

BUILDING WEALTH IN CHANGING TIMES



The Solari Report

JUNE 13, 2013

A globe with a network of glowing blue lines and nodes, representing a digital or internet network.

**Internet Freedom: Your Rights
in a Digital World**
with Rainey Reitman



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C. AUSTIN FITTS: Okay. Well, it's my pleasure to introduce to you today the activism director from Electronic Frontier Foundation, Rainey Reitman. Rainey has a very impressive resume. Prior to joining EFF she served as the Director of Communications for the Privacy Rights Clearinghouse. And she is the founder and steering committee member for the Bradley Manning Support Network, which is something which is near and dear to my heart. She serves on the board of directors at the Bill of Rights Defense Committee and is a steering committee member of the Internet Defense League and is the Operating Officer and cofounder of the Freedom of the Press Foundation.

So we're talking today about your rights in a digital world, and I want to stress before we bring Rainey on that this is a topic which I think is very important to every part of our lives. We become every day more dependent on the Internet and digital tools for our enterprises, for our personal and family needs, for our civic organizations, for our transactions, for our getting of information. And as we become more dependent, of course, it means the more impact the organizations that we become dependent on that are running the Internet or running pieces that we use, the more important they become.

And if the rules change that could change many different things in our lives, and so our rights in a digital world and our digital rights are very important. So it's a real pleasure to have Rainey join us because I don't think there's anybody more current, more involved in doing more to protect our digital rights than Rainey and the organization that she works for. So, Rainey, welcome.

RAINEY REITMAN: Thank you so much for having me. This is an issue that is



near and dear to my heart as well.

C. AUSTIN FITTS: Well, tell us about Electronic Frontier Foundation and how you came to be involved in being a leader in this area.

RAINEY REITMAN: Sure. So the Electronic Frontier Foundation has been around for more than 20 years and we are a nonprofit civil liberties law firm and advocacy center, and we have teams here at EFF that deal specifically with impact litigation. So taking on cutting-edge issues where civil liberties are threatened in the digital world – privacy and free speech and things of that level – and attempting to establish good legal precedent by advocating for civil liberties in court cases. We take on our own clients and we also do amicus briefs and that.

We also build technology projects that people can use to protect themselves online. For example, we have free Firefox add-ons that our technology team has built called HTTPS Everywhere, which helps you maintain a little bit more security when you use the Internet, and then we have advocacy work. We do both domestic and international advocacy work and I have the honor of leading the Electronic Frontier Foundation's national activism team. So I work on the national level and our job really is about telling people about issues that are going to affect their basic freedoms in the digital world.

So this is a lot of how policies that are put in place by the government and by corporations, for the most part, but especially by the government, can affect our rights to access information and speak freely and use the Internet to generate and communicate ideas. And it's also about teaching people about the policy proposals that are happening and the laws that are being proposed that could affect their ability to use technology in innovative ways and that would infringe on their free-speech rights and their privacy rights.

C. AUSTIN FITTS: I just have to bust in and make one true confession. Whenever there is a debate going on, either at corporate policy related to privacy or anything digital or there's new legislation being introduced and there's controversy, the first thing I do is I look for what the



Electronic Frontier Foundation says.

They're sort of the go-to place on what the right position is and I would imagine that is a huge amount of pressure on you guys.

RAINEY REITMAN: Well, it can be. I like to think it's a pressure that we live up to quite well and it's because we include both civil liberty attorneys and activists and technologists on staff. So the idea is that any decision we come out with is something that's going to make sense for the technology and also make sense for the basic civil liberties of individuals. And I think one of the problems we have, especially with Congress, is that they're proposing laws that don't actually make sense with technology as we have it for today. Or the laws that we have in place now simply just really have ceased to make sense for technology as it's changed over the years, which means that those laws need an update. So sort of getting tech experts dealing with the law has been sort of the role we've played over the last many, many years and I'm hopeful that it's something we'll play for many years in the future.

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C. AUSTIN FITTS: And so how did you come to have this as your passion and to be at the Electronic Frontier Foundation?

RAINEY REITMAN: Well, as you mentioned before, I was working at a privacy-rights organization. It's the Privacy Rights Clearinghouse, where I was a consumer advocate kind of just creating online resources for individuals regarding personal privacy. I think that my areas were around data collection and limitations and access in areas such as medical privacy or debt collection, employment privacy, even things like junk mail. I was dealing with even very non-digital things, but the longer I worked in that space I became more and more interested in particular in how the government was using all the information that private companies were collecting as well as increasingly the digital issues rather than some of the more offline privacy issues.



