

*A Cato Institute Conference*

# NSA Surveillance

What We Know • What to Do About It

OCTOBER 9, 2013, 10:00 A.M. – 4:30 P.M.

CATO INSTITUTE, 1000 MASSACHUSETTS AVE., N.W.

WASHINGTON, D.C. 20001

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*Speaker Bios*

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#### **SPENCER ACKERMAN**

Spencer Ackerman is national security editor for *The Guardian US*. A former senior writer for *Wired*, he won the 2012 National Magazine Award for Digital Reporting on Islamophobic training material within FBI counter-terrorism. He has reported from the frontlines in Iraq and Afghanistan, from courtrooms in Guantanamo Bay and several U.S. naval warships and submarines. Prior to *Wired*, Ackerman was a national security writer at the *Washington Independent*, *Talking Points Memo* and other publications, and his writing has appeared in news outlets ranging from *Playboy* to *Washingtonian*. He frequently appears as a national security expert on MSNBC, and often appears on NPR, CNN, Al Jazeera, and other TV and radio programs.



#### **HON. JUSTIN AMASH**

Hon. Justin Amash represents Michigan's Third District in the 113th United States Congress. He was elected to his first term on November 2, 2010. Mr. Amash was born in Grand Rapids, Michigan. He received his bachelor's degree with High Honors in Economics from the University of Michigan and his Juris Doctor from the University of Michigan Law School. He worked for his family's business, as a business lawyer, and as a Michigan state representative before his election to Congress.

Mr. Amash has never missed a vote in Congress or in the Michigan Legislature out of more than 3,000 roll call votes. He is leading the incorporation of Facebook and other social media into his work as an elected official by posting an explanation of every vote online, and he has set new standards for transparency and accountability.

An ardent defender of Americans' civil liberties, Mr. Amash has been a leading critic of the unconstitutional suspicionless mass collection of all Americans' phone records, the indefinite detention provisions in the National Defense Authorization Act (NDAA), and the Cyber Intelligence Sharing and Protection Act (CISPA).

Mr. Amash is a member of the Joint Economic Commit-

tee and Committee on Oversight and Government Reform (OGR). He serves on the OGR subcommittees on National Security and Government Operations. Justin chairs the House Liberty Caucus.



#### **KEVIN BANKSTON**

Kevin Bankston is Senior Counsel and Director of the Free Expression Project at the Center for Democracy & Technology, a Washington, DC-based non-profit organization dedicated to promoting democratic values and constitutional liberties in the digital age. Prior to joining CDT in February 2012, he was a Senior Staff Attorney for the Electronic Frontier Foundation (EFF) specializing in free speech and privacy law with a focus on government surveillance, Internet privacy, and location privacy. At EFF, he regularly litigated issues surrounding location privacy and electronic surveillance, and was a lead counsel in EFF's lawsuits against the National Security Agency and AT&T challenging the legality of the NSA's warrantless wiretapping program. From 2003-05, he was EFF's Equal Justice Works/Bruce J. Ennis Fellow, studying the impact of post-9/11 anti-terrorism surveillance initiatives on online privacy and free expression. Before joining EFF, he was the Justice William J. Brennan First Amendment Fellow for the American Civil Liberties Union, where he litigated Internet-related free speech cases. He received his J.D. in 2001 from the University of Southern California and his undergraduate degree from the University of Texas.



#### **MATT BLAZE**

Matt Blaze is Associate Professor of Computer and Information Science at the University of Pennsylvania. His research focuses on the architecture and design of secure systems based on cryptographic techniques, analysis of secure systems against practical attack models, and on finding new cryptographic primitives and techniques. This work has led directly to several new cryptographic concepts, including: "Remotely-Keyed Encryption," which allows the use of inexpensive,

low-bandwidth secure hardware to protect high-bandwidth communication and stored data, “Atomic Proxy Cryptography,” which allows re-encryption by untrusted third parties, and “Master-Key Encryption,” which provides a systematic way to design (and study) ciphers with built-in “back doors.”

