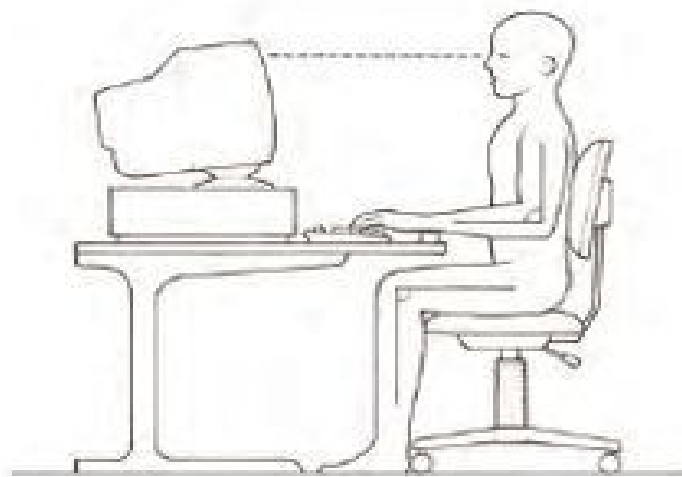


# Hacking the Future

Privacy,  
Identity, and  
Anonymity  
on the Web



Cole Stryker

*Author of Epic Win for Anonymous*

OVERLOOK DUCKWORTH

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[BY THE SAME AUTHOR](#)

*Epic Win for Anonymous:  
How 4Chan's Army Conquered the Web*

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## Copyright

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*For the uncelebrated, often anonymous geniuses—  
the phreaks, geeks, hackers, crackers and punks.  
You charted the course of the Internet, through  
neither force nor fiat, but by the thrust of your wild,  
uncompromising imaginations. You created, and the rest  
of the world saw that it was good. With unparalleled  
passion and foresight, you made the Internet the  
potent tool for individual freedom and self  
expression it has become. Thank you.*

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Lastly, thanks to all the people who agreed to contribute an interview, anonymous or otherwise.

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*“Man is least himself when he talks in his own person.  
Give him a mask, and he will tell you the truth.”*

—OSCAR WILDE



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# Introduction

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*I think anonymity on the Internet has to go away. People behave a lot better when they have their real names down. ... I think people hide behind anonymity and they feel like they can say whatever they want behind closed doors.*

In July 2011, Randi Zuckerberg, then marketing director of Facebook, uttered the words above during a panel discussion hosted by *Marie Claire* magazine. She couldn't have anticipated the firestorm those few words would generate among those already uncomfortable with the direction the Web had taken in the preceding year.

Two years prior, Google CEO Eric Schmidt, in an interview with CNBC's Maria Bartiromo, gave the downright school-marmish advice, "If you have something that you don't want anyone to know maybe you shouldn't be doing it in the first place." Schmidt, who once led an antitrust crusade against Microsoft, has claimed that Google will avoid Microsoft's missteps because the search giant faces compelling incentives to please a customer base that will seek services elsewhere the moment Google does anything shady. But what if Google's been tracking your search results for your entire life? Google, just one of dozens of companies that mines user data, knows your favorite foods, your sexual proclivities, and your medical history, to say nothing of the personal information they host in the form of e-mails and other documents. Would it be as simple as just walking away?

Before the Internet Age, computers were perceived by the public as unfeeling, literally *calculating* metal boxes that just might help bring about a nuclear apocalypse. As machines go, they were just as cold as their industrial-era forebears, if not more so—at least you can watch the parts move on a steam engine. At least you knew it wasn't somehow plotting against you. It wasn't so long ago that computers were seen as a dehumanizing tool of a dystopic new technocracy, imbued with the fear and existential despair brought by the Cold War's lingering sense of impending doom.

