “Facial Recognition Technology”

1) No Solvency: AFF plan has no standards for success to regulate FRT. 2) No Harm: FRT is extremely accurate

[Michael McLaughlin](https://itif.org/person/michael-mclaughlin)  and [Daniel Castro](https://itif.org/person/daniel-castro) 2020 (McLaughlin -research analyst at the Information Technology and Innovation Foundation. Master’s in Communication at Stanford University, specializing in Data Journalism. Castro is vice president of Information Technology & Information Foundation and director of ITIF’s Center for Data Innovation. B.S. in foreign service from Georgetown University and an M.S. in information security technology and management from Carnegie Mellon University. )  January 27, 2020 “The Critics Were Wrong: NIST Data Shows the Best Facial Recognition Algorithms Are Neither Racist Nor Sexist” <https://itif.org/publications/2020/01/27/critics-were-wrong-nist-data-shows-best-facial-recognition-algorithms> (accessed 24 Mar 2022) (brackets added)

Many critics of facial recognition technology complain that the technology is not accurate enough, but refuse to give specifics on what they would consider sufficient—refusing to set a clear goal post for industry—which suggests they are not serious about wanting to improve the technology and oppose it for other reasons. Reasonable people may disagree on when it is appropriate to use facial recognition, but the facts are clear that the technology can be highly accurate. As previous NIST [National Institute of Standards and Technology] reports have shown, many of the algorithms have accuracy rates that exceed 99 percent, and as the new report shows, the differences across demographics are minimal for the best algorithms.

Facial recognition is so widespread that no one cares and no one has any reasonable expectation of privacy

Riya Anchi 2020 (JD candidate at Penn. State Univ. Law School) Facial Recognition Technology: A Fourth Amendment Violation? 24 Feb 2020 PENN STATE LAW REVIEW https://www.pennstatelawreview.org/the-forum/facial-recognition-technology-a-fourth-amendment-violation/

Furthermore, it is also unlikely that society recognizes “the expectation of privacy from facial recognition technology in public places” as reasonable. Today, the use of video surveillance systems in public places is commonplace.  Most people are aware of the use of these surveillance systems.  It is improbable that people would not expect to be subjected to some form of video surveillance in public places. Because video surveillance is the basis of facial recognition, it is unlikely that society would view the expectation of privacy from the use of such technology as reasonable.

2. A/T “Social Scoring”

“Threat” of China’s system is exaggerated and social scoring is a science fiction story that doesn’t actually exist

David Matthews 2021 (journalist) US-EU agreement on artificial intelligence seen as a swipe at China – but little else for now 5 Oct 2021 <https://sciencebusiness.net/news/us-eu-agreement-artificial-intelligence-seen-swipe-china-little-else-now> (accessed 10 Dec 2021)

Western reporting of China’s social credit system, characterising it as having Orwellian potential to monitor and crush dissent, has been “overblown and incorrect”, said Daniel Leufer, Europe policy analyst at Access Now, an NGO that campaigns for digital rights. “The actual system is, in most [respects], a relatively banal system for keeping track of administrative sanctions, and has nothing to do with AI,” said Leufer. “This applies to the [EU] AI Act’s prohibition on social scoring too: they are trying, badly, to prohibit a sci-fi application that doesn’t exist.”

China’s “scoring” system isn’t really “social scoring”

Hanna Willems 2019. (Master’s thesis at Hamburg Univ., Germany) “SOCIAL SCORING – A TREND ANALYSIS THE PERCEPTION OF EXPERTS ON THE RISING IMPACT OF SOCIAL SCORING BY ALGORITHM” <https://www.blog.digital-markets.info/wp-content/uploads/2019/01/Masterthesis_Scoring_Willems2.pdf> (accessed 10 Dec 2021)

Even though the social credit scoring system in China is a great example for a centralized scoring, it does not necessarily correspond to the term social scoring. Social scoring is an algorithm-based evaluation of all publicly available information online as well as offline, which is either collected or purchased, to rate a person in relation to a comparison group. An important factor about social scoring as it will be regarded in this paper is that this classification process is based on big data accumulated on- and offline and carried out by algorithm.