Professor Blaze is especially interested in the use of encryption to protect insecure systems such as the Internet. He was a designer of *swIPE*, a predecessor of the now standard IPSEC protocol for protecting Internet traffic. Another project, *CFS*, investigated and demonstrated the feasibility of including encryption as file system service. Professor Blaze has applied cryptologic techniques to other areas, including the analysis of physical security systems; this work yielded a powerful and practical attack against virtually all commonly used master-keyed mechanical locks.

In 1994, he discovered a serious flaw in the U.S. Government’s “Clipper” encryption system, which had been proposed as a mechanism for the public to encrypt their data in a way that would still allow access by law enforcement. Professor Blaze has edited several influential reports on encryption policy, including the 1998 study of “key escrow” systems that demonstrated that such systems are inherently less secure and more expensive than systems without such a feature. Professor Blaze was active in the analysis of the FBI’s “Carnivore” Internet wiretap system. He has testified before various committees of the U.S. Congress and European Parliament several times, providing technical perspective on the problems surrounding law enforcement and intelligence access to communications traffic and computer data.

Professor Blaze earned his B.S. from Hunter College at the City University of New York. He received his M.S. in Computer Science from Columbia University and his M.A. and Ph.D. in Computer Science from Princeton University.



#### JIM BURROWS

Jim Burrows is the Vice President of Engineering at Silent Circle. He has nearly four decades of experience as a Systems Architect, Engineer and Researcher with broad experience in software, networks, human factors, consumer electronics, information systems

and operations. His career spans pure and applied research, advanced and product development, systems management and technical operations.

Jim started hacking the ARPAnet in 1974, before ‘hacking’ became a dirty word, and wrote his first email system the next year. He caught his first intruder on a corporate network a year after that. Since then, he prides himself in having more than three dozen years of expertise in doing things he’s never done before. Jim designed the arrangement of arrow keys used on keyboards to this day, and was the founding technical member of the Software Human Engineering R&D group at Digital Equipment Corp., where the discipline of Software Usability Engineering was born. He pioneered online meeting software with Jon Callas in the 1990s, ran a three tiered, 10 million node consumer appliance network in the early 2000s, and participated in the 2010 Coalition Warrior Interoperability Demo, demonstrating a first responder communications product that was called exceptional in the final report.

Jim graduated *magna cum laude* with departmental honors in Philosophy, with a minor in Social Psychology from Hiram College. He is a genealogist and amateur historian who is working on a novel in what passes for his spare time. His hobbies include art, science fiction and fantasy role playing games, hiking and Tai Chi. He has been married for 40 years and is the father of three.



#### DAVID DAHL

David Dahl is the Crypton Project Director at SpiderOak. Crypton represents the next generation privacy-enabling web framework and is fully open source.

David came to SpiderOak with over 15 years in software engineering experience, including with the Mozilla Corporation, where he worked as a Senior Privacy Engineer. While at Mozilla, David worked as one of the founders of the World Wide Web Consortium’s Web Cryptography Working Group via his work on DOMCrypt—a cryptography extension for the Firefox web browser.

Previously, David worked at Industrial Light + Magic in San Francisco, building a knowledge base helping George Lucas’ artists document special effects software, techniques, and processes. David’s work over the past decade has varied among contractor at Apple Computer, Networking Engineer at Argonne National Laboratory, consultant in Chicago’s trading houses, and bootstrapping startup companies.





#### LAURA K. DONOHUE

Laura K. Donohue is a Professor of Law at Georgetown Law and the Director of Georgetown's Center on National Security and the Law. She writes on national security and counterterrorist law in the United States and United Kingdom. Her most recent

book, *The Cost of Counterterrorism: Power, Politics, and Liberty* (Cambridge University Press), analyzes the impact of American and British counterterrorist law on life, liberty, property, privacy, and free speech. She is currently writing on the NSA's metadata collection program; drones; and the War Powers Resolution. Some of her past articles have focused on biometric identification; state secrets; surveillance, data collection, and analysis; extended detention and interrogation; antiterrorist finance and material support; biological weapons; scientific speech; and the history of quarantine law.