But then something changed. Today we see computers (we don't even really call them that anymore—they're mobiles or laptops or something that sounds friendlier) as being vital, almost countercultural gadgets that bring empowered individualism, collaborative communities, and, depending on who you ask, an almost spiritual enlightenment. They're sleek and sexy. They're our salvation from a world of physical limitations and disparities. Computers help us learn, work, and connect—Facebook now claims 850 million members, a figure that eclipses the number of people who were online in 2004. Pop stars interface with tween girls on devices with names like "Razr Maxx." How did we get here? How did these calculators, manipulated by flat-topped military brainiacs in austere labs, become something so integral to the human experience that to call them an extension of the self hardly seems like an overstatement?

Surely part of the answer is technological. We all know the first computers filled entire rooms in order to accomplish the computational tasks that you can now do (gee whiz!) in the palm of your hand. Another part of the transformation has to do with design evolution of machines. An iPad is certainly much sexier than bland, beige computers that existed even a decade ago.

But more than style, cost, and convenience, more than any other factor, the simple act of linking one computer to another brought about a new stage of human social evolution, the most rapid and far-reaching in human history with the possible exception of the printing press. And it happened because a bunch of geeks in California, Massachusetts, and elsewhere in the country picked up where the military-industrial complex left off after the Cold War.

The Internet could have never been born of state decree. It's too dangerous. It's too difficult to monitor and control. It's far too unwieldy. No, something so decentralized, open, and free could only have been conceived in an environment embodying those characteristics. The military had designed a decentralized computer network equipped with routing and packet switching because they wanted the system to survive if one of its nodes was located in a city that was nuked. This open platform enabled geeks to tinker in their basements and surreptitiously fiddle with pay phones while they made fascinating new discoveries about how communications systems worked, and how they could overcome the restrictions around those systems.

Throughout the '80s we saw something truly magical, the formation of the first ad hoc virtual communities—Bulletin Board Systems. It wasn't cheap, but with the right tools and know-how anyone could set up a BBS and start up a little nation-state that played by his rules, and if the members of the BBS didn't like it, they could go somewhere else, or start their own. It was a great opportunity for people to become "as gods," in the words of Web pioneer Stewart Brand, in control of their own identities, and thus their destinies, like never before. You could be gay on the Internet and nobody could do a thing about it. You could pretend you were a cat. You could be a prince online whether rich or poor in reality. Now we're getting to the crux of it.

Computer technology has changed many things, but the most profound has been the ability to empower individuals to redefine themselves in a social environment, to hack into their personhood, to change their identity, and truly become who they want to be. It doesn't matter if you're ugly or physically disabled—no one needs to know. And that freedom is contingent on the ability of Web users to take control of their identities—to be as anonymous or pseudonymous as they want to be.

At least, that was how it was *supposed* to work.

As the Web has developed since the '80s, it's become more lucrative for people who want to sell you things. And it follows that it's become more lucrative to become the kind of politician who pushes for regulation of the Internet so that people who want to sell you things can do so more efficiently. Meanwhile, the rise of social networks has been accompanied by an unsettling accumulation of private information, given over to corporations willingly by those who wish to seamlessly engage with the Web.

At the same time, a global network of pranksters, activists, and bullies, drawing from two decades of privacy and free-speech activism, have taken on the anti-persona of "Anonymous," donning masks and causing havoc ranging from picking on classmates to bringing down the Web sites of multinational corporations. These (mostly) smart, well-connected people from a seemingly infinite range of backgrounds and an equally diverse set of motivations see anonymity as a source of power, perhaps the most integral human liberty that can be provided in a free society. They're loosely organized, and they often clash within the group. But their amateurish disorganization mirrors the early Internet in that there's no primary control center, no head to decapitate. Similarly, the folks behind WikiLeaks have taken up the fight against control of the Web from a different angle. They're less chaotic, and thus more approachable to the media. They at least operate under the pretense of working within the law, but the threat they pose to the establishment is equally grave. Where their fathers hacked machines, these freedom-loving network natives are hacking the media, politics, and, most importantly,

the self, in dynamic and unpredictable ways.

It made sense that the Internet would become a battleground between the haves and have-nots, with information as currency, whether personal or political. What we've seen in 2010 and 2011 is that the Internet isn't quite as locked-down as power brokers thought, and people weren't going to give up control of the open Internet without a fight.