3. A/T “Social Media”

Social Media (or any other private actors) have the right to discriminate as part of our birthright of liberty and property rights

Prof. Walter Block 2011 (Eminent Scholar Endowed Chair in Economics at Loyola University, senior fellow of the Mises Institute) “Why Discriminate?” 21 January 2011 <https://mises.org/library/why-discriminate> (accessed 1 Nov 2021)

But all Senator Paul was saying is that while it would be illicit for *government* to discriminate on the basis of race or sex or any other such criterion, it is a basic element of private-property rights that *individuals* be free to engage in exactly such preferences. If they were not, an important element of liberty would be lost. The howls of outrage that greeted this reasonable distinction were so great that Dr. Rand Paul felt compelled to backtrack on his statement. However, we are now discussing a book, not an election. Here, truth and justice are our only guides, not the hurt feelings of journalists working for the mainstream media and other sob sisters. It is clear that discrimination on the part of individuals, but of course not the state, is part of our birthright of liberty.

Finding and resolving human bias is much more difficult than evaluating algorithms. And we’re not even sure how to define what’s “fair”

Jake Silberg and [James Manyika](https://www.mckinsey.com/our-people/james-manyika) 2019 (**Jake Silberg** is a fellow at the McKinsey Global Institute (MGI). [James Manyika](https://www.mckinsey.com/our-people/james-manyika) is the chairman of MGI and a senior partner at McKinsey & Company in the San Francisco office ) 6 June 2019 “Tackling bias in artificial intelligence (and in humans)” <https://www.mckinsey.com/featured-insights/artificial-intelligence/tackling-bias-in-artificial-intelligence-and-in-humans> (accessed 2 Nov 2021)

Progress in identifying bias points to another opportunity: rethinking the standards we use to determine when human decisions are fair and when they reflect problematic bias. Reviewing the actual factors humans used (not what they say they used) when making a decision is much more difficult than evaluating algorithms. More often than not we rely on fairness proxies. For example, we often accept outcomes that derive from a process that is considered “fair.” But is procedural fairness the same as outcome fairness? Another proxy often used is compositional fairness, meaning that if the group making a decision contains a diversity of viewpoints, then what it decides is deemed fair. Perhaps these have traditionally been the best tools we had, but as we begin to apply tests of fairness to AI systems, can we start to hold humans more accountable as well?

SOLVENCY

1. Inherency / Solvency dilemma. Already doing it, but more study is needed

Inherency: AI Bill of Rights is underway. Solvency: But White House says it needs more study, not ready yet

Glen Gow 2022. (work with Boards and Sr. Execs on AI strategy; former CEO, a board member, and a CEO coach) FORBES 9 Jan 2022 “The AI Bill Of Rights: Protecting Americans From The Dangers Of Artificial Intelligence” <https://www.forbes.com/sites/glenngow/2022/01/09/the-ai-bill-of-rights-protecting-americans-from-the-dangers-of-artificial-intelligence/?sh=7236f3cf7173> (accessed 24 Mar 2022)

The White House is proposing a Bill of Rights to guard against these problems and ensure AI systems do not harm the people. Some ideas they are beginning to discuss include:

●     A right to meaningful recourse should an algorithm’s recommendations harm you

●     Freedom from surveillance (voice-activated systems, computer-usage monitoring systems, facial recognition, etc.)

●     Freedom from being subjected to AI decisions made from biased data sets

●     A right to know when AI is impacting your civil liberties

The White House Office of Science and Technology Policy is commencing engagement with everyone. They want to hear from regular citizens, the private sector, academia, and government.