I had the opportunity to work with an individual who was a fellow at EFF, though I didn't know it at the time, and he approached me about a position at EFF two-and-a-half years ago and urged me to apply. I had already been working with the Bradley Manning Support Network for some time then and then I sort of thought about it a little while and decided to reach out to the EFF. They quickly hired me and brought me up to San Francisco. So that's sort of how I first got involved sort of working directly with individuals who were affected by these issues on a daily basis and providing resources for them on the Internet.

C. AUSTIN FITTS: So digital rights. Tell us why this is so important.

RAINEY REITMAN: Well, I really think that as a society the United States has really come to uphold and value our constitutional rights. It's really a foundational concept that was drilled in us since elementary school, that we have these basic rights to freedom of association and freedom of the press and freedom of speech and rights to be free from undue government surveillance and things of that nature. But as technology has changed the law has lagged in keeping apace with how technology affects these rights.

And it became increasingly apparent that we needed somebody out there to speak intelligently about how, if we're not careful, these liberties that we've founded our society on could be deeply compromised by changes in technology, by companies that create policies that don't value freedom of speech and by governments that are abusing technology to invade the privacies of millions of people. I think that one of the particularly concerning things, especially about online privacy, is that many people frankly just have no idea how much information about them is being collected and how much of that data could be accessed by the government.

But it's sort of our role and our job to try to really surface that for individuals because when we use the Internet you're not getting an e-mail every time another company picks up some information about you or every time the government is able to get a little bit more data about you. It's something that happens almost entirely unseen. So it's really



important that we do our best to surface this in a way that makes sense for people, given the relatively unseen nature of it.

C. AUSTIN FITTS: For the last two years we've seen a real effort to push new legislation through Congress that's passed the House. It's gotten stalled in the Senate. I'm talking about CISPA but I know there are others. Maybe you could describe what has been going on in Congress and what the debate is about.

RAINEY REITMAN: Sure. So the bill you're talking about, CISPA, stands for the Cyber Intelligence Sharing and Protection Act. It's a bill that I have been fighting for several years now and both times I've seen it get out of the House. Right now we're waiting to see whether or not the Senate will pick it up. I think they might not, but this bill is a bill that would allow companies to bypass all existing laws and share data directly with the government in order to protect their rights and property about cyber security issues. This may not actually sound that bad on the outset.

But when you drill down into the language of the bill you find that the terminology of what is and isn't a cyber security system is poorly defined. Basically, it's defined in a very circular way that leaves it wide open to interpretation so that you could make an argument that almost anything that was even vaguely related to a network system would fall within the definition of a cyber security system, which gives the companies this really broad new legal ability to pass content, including sensitive content like the content of your e-mails or details about your browsing history, to the government.

We have been deeply concerned in particular about that information blowing to military intelligence agencies like the National Security Agency. I think one of the real concerns there is that when data flows to entities in the government like the NSA we really don't have any ability to hold them accountable, to drag them up in front of Congress to ask questions about how they're using the information, to ensure that they're not abusing the vast swaths of data that they've gotten access to because once it gets in the hands of the NSA it's basically a black hole.



C. AUSTIN FITTS: Right.

RAINEY REITMAN: I think this law is written in a way that gives sweeping liability protections to companies that want to engage in this program so that they have everything to gain and nothing to lose by passing information to the government about their users. And as you know, companies like Google and Facebook and all of these other companies that we use every single day on the Internet are getting so much information about us, which is why having a law that would allow those companies to pass unredacted data to the government without taking any steps to remove unnecessary personal information is extremely troublesome to civil liberties advocates.

C. AUSTIN FITTS: Right. It's funny. If you've never experienced data being aggregated, integrated and misused with a very different intent it's hard to fathom how a lot of perfectly innocent data can be used. So is there any way you could give examples or help people understand this? Because if you haven't lived through it, it's very hard to envision why you should be worried about it.

RAINEY REITMAN: Well, I think there's a couple different ways to approach that. One thing I think many people don't realize is that it's not just the information that a company or the government has on you. It's what that information might imply. It's what that information could be used to infer. We saw an example of this in a very splashy news story a couple years ago where a woman received a whole bunch of advertisements for pregnancy-related products. You know, "Oh, you're expecting. Come to Target and we'll give you diapers and things to get ready for your new baby." And the father was quite upset because his young daughter he believed was not pregnant and he thought this was an inappropriate thing for Target to be sending to them.