That the Internet evolved the way it did almost seems like an accident. It spilled throughout the globe. In many ways it upends traditional power structures, encourages unlikely alliances, and spreads knowledge and hope for a better world. Governments and corporations may be able to sway the gavel, the sword, the coin, but the individual controls the wires, wrangling technology to conduct asymmetrical warfare, continuously evolving new ways to wrest control from the historically powerful.

The Web will continue to see warfare in the coming decade. Its primary battleground will be the identity space. Your ability to define who you are as a human, to be as open or as private with your personal information as you want to be, to speak out against injustices anonymously, or to role-play as someone you wish you were—these are the freedoms we will fight to keep. Will you decide who you are or will you be defined by the identity brokers?

On the face of it, we recognize cyberbullying, child pornography distribution, faceless slander, and data theft to be universally recognized evils, and we should therefore do what we can to mitigate them. The simple, obvious solution is to force everyone to wear a name tag in cyberspace, so that everyone is responsible for their actions online, just like in the real world. Evil-doers use anonymity as both a shield and a weapon. If we rob them of both, we'll have less evil.

My position: It's just not that simple. Throughout *Hacking the Future* I trace the rich heritage of anonymous speech in a free society and examine its most popular current manifestations. I explore the bits and bytes behind the argument. I use the technology and come face-to-face with unspeakable evils in dark places I'd prefer never to return to. I consult the men who shaped the Internet and the soldiers toiling in the trenches of network security who intimately recognize the terrifying potential of the Wild Wild Web daily. I talk to code breakers, whistle-blowers, researchers, hacktivists, and mothers.

This book is essentially a long form rebuttal to Ms. Zuckerberg's comments. Her attitude is shared by many within the tech industry, and even more outside that universe. I wanted to figure out if it's worth living with anonymity on the Internet because I believe, without a doubt, that the Internet is the most important tool we have for promoting liberty. The identity issue may be the most crucial decision we face in the coming decade.

The Web is being pulled in two directions. In the worst fears of free-speech advocates, the Internet becomes tightly regulated and real-name identities are enforced, such that everything you say can be traced back to you. The reverse dystopia is a lawless frontier, where cyberterrorists, pedophiles, and information thieves run free. The decisions that lawmakers and CEOs make today regarding the privacy of Internet users will determine the way the Web looks in the future. As the "real world" and cyberspace become increasingly intertwined, society has yet to determine if it wants the Web to be an electronic extension of one's off-line life or something entirely different.

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## A Brief History of Anonymity

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*How dreary to be somebody!  
How public, like a frog  
To tell your name the livelong day  
To an admiring bog!*

—Emily Dickinson

**B**EFORE THE development of the printing press and the resultant publishing industry, attribution was the exception to the rule. The oral tradition held no copyright—folk stories and music belonged to everyone. In most cases, no one cared about securing a reputation benefit because artistic works were passed around memetically across societies. The most prolific creator in human experience, in every artistic field, was and is Anonymous. But even after the age of recorded media had begun, many dramatists, satirists, composers, and activists held on to their anonymity for one reason or another. Many of our most beloved works were published anonymously, and it wasn't until much later that the identities of their authors were discovered. *Pride and Prejudice*. *Frankenstein*. *Robinson Crusoe*.

## To Uphold Modesty

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You may not have heard of Charles Lutwidge Dodgson, but you're probably familiar with his *Alice in Wonderland* series, which he published under the pen name Lewis Carroll. Dodgson was a painfully shy man and valued his personal privacy above the glory of having written one of the most beloved children's stories of all time. He begged friends not to reveal the connection between his Christian name and Lewis Carroll as the latter's renown grew. Dodgson published several textbooks under his own name, but the stories he published as Carroll were "for fun."