Professor Donohue has held fellowships at Stanford Law School's Center for Constitutional Law, Stanford University's Center for International Security and Cooperation, and Harvard University's John F. Kennedy School of Government, where she was a Fellow in the International Security Program as well as the Executive Session for Domestic Preparedness. In 2001 the Carnegie Corporation named her to its Scholars Program, funding the project, *Security and Freedom in the Face of Terrorism*. She took up the award at Stanford, where she taught in the Departments of History and Political Science and directed a project for the United States Departments of Justice and State and, later, Homeland Security, on mass-casualty terrorist incidents. In 2008–09 she clerked for Judge John T. Noonan, Ninth Circuit Court of Appeals. Professor Donohue is a Life Member of the Council on Foreign Relations, an Advisory Board Member of the ABA Standing Committee on Law and National Security, and an Advisory Board Member of the Electronic Privacy Information Center. She is currently a member of the Forum on Synthetic Biology at the National Academy of Sciences.

Professor Donohue obtained her A.B. in Philosophy (with Honors) from Dartmouth College, her MA in Peace Studies (with Distinction) from the University of Ulster, Northern Ireland, her J.D. (with Distinction) from Stanford

Law School, and her PhD in History from the University of Cambridge, England.



#### BARTON GELLMAN

Barton Gellman, a Pulitzer Prize-winning journalist and author, is senior fellow at the Century Foundation, visiting fellow at Princeton's Woodrow Wilson School and contributor to *The Washington Post* and *Time Magazine*. His books include *Angler: The*

*Cheney Vice Presidency* (Los Angeles Times Book Prize, New York Times Best Books of 2008) and *Contending with Kennan*. During 21 years at the *Washington Post*, Gellman was legal, military, diplomatic, Middle East and special projects correspondent. His professional honors include a George Polk Award, Harvard's Goldsmith Prize for Investigative Reporting and the Sigma Delta Chi medallion from the Society of Professional Journalists.



#### SIOBHAN GORMAN

Siobhan Gorman is a reporter for the *Wall Street Journal* covering terrorism, counter-terrorism, and intelligence, which includes the activities of the sixteen intelligence agencies and the national security threats they aim to combat.

Prior to joining the *Journal* in 2007, Ms. Gorman was a Washington correspondent for the Baltimore Sun covering intelligence and security. From 1998 to 2005 she was a staff correspondent for *National Journal* covering homeland security, justice, and intelligence.

Ms. Gorman won the 2006 Delta Chi Award for Washington Correspondence for her coverage of the National Security Agency, and in 2000 received a special citation in national magazine writing from the Education Writers Association. She received her bachelor of arts in government from Dartmouth College and currently resides in Arlington, Va.



#### JIM HARPER

Jim Harper is director of information policy studies at the Cato Institute. He works to adapt law and policy to the unique problems of the information age, in areas such as privacy, telecommunications, intellectual property, and security. Mr. Harper was a

founding member of the Department of Homeland Security's Data Privacy and Integrity Advisory Committee and he co-edited the book *Terrorizing Ourselves: How U.S. Counterterrorism Policy Is Failing and How to Fix It*. He has been cited and quoted by numerous print, Internet, and television media outlets, and his scholarly articles have appeared in the *Cato Supreme Court Review*, the *Administrative Law Review*, the *Minnesota Law Review*, and the *Hastings Constitutional Law Quarterly*. Harper wrote the book *Identity Crisis: How Identification Is Overused and Misunderstood*. He maintains online federal spending resource WashingtonWatch.com, and he holds a J.D. from UC Hastings College of Law.



#### JAMEEL JAFFER

Jameel Jaffer is an ACLU deputy legal director and director of the ACLU's Center for Democracy, which houses the organization's National Security Project, Human Rights Program, and Speech, Privacy & Technology Project. He has testified before

Congress about issues relating to government surveillance and, since 2004, has served as a human rights monitor for the military commissions at Guantánamo. His book, *Administration of Torture* (co-authored with Open Society Justice Institute attorney Amrit Singh), was published by Columbia University Press in 2007. Prior to joining the ACLU, he clerked for Amalya L. Kearse, U.S. Court of Appeals for the 2nd Circuit, and Rt. Hon. Beverley McLachlin, Chief Justice of Canada. He is a graduate of Williams College, Cambridge University, and Harvard Law School.