Well, she had been making purchases that Target had come to identify as being associated with people who are likely to be pregnant, and they're things that you and I wouldn't necessarily think as really indicating anything about us. Things like unscented lotion or large-sized bags, things that didn't say, "Hey, I'm pregnant. I'm buying a pregnancy



book,” but rather were just things that we didn’t even realize would indicate anything about us. We also see examples of studies that are done, for example, of Facebook and how certain facts and who you’re friends with can imply a lot about you.

Using data analysis of people’s Facebook profiles and sort of what the gender balance is of your friends and what their sexual orientation is, researchers are able to identify in a large majority of the cases what your sexual identity is. So there’s a lot of information that is implied by what companies are able to gather on you. And I am certain that the government is able to get just as much inferred out of the information it has on you, and it’s only rarely that we’re able to catch these glimpses of what a profile is being built on you looks like.

C. AUSTIN FITTS: Right, and of course you know, I may decide, “Okay. Well, I’m comfortable with this corporation having or collecting this data.” What we have to realize is laws change. Suddenly, all of that goes into the military intelligence agencies.

RAINEY REITMAN: Right. Well, I think another thing that people don’t realize is that when you hand information to a company, that data that you’re giving them is bound basically by the privacy policy that they establish. Now the vast majority of us don’t bother to read the privacy policies on websites. I do, but even I don’t do it that often because it’s just so overwhelming to try to get through it, much less understand it. But even if you did take all the time to read every single privacy policy on every single website you visited, it wouldn’t matter because at the end of the day those privacy policies could change in an instant.

They could collect the information with promises that they wouldn’t be sharing it and then adopt new, more expansive policies that let them share it with everyone, including the government. One of the things that the Electronic Frontier Foundation does is we put out an annual report. It’s called the “Who Has Your Back?” report and it rates

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companies on whether or not in their privacy policy and in their terms of service they commit to letting you the user know before they hand your data to the government. Not even that they won't hand it to the government; just whether or not they'll tell you that they're handing it to the government. And a surprising number of companies don't do this.

It's something that we've been pushing companies to do as a best practice, and certainly some of them do. For example, Twitter has this policy in place that they will definitely let users know before they hand your data to the government but Facebook, I believe, does not. I could double-check that.

C. AUSTIN FITTS: Didn't Twitter litigate for that?

RAINEY REITMAN: Yes, they did, indeed. In fact, we were involved in that case. In the WikiLeaks case Twitter received a 'D' order. It's a type of court order requesting information on three of the Twitter users that were implicated in the WikiLeaks investigation. And Twitter went to court and went to bat for those three individuals to get the right to tell those individuals before releasing the information to the government. One of those Twitter users was Birgitta Jónsdóttir.

She's a poet and an Icelandic parliamentarian and the EFF, my organization, took her on as a client to defend her against the government getting access to her Twitter data. And I'm sorry to say that we were not successful and, in fact, the government was eventually able to get access to her data but we wouldn't have even had the fight if Twitter had just silently handed the information over. The only reason they didn't do that is because they had adapted a policy voluntarily that said, "Hey, we're going to stand by our users and let them know if the government comes knocking and tries to get their data." I wish all companies would have policies like that.

C. AUSTIN FITTS: Right. Notification is unbelievably important. It makes a huge difference if you know versus if you don't know. Just your ability to protect yourself if suddenly you say, "Hey, I'm naked." If I know that then I can adapt, but if I don't know that – very, very big difference. Yeah.



RAINEY REITMAN: Well, and I think it's a particular issue because there's just so little known about how much information is going from private companies to the government, which is why we're also pushing companies to start publishing transparency reports. It's an annual report that says how many times has the government come to you asking for information on your users.

C. AUSTIN FITTS: That's a great idea.

RAINEY REITMAN: Yeah. How many times have you handed it over? Google really started this by publishing a pretty elaborate transparency report and now publishes a transparency report that gives extremely general information about how often they are receiving requests for national security letters, which are these vague, incredibly secret orders that they get from the government. They come with a gag requesting information about users regarding a national security investigation.

C. AUSTIN FITTS: One of the things I wanted to ask you about – I know we were on this a second ago – is Facebook. I've seen many crazy stories of what happened when Facebook changed its privacy settings. So the teacher who complains about the school where she works; she thinks she's just complaining to her family. Suddenly –

You know, it's open and available and she loses her job.

RAINEY REITMAN: Right.

