



THE LIBERTARIAN PARTY

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Justice Department must end attacks on electronic privacy, says Libertarian Party

WASHINGTON, DC — The Justice Department's decision not to prosecute Philip R. Zimmermann for violating encryption law is a victory for the First Amendment — but unfortunately won't end the government's attack on electronic privacy, the Libertarian Party warned today.

"The battle for free speech and privacy still rages on the electronic frontier," said Steve Dasbach, Chairman of America's third largest political party.

"One hero — Phil Zimmermann — won a great personal victory. But government laws restricting cryptography still threaten the privacy and security of everyone on the Internet. As long as the government has the power to obstruct encryption use, the electronic privacy of all American citizens will be in danger," said Dasbach.

After a three-year investigation, the Justice Department announced late last week that it would not prosecute Zimmermann, a software developer, for posting a cryptography program to the Internet in 1991.

Zimmermann's program — entitled Pretty Good Privacy (PGP) — was an immediate hit, gaining worldwide popularity as "encryption for the masses." It was among the first programs to give ordinary computer users the power to protect sensitive communications.

PGP and similar encryption software turns electronically transmitted information — such as personal e-mail — into undecipherable gibberish. Messages can then be

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securely sent across networks, using “keys” that are almost impossible to crack.

Under current federal law, complex encryption software such as PGP is considered a “munition,” and is restricted under the International Trafficking in Arms Regulations (ITAR). Exporting such software requires a license from the government.

“Unfortunately, the government’s decision to drop the Zimmermann case leaves unanswered the question of whether posting such materials to the Internet constitutes a violation of ITAR export regulations,” said Dasbach.

“And the laws that were used to harass Zimmermann were not changed. So, developers of cryptographic programs still run the risk of investigation, prosecution, and jail time. For Americans working to protect their electronic privacy, the threat remains.”

“The government justifies such restrictions by saying that law-enforcement agencies would be hindered in their efforts to stop terrorists, spies, drug-dealers, and pornographers without them,” noted Dasbach.

“These regulations do nothing of the sort, since strong encryption technology is freely available worldwide. All these laws do is put U.S. software companies at a competitive disadvantage, and chip away at the First Amendment’s protection – which apply even to 21st century communications. The Justice Department needs to remember that before they launch their next investigation.”

The Libertarian Party platform includes a forceful statement in support of electronic privacy: “We oppose all regulations of civilian research on encryption methods. We also oppose government classification of such research, or requirements that deciphering methods be disclosed to the government.”

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