

Ten Years of Computers, Freedom and Privacy: A Personal Retrospective

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“Four hundred people from every conceivable corner of America’s electronic community. As a science fiction writer, I have been to some weird gigs in my day, but this thing is truly *beyond the pale*,” wrote Bruce Sterling about the first Computers, Freedom and Privacy Conference, held in San Francisco in 1991 (Sterling 1992). Jim Warren organized the first CFP conference in an effort to bring together the law enforcement and hacker communities to debate and explain each other’s worlds, and to reduce the paranoia level in each community.

I didn’t know about CFP’91 until after it happened, and I couldn’t make it to CFP’92 in Washington, DC. My first CFP was CFP’93. By then, perhaps, this weird and wondrous event was old hat to those who had been there, done that the previous two years. But, as a first-year graduate student on her first conference road trip, the conference was one of the most amazing events I had ever attended. I entered the San Francisco Airport Marriott on Tuesday, a cyberspace policy dilettante, and emerged four days later with my notebook full of hastily scribbled notes, my head full of ideas, and an amazing amount of energy and excitement for someone who had forgotten to sleep for most of four days.

But the excitement of my first CFP conference did not end when I left San Francisco. A summary of the conference that I had circulated around my university department (Ackerman 1993) was soon forwarded around the ‘Net, and the criticisms of the Electronic Frontier Foundation that it contained soon resulted in email messages to me from half of the EFF board. I soon came to realize that CFP is not a spectator sport; I was a part of this game.

CFP’94 in Chicago was yet another drink from a fire hose for me, although this time I was much more prepared. Once again with notebook in hand, I busily scrawled notes for four days. One of my favorite quotes I jotted down was from Barbara Simons, then chair of ACM’s U.S. public policy committee, USACM. “I worry that when people talk about electronic democracy they might be serious,” she said (Cranor 1994).

The founder and Director General of Privacy International, Simon Davies wore pontifical robes as he delivered an after-dinner speech at CFP’94. He urged the audience to “get off their computer

screens and start lobbying ordinary people,” and predicted that unless the public becomes aware of privacy problems, there will be no privacy in the U.S. within the next 15 years.

I also noticed something different about CFP’94. CFP’93 was characterized by controversy. Every issue seemed to have not one or two, but three or four sides or more, and the proponents of each side had lined up at the microphones and reacted angrily when told there was not enough time for everyone to ask their questions and make their comments before the next session had to begin. But CFP’94 seemed to focus on the U.S. government’s efforts to put a back door in mass market encryption products through the development and promotion of the “Clipper” chip. Speakers were largely preaching to the choir, or feeling the audience’s wrath. NSA attorney Stewart Baker told the conference audience (and later the readers of *Wired* magazine) that their anti key-escrow attitude came as a “long-delayed revenge of people who couldn’t go to Woodstock because they had too much trig homework” (Baker 1994). I noted in my conference report, “This year there was much more harmony; but it was a dark harmony. The disagreements among panelists seemed relatively insignificant when compared to the disagreement between the people and their government” (Cranor 1994).

In an ironic footnote to CFP’94, one of the Feds attending the conference mistook a student attendee to be fugitive hacker Kevin Mitnick. The student was detained and released after a brief trip to the local FBI office. But several months later the real Kevin Mitnick deposited files allegedly stolen from San Diego Supercomputer Center physicist Tsutomu Shimomura into the CFP account on the WELL (a computer conferencing system in Sausalito, California). CFP’93 chair Bruce Koball discovered the files in January 1995 and alerted the Well and Shimomura. Kent Walker, who eventually became chair of CFP’95, was then an Assistant U.S. Attorney in San Francisco. He became the lead Federal law enforcement official on the case and, among other things, secured the subpoenas for phone records that allowed Shimomura to track Mitnick to Raleigh, NC, where he was eventually arrested (Koball 1995, Markoff 1995).

CFP’95 brought me back to San Francisco. By this time the Clipper crisis had mostly blown over, although the U.S. government’s encryption policy remained a significant issue. A late night Birds-of-a-Feather session sponsored by the National Research Council cryptography committee is often noted as a classic CFP event. Dozens of CFP attendees stayed up well past midnight to give their views to an NRC committee. The committee members were impressed with the response, and this event is said to have played an influential role in shaping the report that the committee eventually issued (Dam and Lin 1996).