C. AUSTIN FITTS: So why did they change the settings and why did they do it without telling everybody?

RAINEY REITMAN: Like any company, Facebook has the ability to change their privacy policy and to change their user interface, how you interact with the site. And one of the things that Facebook has done over the last several years has been adopting public-by-default policies. It used to be a long time ago that you couldn't get onto Facebook unless you had a university e-mail address. You couldn't even establish a Facebook account, and then over time Facebook grew and grew until everybody



could get an account and increasingly everybody does have an account.

But the problem is they went from settings where, when you sign up for an account and if you don't go through and change your privacy setting, pretty much everything would be private to you and your friends and certain things would be available to other Facebook users to things that are basically public-by-default, which means that unless you go through and adjust your privacy settings, information that you put up on Facebook would be available to anybody. I know it's a slight simplification.

But it means that they've changed the nature of their business model to be one that was a closed system where you would speak just to your friends and family to almost a public wall, where what you put up there would be – unless you went through and changed the privacy settings – sort of available to everyone. And then they also made it so that some things couldn't be made private, which was concerning to a lot of people because anybody has the ability to put something on Facebook and make it public. Anybody could do that, but to not have the ability to make it private – that's a little bit concerning.

C. AUSTIN FITTS: I want to talk about what we can do, but another point I wanted to bring up when you were talking about the importance of going into court and litigation is when you have technology that is moving this quickly, a lot of the law really gets battled out in case law, in courts. It doesn't come from Congress. As you said, the existing law on the books was not written for a digital age and so if you look at the process by which we figure this out as a society and evolve that law, a lot of it is really happening in case law. Is that not the case?

RAINEY REITMAN: I think that's absolutely the case. I think when it comes to Internet policies you've got laws, but the laws will lag. The laws will be 10 and 20 years behind the technology, which means that often laws will be stifling innovation or they'll be failing to protect individual consumer rights or they will fail to limit government access. They just won't keep up with the law, with the way people are using technology. So you've got the law, but you've also got companies and companies can vary really



widely in what kind of policies they establish.

But the policies that a company sets up will have huge impact on what kind of speech is tolerated on the Internet and what kind of privacy is expected on the Internet because, when you think about it, most of the spaces online – websites that we visit – they’re operated by companies. We’re used to this offline world, where you have a physical street that you can go out and protest on. Well, in the digital world you have websites that are owned by someone. You don’t have the same concept of public spaces that we grew up with and became accustomed to in the offline world.

So I think sort of the policies companies adopt are extremely influential in what kind of cultures we have as far as whether or not freedoms and liberty are respected. And then I think that impact litigation – sort of the case law – has an opportunity to have a very real and powerful impact on sort of the legal framework for our rights in the digital space while we’re playing catch-up with the law. And that’s something that EFF has spent a lot of time doing – of pushing back through strategic impact litigation to create good precedent – so that, even while Congress is failing to update its laws, we are able to establish principles that are more in alignment with what our offline rights are.

C. AUSTIN FITTS: Right. Now let’s talk a little bit about security because I know one of the things we hear from our subscribers and we experience ourselves is there’s just more and more time and money spent trying to maintain security and all sorts of security issues. Think of it this way. As our world moves onto the digital platform so does the warfare, whether it’s the competition between two companies or the competition between governments.

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And so we do see these squabbles that get played out and have a dramatic impact on securities. It’s really funny. I know in my community, if



there's a burglary, I know where to go to get help. But on the Internet I'm not quite sure where to go to get help and more often than not I'm more worried that the government is going to compromise security than I am that they're going to help protect me. So talk a little bit about security and what the big security issues are from your point of view.

RAINEY REITMAN: Well, I think security is something that has increasingly been a hot issue. We talk about cyber security. We're constantly reading articles about cyber war and cyber threats from other countries and what we need to do to prepare ourselves and harden our systems and strike back. And then at the same time so many individuals nowadays are suffering from data breaches or identity theft, where their Social Security Numbers and their financial information is getting compromised.

It's getting hacked or it's getting attacked or it's getting accidentally published on the Internet or it's getting leaked in some sense or another. And I think that what's frustrating for me about this discussion is that right now we've got a real opportunity to talk about how companies can improve their security, how they can harden their systems in thoughtful and intelligent ways that will actually be effective and instead we're getting all these proposals for Congress.

That would, in fact, reduce the privacy rights of everyday Internet users.

