



Battles Loom Between Tech Companies and Trump

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A long series of battles between tech companies and President Trump is getting started. Expect flare ups soon over issues that have been on the back burner, including encryption, net neutrality and surveillance. But it was Trump's early move on immigration that set off an industry with many immigrant workers, including prominent immigrant leaders such as Google founder Sergey Brin, Microsoft CEO Satya Nadella and Tesla CEO Elon Musk.



John Miley

The now-halted executive order banning travel from seven countries sparked swift opposition from the American tech industry. Amazon, Microsoft and Expedia backed the Washington state lawsuit that led to the travel ban being halted by federal judges. More than 120 technology companies, including Google, Apple, Intel and Facebook, joined a friend-of-the-court [filing](#) calling the executive order "unlawful" and "harmful to businesses." No matter what happens to the travel ban in the future, tech companies are in for a long fight over immigration.

The industry remains concerned about its foreign workforce and losing sales in foreign countries. Firms rely on a global talent pool for many jobs, especially in emerging fields in which expertise is rare. Companies also fear that foreign nations could retaliate and make it harder to sell products or services abroad.

The encryption battle is sure to heat up as the debate over national security takes center stage. Trump is likely to support efforts to limit or weaken encryption to help law enforcement gain access to digital communications. Trump criticized Apple during the campaign for not helping law enforcement break into a locked iPhone after the deadly San Bernardino shooting. He called for a boycott of Apple products until the tech giant assisted law enforcement. But the industry isn't budging. It's noteworthy that a group of lawmakers in both parties [concluded](#) that weakening encryption "works against the national interest."

Consumer advocates are girding for battle in defense of encryption and are already worried by new Attorney General Jeff Sessions. Sessions noted in [written comments](#) that "encryption serves many valuable and important services," but that it is critical "that national security and criminal investigators be able to overcome encryption" under lawful circumstances. Many technologists see Sessions' comments as a threat to encryption and digital security.

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The roll back of net neutrality rules will activate swarms of online activists. Trump's pick to lead the Federal Communications Commission, Republican Ajit Pai, has already scuttled a net neutrality investigation of AT&T and Verizon that was started under his predecessor. With Pai at the helm, the FCC won't enforce the utility-style internet rules that banned web providers from blocking, throttling or charging to prioritize lawful web content. Google, Netflix and other web companies will look to Congress to pass a more limited net neutrality bill. That won't be enough for online activists and many consumers, who are sure to launch a web-based uproar.

Comcast, Verizon, AT&T, Charter, Sprint and other wired and wireless web providers stand to benefit, though. Rolling back internet rules give them more leeway to launch money-making plans, such as allowing customers to use certain apps that don't count against data limits and imposing data caps on home internet service. And scaled back FCC privacy rules will help web providers jump into the digital ad business to take on the two online ad giants, Google and Facebook.

Government access to domestic and foreign data will also pit the tech industry against Trump. Part of the law that gives U.S. intelligence agencies the ability to spy on foreign online activities is set to expire at the end of the year. Section 702 of the law, the Foreign Intelligence Surveillance Act, is sure to be reauthorized. The question is, what changes will be implemented? Tech companies will fight to scale back the government's ability to access foreigners' digital data. Europe, still upset by the scale of America's foreign surveillance regime, will watch closely.

Social media companies are facing increased intervention from federal authorities. In October, a new rule was implemented that called for foreign travelers in the visa waiver program to voluntarily disclose the names of their social media accounts for vetting purposes. New Homeland Security Secretary John Kelly said this week that he was considering making that mandatory and adding a requirement that visitors hand over social media passwords. "We think this is incredibly dangerous" and an invasion of privacy, says Emma Llanso, director of the Free Expression Project at the Center for Democracy and Technology, a nonprofit interest group focused on the internet. "It's not likely to be effective for securing our country or preventing terrorist attacks," she adds. Expect Facebook, Twitter and other social media sites to fight back.

American travelers can expect similar password-sharing programs to take hold in other countries. That will cause some travelers to leave digital devices at home or even create dummy social media accounts. (Travelers should note, though, that lying to authorities at the border is a crime.)

Tech companies have the biggest megaphone in the world. Expect them to use it. Top social media sites reach billions of people each day and can easily spread messages to the masses. Back in 2012, internet companies coordinated an effort to blackout major websites, such as Google.com, to oppose an online piracy law. The effort worked and the law was scrapped. Another coordinated effort is possible.

The tech community will increase protests and fundraising efforts. Four days after the travel ban was announced, Google employees coordinated a work stoppage and walked out in protests on multiple campuses. Executives are being pushed into action by their employees, many of whom opposed Trump and skew liberal or libertarian. Tech companies and executives have pledged millions of dollars to advocacy groups, such as the American Civil Liberties Union, to fight the travel ban. In coming years, the total raised could add up to hundreds of millions of dollars and help lead to more waves of activism.

"What we are seeing now from tech workers is just a spark of what is to come," says Shahid Buttar, the director of grassroots advocacy at the Electronic Frontier Foundation, which opposed the travel ban.

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Sincerely,



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