In many cases this modesty was often driven by a sense of duty to God. To reveal one's authorship was often seen throughout history as an egotistical, self-gratifying exercise. In some cultures it was considered ungentlemanly for a man to publish under his own name. Throughout history, works of confession have brought solace to reformed evildoers, but to detail one's indiscretions was considered to borrow a phrase from the blogging era, "oversharey." John Newton, the man responsible for the most universally recognized Christian hymn, "Amazing Grace," also wrote *An Authentic Narrative of Some Remarkable and Interesting Particulars in the Life of \*\*\*\*\** in 1764. He was anxious about focusing on "the Self" and took pains to keep the focus of his works on the redemptive power of Christ rather than on his own seedy exploits, including involvement with the slave trade, sexual abandon, and assorted blasphemies.

## To Stymie Sexists

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For many years, works penned by women were pseudonymous by default. They would most often have their work attributed as “By a Lady.” Perhaps the most legendary female author ever, Jane Austen, originally used this pseudonym. There are many examples of women taking on a male moniker to avoid ad hominem criticism, forcing critics to focus on the works themselves rather than the author. Charlotte Brontë wrote the following to one of her harshest critics, George Henry Lewes, in 1849:

To such critics I would say, “To you I am neither man nor woman—I come before you as an author only. It is the sole standard by which you have a right to judge me—the sole ground on which I accept your judgment.”

Long before Mary Ann Evans achieved literary success for works such as *Silas Marner* and *Middlemarch*, she wrote *Scenes of a Clerical Life*, her first published fictional work. She wrote under the nom de plume George Eliot, which allowed her to captivate readers with her depiction of the lives of a trio of reverends, written in the authoritative voice of a clergyman. It is likely that had Evans published under her given name, her work would have been lambasted by critics. After all, who could a woman know of the clerical life? To put on manhood was to put on authority. Her pseudonym exempted readers from struggling with cultural prejudices that may have kept them from enjoying the work for itself.

For several reasons I am very anxious to retain my incognito for some time to come, and to an author not already famous anonymity is the highest prestige. Besides if George Eliot turns out a dull dog and an ineffective writer—a mere flash in the pan—I for one am determined to cut him on the first intimation of that disagreeable fact.



## To Elude the Noose

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The history of publishing in the West is rife with authors being persecuted for writing, printing, and distributing literature that challenges the political status quo, be it political power, social norms, or economic conditions.

In 1532 François Rabelais began writing his *Great and Inestimable Chronicles of the Grand and Enormous Giant Gargantua*. They were deemed not only obscene but heretical by the University of Paris. Étienne Dolet, a friend of Rabelais's, had been hanged for publishing a platonic dialogue that denied the existence of the immortal soul.

Meanwhile in England, monarchs had good reason to fear anonymity. In 1538, the first licensing law was introduced, which required all books to be approved by a royal nominee. This attitude toward anonymous publication was reiterated throughout the ages, with Henry VIII proclaiming in 1546 that printers must include their name, the name of the author, and the date of printing on every book. Edward VI later issued a similar proclamation to stifle any kind of reading beyond the Scriptures (and of course, some translations of the Scriptures were taboo). Elizabeth I reinforced the policy specifically targeting Catholic works.

In 1579, John Stubbs's hand was cut off following the publication of *The Discovery of a Gaping Gulch Whereinto England Is Like to Be Swallowed by Another French Marriage*, a scathing denouncement of Elizabeth I's betrothal to Francis, Duke of Anjou. Ten years later, "Martin Marprelate" mocked the Church of England and even named names, cheerfully lobbing Molotov cocktails of searing wit at authority figures. It was one of the first examples of an author who used anonymity proactively and not simply for self-defense.

Monarchs continued to decree laws prohibiting anonymous publication in 1643 with the Ordinance for the Regulation of Printing, in 1660 with the Treason Act, and the Printing Act of 1662. The pioneering activists who raged against these laws helped to soften society's reaction to public insult. In seventeenth-century England, insulting a peer would often lead to a duel, and to offend a social superior would lead to beating or imprisonment.

