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Why I Wrote PGP

Part of the Original 1991 PGP User's Guide (updated in 1999)

"Whatever you do will be insignificant, but it is very important that you do it."

–Mahatma Gandhi.

It's personal. It's private. And it's no one's business but yours. You may be planning a political campaign, discussing your taxes, or having a secret romance. Or you may be communicating with a political dissident in a repressive country. Whatever it is, you don't want your

private electronic mail (email) or confidential documents read by anyone else. There's nothing wrong with asserting your privacy. Privacy is as apple-pie as the Constitution.

The right to privacy is spread implicitly throughout the Bill of Rights. But when the United States Constitution was framed, the Founding Fathers saw no need to explicitly spell out the right to a private conversation. That would have been silly. Two hundred years ago, all conversations were private. If someone else was within earshot, you could just go out behind the barn and have your conversation there. No one could listen in without your knowledge. The right to a private conversation was a natural right, not just in a philosophical sense, but in a law-of-physics sense, given the technology of the time.

But with the coming of the information age, starting with the invention of the telephone, all that has changed. Now most of our conversations are conducted electronically. This allows our most intimate conversations to be exposed without our knowledge. Cellular phone calls may be monitored by anyone with a radio. Electronic mail, sent across the Internet, is no more secure than cellular phone calls. Email is rapidly replacing postal mail, becoming the norm for everyone, not the novelty it was in the past.

Until recently, if the government wanted to violate the privacy of ordinary citizens, they had to expend a certain amount of expense and labor to intercept and steam open and read paper mail. Or they had to listen to and possibly transcribe spoken telephone conversation, at least before automatic voice recognition technology became available. This kind of labor-intensive monitoring was not practical on a large scale. It was only done in important cases when it seemed worthwhile. This is like catching one fish at a time, with a hook and line. Today, email can be routinely and automatically scanned for interesting keywords, on a vast scale, without detection. This is like driftnet fishing. And exponential growth in computer power is making the same thing possible with voice traffic.

Perhaps you think your email is legitimate enough that encryption is unwarranted. If you really are a law-abiding citizen with nothing to hide, then why don't you always send your paper mail on postcards? Why not submit to drug testing on demand? Why require a warrant for police searches of your house? Are you trying to hide something? If you hide your mail inside envelopes, does that mean you must be a subversive or a drug dealer, or maybe a paranoid nut? Do law-abiding citizens have any need to encrypt their email?

What if everyone believed that law-abiding citizens should use postcards for their mail? If a nonconformist tried to assert his privacy by using an envelope for his mail, it would draw suspicion. Perhaps the authorities would open his mail to see what he's hiding. Fortunately, we don't live in that kind of world, because everyone protects most of their mail with envelopes. So no one draws suspicion by asserting their privacy with an envelope. There's safety in numbers. Analogously, it would be nice if everyone routinely used encryption for all their email, innocent or not, so that no one drew suspicion by asserting their email privacy with encryption. Think of it as a form of solidarity.

Senate Bill 266, a 1991 omnibus anticrime bill, had an unsettling measure buried in it. If this non-binding resolution had become real law, it would have forced manufacturers of secure communications equipment to insert special "trap doors" in their products, so that the government could read anyone's encrypted messages. It reads, "It is the sense of Congress that providers of electronic communications services and manufacturers of electronic communications service equipment shall ensure that communications systems permit the government to obtain the plain text contents of voice, data, and other communications when appropriately authorized by law." It was this bill that led me to publish PGP electronically for free that year, shortly before the measure was defeated after vigorous protest by civil libertarians and industry groups.

The 1994 Communications Assistance for Law Enforcement Act (CALEA) mandated that phone companies install remote wiretapping ports into their central office digital switches, creating a new technology infrastructure for "point-and-click" wiretapping, so that federal agents no longer have to go out and attach alligator clips to phone lines. Now they will be able to sit in their headquarters in Washington and listen in on your phone calls. Of course, the law still requires a court order for a wiretap. But while technology infrastructures can persist for generations, laws and policies can change overnight. Once a communications infrastructure optimized for surveillance becomes entrenched, a shift in political conditions may lead to abuse of this new-found power. Political conditions may shift with the election of a new government, or perhaps more abruptly from the bombing of a federal building.

