

# Can Australia's digital spooks escape an NSA-level backlash?

**Summary:** *Lavabit and Silent Circle's secure email services have been shut down as part of a generational-scale anti-surveillance pushback, but only US and UK agencies are under the microscope. Why not Australia?*

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By [Stilgherrian](#) for [The Full Tilt](#) | August 9, 2013 -- 06:19 GMT (23:19 PDT)

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Sometimes, I'm glad to be proven wrong, and this is one of those times. A few weeks ago, over at [Crikey](#) (<http://www.crikey.com.au/2013/06/25/remember-the-nsa-snooping-is-the-real-story/>), I worried that the feral goldfish of our Ritalin-deficient global media would soon lose interest in the complex US National Security Agency (NSA) surveillance story, and focus instead on the more personal story of the manhunt for Edward Snowden.

Boy, was I wrong!

Security-conscious email provider Lavabit [shut itself down today](#) (<http://www.zdnet.com/snowdens-privacy-oriented-email-provider-shuts-down-under-u-s-government-pressure-7000019185/>), rather than "become complicit in crimes against the American people," as founder [Ladar Levison](#) put it (<http://lavabit.com/>). "I wish that I could legally share with you the events that led to my decision. I cannot... The first amendment is supposed to guarantee me the freedom to speak out in situations like this. Unfortunately, Congress has passed laws that say otherwise."

Soon after, Silent Circle closed its own secure email service — although its other services remain open, because it employs more secure end-to-end encryption than SMTP email. "We see the writing on the wall, and we have decided that it is best for us to shut down Silent Mail now. We have not received subpoenas, warrants, security letters, or anything else by any government, and this is why we are acting now," [wrote](#) (<http://silentcircle.wordpress.com/2013/08/09/to-our-customers/>) chief technical officer Jon Callas.

The closure of Lavabit, believed to have been Edward Snowden's email provider, is one thing; the closure of Silent Circle is quite another — because its founders include people with informed, level-headed views of the military and intelligence establishments. They're not exactly renegades. And nor is security megastar Bruce Schneier, who recently joined the board of digital rights lobby group the Electronic Frontier Foundation (EFF) precisely because he's concerned about the NSA's activities.

Now, I've been an armchair observer of all things spookish since my teen wargamer days. I know how codebreakers enabled the Allies to win World War II, while simultaneously kicking off the digital revolution, and I've read plenty about what's happened since then. So many of the current "revelations" about the NSA fail to shock me.

But I've already expressed [my astonishment](#) (<http://www.zdnet.com/microsoft-sucked-into-ever-growing-nsa-vortex-whos-next-7000018015/>) at what I called the "pan-galactic scale of the NSA's baleen whale of surveillance". I've noted the apparent involvement of Britain's NSA equivalent, the Government Communications Headquarters (GCHQ), at a level that even the UK's domestic security agency M15 found alarming.

Here in Australia, Coalition communications spokesperson [Malcolm Turnbull has raised the issue](#) (<http://www.malcolmturnbull.com.au/media/allegations-of-nsa-covert-surveillance-of-us-internet-companies1>) with the US government, and "sought clarification" — no everyday event, given the usual bipartisan approach to defence and security issues.

When establishment politicians, internet entrepreneurs, and respected security specialists all start questioning the NSA's activities, you know something is very, very wrong. Indeed, to me it now feels like we're seeing a groundswell of opposition to

what some have quite rightly called a "surveillance state" at a level that's seen in Western nations only once each generation.

Think the [Vietnam Moratorium](http://en.wikipedia.org/wiki/Moratorium_to_End_the_War_in_Vietnam) ([http://en.wikipedia.org/wiki/Moratorium\\_to\\_End\\_the\\_War\\_in\\_Vietnam](http://en.wikipedia.org/wiki/Moratorium_to_End_the_War_in_Vietnam)). Think, in Australia and especially New Zealand, opposition to French nuclear testing at [Moruroa](http://en.wikipedia.org/wiki/Moruroa) (<http://en.wikipedia.org/wiki/Moruroa>) and Fangataufa.

But where in all of this is a discussion of Australia's role, and particularly the role of the Australian Signals Directorate (ASD), formerly the Defence Signals Directorate (DSD)? After all, Australia is one of the [Five Eyes](http://en.wikipedia.org/wiki/UKUSA_Agreement) ([http://en.wikipedia.org/wiki/UKUSA\\_Agreement](http://en.wikipedia.org/wiki/UKUSA_Agreement)), too.

Now, I've no reason to think that the ASD is operating unconstitutionally here in Australia — and in any event, our constitution doesn't have the same civil rights protection as America's. But as ABC TV's [Four Corners](http://www.abc.net.au/4comers/stories/2013/05/27/3766576.htm#transcript) [noted](http://www.abc.net.au/4comers/stories/2013/05/27/3766576.htm#transcript) (<http://www.abc.net.au/4comers/stories/2013/05/27/3766576.htm#transcript>), ASD is even more secretive than the NSA, so we have no way of knowing for sure. And, like the US, our government passed wide-ranging secrecy laws following the now-distant and now largely irrelevant tragedy of 9/11 with little debate.

Apart from Senator Scott Ludlam of the Greens and his persistent questioning, most recently [asking](http://scott-ludlam.greensmps.org.au/content/media-releases/are-australian-surveillance-agencies-also-nsa-payroll) (<http://scott-ludlam.greensmps.org.au/content/media-releases/are-australian-surveillance-agencies-also-nsa-payroll>) whether Australian surveillance agencies are, like GCHQ, also on the NSA's payroll, none of our elected politicians seem terribly interested in this stuff. And none of our internet companies have hinted at shutting shop.

(Calm yourselves, Pirate Party, WikiLeaks Party, and friends. I said "elected" politicians. You're not there ... yet.)

Maybe it's Australia's "she'll be right" attitude, but personally, I thought our political and business leaders would be asking more questions.

Topics: [Privacy](#), [Government](#), [Government AU](#), [Security](#)



## About [Stilgherrian](#)

[Stilgherrian](#) is a freelance journalist, commentator and podcaster interested in big-picture internet issues, especially security, cybercrime and hoovering up bulldust.

He studied computing science and linguistics before a wide-ranging media career and a stint at running an IT business. He can write iptables firewall rules, set a rabbit trap, clear a jam in an IBM model 026 card punch and mix a mean whiskey sour.

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