AI Bill of Rights will happen once enough study has been completed

Bryan Walsh 2021 (Future Correspondent for Axios) 9 Oct 2021 “White House science advisers call for an "AI Bill of Rights"” <https://www.axios.com/white-house-ai-bill-of-rights-1b318b62-88e9-4369-9233-c611692bbd27.html> (accessed 24 Mar 2022)

**Driving the news:**The White House's Office of Science and Technology Policy [launched a fact-finding mission](https://www.federalregister.gov/documents/2021/10/08/2021-21975/notice-of-request-for-information-rfi-on-public-and-private-sector-uses-of-biometric-technologies) yesterday that will ultimately result in a "'bill of rights' to guard against the powerful technologies we have created," OSTP director Eric Lander and his deputy Alondra Nelson wrote in an [op-ed published by Wired yesterday](https://www.wired.com/story/opinion-bill-of-rights-artificial-intelligence/).

We’re a long way from being ready to implement an AI Bill of Rights: A lot more haggling must be done to figure out what it means

Bryan Walsh 2021 (Future Correspondent for Axios) 9 Oct 2021 “White House science advisers call for an "AI Bill of Rights"” <https://www.axios.com/white-house-ai-bill-of-rights-1b318b62-88e9-4369-9233-c611692bbd27.html> (accessed 24 Mar 2022)

**Reminder:**The original Bill of Rights is nearly 230 years old, and we're still debating the meaning of nearly each of its 652 words.  
\* If an AI Bill of Rights is our ultimate goal, we're still at the stage of haggling over the Articles of Confederation.

2. Bigger issues must be resolved first

Can’t decide AI’s role in society with a Bill of Rights until we decide what future society and its balance of power should look like

Bryan Walsh 2021 (Future Correspondent for Axios) 9 Oct 2021 “White House science advisers call for an "AI Bill of Rights"” <https://www.axios.com/white-house-ai-bill-of-rights-1b318b62-88e9-4369-9233-c611692bbd27.html> (accessed 24 Mar 2022)

The Biden administration is exploring a "bill of rights" to govern facial recognition and other potentially harmful uses of artificial intelligence, but the problems AI poses are much bigger than figuring out how to regulate a new technology. **The big picture:**There's no good way to regulate AI's role in shaping a fair and equitable society without deciding what that society should look like, including how power should be balanced among individuals, corporations and the government.

3. Too early

AI is too new at this stage to start passing laws for it. We need to develop expertise and study impacts first

Prof. Ryan Calo 2017. (Associate Professor, University of Washington School of Law; hosted the first White House workshop on artificial intelligence policy, organized AI workshops for the National Science Foundation) Artificial Intelligence Policy: A Primer and Roadmap <https://lawreview.law.ucdavis.edu/issues/51/2/Symposium/51-2_Calo.pdf> (accessed 8 Aug 2021)

Policy admits of the possibility of new laws, but does not require them. It may not be wise or even feasible to pass general laws about artificial intelligence at this early stage, whereas it is very likely wise and timely to plan for AI’s effects on society — including through the development of expertise, the investigation of AI’s current and likely social impacts, and perhaps smaller changes to appropriate doctrines and laws in response to AI’s positive and negative affordances.

We need to better understand how AI processes are executed

Darrell West and John Allen 2018. (West - Vice President and Director - [Governance Studies](https://www.brookings.edu/program/governance-studies/) Senior Fellow - [Center for Technology Innovation](https://www.brookings.edu/center/center-for-technology-innovation/). Allen -President, The Brookings Institution) 24 Apr 2018 How artificial intelligence is transforming the world <https://www.brookings.edu/research/how-artificial-intelligence-is-transforming-the-world/> (accessed 8 Aug 2021)

To summarize, the world is on the cusp of revolutionizing many sectors through artificial intelligence and data analytics. There already are significant deployments in finance, national security, health care, criminal justice, transportation, and smart cities that have altered decision-making, business models, risk mitigation, and system performance. These developments are generating substantial economic and social benefits. Yet the manner in which AI systems unfold has major implications for society as a whole. It matters how policy issues are addressed, ethical conflicts are reconciled, legal realities are resolved, and how much transparency is required in AI and data analytic solutions. Human choices about software development affect the way in which decisions are made and the manner in which they are integrated into organizational routines. Exactly how these processes are executed need to be better understood because they will have substantial impact on the general public soon, and for the foreseeable future. AI may well be a revolution in human affairs, and become the single most influential human innovation in history.

