

Crypto and the United States Constitution

Daniel J. Bernstein

University of Illinois at Chicago &
Technische Universiteit Eindhoven

Let's look at crypto
from the government perspective.

We're the government.

We have a long history
of trying hard to understand
what people are saying and
what people are thinking.

("We listen! We care!")

We've put serious time and
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("Collect it all.")

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Fifth Amendment:

“No person shall be held to answer for a capital or otherwise infamous crime in any case without a presentment or indictment of a grand jury, except in cases arising in the land or sea and in the army or navy; nor shall he be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation.”

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“No person . . . shall be held to answer for a capital or otherwise infamous crime unless he has first been indicted by a grand jury; nor shall any person be subject to double jeopardy; nor shall any person be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.”

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Bill of Rights is a limitation on federal power. It was (mostly) extended after Civil War.

Fourteenth Amendment: State shall make no law which shall deprive any person of life, liberty, or property without due process of law; nor shall any State deprive any person of life, liberty, or property without due process of law; nor shall any State deny to any person within its jurisdiction the equal protection of the laws.

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Strategy: Accuse communicators of being child pornographers, drug dealers, terrorists, etc.

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