

Freedom?

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Freedom Pledge:

I am an American. A free American.
Free to speak—without fear,
Free to worship God in my own way,
Free to stand for what I think right,
Free to oppose what I believe wrong,
Free to choose those who govern my country.
This heritage of Freedom I pledge to uphold
For myself and all mankind.¹

Q: How does the Polish Constitution differ from the American?

A: Under the Polish Constitution citizens are guaranteed freedom of speech, but under the United States constitution they are guaranteed freedom after speech.

That joke is said to have come from Poland in the 1980s. As in the joke, freedom means different things to different people at different times. Wikipedia's page on freedom has five pages of links to various meanings of freedom. In physics there are degrees of freedom, which are the number of different ways that an object can move. In politics we have things like freedom of speech, and freedom of assembly. If those political freedoms are to be more than just physical right to action, then the government is in some sense saying that it will not impose consequences or punishments for the action. So you have freedom of speech and freedom after speech.

Freedom for one person may not be freedom for someone else. As Robert Frost said: "If society fits you comfortably enough, you call it freedom." In America in the 1950s a heterosexual male and a homosexual male could have quite different opinions on

how free America was for them. If society doesn't let you do what you want, then it will feel not free for you, even if it might feel free for someone else. Of course, in some sense, if anyone is not free, then everyone is not free. As Nelson Mandela said: "For to be free is not merely to cast off one's chains, but to live in a way that respects and enhances the freedom of others."

We could spend much time debating which freedoms are important and which can be ignored for more important purposes.

Another complication is that technology changes what freedoms we have. Both what is possible to do and what is legal to do changes with technology. A three word statement of technology's restrictions is lawyer Lawrence Lessig's "Code is law." What we can and cannot do is often restricted by what the creators of the technology have chosen. For example, DVD players sold in this country cannot play both DVDs from America and DVDs from India because of region locking. The computer code prevents this. Back in 2009, Amazon accidentally sold George Orwell's book 1984 to Kindle owners, but the publisher didn't have the copyright owner's permission. So Amazon remotely deleted 1984 from the Kindles.² Amazon's code let them delete the books. Speaking of 1984, I have noticed that cameras are starting to appear in televisions. For example, Xbox's Kinect sensors include a camera that watches you. It is worth thinking about who controls a camera or a microphone and who can see and hear what it records.

Technology allows things not possible without it, it gives us new freedoms to do actions like talking to

¹Education for Freedom, U.S. Office of Education

²<http://arstechnica.com/gadgets/2009/07/amazon-sold-pirated-books-raided-some-kindles/>

people across globe. Cheaper data storage makes it possible to record every phone conversation that happens. Wireless data transmission makes it possible to record a video of what is happening and immediately upload it to the internet. What you think about that probably depends on what you think about who is holding the camera and where the camera is pointing. Public key encryption allows two people with computers to have a private conversation even if someone in the middle is eavesdropping, but only if they control the code running on the computers at the end points. 3D printers can let people print their own guns, but at least some in the government want to outlaw that, which would require putting code to stop it in the printer. The computer code running on the hardware changes what freedoms of action we have.

Remote control airplane carrying missiles are another example of technology that might have some bearing on freedom. They amplify power and let a few people kill many people from afar. It's also worth thinking about who controls the drones because the drones follow the orders the computer receives, regardless of who sent the command.

When the United States Constitution was being written, if two people wanted to have a private conversation, they could just step out of earshot of others, and they could have it. Now, you need to make sure that there are no long distance directional microphones, no nearby bugs, no cellphone surreptitiously recording, and more. It is a different world.

Companies trying to eliminate freedom is a problem, but governments trying to eliminate freedom is a bigger problem. Governments tend to have access to tanks, bombers, missiles, guns and rough men standing ready to do violence on their behalf. As Mao Zedong said in his little red book: "Political power grows out of the barrel of a gun."

There is an interesting thing about the United States government that I have noticed. The US government wants to find out its citizen's secrets, but it wants to keep its own secrets.