Tradeoffs between promoting innovation and regulating for safety are difficult, and we don’t have the expertise yet to understand the implications

Stanford University 100 Year Study on Artificial Intelligence 2016. (The One Hundred Year Study on Artificial Intelligence, launched in the fall of 2014, is a long-term investigation of the field of Artificial Intelligence and its influences on people, their communities, and society) “ONE HUNDRED YEAR STUDY ON ARTIFICIAL INTELLIGENCE” Sept 2016 <https://ai100.stanford.edu/sites/g/files/sbiybj9861/f/ai100report10032016fnl_singles.pdf> (accessed 8 Aug 2021)

Some existing regulatory regimes for software safety (for example, the FDA’s regulation of high consequence medical software) require specific software engineering practices at the developer level. However, modern software systems are often assembled from library components which may be supplied by multiple vendors, and are relatively application-independent. It doesn’t seem feasible or desirable to subject all such developers to the standards required for the most critical, rare applications. Nor does it seem advisable to allow unregulated use of such components in safety critical applications. Tradeoffs between promoting innovation and regulating for safety are difficult ones, both conceptually and in practice. At a minimum, regulatory entities will require greater expertise going forward in order to understand the implications of standards and measures put in place by researchers, government, and industry.

Big applications of AI don’t really work yet – it’s mostly hype and “fake it ‘til you make it”

Prof. Mary Cummings 2020 (*professor in the Duke University Electrical and Computer Engineering Department, and the Director of the Humans and Autonomy Laboratory)* The AI that Wasn’t There: Global Order and the (Mis)Perception of Powerful AI *) 2 June 2020* <https://tnsr.org/roundtable/policy-roundtable-artificial-intelligence-and-international-security/> (accessed 8 Aug 2021)

Despite the fact that AI has not been as successful in military and commercial settings as many people think, it is entirely possible that the perception of having all-powerful AI may be just as important as actually having it. A major factor driving the perception of who has the most advanced AI is who spends the most on it. Alphabet has spent more than $2 billion on DeepMind, which has a reputation as one of the most advanced AI companies in the world. However, DeepMind has produced very little in terms of revenue beyond successes in deterministic games like Alpha Go, calling into question DeepMind’s supposed successes.The uncertain accomplishments of AI are important when it comes to the international arms race because there is serious concern that China is outpacing the United States in AI applications. But given the significant weaknesses of current AI development, it must be asked whether China is really ahead of the United States in AI development or if AI overhype and well-placed demonstrations have simply given the perception that China is ahead. If the latter, what are the ramifications of such a misperception? The practice of claiming to possess all-powerful AI without actually having AI-driven systems is currently an issue in the commercial world of driverless cars. Companies developing driverless cars must rely on humans to significantly augment computer vision systems through data labelling: Humans must tell the car what it is seeing (road, bush, pedestrian, etc.), in the hope that after enough examples the car will “learn” these relationships on its own. As a result of the brittleness in such supervised approaches to learning, companies have not delivered on their promises of fleets of operational self-driving cars. To date, no company has demonstrated the ability for sustained driving operations without a safety driver behind the wheel. This practice of “fake it till you make it” is well known in Silicon Valley and has shown up in other commercial settings, like when humans pretended to be calendar-scheduling chatbots or when call center employees acted as transcription AI for voice-to-text translation.

4. Too complex

AI policy is so complex that it takes years of study and collective input to do it right

Peter Dizikes 2020 (journalist with Massachusetts Institute of Technology News Office) 20 Feb 2020 “A road map for artificial intelligence policy <https://news.mit.edu/2020/starr-videgaray-artificial-intelligence-policy-0220> (accessed 8 Aug 2021)

The rapid development of artificial intelligence technologies around the globe has led to increasing calls for robust AI policy: laws that let innovation flourish while protecting people from privacy violations, exploitive surveillance, biased algorithms, and more. But the drafting and passing of such laws has been anything but easy. “This is a very complex problem,” Luis Videgaray PhD ’98, director of MIT’s AI Policy for the World Project, said in a lecture on Wednesday afternoon. “This is not something that will be solved in a single report. This has got to be a collective conversation, and it will take a while. It will be years in the making.”