The danger in publishing was not limited to the author. In 1663, London printer John Twyn's head was placed on a spike and displayed over Ludgate. His body was quartered, and each section was sent to four other city gates. His crime? Printing an anonymous pamphlet entitled *A Treatise of the Execution of Justice*, which declared that monarchs should be accountable to their subjects and affirmed their right to rebel against unjust rulers. Twyn insisted that he did not even know the name of the author, but even if he had, he would refuse to give up his name. Printers who declared they hadn't even read a work could not claim immunity. The crown needed a scapegoat, and if they couldn't pin it down the author of an incendiary work, the printer, or even the bookbinder, would have to do.

In 1682 John Locke published *Two Treatises of Government*, one of the most influential works of political philosophy, paving the way for the democratic revolution that would sweep the Western world in the coming centuries. *Two Treatises* argued that a monarch's duty was to his subjects and that his rule was given to him by the people, not by divine right. But the work wasn't always attributed to Locke. In fact, Locke was incredibly paranoid that he would be found out and swore his close friends to secrecy. Locke's work was held in high esteem by American revolutionaries, along with another work, written by John Trenchard and Thomas Gordon under the pseudonym "Cato." *Cato's Letters*, first appearing in 1720, influenced the thinking of Benjamin Franklin, Thomas Jefferson, and John Adams, among others.

## To Make Mischief

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Some authors concealed their identities for much the same reason that members of Anonymous do today. They were trolls, bent on upsetting the equilibrium of the established social, political, ecclesiastical order, and anonymity both protected and liberated them. Consider Jonathan Swift, a man who went to tremendous lengths to ensure the anonymous publication of *Gulliver's Travels* in 1726. He arranged for an intermediary to hand off the manuscript to a publisher. Gulliver's adventures among the Lilliputians, the Houyhnhnms, and the Yahoos, viciously parodying the pious and pompous of his day, are considered among the greatest works of satire. The book's release inspired a frenzy of speculation about the author, which fueled sales. The book has never been out of print. In "A Modest Proposal," also published anonymously, Swift again skewered the social scene of his day, going so far as to humorously suggest that the poor children of Ireland should be served as food to their parents in order to deal with country's rampant poverty.

Seven years later, Alexander Pope published *An Essay on Man* anonymously. Leonard Welsted, one of Pope's literary rivals who'd often publicly mocked his works, praised *An Essay on Man* as "above all commendation." Pope later had Welsted's praise published and ridiculed accordingly.

But even as the public appetite for satire increased and content restrictions diminished, anonymous publication continued. In the late nineteenth century, Samuel Butler published several satirical works anonymously because he was the son of a clergyman and was concerned that his family would disapprove of his writings.

A century later, an anonymous work called *Primary Colors*, published in 1996, would send shock waves throughout Bill Clinton's presidential administration. It was publicized on the dust jacket as "the kind of truth that only fiction can tell." The media rabidly attempted to track down the author. The *Washington Post* obtained an early draft of the novel, complete with handwritten notes, and commissioned a handwriting analysis, which matched the pen to journalist Joe Klein, who was subsequently excoriated by fellow journalists and forced to resign.

## The Triumph of Anonymity

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In 1734 John Peter Zenger was arrested in the United States for publishing pseudonymous essays attacking New York governor William Cosby. Defending Zenger in court, his lawyer pleaded the jury to lay “a foundation for securing to ourselves, our posterity, and our neighbors” the right of “exposing and opposing arbitrary power ... by speaking and writing truth.” The jury acquitted Zenger in a landmark case that established protections for American writers under British common law, a remarkable legal evolution that paved the way for a broader freedom of the press.

This ruling allowed Thomas Paine to publish “Common Sense” in 1776 under the name “An Englishman.” Other writers wrote under pen names like “A Pennsylvanian,” “A Friend to the Liberty of His Country,” or “A Federal Farmer.” Most famously, Alexander Hamilton, John Jay, James Madison, Samuel Adams, and others created the “Federalist Papers” under the name “Publius.” The pseudonymous works were powerful—essential, even—in shaping the democracy that was to come.