A year after the CALEA passed, the FBI disclosed plans to require the phone companies to build into their infrastructure the capacity to simultaneously wiretap 1 percent of all phone calls in all major U.S. cities. This would represent more than a thousandfold increase over previous levels in the number of phones that could be wiretapped. In previous years, there were only about a thousand court-ordered wiretaps in the United States per year, at the federal, state, and local levels combined. It's hard to see how the government could even employ enough judges to sign enough wiretap orders to wiretap 1 percent of all our phone calls, much less hire enough federal agents to sit and listen to all that traffic in real time. The only plausible way of processing that amount of traffic is a massive Orwellian application of automated voice recognition technology to sift through it all, searching for interesting keywords or searching for a particular speaker's voice. If the government doesn't find the target in the first 1 percent sample, the wiretaps can be shifted over to a different 1 percent until the target is found, or until everyone's phone line has been checked for subversive traffic. The FBI said they need this capacity to plan for the future. This plan sparked such outrage that it was defeated in Congress. But the mere fact that the FBI even asked for these broad powers is revealing of their agenda.

Advances in technology will not permit the maintenance of the status quo, as far as privacy is concerned. The status quo is unstable. If we do nothing, new technologies will give the government new automatic surveillance capabilities that Stalin could never have dreamed of. The only way to hold the line on privacy in the information age is strong cryptography.

You don't have to distrust the government to want to use cryptography. Your business can be wiretapped by business rivals, organized crime, or foreign governments. Several foreign governments, for example, admit to using their signals intelligence against companies from other countries to give their own corporations a competitive edge. Ironically, the United States government's restrictions on cryptography in the 1990's have weakened U.S. corporate defenses against foreign intelligence and organized crime.

The government knows what a pivotal role cryptography is destined to play in the power relationship with its people. In April 1993, the Clinton administration unveiled a bold new encryption policy initiative, which had been under development at the National Security Agency (NSA) since the start of the Bush administration. The centerpiece of this initiative was a government-built encryption device, called the Clipper chip, containing a new classified NSA encryption algorithm. The government tried to encourage private industry to design it into all their secure communication products, such as secure phones, secure faxes, and so on. AT&T put Clipper into its secure voice products. The catch: At the time of manufacture, each Clipper chip is loaded with its own unique key, and the government gets to keep a copy, placed in escrow. Not to worry, though—the government promises that they will use these keys to read your traffic only "when duly authorized by law." Of course, to make Clipper

completely effective, the next logical step would be to outlaw other forms of cryptography.

The government initially claimed that using Clipper would be voluntary, that no one would be forced to use it instead of other types of cryptography. But the public reaction against the Clipper chip was strong, stronger than the government anticipated. The computer industry monolithically proclaimed its opposition to using Clipper. FBI director Louis Freeh responded to a question in a press conference in 1994 by saying that if Clipper failed to gain public support, and FBI wiretaps were shut out by non-government-controlled cryptography, his office would have no choice but to seek legislative relief. Later, in the aftermath of the Oklahoma City tragedy, Mr. Freeh testified before the Senate Judiciary Committee that public availability of strong cryptography must be curtailed by the government (although no one had suggested that cryptography was used by the bombers).

The government has a track record that does not inspire confidence that they will never abuse our civil liberties. The FBI's COINTELPRO program targeted groups that opposed government policies. They spied on the antiwar movement and the civil rights movement. They wiretapped the phone of Martin Luther King. Nixon had his enemies list. Then there was the Watergate mess. More recently, Congress has either attempted to or succeeded in passing laws curtailing our civil liberties on the Internet. Some elements of the Clinton White House collected confidential FBI files on Republican civil servants, conceivably for political exploitation. And some overzealous prosecutors have shown a willingness to go to the ends of the Earth in pursuit of exposing sexual indiscretions of political enemies. At no time in the past century has public distrust of the government been so broadly distributed across the political spectrum, as it is today.

Throughout the 1990s, I figured that if we want to resist this unsettling trend in the government to outlaw cryptography, one measure we can apply is to use cryptography as much as we can now while it's still legal. When use of strong cryptography becomes popular, it's harder for the government to criminalize it. Therefore, using PGP is good for preserving democracy. If privacy is outlawed, only outlaws will have privacy.

It appears that the deployment of PGP must have worked, along with years of steady public outcry and industry pressure to relax the export controls. In the closing months of 1999, the Clinton administration announced a radical shift in export policy for crypto technology. They essentially threw out the whole export control regime. Now, we are finally able to export strong cryptography, with no upper limits on strength. It has been a long struggle, but we have finally won, at least on the export control front in the US. Now we must continue our efforts to deploy strong crypto, to blunt the effects increasing surveillance efforts on the Internet by various governments. And we still need to entrench our right to use it domestically over the objections of the FBI.

PGP empowers people to take their privacy into their own hands. There has been a growing social need for it. That's why I wrote it.

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