It’s not just about AI: We have to look at multiple other technologies at the same time

National Security Commission on Artificial Intelligence 2021 (bipartisan commission of 15 technologists, national security professionals, business executives, and academic leaders) March 2021 “Final Report” <https://www.nscai.gov/wp-content/uploads/2021/03/Full-Report-Digital-1.pdf> (accessed 17 June 2021)

Leadership in AI is necessary but not sufficient for overall U.S. technological leadership. AI sits at the center of the constellation of emerging technologies, enabling some and enabled by others. The United States must therefore develop a single, authoritative list of the technologies that will underpin national competitiveness in the 21st century and take bold action to catalyze U.S. leadership in AI, microelectronics, biotechnology, quantum computing, 5G, robotics and autonomous systems, additive manufacturing, and energy storage technology. U.S. leadership across these technologies requires investing in specific platforms that will enable transformational breakthroughs and building vibrant domestic manufacturing ecosystems in each. At the same time, the government will need to continuously identify and prioritize emerging technologies farther over the horizon.

5. Lack of expertise / skills

AI regulators have trouble staying current with technology

Peter Dizikes 2020 (journalist with Massachusetts Institute of Technology News Office) 20 Feb 2020 “A road map for artificial intelligence policy <https://news.mit.edu/2020/starr-videgaray-artificial-intelligence-policy-0220> (accessed 8 Aug 2021) (brackets added)

[Luis] Videgaray [PhD director of MIT’s AI Policy for the World Project] observed that it is difficult for AI regulators to stay current with technology. “There’s an information lag,” Videgaray said. “Things that concern computer scientists today might become the concerns of policymakers a few years in the future.”

Government has trouble ramping up expertise needed to manage the deep technology of AI

Prof. Ryan Calo 2017. (Associate Professor, University of Washington School of Law; hosted the first White House workshop on artificial intelligence policy, organized AI workshops for the National Science Foundation) Artificial Intelligence Policy: A Primer and Roadmap <https://lawreview.law.ucdavis.edu/issues/51/2/Symposium/51-2_Calo.pdf> (accessed 8 Aug 2021)

The better-grounded observation is that government lacks the requisite expertise to manage society in such a deeply technically-mediated world. Government bodies are slow to hire up and face steep competition from industry. When the state does not have its own experts, it must either rely on the self-interested word of private firms (or their proxies) or experience a paralysis of decision and action that ill-serves innovation. Thus, one overarching policy challenge is how best to introduce expertise about AI and robotics into all branches and levels of government so they can make better decisions with greater confidence. [**END QUOTE**] The solution could involve new advisory bodies, such as an official Federal Advisory Committee on Artificial Intelligence with an existing department or even a standalone Federal Robotics Commission.143 Or it could involve resuscitating the Office of Technology Assessment, building out the Congressional Research Service, or growing the Office of Science and Technology Policy. Yet another approach involves each branch hiring its own technical staff at every level. [**HE GOES ON TO CONCLUDE IN THE SAME CONTEXT QUOTE:]** The technical knowledge and affordances of the government — from the ability to test claims in a laboratory to a working understanding of AI in lawmakers and the judiciary — will ultimately affect the government’s capacity to generate wise AI policy.

US Government has massive human talent deficit in AI

National Security Commission on Artificial Intelligence 2021 (bipartisan commission of 15 technologists, national security professionals, business executives, and academic leaders) March 2021 “Final Report” <https://www.nscai.gov/wp-content/uploads/2021/03/Full-Report-Digital-1.pdf> (accessed 17 June 2021)

The human talent deficit is the government’s most conspicuous AI deficit and the single greatest inhibitor to buying, building, and fielding AI-enabled technologies for national security purposes. This is not a time to add a few new positions in national security departments and agencies for Silicon Valley technologists and call it a day. We need to build entirely new talent pipelines from scratch.