#### DAVID LIEBER

David Lieber is a Privacy Policy Counsel for Google in Washington, D.C., where he works on privacy and data security issues that span Congress, the Federal Trade Commission, and other regulatory agencies. Before taking on the role of Privacy Policy

Counsel, David represented Google on a broad array of issues before state legislatures across the country. Prior to joining Google, David worked as an Associate in the E-Commerce & Privacy practice at DLA Piper and served as a Legislative Assistant to Senator Dick Durbin on the Senate Judiciary Committee.



#### JOHN MUELLER

John Mueller is a Senior Fellow at the Cato Institute. He is a member of the political science department and Senior Research Scientist with the Mershon Center for International Security Studies at Ohio State University. He is a leading expert on terrorism and

particularly on the reactions (or overreactions) it often inspires. His most recent book on the subject, *Terror, Security and Money: Balancing the Risks, Benefits and Costs of Homeland Security* (co-authored with Mark G. Stewart) was published in September 2011 by Oxford University Press. Other books on the subject include *Overblown: How Politicians and the Terrorism Industry Inflate National Security Threats*, and *Why We Believe Them* (Free Press, 2006) and *Atomic Obsession: Nuclear Alarmism from Hiroshima to Al-Qaeda* (Oxford, 2010).

Mr. Mueller is also the author of a multiple-prize-winning book analyzing public opinion during the Korean and Vietnam Wars, *War, Presidents and Public Opinion* and of *Retreat from Doomsday: The Obsolescence of Major War*, which deals with changing attitudes toward war. Mueller's book about international and civil wars, *The Remnants of War* (Cornell University Press, 2004) was awarded the Lepgold Prize for the best book on international relations in 2004. Mueller has published scores of articles in such journals as *International Security*, *American Political Science Review*,

*American Interest, Security Studies, Orbis, American Journal of Political Science, National Interest, Foreign Affairs*, and many others. He has been a visiting fellow at the Brookings Institution, the Hoover Institution at Stanford University, and the Norwegian Nobel Institute in Oslo.

He previously was on the faculty at the University of Rochester. He is a member of the American Academy of Arts and Sciences, has been a John Simon Guggenheim Fellow, and has received grants from the National Science Foundation and the National Endowment for the Humanities. He has also received several teaching prizes.



#### **KAREN REILLY**

**K**aren Reilly is Development Director at The Tor Project, responsible for fundraising, advocacy, general marketing, and policy outreach programs for Tor.

Tor was originally designed, implemented, and deployed as a third-generation onion routing project of the U.S. Naval Research Laboratory. It was developed with the U.S. Navy in mind, for the primary purpose of protecting government communications. Today, it is used every day for a wide variety of purposes by normal people, the military, journalists, law enforcement officers, activists, and many others.

Tor is a network of virtual tunnels that allows people and groups to improve their privacy and security on the Internet. It also enables software developers to create new communication tools with built-in privacy features. Tor provides the foundation for a range of applications that allow organizations and individuals to share information over public networks without compromising their privacy.

Individuals use Tor to keep websites from tracking them and their family members, or to connect to news sites, instant messaging services, or the like when these are blocked by their local Internet providers. Tor's hidden services let users publish web sites and other services without needing to reveal the location of the site. Individuals also use Tor for socially sensitive communication: chat rooms and web forums for rape and abuse survivors, or people with illnesses.

Journalists use Tor to communicate more safely with whistleblowers and dissidents. Non-governmental organizations (NGOs) use Tor to allow their workers to connect to

their home website while they're in a foreign country, without notifying everybody nearby that they're working with that organization.

Ms. Reilly studied Government and International Politics at George Mason University.