Also memorable was Stanford Law Professor Margaret Jane Radin’s lunch-time presentation. After discussing the application of property rights paradigms to cyberspace, she speculated that as more people flock to cyberspace, the Internet may evolve into something similar to what broadcast TV has become. She described the TV audience as “potential customers delivered to advertisers for a fee.” Thus, she explained, the TV broadcast industry is a giant commercial fishing industry. “It would be good if cyberspace doesn’t turn us into fish,” she concluded (Cranor 1995).

CFP’96 conference chair, Hal Abelson introduced the 1996 conference in Boston with the message, “This is the morning after in cyberspace” (Abelson 1996a). Indeed, the old cyberspace as electronic frontier—occupied only by early settlers, the techno-elite—was giving way to the new cyberspace as electronic suburbia. As the Internet was now on the radar of the U.S. Congress and legislators around the globe, it had suddenly become important to childproof cyberspace. And as the frontiersmen’s taboo against using the Internet for commercial purposes had all but faded, it came as little surprise that marketers soon seized upon the Internet as their next big opportunity.

The debate over U.S. encryption policy continued at CFP’96, and a new issue, the U.S. Communications Decency Act, received much attention. The CFP debates seemed to be nearly back to the high level of controversy I had observed at CFP’93. But the 1996 conference seemed to be lacking

some of the more colorful attendees whom I had seen in previous years.

In 1997 we were back to San Francisco. The theme of the CFP'97 conference was "commerce and community." The Communications Decency Act was still a major issue. And while encryption policy remained an issue, the lack of an immediate crisis in that area permitted more time for reflection. On one panel, PGP Inventor Phil Zimmermann reminded the audience of the limited ability of cryptography alone to protect civil liberties and recommended that we work towards strengthening our democracy (Cranor 1997). And the commercialization of the Internet was continuing. Within the next year the term "spam" would become a household word for electronic junk mail.

The 1997 conference also lived up to the CFP reputation for highlighting the eclectic when the EFF's Pioneer Awards (a CFP tradition since 1992) honored the late maverick composer, George Antheil, and movie actress, Hedy Lamarr, for their WWII invention of the spread spectrum radio technology that has become a crucial part of modern wireless telecommunications.

CFP'98 was held in Austin, Texas. The Communications Decency Act and its aftermath remained a hot issue, and the merits of filtering software as an alternative to government censorship were subject to much debate. The inevitable encryption panels looked beyond U.S. encryption policy and examined some international developments. Spam was still a problem. Video surveillance and biometrics emerged as potential privacy threats. Bruce Sterling closed the conference with his thoughts on the future, and concluded by inviting all 400+ conference attendees to a party at his house. (The party was a blast!)

The theme of the CFP'99 conference in Washington, DC was the Global Internet. Over 500 people from 20 countries participated. International issues were central. A panel on the creation of a global surveillance network reminded panelists that Big Brother is alive and well. And a panel on digital music stirred up controversy as panelists representing the U.S. recording industry debated creators and promoters of MP3-encoded music.

Now as we prepare for the CFP2000 conference in Toronto, many of the issues that have been the focus of CFP conferences over the past decade are still with us; others have fallen out of the spot light, and new ones have emerged. Encryption policy seems to have become a relatively minor issue after the U.S. government backed off on its key escrow initiatives and relaxed encryption export restrictions, but surprises may still emerge. Online privacy is becoming a bigger issue, with increased concerns about the corporate use of personal data to build profiles of individuals, and continuing controversy about the effectiveness of industry self-regulation. Government censorship of online content is still a concern, but now attention is focused on attempts by corporate interests to use copyright and trade secret law to suppress the distribution of software and articles, and even prevent people from creating hyperlinks to certain online materials. Internet voting has, for better or for worse, become a reality. And many questions are being raised about if and how the Internet should be governed.

