

# **The Public's Right to Knowledge**

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“The world's entire scientific heritage is increasingly being digitized and locked up by a handful of private corporations.”

—Aaron Swartz (1986-2013)

This month marks the 10<sup>th</sup> anniversary of the death of Internet pioneer and freedom-of-information activist Aaron Swartz, who committed suicide on January 11, 2013 at the age of 26 upon learning that the U.S. Department of Justice was charging him with multiple felonies and demanding that he go to prison for a political action. In 2011 Swartz had entered a network wiring closet at MIT, attached a laptop to the MIT network, and

downloaded a huge number of academic journals from JSTOR so that they could be made freely available to the public. After his death, Swartz received many posthumous honors and tributes, including induction into the Internet Hall of Fame in San Francisco and the Madison Award of the American Library Association “for his dedication to promoting and protecting public access to research and government information.”

Any technologically advanced country needs to have an educated citizenry. This means more than just formal schooling. The general public must have easy access to books and online sources of accurate information, must be aware of what their government is doing at home and abroad, and must be generally aware of the current state of knowledge about matters that directly affect them, such as health care, climate change, and matters of war and peace. When obstacles are placed in the way of this knowledge, activists such as Aaron Swartz

perform a public service by working to remove those obstacles.

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WikiLeaks is a nonprofit publisher of leaked documents. Founded in 2006 and led by Julian Assange, it became well known in the U.S. in 2010 when it played a major role in exposing U.S. war crimes in Iraq and Afghanistan. That year WikiLeaks released the *Collateral Murder* video, a leaked secret recording from July 2007 showing U.S. military helicopter pilots shooting and killing several civilians, including two Iraqi journalists who worked for Reuters. The video, which showed the U.S. soldiers laughing about the civilian deaths, went viral and helped fuel disillusionment with the American wars in Iraq and Afghanistan. In 2010-2011 WikiLeaks also published confidential diplomatic cables that embarrassed the governments of the U.S. and several other countries.

Since 2010, the U.S. Department of Justice has spared no effort in order to seize Julian

Assange and send him to prison, probably for the rest of his life. In 2019 the U.S. indicted Assange on 17 charges of violation of the Espionage Act of 1917, for which the maximum penalty is 170 years in prison. Since April 2019 Assange has been in a British prison facing extradition to the U.S. He has appealed the extradition both to the British High Court and recently to the European Court of Human Rights. On 28 November 2022 the editors and publishers of the leading newspapers of 5 Western countries — the *Guardian* (Great Britain), the *New York Times* (U.S.), *Le Monde* (France), *Der Spiegel* (Germany), and *El País* (Spain) — published an open letter calling on the U.S. to end its prosecution of Assange.

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In 2013 a private contractor named Edward Snowden was working as a computer system administrator for the U.S. National Security Agency (NSA). He had access to the NSA's top-secret files, and he was very disturbed by

what he saw there. He secretly downloaded an enormous number of documents and gave them to a select set of journalists who agreed to write about information that was in the public interest but not information that had a legitimate reason to remain secret. The documents revealed NSA activities that were illegal or embarrassing to the U.S., including massive surveillance of Americans and eavesdropping on the private communications of top government leaders in Brazil and Germany.

Under U.S. law, the NSA has no restriction on surveillance or covert activity directed against foreigners on foreign soil, including even citizens of allied countries, but it is prohibited from conducting indiscriminate surveillance of Americans. In testimony before Congress, a top national security official had assured the public under oath that the NSA does not carry out such surveillance. The Snowden leaks revealed that to be a lie.

To avoid persecution by the U.S., Snowden went to Russia, where he was granted

political asylum and has been living since 2013. He would face trial and imprisonment if he returned to the U.S. Meanwhile, he has received many international awards, especially in Germany, for his courage in revealing the truth about NSA activities.

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Jacob Appelbaum first became well known as a freelance investigative journalist and as a computer security expert who assisted non-profit organizations. This led him to become a core member of the Tor project (a free software network that provides online anonymity). As both a journalist and computer security specialist, he was heavily involved in working with WikiLeaks and in analyzing and publishing information from the Snowden documents. He had the knowledge that most journalists lacked that enabled him to interpret and explain the significance of the technical details.

In 2014 Appelbaum received Germany's highest journalistic award for his reporting in

*Der Spiegel* on the NSA's eavesdropping on the private cell phone conversations of German Chancellor Angela Merkel. These revelations caused a major diplomatic rift between Germany and the U.S.

I met Appelbaum in Seattle in early 2013. He was soon to leave the U.S. and live in exile in Germany. He explained to me that U.S. authorities had repeatedly harassed him, threatened him, targeted his online accounts, and seized his computers when he returned home from trips abroad, and they suspected that he had been a key intermediary in the public release of the WikiLeaks documents. He told me that this assumption was untrue, but that he didn't have confidence that he could get a fair trial if the government brought charges. Statements about him by U.S. officials indicated that they intended to charge him along with Assange under the Espionage Act.

