



## **A Conversation on Privacy Part I**

*NOTE: This transcript may not be 100% accurate.*

### **Nuala O'Connor:**

So, good evening everyone. And again, I'm Nuala O'Connor, the president and CEO of the Center for Democracy and Technology an advocacy group focused on your digital civil liberties. It's such a great pleasure to be here in Tucson at the wonderful University of Arizona. Such a beautiful campus. Such a majestic setting to talk about our freedoms. I want to thank Dean John Paul Jones and the entire team from the College of Social and Behavioural Sciences for hosting us tonight.

Thank you also to the team that put this together. It was not easy as you can imagine, logistically and technologically to get all of us on one stage. And since our time is short, we want to make it really clear the the speakers are already known to you and and probably already available to you on line; their resumes so we are going to despend with all of that and spend the most time listening to their views on privacy in the digital age.

Given also the size of this audience we are not going to be taking live questions. It's just to unwieldy. There are too many of you. Hopefully many of you got to participate in our online app at Two Shoes. And we crowd sourced a lot of the questions tonight. I'll try to call out the ones that we found from you online and on twitter and facebook and a whole bunch of other places. We've consolidated these for brevity and for general themes and we appreciate your input.

We thank everyone here for there time in person and those of you watching online, we welcome you and thank you for your attention to us here in the beautiful Centennial Hall.

So, without further adue. Noam Chomsky, you have been a leading public intellectual in this country and around the world for six decades. You have explored the creation of self, the dominance of the state and the tension between the two. Please help us, today, put into context the current debate around privacy. The boundaries between self and state and the boundaries between self and corporate interests. Twenty-five years onward from the initial commercialization of the internet: Where are we Professor Chomsky? And where do we go from here?

### **Noam Chomsky:**

Well, we might start from the commercialization of the internet, which is an interesting phenomenon. The Internet was developed like most of the advanced economy largely within the state sector. The dynamic, the creative state sector. Actually, I was working in the lab where the early stages of the Internet were developed. A pentagon funded laboratory at MIT.

After the long period of risky, creative work at tax payer expense, the internet was handed over to private enterprise for marketing and profit making. That's pretty much the way much of the economy works. Exactly how that happened is a little bit murky but it did happen and it's normal.

The Internet was intended by the early designers to be a free, open means of communication, which would be democratized... Originally it was intended actually for scientists to interchange freely but then more broadly for the general public in the hope and expectation that it would widen horizons. That it would provide quick access to information. That it would allow for free interchange of thoughts and ideas and just contribute to a more healthy, vital, democratic society.

Once it gets commercialized that changes. There are – it's not a secret – systems of concentrated, mostly unaccountable power. Some of them private. Some of them state. And they are not in the business of fostering democracy and freedom.

They're in the business of expanding their own power, authority and domination. And in various ways they they have sought to shape and mold this system so that it serves those purposes. Look, but it's really up to us. Technology is basically neutral. You can use to oppress. You can use to liberate.

A hammer doesn't care whether it's used to build a house or to smash somebody's skull in. It's up to us, the public, to determine what the future of this remarkable instrument will become... recognizing the forces that will try to impede it and shape and mold it for their own purposes.

### **Nuala O'Connor:**

Thank you so much. Glenn. Glenn Greenwald you are an important actor in this narrative. You've been described as an activist, a journalist, maybe a hack. How do you describe yourself

### **Glenn Greenwald:**

Well, I'm actually more or less comfortable with all of those titles and many of the other ones that have been applied to me. You know, ultimately I don't really see journalism as being this kind of cloistered profession of people who are called journalists and who exclusively possess the right to engage in... to exercise that right of a free press.

I look at my duties first and foremost as a citizen just like every other citizen. And among the tools available to me, guaranteed by the constitution is a free press, and originally that was intended to be used by every citizen as a means, not to gain employment or to earn a livelihood, but to answer the critical question that was supposed to face the United States at

its founding, which is, if we create this centralized government, invest it with all of these extreme powers, how do we prevent it from replicating this tyrannical force that the colonists had just liberated themselves from as a result of this really risky war.