C. AUSTIN FITTS: Right. Make it worse.

RAINEY REITMAN: Yeah. It would honestly make it worse and it's frustrating because we've got an opportunity to do something constructive here. If we look at the types of attacks that companies are facing, a lot of times it's everyday Internet users who are in the dark about whether or not their information is even being affected and how it's being affected and what they can do about it. Companies are not taking their own security seriously enough, not hardening their systems in appropriate ways. Many of the real simple things that the government and companies could be doing to protect our security – such as two-step authentication for accessing accounts and sort of teaching their employees about how to avoid spearfishing attacks – these are things that are just not even really



part of the debate, which I think is frustrating and sad.

I think that we are going to continue to see security be a major issue. I think in the coming five years and onward it's going to increasingly be a mobile discussion. Our desktop computers are on their way out, when you think about it. We're moving to a space where everything is going to be mobile. And that's where I think we have an opportunity to get it right in the mobile world when it comes to security, and I'm sorry to say I don't think we're on the right track so far but I'm hopeful that we can take an opportunity to improve in the coming years.

C. AUSTIN FITTS: Well, I think you're right. I think a lot of it is going to come down to companies taking – you know, they need to face the fact that this is something they have to take responsibility for and it's a change. So let's turn to what we can do because the most important thing for me is what can I do as an individual? What can I do as a business owner? What can I do as a citizen? What can I do to make a difference? Because I believe we're at a very critical point and this is what I call a trim tab. If we get this right then a lot of other things throughout the ecosystem work. So this is very much at the heart of a very important part of our infrastructure. So walk us through with our different hats on. What can we do? Let's start with individuals. What can we do as individuals?

RAINEY REITMAN: All right. So as individuals I think a couple of things. The first thing is I believe that everyday Internet users and people who are concerned about these issues need to be speaking out, and speaking out about the policies that Congress is adopting. At the EFF it's something that we have an almost weekly newsletter where we send updates and we have an Action Center, where we give people a way of sending e-mails to Congress and signing petitions about technology issues and how they're going to affect our digital rights. I think that's a real basic thing, but I tell you we could send 20 or 30 e-mails and it doesn't make as much difference as one phone call.

C. AUSTIN FITTS: Right.



RAINEY REITMAN: It really does. Every single time that a consumer picks up the phone and calls their Congressman's office and says, "I'm concerned about this issue and I want you to defend my privacy in this upcoming debate," whether it's CISPA or ECPA reform or CALIA – which is a bill that's going to get proposed later this year that the FBI is promoting that would really force Internet companies to wire their systems to give the FBI a back door into all of their systems. But getting people to actually pick up the phone and call makes a huge difference.

C. AUSTIN FITTS: Okay. I just have to two things now. One is it's really fun to call your Congressman's office. It's not hard. The staff is really nice. They're used to taking this kind of feedback. It's very easy to do. It just takes two minutes, and you're right. It has major, major impact and to give you a sense of the story, once upon a time I worked in Washington. I was the Assistant Secretary of Housing and I got a call from a Congressman's office. It was incredibly important I come over and brief the staff. And I got over there and they said, "We're really concerned about housing," and I said, "Why?" and the chiefs of staff said, "Well, our mail in housing has shot up. We had ten letters last week.

But that's a big spike, and they were handwritten and they were personal. Oh, my God. So with one phone call you can make a huge difference. There's no doubt about it.

RAINEY REITMAN: One phone call can make a huge difference. The other thing – and now this is harder but it makes an even bigger difference – is concerned citizens have the right to go actually meet with their representatives, meet with their senators, meet with the staff members. They come home on recesses and you can meet with them in their districts. You call. You ask to speak to the scheduling agent. You say, "I want to sit down and meet with the representative or with a staff member who does technology issues and tell them I'm concerned about this." You don't have to be an expert.

Our website has tons of resources, but you can just go in and in 15 minutes you maybe print something off of our website, eff.org, and hand it to them and say, "I'm concerned about CISPA. I don't want it to pass



because it would infringe my privacy rights. I don't want companies to have sweeping immunity to hand data to the government. I want the government to use the cyber security debate to do something constructive rather than remove privacy laws that currently protect users." That's all you have to say, and that is huge. That is amazing because it gives the Congressman the ability to go up in Congress and say, "I met with consumers or they met with my staff and I've heard from my constituents and they care about this issue and I'm representing them by doing this." That's fantastic.