Once democracy had been secured, anonymity would be used to fight for other goals, like civil rights and women’s rights. The *National Association for the Advancement of Colored People (NAACP)* *Alabama* case was a watershed moment for anonymity rights. The state of Alabama filed a lawsuit and attempted to subpoena the organization to force it to disclose its full membership list. The NAACP successfully proved that previous disclosure of its membership had resulted in “economic reprisals, loss of employment, threat of physical coercion, and other manifestations of public hostility.” Alabama argued that because these offenses were not related to state action, but of private citizens, the First Amendment did not apply. The court disagreed, noting that the state action was directly correlated with abuses committed by private actors. In the end the court recognized, “Inviolability of privacy in group association may in many circumstances be indispensable to preservation of freedom of association, particularly where a group espouses dissident beliefs.”

In 1960 the right to distribute pamphlets anonymously was called into question in *Talley v. California*. Talley had been convicted and fined in Los Angeles because he was distributing handbills that did not carry “the name of the individual who caused it to be distributed.”

We have recently had occasion to hold in two cases that there are times and circumstances when States may not compel members of groups engaged in the dissemination of ideas to be publicly identified. ... The reason for those holdings was that identification and fear of reprisal might deter perfectly peaceful discussions of public matters of importance.

Twenty-five years later came the commercial Internet, a relatively free and open platform that promised creators and activists a way to communicate their ideas unencumbered not only by publication and distribution costs but also the meddlesome hands of the state. Anonymity was, for the most part, hardwired into the very protocols that serve as the foundation for the global computer network. Information was sent and received through packets, and when a packet arrives at your end of the connection, it doesn’t explicitly have to tell you where it came from.

One of the first methods conceived to allow people to communicate anonymously was the remailer. An anonymous remailer privatizes e-mail correspondence, allowing users to send messages to individuals or entire Usenet groups without revealing the identity of the sender (Usenet was a popular Web community in the ’80s that functioned like a hybrid between a message board and e-mail). The

are a few different kinds. Some remailers strip the address of the sender completely and keep no log. The Mixmaster remailer, developed by Lance Cottrell, uses a program to mix up packets of information, like puzzle pieces, and then reorders the packets upon receipt.

I spoke with Cottrell about his experience developing the Mixmaster remailer.

The first remailers were pretty crude. People added encryption to them, and I ran some. Everyone was talking about the vulnerabilities, so I built a remailer that would be much more difficult to attack. I built the first version, got some feedback, and then built the 2.0 version, which really caught on. This was all just in my spare time. We'd all been talking about it but no one had built a tool.

Cottrell's remailer fixed a crucial vulnerability. Remailers were designed to send a message through multiple hubs. Because of the way cryptography works, each layer of encryption adds extra size to the message. If a fully encrypted message with all three layers is 100k, and each layer adds 1k of space to the message, I can connect the pathway across the hubs just by correlating the size that's knocked off at each hub. For example, let's say I want to send an e-mail to you. I encrypt it with the key of the last remailer I want it to go to. And then I put on a message to deliver to remailer 3, and I encrypt it with remailer 2's key. And then I attach a message that says, "Send this to remailer 2," and I encrypt it with remailer 1's key, then I send it to remailer 1. So remailer 1 gets it, decrypts it, sends it to 2, 2 decrypts it, sends it to 3, and 3 decrypts it and delivers it to the recipient.

The most famous anonymous remailer was anon.penet.fi, developed by Johan Helsingius in Finland which operated from 1993 to 1996. At the time, administrators of university networks argued about whether or not everyone participating in the network should voluntarily put their proper name on messages so that everyone would be held accountable. Helsingius argued, as techies are wont to do, that "the Internet just doesn't work that way ... and if somebody actually tries to enforce that, the Internet will always find a solution around it." To prove his point, Helsingius kept the anonymous remailer running, to prove that there is always a technological solution to circumvent censorship. "It was a question of control. ... I think that's one of the strengths of the network, that nobody can control it."