And the answer was supposed to be: there were going to be all these mechanisms that were designed to check the wielding of the factions that possess the greatest power. And one of the most critical checks was supposed to be a free press. The ability to stand up to people who wield power and to say “you're making these claims, and rather than mindlessly ingest them or repeat them I'm actually going to challenge them, I'm going to investigate them.” Rather than letting you operate in the dark, I'm going to shine a light on what you are doing so that the citizenry is aware of the things you are doing with the power we have given to you.

And so, whether you call that activism or whether you call that journalism or whether you call it treason or whatever else you might want to describe it as, you know, to me much more important than the label is the substance of that function. And to me the core of that function, at least as I try and embrace it and try and practice it, is to make certain that the people who wield the greatest political and economic power are incapable of doing that with no restraints, but instead constantly meet all sorts of critical scrutiny and impediments and attempts to push back against it.

And I think everything that we've done in this matter, and everything else I try to do in my journalism is about trying to make things a lot more difficult for those who wield the greatest power.

### **Nuala O'Connor:**

Thank you.

Edward Snowden. Ed, you have been called by some a traitor and some a patriot. How do you see yourself and what is your role in today's debate. And why were you the one chosen to play it.

### **Edward Snowden:**

I've said before that whistleblowers are elected by circumstance. The idea here is that we are a government that derives its legitimacy from the consent of the governed, but that consent is only meaningful if it's informed. Now, we're supposed to have system of checks and balances to ensure that that is always the case so we know what going on so we have the ability to cast our votes to direct the activities of our government.

We have an executive that should be checked by the courts. The courts should be directed by the Congress and this, sort of, virtuous cycle is supposed to be founded on the idea of competition between them. However things have changed. Increasingly over the existence of our nation from when we were first founded, and we were very allergic to the idea of a strong central power to the very recent past, we have a government that seems to be almost completely unrestrained by law or the constitution.

We've had former government officials say things like, “We do what's illegal immediately, the unconstitutional takes a little bit longer.” But, the idea here is that a nation is comprised of people, as is a community, as is a government, as is every structure in which we cooperate

with one another. And we all have not just a right, but a responsibility, to alert those around us, the members of our society, of wrong doing when and where we see it.

Now, there were no whistleblower protection laws that applied to intelligence agency contractors like myself, in my position. And as I gained seniority, as I gained awareness of what the government was doing, as I gained, sort of, higher and higher clearances and access to more classified information, I saw that the public declarations of government officials were very different from the actual reality of what was happening.

In fact, we were operating beyond the law in a way that many argued was unconstitutional. And courts have since confirmed that, declaring these programs likely unconstitutional and even calling them Orwellian in their scope. And it's important to understand, "How did we get here?" How did we reach a point where the individual is all that society can rely upon. Because, of course, we don't want the individual citizen, the individual conscience to be the last safeguard. Now, giving false testimony to congress is a felony in our country and just a few months before the NSA activities, showing that they had indiscriminately intercepted the communications of every American, as well as everyone else around the world, 95 percent of the human population that live beyond the borders of the United States, when we were seeing video taped sworn testimony by federal officials it looked a lot like this:

*Sen. Ron Wyden: Does the NSA collect any data at all on millions or hundreds of millions of Americans?*

*James Clapper, Director of National Intelligence: No, Sir.*

*Wyden: It does not?*

*Clapper: Not wittingly. (laughter) There are cases where they could inadvertently, perhaps, collect but not willingly.*

### **Edward Snowden:**

Now, in his public defense, after it became quite publicly known to be false, he first said he was being too cute by half and then when he realized that was a felony he quickly amended that to saying that "he forgot about the program that was monitoring everyone in the country.

Now reasonable people can disagree about where we should draw the lines of surveillance policy. No one argues that we should shut down every surveillance program in the country. No one says we should list the names of everyone who is under surveillance in the newspaper in an individualized basis. But if we are to have a democracy, if we are to be partner to it rather than subject to it, we must know, at least, the broad powers and privileges the government is claiming. We must know both what they are doing in our name and what they are doing against us or else we're no longer directed by the public. We're ruled from above.