C. AUSTIN FITTS: Right. I agree.

RAINEY REITMAN: I would say that the other thing I would urge people to do is there's a lot of wonderful resources out there that users have, often free, that they can use to protect their privacy. One of them is – I mentioned it earlier – the Firefox add-on, which also works for Chrome, that EFF creates called HTTPS Everywhere. I think most people are familiar that HTTP is the beginning of the URL when you access a website online. HTTPS means that that's going to be a secure connection. The data that you're transmitting to that website will by default be encrypted, which means that you're protecting yourself when you're on an open Wi-Fi network and you're just making it more difficult for your data when you're connecting to websites to get intercepted. It shocks me that anybody doesn't already have this.

So if by some quirk you have not already downloaded and started using HTTPS Everywhere. I heartily urge people to do that.

C. AUSTIN FITTS: How does this connect to the Tor Project? That's different, obviously.

RAINEY REITMAN: It is different. So I would say HTTPS Everywhere, like the Tor Project, is free. I would say HTTPS Everywhere is simple to use and install and isn't going to be any problem for you to basically have it

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on all the time. Now the Tor Project used to be housed within EFF and now it's its own entity. But it is, again, a piece of software that you can download that will mask your IP address. This is incredibly important for activists in authoritarian regimes who are trying to protect their privacy or journalists trying to communicate with whistleblowers, but honestly it's a valuable resource for anybody out there.

C. AUSTIN FITTS: Everybody.

RAINEY REITMAN: That just want to have privacy of their IP address when they're on the Internet. Basically, your connection is routed through a couple of different hops and then comes out through what's called an exit node. And that exit node is going to have an IP address and as you surf the web it's going to appear as if your connection was coming from that exit node IP address, which means that your actual IP address will be hidden, will be secure. I think if you want good, strong privacy setting up HTTPS Everywhere and using it with Tor is fantastic. Unfortunately, Tor is a little bit slow, which is why many people don't use it all the time. But one thing you can do is, if you're technically inclined, you can actually host or support a Tor node, either a middle node or an exit node. I won't get into that, but we do have extensive discussion of that on the EFF website.

C. AUSTIN FITTS: Now what about raising consciousness? What can I do? And maybe let's start with me. If I want to delve in and learn more about these issues, where do I go? What can I read? What documentaries can I watch? If I want to become more educated, how do I do it?

RAINEY REITMAN: Well, I'd say the very first thing you can do is go to the eff.org website and sign up to get our mailings because our goal is to send out information that goes through the most important breaking technology issues and lets people know when we need them to speak out, and then we're also on the various social networks. So I would say eff.org is a great place to start to get yourself up to date on some of these issues. The ACLU has a technology project. It also has some really wonderful information. Epic.org has some really fantastic data,



especially about online privacy, and I would say – gosh. There’s so many websites. I don’t even know where to start.

C. AUSTIN FITTS: We’ll start there. They have links, right?

RAINEY REITMAN: Yes, they do.

They do. I can leave it there. So I would say start there. As far as documentaries go, gosh, I’m not sure. I think there’s a new movie out called *Terms and Conditions May Apply*, which is a very good intro, but it doesn’t get really into the meat of things the way I think might be more interesting for your listeners. That’s a good one. As far as sort of just your intro to sort of digital rights issues and policy, I would say that Lawrence Lessig’s *Code*.

C. AUSTIN FITTS: Yeah. That’s a great book.

RAINEY REITMAN: Fantastic book. It really kind of explains the basics in a way I think everybody can understand but also kind of does it on a level that’s more sophisticated. It’s a great read.

C. AUSTIN FITTS: Yes. It’s very good.

RAINEY REITMAN: Yeah. I would really recommend that – *Code* by Lessig – as a wonderful resource for people who are looking to be more engaged on this. I would say as far as spreading the word, we have these wonderful tools with Twitter and Facebook and other social networks. And that’s a wonderful way to kind of relate your own thoughts and how these issues affect you to your friends and family and others. I would urge people to consider starting blogs and writing about issues, to do work to, for example, place op-eds in digital places or your local newspaper if you don’t want to do it online.

One of the things I’ve seen, especially in the last few years, has been sort of local groups getting together and organizing. I see this in particular with college groups – but it doesn’t have to be a college group, when you think about it – where they have formed a group. And they want to



have regular discussions and host lectures and have books that they read and articles that they discuss to kind of keep abreast of the technology policy issues, and then use that as a place to organize themselves into an effective way of speaking out about the issues that affect them the most and that they're the most passionate about.

So I know that it can be daunting for some people, but even just getting together with a few friends at a coffee shop and then making that a regular thing and then putting it up on Meetup.com or whatever can be a way of getting organized. Surprisingly, small things can make a big difference in a lot of people's lives. Then I couldn't possibly not mention that you can also donate to support some of the nonprofits that are doing work in this area.