#### **MICHELLE RICHARDSON**

**M**ichelle Richardson is a Legislative Counsel with the American Civil Liberties Union Washington Legislative Office where she focuses on national security and government transparency issues such as the Patriot Act, the Foreign Intelligence Surveillance Act, cybersecurity, state secrets and the Freedom of Information Act. Before coming to the ACLU in 2006, Richardson served as counsel to the House Judiciary Committee where she specialized in national security, civil rights and constitutional issues for Democratic Ranking Member John Conyers (D-Mich.).



#### **PAUL ROSENZWEIG**

**P**aul Rosenzweig is the founder of Red Branch Consulting PLLC, a homeland security consulting company, and a Senior Advisor to The Chertoff Group. Mr. Rosenzweig formerly served as Deputy Assistant Secretary for Policy in the Department of Homeland Security. He is a Distinguished Visiting Fellow at the Homeland Security Studies and Analysis Institute. He also serves as a Professorial Lecturer in Law at George Washington University, an Adjunct Professor at the Near East South Asia Center for Strategic Studies at the National Defense University, a Senior Editor of the *Journal of National Security Law & Policy*, and as a Visiting Fellow at The Heritage Foundation. In 2011 he was a Carnegie Fellow in National Security Journalism at the Medill School of Journalism, Northwestern University, where he now serves as an Adjunct Lecturer.

Mr. Rosenzweig is a *cum laude* graduate of the University of Chicago Law School. He has an M.S. in Chemical Oceanography from the Scripps Institution of Oceanography, University of California at San Diego and a B.A. from



Haverford College. Following graduation from law school he served as a law clerk to the Honorable R. Lanier Anderson, III of the United States Court of Appeals for the Eleventh Circuit.

Mr. Rosenzweig is the author of *Cyber Warfare: How Conflicts in Cyberspace are Challenging America and Changing the World* and of the video lecture series, *Thinking About Cybersecurity: From Cyber Crime to Cyber Warfare from The Great Courses*. He is the coauthor (with James Jay Carafano) of *Winning the Long War: Lessons from the Cold War for Defeating Terrorism and Preserving Freedom* and co-editor (with Timothy McNulty and Ellen Shearer) of *National Security Law in the News: A Guide for Journalists, Scholars, and Policymakers*.



#### **JULIAN SANCHEZ**

Julian Sanchez is a Research Fellow at the Cato Institute, where he studies issues at the busy intersection of technology, privacy, and civil liberties, with a particular focus on national security and intelligence surveillance. Before joining Cato, Sanchez served as the

Washington Editor for the technology news site *Ars Technica*, where he covered surveillance, intellectual property, and telecom policy. He has also worked as a writer for the *Economist's* Democracy in America blog, and an editor for Reason magazine, where he remains a contributing editor. Sanchez has written on privacy and technology for a wide array of national publications, ranging from National Review to the Nation, and is a founding editor of the policy blog Just Security. He studied philosophy and political science at New York University.



#### **CHARLIE SAVAGE**

Charlie Savage is a Washington correspondent for the *New York Times*. He is known for his work on presidential power and other legal policy matters.

Before joining the *Times*, Mr. Savage covered national legal affairs for the *Boston Globe* from

2003 to 2008. He received a Pulitzer Prize for National

Reporting in 2007 for his coverage of presidential signing statements for the *Globe*. Other awards he earned while at the *Globe* include the American Bar Association's Silver Gavel Award and the Gerald R. Ford Prize for Distinguished Reporting on the Presidency.

Mr. Savage's book about the growth of executive power, *Takeover: The Return of the Imperial Presidency and the Subversion of American Democracy*, was named one of the best books of 2007 by both *Slate* and *Esquire*. The book also received the bipartisan Constitution Project's inaugural Award for Constitutional Commentary, the NCTE George Orwell Award for Distinguished Contribution to Honesty and Clarity in Public Language and the New York Public Library's Helen Bernstein Book Award for Excellence in Journalism.

Mr. Savage was born and raised in Fort Wayne, Indiana. He graduated *summa cum laude* with degrees in English and American literature from Harvard College in 1998. In 2003, he earned a master's degree from Yale Law School, where he was a Knight Journalism Fellow. Mr. Savage got his start as a local government and politics reporter for the *Miami Herald*.