While living in Germany, Appelbaum studied mathematics and computer security at Eindhoven University of Technology under

the supervision of Daniel Bernstein, one of the world's leading cryptographers. Last March, Appelbaum successfully defended his PhD dissertation. I was on his PhD committee. Over 80 people attended his thesis defense, which was held virtually, including Laura Poitras (director and producer of the Oscar-winning documentary *Citizenfour* about Edward Snowden) and Daniel Ellsberg.

The presence of Daniel Ellsberg at Appelbaum's thesis defense was deeply symbolic. In the early 1970s Ellsberg played an important role in mobilizing opposition to the American War in Vietnam. He was an intelligence analyst working for the Rand Corporation, which was helping the U.S. Department of Defense write a top-secret history of U.S. political and military intervention in Vietnam between 1945 and 1967. It was titled *Report of the Office of the Secretary of Defense Vietnam Task Force*, but is popularly known as the *Pentagon Papers*. After working on the report, Ellsberg decided that it was of vital importance for the public



to know about this history. He leaked the report to the *Washington Post* and the *New York Times*.

The *Pentagon Papers* revealed that the government under President Lyndon Johnson had systematically lied to the American people about its intentions, and had secretly expanded its aggression in Southeast Asia to include bombings in Laos and Cambodia and attacks along the coast of Vietnam. It showed that four administrations (of Presidents Truman, Eisenhower, Kennedy, and Johnson) had misled the public about what it was doing in Vietnam.

The U.S. Department of Justice charged Ellsberg with espionage and other serious crimes, but the judge in the case dismissed all charges when a scandal erupted concerning efforts by President Nixon and his aides to illegally influence the outcome of the trial. Their actions were so blatantly illegal that they played a role in Nixon's impeachment and resignation in 1974.

Ellsberg is now 91 years old. His attendance at Appelbaum's PhD defense showed the continuity of purpose across generations and historical periods. Ellsberg has also supported Assange and Snowden, whom he sees as fellow activists in the struggle for the public's right to know what their governments are doing.

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In capitalist countries, the profit motive often stands in the way of adopting responsible social policies. For example, the fossil fuel industry is very influential in the U.S. and some other countries, and has successfully blocked or slowed down efforts to switch to sustainable energy sources. Similarly, the publishing industry is now dominated by a small number of large conglomerates that are publicly traded on the stock market. They are obliged to maximize short-term profits so as to satisfy investors. The top executives are motivated not by love of books, but by love of money.

The result is that books, especially textbooks, are overpriced. It's true that e-books are often available at lower prices through Amazon, but most people prefer to read printed books. Especially non-fiction books are still usually read in hard copy form. Thus, the control of publishing by for-profit companies and the resulting high prices are an obstacle to public dissemination of knowledge.

At the beginning of my career as a mathematician in the 1970s, I wanted to build up my math library with books by the leading mathematicians in my field. Because I knew Russian and had the opportunity to study in Moscow, I bought the Russian translations of many books by American, British, and French mathematicians. Those Russian translations cost far less (usually less than  $1/10$  as much) as the original books in English or French. The Soviet government greatly subsidized the publication of books, because books — like food and housing, which were also heavily

subsidized — were regarded as a basic necessity for the population.

Prices of books, especially textbooks, in the U.S. have gone up dramatically since the 1970s. A textbook for a science course typically costs well over USD 100. Several years ago my university asked incoming students to plan on spending an average of USD 1200 per year on textbooks. The current estimate of annual textbook costs is less — USD 900 — because of the increasing availability of e-textbooks and the efforts of some professors to select course materials that can be provided to students free of charge.

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In the U.S., efforts to attack the public's right to knowledge sometimes arise in unexpected ways. Recently the U.S. Supreme Court, dominated by the right wing in American politics, ruled that states have the right to criminalize abortion. Currently the conflict over this issue between “red states” (states controlled by the extremist wing of the

Republican Party) and “blue states” (states controlled by the Democratic Party) is more heated than any conflict between states since the American Civil War (1861-1865). In the red states, gynecologists and obstetricians not only are barred from performing abortions, but also often refuse to treat women with miscarriages because they fear being accused of illegal abortion. Laws in several red states have criminalized not only abortion, but also any effort to inform women how to obtain a safe medical (early) abortion through on-line pharmacies or how to obtain assistance to travel to a provider of (later) abortions in a state that protects women’s reproductive rights. As a result of such laws, if a woman living in a red state has a pregnancy that has developed complications that threaten her life, she may not be able to get timely information about how to obtain life-saving medical care because of the fear of criminal prosecution for providing her with that information.

I started this article with the tragic story of the U.S. government's persecution of a brilliant Internet developer and freedom-of-information activist. But even more tragic than the death of an idealistic and creative young person will be the deaths of many American women because the laws of their state forbid them access to information about aborting a pregnancy. In that case the public's right to knowledge is directly connected to the human rights of women.