Government expertise must be specific to the sector using AI, not “AI in general” + must have it before crafting regulations

Stanford University 100 Year Study on Artificial Intelligence 2016. (The One Hundred Year Study on Artificial Intelligence, launched in the fall of 2014, is a long-term investigation of the field of Artificial Intelligence and its influences on people, their communities, and society) “ONE HUNDRED YEAR STUDY ON ARTIFICIAL INTELLIGENCE” Sept 2016 <https://ai100.stanford.edu/sites/g/files/sbiybj9861/f/ai100report10032016fnl_singles.pdf> (accessed 8 Aug 2021)

One lesson that might be drawn concerns the growing disconnect between the context-specific way in which AI is governed today and a wider consideration of themes shared by AI technologies across industries or sectors of society. It could be tempting to create new institutional configurations capable of amassing expertise and setting AI standards across multiple contexts. The Study Panel’s consensus is that attempts to regulate “AI” in general would be misguided, since there is no clear definition of AI (it isn’t any one thing), and the risks and considerations are very different in different domains. Instead, policymakers should recognize that to varying degrees and over time, various industries will need distinct, appropriate, regulations that touch on software built using AI or incorporating AI in some way. The government will need the expertise to scrutinize standards and technology developed by the private and public sector, and to craft regulations where necessary.

6. Undefined / vague terms

Legislation containing vague or undefined terms is already failing. We must define terms and goals before success can be achieved

Davis Wright Tremaine LLP 2020. (law firm) 18 June 2020 “NIST Announces Workshop Focused on "Bias in AI"” <https://www.dwt.com/blogs/artificial-intelligence-law-advisor/2020/06/nist-bias-in-ai-workshop> (accessed 24 Mar 2022)

Making progress on the definition of bias in AI would be a significant achievement since there is so little consensus regarding the meaning of many terms in this field. For example, New York City's AI report uses the term 'disproportionate impact' without defining it; Washington State's legislation similarly uses the terms 'bias' and 'disparate impact' without specifying their meaning; and Illinois's Artificial Intelligence Video Interview Act does not even define 'artificial intelligence.'   
NIST views this workshop as one step in its [ongoing work on AI issues](https://www.nist.gov/topics/artificial-intelligence). As noted above, one of the long-term goals mentioned in the announcement is to lay important groundwork for upcoming efforts in NIST's AI work more broadly, including the 'development of standards and recommendations for achieving trustworthy AI.'

DISADVANTAGES

1. Premature regulation stifles AI development

Link: AI Bill of Rights = Massive new regulations that would stifle AI development

Davis Wright Tremaine LLP 2020. (law firm) “Does the U.S. Need an AI "Bill of Rights"?—White House Says "Yes"” 22 Oct 2021 <https://www.jdsupra.com/legalnews/does-the-u-s-need-an-ai-bill-of-rights-8637687/> (accessed 24 Mar 2022)

Significantly, these potential new rights suggest that OSTP will look closely at certain obligations around transparency and explainability, an issue that other regulators are examining closely. In addition, potential audits of AI systems may also be on the table, as are opt-out rights. Finally, the OSTP appears to be considering possible "recourse" or redress against organizations using AI to make decisions or take certain actions. If codified, any of these ideas alone would introduce significant new obligations; collectively, they could significantly recast the regulatory duties for developers and users of AI systems, potentially introducing considerable challenges to AI technology development.

Link: Poorly informed regulation stifles AI innovation

Stanford University 100 Year Study on Artificial Intelligence 2016. (The One Hundred Year Study on Artificial Intelligence, launched in the fall of 2014, is a long-term investigation of the field of Artificial Intelligence and its influences on people, their communities, and society) “ONE HUNDRED YEAR STUDY ON ARTIFICIAL INTELLIGENCE” Sept 2016 <https://ai100.stanford.edu/sites/g/files/sbiybj9861/f/ai100report10032016fnl_singles.pdf> (accessed 8 Aug 2021)

Faced with the profound changes that AI technologies can produce, pressure for “more” and “tougher” regulation is probably inevitable. Misunderstandings about what AI is and is not could fuel opposition to technologies with the potential to benefit everyone. Inappropriate regulatory activity would be a tragic mistake. Poorly informed regulation that stifles innovation, or relocates it to other jurisdictions, would be counterproductive.