Helsingius may have been a bit too optimistic. In 1995, Finnish police shut down anon.penet.fi, which was used, among other things, to distribute internal documents published by the Church of Scientology. As far as enemies of the open Internet go, the Church of Scientology is pretty high on the list, and geeks had been raging against their attempted censorship of the Web for a few years at that point. For the geeks, the Internet promised a democratic vision of the future, where all ideas could compete on a level playing field, and no one's opinion can be snuffed out by a powerful interest group.

That utopian vision was challenged by the church, which wasn't used to people having the ability to expose its secrets on a mass scale. In 1991, Scott Goehring started alt.religion.scientology, a Usenet group dedicated to discussion of the Church, most of it critical. It became one of the most popular groups, and the church was not happy about it. On December 24, 1994, documents that could only have been gathered by an ex-member of the church showed up in the group. The church hired lawyers to issue cease and desist orders, citing copyright infringement, a tactic that is still used by organizations who've had their dirty deeds dragged into the light of day.

Then came the home raids, where federal marshals and church lawyers showed up at people's homes confiscating servers and hard drives. The church took one critic to court in the United States, but after

pressuring the remailer's owner to give up user logs, they were unable to prove that the defendant even used the remailer.

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Conversely, courts ruled in favor of off-line anonymous pamphleteering in *McIntyre v. Ohio*. During that case, the court noted:

Under our Constitution, anonymous pamphleteering is not a pernicious, fraudulent practice, but an honorable tradition of advocacy and of dissent. Anonymity is a shield from the tyranny of the majority.

This case drew on the past two centuries of the courts upholding the right to pamphleteer anonymously, but it wouldn't be the last time the right was challenged within the context of the Internet. Some people feel that the Internet is something new, something different, and therefore requires new kinds of laws.

The following year, Georgia passed H.B. 1630, an amendment to the state's Computer System Protection Act, making it unlawful for any person or organization to knowingly transmit data through a computer network if such data contains a name or trademark used to falsely identify the sender. (Basically, you're not allowed to impersonate anyone else.) But the wording of the legislation was broad, and as a result, the amendment was challenged immediately, with a group of plaintiffs calling its constitutionality into question. The act prohibited the use of pseudonyms (in their words, a "false name") in order to protect against social ostracism, harassment, and discrimination. The court filed an injunction and the state of Georgia chose not to appeal. Although the law was meant to prevent one person from issuing a message under someone else's name without their consent, the language was vague and clearly written by someone who hadn't spent much time on the Internet, where most people speak with nicknames or handles.

The imposition of content-based speech restrictions, specifically on pseudonymity, were opposed by Georgia courts in *ACLU v. Miller* in 1997. The court ruled that the plaintiffs would succeed on their claim because these restrictions could potentially "chill" expressive activities. Again, the right to anonymous expression was preserved because statutory attacks on anonymity were clumsy, constitutionally vague, and overly broad.

Due to the historic protections for anonymous pamphleteering, those who wish to have the U.S. courts do away with online anonymity will have to prove that the Web is *sui generis*. Is an anonymous blog post effectively different than passing out pamphlets on a street corner? There are three common arguments: spectrum scarcity, pervasiveness, and lack of gatekeepers.

Spectrum scarcity is used as the basis for legislation in the realms of radio and television because the spectrum of frequencies used to broadcast signals were at one point finite. For instance, the dial on your FM radio can only pick up so many frequencies, so in this case, there's at least the veneer of a legitimate justification for regulating the distribution of radio frequencies. Obviously this does not apply to the Web. The pervasiveness argument is often raised by "family values" politicians who argue that the Web is everywhere, messages can be used to reach millions instantaneously, and even children have access to it. So, according to them, censorship should apply, as it does in billboard marketing, for instance. This argument essentially boils down to, "Won't someone think of the children?" But the Web is different than a billboard. You can't stumble on a pornographic site in the same way you could accidentally view a pornographic highway billboard, assuming that sort of thing was legal—you would have to enter a search term to get there, or at least actively click on a link. The

third argument rests on the idea that the Internet doesn't have any gatekeepers maintaining editorial control, the way a traditional publication would. But that's precisely why it's important to preserve freedom of speech on the Web and why censoring it is a lost cause. Sometimes gatekeepers wish to stifle minority opinion. Do we want a board of elites affirming all Web communication? These three arguments fall apart with cursory scrutiny.