#### **BRUCE SCHNEIER**

Bruce Schneier is an internationally renowned security technologist, who has been called a "security guru" by the *Economist*. He is the author of 12 books—including *Liars and Outliers: Enabling the Trust Society Needs to Survive*—as well as hundreds of ar-

ticles, essays, and academic papers. His influential newsletter "Crypto-Gram" and his blog "Schneier on Security" are read by over 250,000 people. He has testified before Congress, is a frequent guest on television and radio, has served on several government committees, and is regularly quoted in the press. Schneier is a fellow at the Berkman Center for Internet and Society at Harvard Law School, a program fellow at the New America Foundation's Open Technology Institute, a board member of the Electronic Frontier Foundation, an Advisory Board Member of the Electronic Privacy Information Center, and the Security Futurologist for BT—formerly British Telecom.



**HON. F. JAMES  
SENSENBRENNER JR.**

**H**on. F. James (“Jim”) Sensenbrenner Jr., represents the Fifth Congressional District of Wisconsin. The Fifth District includes parts of Milwaukee, Dodge and Waukesha counties, and all of Washington and Jefferson counties.

Jim was born in Chicago and later moved to Wisconsin with his family. He graduated from the Milwaukee Country Day School and did his undergraduate studies at Stanford University, where he majored in political science. He then earned his law degree at the University of Wisconsin-Madison in 1968.

After serving ten years in the Wisconsin State Legislature, Mr. Sensenbrenner ran for a U.S. House seat and was elected in November, 1978. He has been reelected since 1980.

Mr. Sensenbrenner’s current committee assignments include serving on the Committee on Science and Technology and the Committee on the Judiciary. Congressman Sensenbrenner is Chairman of the Crime, Terrorism, Homeland Security and Oversight Subcommittee. He is also a member of the Subcommittee on Courts, Intellectual Property, and Internet, and the Subcommittees on Environment and Oversight.

He is the former Chairman of the Judiciary Committee, and as a long-serving committee member, Mr. Sensenbrenner has established a strong record on crime, intellectual property and constitutional issues. Previously, Jim also served as Chairman of the House Committee on Science, where he solidified his reputation as an independent leader on science issues, as well as oversight.

Shortly after the attacks of September 11, 2001, Jim introduced the PATRIOT Act in the House as a method to help keep help keep America safe by enhancing the tools our law enforcement officials could use to thwart another terrorist attack. He was proud to watch President Bush sign the Act into law.



**CHRIS SOGHOIAN**

**C**hris Soghoian is the Principal Technologist and a Senior Policy Analyst with the ACLU Speech, Privacy and Technology Project. He completed his Ph.D. at Indiana University in 2012, which focused on the role that third party service providers play in facilitat-

ing law enforcement surveillance of their customers. Between 2009 and 2010, he was the first ever in-house technologist at the Federal Trade Commission’s Division of Privacy and Identity Protection, where he worked on investigations of Facebook, Twitter, MySpace and Netflix. Prior to joining the FTC, he co-created the Do Not Track privacy anti-tracking mechanism now adopted by all of the major web browsers.



**HON. RON WYDEN**

**H**on. Ron Wyden is the senior United States Senator from Oregon. He is the chairman of the Senate Energy and Natural Resources committee, a member of the Finance and Budget committees, and has developed a prominent role on the Select Committee

on Intelligence. His relentless defiance of the national security community’s abuse of secrecy forced the declassification of the CIA Inspector General’s 9/11 report, shut down the controversial Total Information Awareness program and put a spotlight on both the Bush and Obama Administration’s reliance on “secret law.” To protect hard-working folks in the intelligence community and ensure informed public debate on national security issues, Senator Wyden successfully fought to have controversial anti-leaks provisions removed from the latest intelligence authorization bill. His lone stand against the PROTECT IP Act (PIPA) and its predecessor, the Combating Online Infringement and Counterfeit Act (COICA), put a spotlight on the problematic legislation being fast tracked through Congress and served as a rallying point for the historic Internet protests that ultimately toppled the bills. Senator Wyden received his B.A. from Stanford University and earned his J.D. from the University of Oregon School of Law.





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