The government want to know what we are telling each other. Back when Obamacare first came out, there were quite a few rumors being emailed around. So the Whitehouse put out a page that said: "Since

we can't keep track of all of them here at the White House, we're asking for your help. If you get an email or see something on the web about health insurance reform that seems fishy, send it to flag@whitehouse.gov". That was an interesting response, since it not only lets them see the rumors, but Obama's administration also will see things like the email headers that tell who is sending the original emails. This has the consequence, intentional or not, of making the program a report on your friend program.

A more serious example is the Communications Assistance for Law Enforcement Act³, a law signed by Bill Clinton in 1994 to make clear a telecommunications carrier's duty to cooperate in the interception of communications for law enforcement purposes, and for other purposes. This law requires telecommunications providers to allow wiretapping. It also requires equipment manufacturers to build in back doors to equipment to allow the wiretapping to take place.

The Patriot Act's National Security Letters⁴ add a new twist to this. It allows letters to request wiretapping and other information. Under this law, the recipient of the letter can only disclose it to people who are necessary to comply with the request and an attorney about the request. This makes it very difficult for US citizens to have even an idea about how much surveillance goes on.

The government, however, wants to keep its own secrets. The government has lots of secrets, called classified information. I think that some information should be less known. I think the world is better off if everyone and their dear leader does not know how to build super atomic bombs. There is an interesting thing about classified information. According to the Standard Form 312 FAQ, "Information remains classified until it has been officially declassified. Its disclosure in a public source does not declassify the information."⁵ So for example, even tho' the pentagon papers were published in 1971 in newspapers,

³Pub. L. No. 103-414, 108 Stat. 4279, codified at 47 USC 1001-1010, http://epic.org/privacy/wiretap/calea/calea_law.html

⁴<http://www.law.cornell.edu/uscode/text/18/2709>

⁵<http://www.archives.gov/isoo/training/standard-form-312.html>

government workers with a clearance and others with a clearance could not legally publicly discuss what was in them until the Pentagon Papers were declassified in 2011.⁶

I believe that if the government wishes to keep secrets from the people, the people should be allowed to keep secrets from the government. The government has much more power over individuals than individuals have over the government.

I had an interesting encounter last December 13th. At about 6:50 pm, the Midget Mart on G street was robbed at gunpoint. The robber drove off in his Gray Honda Civic.

I drove to church to go to the 7:00 pm board meeting in my Gray Honda Civic. I got to the church parking lot, got out and was walking to the church. A SUV pulled into the lot after me, and police officer Cook came out and told me that there had been an armed robbery at a store a few minutes ago. He then asked if I had ID on me, and then to see it. Meanwhile, there were two other cops standing behind him about 15 feet, with their hands on their guns. Then another cop car showed up. They gave me a weapons frisk (cop asked me to put my hands on the car, spread my legs and then he ran his hands over me.) Then he asked me to take the things out of my pockets (hat, gloves, keys, wallet, pocket knife). They also asked questions like if I had anyone in the car with me, and what route did I take to get to church. They ask if they could search for firearms in the car. I said they could search for firearms. They didn't find any. They took a photo of me, and then took it to the store.

I didn't look like the robber, they didn't find any weapons, but they did find a missing hat and ice-scraper in my car, and they let me go after about 15 minutes. I went into the church.

Afterward, I noticed a change in my attitude. Before, when I would see someone stopped by a cop, I would think something like I wonder what he did, but now I think something like, poor sap. I definitely was worried the next two times I went to a board meeting. I also was a coward, since I remember thinking,

I don't think they legally can search my car, but it is rather hard to say no to eight or more police officers with guns. I would like to see the Supreme Court justices say no under those circumstances.

Freedom implies responsibility. In some sense, if the people do not have the power to make the world worse, they also do not have the power to make the world better. Freedom means choices between futures, even when we don't always know the end result.

The world is different than it was in 1787 when the United States Constitution was written. If we want the ideals America was founded on to be more than dead words and old myths, we need to rethink how they should fit right now. If we want to secure the blessings of liberty for ourselves and our posterity, we need to work to keep them.

⁶<http://www.npr.org/2011/06/13/137150344/after-40-years-pentagon-papers-declassified-in-full>