The theme of the tenth CFP conference is 'Challenging the Assumptions'. After a decade of CFP conferences, it's time to examine what we have learned. "On the Internet, nobody knows you're a dog" has become a cliché, but we've learned that unless we take measures to protect our identities, people can and do identify us on the Internet and in the myriad electronically mediated interactions that are woven into modern life. We have talked about the role of government in cyberspace, and some have even suggested that the Net needs no government. But now that increasing numbers of people around the world are relying on the Internet not just as a marketplace of ideas, but the market where they conduct their daily business, the issue of governance has come to the forefront. And even where no rules have been imposed by governments, some argue that standards setters and technology implementers have imposed de facto rules. At CFP2000 we want to re-examine the assumptions we have been making and consider which ones still make sense as we move forward.

The days of the old cyberspace are clearly over now. Cyberspace is not *our* frontier any more. And the threat that we will soon be no more than fish—carefully indexed and profiled fish even—in the eyes of the Internet entertainment and marketing industries is real indeed.

When Jim Warren launched the first Computers, Freedom and Privacy conference it was a unique kind of event. The Internet was, at the time, a subject discussed for the most part only at technical conferences. And while freedom, privacy, and policy issues were the subject of many conferences, these topics were rarely discussed side-by-side with computers. Now online issues are central to privacy conferences, policy issues have become an important part of many technical conferences (especially those dealing with the Internet and encryption), and cyberspace policy conferences are proliferating. But the CFP conference remains a unique event.

“What sets the Computers, Freedom and Privacy Conferences apart from similar confabs is the range of participants—it’s where the spooks meet the phreaks. Lawmakers, security experts, journalists, business professionals, and hackers from around the globe go head-to-head discussing the direction of the digital revolution,” wrote Anne Speedie in *Wired* magazine (Speedie 1997).

CFP’96 Chair Hal Abelson captured another unique aspect of CFP in his opening remarks: “CFP is the place where we learn to listen to each other, especially when we do not agree” (Abelson 1996b).

And Paulina Borsook notes in her forthcoming book, “A come-let-us-reason-together ecumenical spirit has been one of the finest aspects of CFP” (Borsook 2000).

When 9 of the 11 CFP chairs (including next year’s chair, Deborah Hurley) met recently to discuss future plans for the conference, we spent a lot of time talking about what makes CFP conferences unique. We talked about the way CFP conferences tend to open channels of communication. We talked about the interdisciplinary cross-pollination that occurs at CFP. And we talked about the CFP community of citizens—while many of the CFP participants are experts in their respective fields, most attend CFP not because of their expertise, but because they are citizens who want to have an impact on their world.

Having an impact is also an important part of CFP conferences. Over the years, many of the discussions begun at CFP conferences have impacted policy decisions. And the fact that each year an increasing number of government officials from around the world submit session proposals and request to participate, suggests that policy makers take CFP very seriously.

People also attend CFP because it is edgy—because it deals with emerging issues. Each year CFP program committees have tried to put together programs that address new issues and serve as a preview of the debates that will take place in the coming year. By making available subsidized conference fees and travel scholarships (made possible by generous grants from NSF and other foundations, corporate sponsors, and private donors), conference organizers have also tried to bring new people into the CFP community and educate them about these emerging issues.

And finally, the CFP chairs noted, CFP is more like a retreat than a conference. A high-tech Woodstock, only it’s indoors and there isn’t much music. The CFP main program usually runs until 8 or 9 in the evening. Then the late night Birds-of-a-Feather sessions begin. By midnight those BOFs that are still running adjourn to the hotel bar, where participants join attendees who skipped the BOFs and went directly there. It’s easy to spend four days at a CFP conference without ever going outside or getting much sleep. CFP conferences can be intense, exhausting, and exhilarating experiences.

We expect CFP2000 to follow in this energetic, challenging, and ultimately rewarding tradition. We will welcome hundreds of attendees from a wide range of fields, disciplines and vocations, holding diverse views on a multitude of issues. We will promote intelligent and thoughtful discussion and debate. We will encourage our participants to listen and learn, to formulate their own opinions, and to

return to their communities and press for action.

Let me conclude by returning to Jim Warren, whose thoughts about the first CFP seem just as relevant today as they were in 1991. “This concerns our future—our near future; ten years or less. And a long time thereafter,” he wrote in his introduction to the CFP’91 proceedings. “For we are at a crossroads—as individuals, organizations and governments increasingly depend upon computerized information and digital communications.... Customs, policies, regulations and statutes governing this new environment will be created. The question is: Who will create them and what will they be?” (Warren 1991).

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