

Matthew and I affirm; resolved: The benefits of First Amendment protection of anonymous speech outweigh the harms.

### **Contention One: Blowing the Whistle**

For employees who wish to report wrongdoing, the biggest concern is retaliation. In fact, this concern is very real and legitimate.

**Alexander Dyck from the University of Toronto finds** that 82% of cases with a named employee ended with the employee being fired, quitting under duress, or having altered responsibilities allegedly because they came forth with information.

This is unacceptable way to manage the reporting of problems that must be addressed.

But even when whistleblowers are anonymous, organizations are trying to strong-arm them to prevent information from spreading. This comes in the form of a Strategic Lawsuit Against Public Participation, or SLAPP.

As **the American Civil Liberties Union of Ohio details**, the goal of a SLAPP isn't necessarily a courtroom victory but rather an intimidation tactic.

**Lori Potter from Kaplan LLP explains** that fighting a SLAPP requires a high level of personal investment, in terms of money, time, and well-being, so high that a defendant will typically cease petitioning once named in a SLAPP complaint.

However, **Potter continues** that now defendants receive protection via the First Amendment's petition clause, which shields them from unjustified lawsuits.

Only with a consistently high level of protection for those who will sound the alarm for others will we see public and private practices change for the better.

The protection of whistleblowing has a three-fold impact.

First, democratic accountability. When wrongdoing is exposed and corrected, we ensure that a feedback loop between the people and the ones in power can truly exist.

Second, economic benefits. **Robert Bowen from the University of Washington finds** that stock performances improve in the long-term because whistleblowing serves as an early-warning mechanism for future consequences.

Third, corporate governance. **Bowen continues** by adding that internal structural reform in corporations facing whistleblowing allegations often prove to yield positive results.

### **Contention Two: Speaking Your Mind**

While we have made social strides, they would not be possible without First Amendment protections.

**Edward Stein writes in the Harvard Law Review** that anonymity can serve to shield oneself from the tyranny of the majority.

As **Akil Alleyne from the Foundation for Individual Rights in Education explains**, anonymous commentary can allow people to speak out more easily, especially in situations where retaliatory harassment is very real.

**Alleyne continues** that the alternative would be forcing individuals with unpopular opinions underground into ideological echo chambers, risking the further polarization of opinions amongst a like-minded population. Additionally, these situations can prevent them from acknowledging problems within their own communities.

The impact is clear. With back-and-forth discourse, we have a productive marketplace of ideas where opinions are accepted. Without protections for anonymity, people are unwilling to participate, resulting in exclusion in what should be a democratic society.

### **Contention Three: Leveling the Field**

American politics typically is governed by the few without consideration for the many. Even so, without existing protections for anonymity, the case would be even worse. This is true for two reasons.

First, non-anonymous political activity is difficult.

**Jeffrey Milyo from the Institute for Justice details** that grassroots movements would be unable to overcome bureaucratic red tape required to disclose their activities. Triggering regulation and therefore incurring burdensome financial costs can be a crippling deterrent for small-scale political activity.

Indeed, **Benjamin Barr writes in the Wyoming Law Review** that a requirement for detailed reporting in the place of political anonymity would slash the available budget smaller organizations would have for political activity, instead pushing it toward fulfilling legal obligations to comply.

Thus, anonymity makes it feasible to participate in politics.

Second, the sum of parts is not as powerful as the whole.

**Paul Horwitz from the University of Alabama underscores** that associations and groups are a way for individuals to speak anonymously, and often times these organizations can provide a 'megaphone effect,' given their greater speech resources.

**Horwitz notes**, for example, that a civil rights advocate may find it easier to speak through the NAACP than on his or her own. Unfortunately in this instance, there have been pushes in the past for the member lists of these organizations to be disclosed, expressly for the purpose of individualized harassment and to deter future members from joining.

Therefore, First Amendment protections are more important than ever because they ensure that the average voice is not drowned out entirely in our democracy. Only with protection can we stand a fighting chance of counteracting the influence of the elites.