C. AUSTIN FITTS: In addition to donation, I would also argue that it's great to become a member because, if you have an annual membership fee year after year after year after year, it makes it much easier to manage an organization. One of my pitches – I go back to lawyers. It's incredibly important that you have fearless people ready to roll into court, and fielding a team of lawyers who can be faithful during a legal process is an expensive proposition.

And so that's why I think having a lot of members is very, very good to support that kind of activity because the law to me is much – if not more – coming out of case law than it is going to out of Congress, and I think that's why what you're doing is so important. The reality is, unfortunately, we have a Congress that's full of lawyers and not engineers and you don't have the technologists on staff that you do. So I'd like to think we get more technologists into Congress, but it may take a while.

Anyway.

RAINEY REITMAN: You know, having members – it doesn't just help because it gives us financial resources. We actually will fight how large our membership is when we are filing Freedom of Information Act requests with the government. We will fight how large our membership is when



we are speaking out to policy makers. We're saying, "We are the EFF and we have this many members from this many states and we're here representing them, telling you to do the right thing when it comes to this law," and that's very powerful. It means a lot. So I agree with you.

C. AUSTIN FITTS: Right, and they don't hear, "Members." They hear, "Voters."

RAINEY REITMAN: Yes. They do. They do. They hear, "Voters who might or might not donate to my campaign." That's what they're hearing, but it really is an important point for us to be able to walk into the room with thousands and thousands of EFF members having our back. So I really appreciate every member. I like to think that as soon as you become a member of EFF you actually have begun a lifelong relationship to digital rights, that you have become part of our family and you're one of the people that is fighting for the right thing when it comes to liberty in the online world.

C. AUSTIN FITTS: I think so. I think so. Okay. Is it okay if I bring up the Freedom of the Press Foundation?

RAINEY REITMAN: Yes. Absolutely.

C. AUSTIN FITTS: Yeah.

Because I went to your website today and noticed that you're doing a crowdfunding to support the transcriber for the Bradley Manning trial, which to me is very, very important. So we're going to post a link on the blog today, but maybe if you could say a little bit about what you're doing there and also talk about the extent to which – I'm hopeful that crowdfunding is helping your efforts.

RAINEY REITMAN: Sure.

"I like to think that as soon as you become a member of EFF you actually have begun a lifelong relationship to digital rights, that you have become part of our family and you're one of the people that is fighting for the right thing when it comes to liberty in the online world."



C. AUSTIN FITTS: So I'd love to hear a little bit about that.

RAINEY REITMAN: Definitely. So in addition to my work at the Electronic Frontier Foundation I am also a cofounder along with the amazing Trevor Timm and Jake Barlow [0:46:46] and Daniel Ellsberg of the Freedom of the Press Foundation. We launched last December and our goal is to fund through crowdsourcing really cutting-edge investigative journalism. In particular, we're looking at journalistic organizations who, for a range of reasons, aren't going to be able to get other forms of funding. Perhaps they're too controversial or they're nonprofit and they're too controversial and they're really doing the things that are outside of typical mainstream media. One of our well-known funding recipients is the whistleblower website WikiLeaks.

I believe in the United States our foundation is the only way that you can make a tax-deductible donation to the whistleblower website WikiLeaks. But we also fund a whole bunch of other journalistic organizations and about a month ago we launched a campaign, which is a little daunting, which is that we are going to try to hire – and actually have now hired – a team, as it turns out, of court reporters to go into the Bradley Manning trial and provide daily transcripts of everything that happens. As you may know if you've been following the trial of Bradley Manning, they are not releasing transcripts to the public and they are, in fact, limiting the number of media organizations that are allowed to get credentialed to attend the trial.

C. AUSTIN FITTS: What's their legal basis for not allowing those?

RAINEY REITMAN: For not allowing the transcripts or for not allowing people in?

C. AUSTIN FITTS: Not allowing the transcripts to be made public.

RAINEY REITMAN: I have no idea what their legal basis is.

I don't have any idea.



C. AUSTIN FITTS: They make it up as they go along.

RAINEY REITMAN: Right. Right, and my understanding is that one day eventually those things will be made public. But the problem is that if people want to understand what's happening in that trial, if reporters want to write stories about it they need to know what was said in the courtroom right away. It's in a tiny, tiny courtroom. I was actually just there yesterday in Fort Meade, Maryland, which is really a big pain to get to.