Over the last two decades, politicians, law-enforcement officials, and special interest groups have petitioned the U.S. government to monitor activity on the Web, even suggesting that the Federal Communications Commission be given the same level of oversight on the Web that the organization enjoys within the realms of radio, television, wire, satellite, and cable. As of now, the FCC has little jurisdiction over the Web, with just four minimal "rules":

- Consumers are entitled to access the lawful Internet content of their choice.
- Consumers are entitled to run applications and use services of their choice, subject to the needs of law enforcement.
- Consumers are entitled to connect their choice of legal devices that do not harm the network.
- Consumers are entitled to competition among network providers, application and service providers, and content providers.

Still, the right to express oneself anonymously off-line has not been secured completely. In 2010 the Supreme Court decided against a group's right to sign a referendum without having their signatures vulnerable to public disclosure in *Doe v. Reed*. The state of Washington gives its citizens the right to challenge state laws by referendum if 4 percent of voters sign a petition to place a referendum on the ballot. The petition was required to include the names and addresses of the signers. However, the Washington Public Records Act states that private parties can obtain copies of government documents in order to allow citizens to ensure that the signatures are genuine. So the case partially rested on the determination of whether signing a petition was an act of public expression.

The group in question was made up of gay marriage opponents who had signed a referendum and, as a result, were being harassed. They claim they were "moonied," "flipped off," and "glared at," which apparently wasn't serious enough to convince judges to prevent the signatures from being revealed. Unlike the NAACP members in previous cases, these signers were not deemed to be in any actual danger. The judges ruled against the gay marriage opponents 8 to 1, with Clarence Thomas as the lone voice of dissent, arguing that the names should be revealed to several representatives, not the general public.

But why, then, do we allow voters the anonymity of the polling booth, when voting for elected officials doesn't inspire widespread harassment? And who can decide what constitutes serious harm?

Although the general trend across human history has been toward open systems and freedom of speech, the sheer power of the Web has frightened us into balking at offering the same level of freedom for communication online that we allow it off-line. This is not unreasonable: never before have individual evildoers had as much opportunity to cause social destruction. If you wanted to spread a message of hate before the Internet, the best you could do was print a run of pamphlets and hope that they got passed around whatever city you happened to be in. If you had the money, maybe you could hire people to spread the word in other cities. Mass media platforms like radio and TV are rife with gatekeepers and technological limitations that would prevent a rogue agent from disseminating volatile information. With the Web, one can spread a message to millions with the click of a button.

The Internet will not offer editorial control.

Furthermore, the Internet is *sui generis* in that it allows for two-way conversations. If you post something I don't like on a platform that allows for comments, I can tell you about it. I can find out who your parents are and leave nasty messages on their office phones. I can determine where you live and slash your tires. I can hack into your e-mail account and ruin your credit. The Internet, unlike a pamphlet, doesn't just allow us to *say* things other people don't like. It allows us to *do* things. Sometimes bad things.

Today's anonymous activists have taken full advantage of that freedom, for better or for worse. What we are just now seeing, a few years into the Web 2.0 era, the extent to which social networking amplifies a message, allowing activists to rally thousands of people around a cause in a matter of hours. So far, courts and legislators have mostly respected the rich tradition of anonymous free speech that has been pushing society forward, not just in the United States but across the globe, for centuries. It would be a dramatic break from historic trends if anonymous speech were to become an anathema in just a few decades.

In the next chapter, we meet a masked figure who seems to represent everything that those who would oppose anonymous speech fear—someone who might perhaps justify restrictions on namelessness. His name is Anonymous. Throughout the last year he has become a household name. He appears in one part of the world, strikes with glee, and disappears. He is a mystifying creature who seems to wriggle out of our grasp every time we attempt to pin him down. Anonymous grins widely at our fear and frustration, with rosy cheeks and a devilish wink. Enough idolization and fearmongering—it's time to take off the mask.





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