Impact: Lose money and jobs – because AI could generate wealth and new jobs if it is allowed to grow

International Telecommunications Union 2018 (This research was conducted by Jacques Bughin, McKinsey Global Institute Director and Senior Partner of McKinsey & Company, Jeongmin Seong, Senior fellow, MGI, and MGI’s expert members ) Assessing the Economic Impact of Artificial Intelligence, Sept 2018 <https://www.itu.int/dms_pub/itu-s/opb/gen/S-GEN-ISSUEPAPER-2018-1-PDF-E.pdf> (accessed 19 June 2021)

As AI contributes to the higher productivity of economies, the increased output from efficiency gains and innovations can be passed to workers in the form of wages and to entrepreneurs and firms in the form of profits. The generation of wealth induced by AI could create spillover effects that boost economic growth. As workers’ incomes rise and they spend more, and firms reinvest their profit into operations, the incremental output can be channeled back into the economy in the form of higher consumption or more productive investment as well as jobs growth.

2. “Real” Bill of Rights outweighs and opposes AFF’s “bill of rights”

Banning communication of information violates the 1st Amendment, even if you say it’s for upholding “privacy”

Prof. Eugene Volokh 2000 (law professor, UCLA Law School) FREEDOM OF SPEECH, INFORMATION PRIVACY, AND THE TROUBLING IMPLICATIONS OF A RIGHT TO STOP PEOPLE FROM SPEAKING ABOUT YOU, Stanford Law Review Vol. 52 No. 5 May 2000 <https://poseidon01.ssrn.com/delivery.php?ID=782003117027013004125122095019119089020016006059021006029106001097092085029102023065064106123110078072025043021025030071003102093068070122117031073027010093124006086019091068102015110125114&EXT=pdf&INDEX=TRUE> (accessed 16 Oct 2021) (ellipses and brackets in original)

Privacy is a popular word, and government attempts to “protect our privacy” are easy to endorse. Government attempts to let us “control . . . information about ourselves” sound equally good: Who wouldn’t want extra control, especially of things that are by hypothesis personal? And what fair-minded person could oppose requirements of “fair information practices”? The difficulty is that the right to information privacy—the right to control other people’s communication of personally identifiable information about you—is a right to have the government stop people from speaking about you. We already have a code of “fair information practices,” and it is the First Amendment, which generally bars the government from “control[ling the communication] of information” (either by direct regulation or through the authorization of private lawsuits), whether the communication is “fair” or not. While privacy protection secured by contract turns out to be constitutionally sound, broader information privacy rules are not easily defensible under existing free speech law.

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.”

3. Gay rights agenda

AI Bill of Rights is a vehicle to give LGBTQ (gay rights) activists leadership roles to control the use of AI

Alliance for Media Arts + Culture and Immerse 2021. (two associations of artists, scientists, journalists, media-makers and human-rights activists) October 2021 A Collaborative Proposal for a United States AI Bill of Rights <https://immerse.news/a-collaborative-proposal-for-a-united-states-ai-bill-of-rights-11f37b7631aa> (accessed 24 Mar 2022)

We create public awareness about the harms these unregulated AI systems bring to specific groups including Black and Brown communities, people with disabilities, LGBTQ+, Indigenous communities, youth, and to the general public. We believe in the necessity of human responsibility. We strongly urge and call for an expansive array of voices to be included as an integral part of the development and co-authorship of an AI Bill of Rights. We further urge that people from these communities have a leadership role in the agencies and structures created to make decisions and protect the public with regard to AI development. This means not only technologists, corporations, lawyers, and politicians, but also human rights activists, artists, journalists, bearers of culture and intergenerational communities from around the globe.