And there's really no way that a ton of reporters are going to be able to be there on a daily basis. So our goal was to bring in stenographers. We have one in the morning that takes notes all day and cleans it up, and then the morning session is posted by 7:00 p.m. that night; and then the one who comes in to the afternoon session. And then their transcripts from the afternoon session – verbatim transcripts – are posted the next morning by 9:00 a.m. This is expensive. Because the court isn't releasing these, we've had to hire a professional team to do this. We're looking at \$2,000.00 a day or thereabouts, which is some \$10,000.00 a week.

Which is for the length of the trial going to be \$60,000.00 and \$120,000.00. So a few weeks ago we put this up online and we said, "Internet, help us out," and so far we've raised \$64,000.00.

C. AUSTIN FITTS: Bravo.

RAINEY REITMAN: Yes. I suspect we will need another almost \$60,000.00 to cover the entire trial, but we are hopeful that the Internet will continue to help us out because if we don't have transcripts made readily available there's no way that we can get decent coverage of what's going on. There's no way that the public will have a seat in that courtroom the way they should be.

C. AUSTIN FITTS: Right, and I would argue that there are many things that are absurd that could go on that can't be gotten away with if those transcripts are public. So I think in this instance it's phenomenally



important, so this is a very – bravo.

RAINEY REITMAN: Yeah. I agree with you. You know, I've met with a lot of the reporters because I was actually out there yesterday and one of the things we're dealing with is we struggle to get press passes for the stenographers. We're borrowing other organizations' press passes.

We don't have any of our own – I'm completely serious – in order to be in the room to take notes. They won't let you have Internet access. You're not allowed to make recordings. Typically, when a stenographer is doing their work, they're making an audio recording and then they can go back and check it, but they won't let them even do that. They insist that you've got to just use a stenography device to take notes as quickly as you possibly can – far more quickly than somebody with a pen and paper or a regular laptop, but it's still an incredible inconvenience for the stenographers.

C. AUSTIN FITTS: Welcome to the nuts and bolts of freedom in the digital age.

RAINEY REITMAN: Right. Yes. Very true.

C. AUSTIN FITTS: Okay. Rainey?

RAINEY REITMAN: Yes.

C. AUSTIN FITTS: No, go ahead.

RAINEY REITMAN: I was saying I've already heard from a number of reporters that this is an incredible resource for them. People who aren't actually physically in Fort Meade, Maryland can now write stories about what's happening at the trial in ways that they couldn't have otherwise.

C. AUSTIN FITTS: Yeah. I was involved with the litigation with the federal government and it was something that was under seal. And it was only supposed to be under seal for a short period of time and it went on for years and years and years under seal. And finally I said, "You know, I've



had it. The lawyers can't help me," and what we did was we spent – it was a team of six people, including two attorneys – spend four months writing up a summary and then scanning in and linking all the documents because at that point you're thousands and thousands of pages. We launched the website and the whole thing was unsealed within a week.

RAINEY REITMAN: Wow.

C. AUSTIN FITTS: I know.

And that's when I said, "Transparency. Whee!"

Anyway, I think what you're doing with Freedom of the Press Foundation is very important. Anyway. Okay. This has been great. I can't thank you enough. Would you give out again the websites, both for EFF and Freedom of the Press Foundation?

RAINEY REITMAN: Sure.

C. AUSTIN FITTS: And if there's anything else you want to say in closing about how we can support your efforts, please feel free.

RAINEY REITMAN: Sure. So the Electronic Frontier Foundation. We are the civil liberties, advocacy and impact litigation and technology, and you can find all about our work – and please sign up for our mailings – at eff.org. The brand-new organization that I'm also involved with, the Freedom of the Press Foundation – you can pitch in to help out with the transcripts of the Bradley Manning trial or donate to any of the journalistic organizations that we're supporting by visiting pressfreedomfoundation.org. That's pressfreedomfoundation.org.

You know, I think one of the most important things you can do is just, once you start understanding these issues and caring about them, is just talk to other people about them. Let people know. One of the things that I do is I have just changed my e-mail signature so that at the bottom of it, it has a phrase about the importance of digital rights and then a



link, which I'll sometimes change out to whatever advocacy campaign is the most important at the time. So it's little things like that that can make such a big difference because it just gets the word out.

C. AUSTIN FITTS: I agree. Okay. Well, Rainey Reitman, thank you very much. We wish you every success. What you're doing is great for all of us and we very much appreciate your efforts.

RAINEY REITMAN: Thanks for having me. Take care.

C. AUSTIN FITTS: Bye.

RAINEY REITMAN: Bye.

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