

SIPA GXXXX
Spring 2016

Secrecy, Privacy, and Surveillance
History and the Future

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Course

Description:

To many, the growth of official secrecy and state surveillance in the U.S. and other countries threatens to undermine the whole basis of open and accountable government. Theorists suggest that secrecy is intrinsic to bureaucracy, while others celebrate transparency as an unmitigated good. In this course, students will consider whether such theories can actually predict the future by testing them against the evidence of the past, especially as it relates to enduring debates about individual rights and international security. We will examine how history has already witnessed many periods when the perceived growth of secrecy and surveillance inspired public outcry and attempts at reform. We will also consider how the actual practice of collecting, classifying, mining, and releasing information varies both between states and within government departments. And we will analyze why norms about secrecy -- especially when it comes to personal privacy -- vary over time and across cultures, from the ancient world to the information age.

Students will discuss and debate these issues both through classic readings and original research. They will learn about modern techniques for protecting and extracting information through hands-on exercises, such as setting up a secure file-sharing system and filing a Freedom of Information Act request. And they will be given the choice of either writing a paper or developing a project, either individually or as part of a team.

By the end, students will know much more about what they do not know, and why they should care. They will have become more informed and effective analysts about issues that go to the core of democratic governance and international security. And they will be better prepared to negotiate the complex array of issues both institutions and individuals confront when managing secret or private information, whether as scholars, policymakers, or citizens.

Requirements:

In addition to regular attendance and active participation in class discussions, you will also write a series of response essays or policy memos based on the week's readings. You will be divided into two groups, and be responsible for posting a 2-page double-spaced essay or policy memo

every other week, for a total of five. There will also be four short assignments to be completed by the following class.

For the major assignment, you have two options:

Completing an 8,000 word paper analyzing a policy problem or academic debate related to secrecy, privacy, or surveillance. You can focus on a subject from the readings or come up with one of your own. Try to go beyond what each author explicitly argues, and identify underlying issues and assumptions that constitute different methodologies or ideologies. Questions you may like to use to frame the paper include: What is at stake in this debate (and do the participants rightly perceive what is at stake)? Why is this issue important, beyond a mere clash of scholarly egos? Is there a way to reconcile the differences (through empirical research or otherwise)?

Alternatively, you can consult with the instructor in developing an individual or group project. This could be a web exhibit, a data-mining or visualization tool using data from the Declassification Engine project, or a proposal for a collaborative enterprise that would extend beyond the life of the project -- whether to support research, advocacy, or policy solutions. Part of the assignment will be to make an in-class presentation in the last class.

Final grades will be determined as follows:

- Regular on-time attendance and active participation: 20%
- Five response essays/memos: 20%
- Four short assignments: 10%
- Final project/paper proposal: 10%
- Final project/paper: 40%

Week 1: Wednesday January 20th
Course Introduction

Week 2: Wednesday January 27th
Theories of Secrecy, Transparency, and Surveillance

Max Weber, *Economy and Society: An Outline of Interpretive Sociology*, Vol. 2 (UC Press 1978)
Chaper xi - "Bureaucracy", especially 1.1 part B "Administrative Secrecy"

John Stuart Mill, 'Thoughts on Parliamentary Reform' in *Collected Works of John Stuart Mill*, (Toronto 1963).

Jeremy Bentham, "On Publicity", in J. Bowring (ed.), *The Works of Jeremy Bentham*, (London 1843).

Michel Foucault, *Discipline and Punish: The Birth of the Prison*, (Vintage Books, 1995, c1977.) p.195 Part 3, Chapter 3 “Panopticism”

Week 3: Wednesday February 3
Premodern and Early Modern Secrecy

Frederick A.O. Schwarz Jr., *Democracy in the Dark: The Seduction of Government Secrecy*, (New Press, 2015), Part One, Chapter One.

David Kahn, *Codebreakers: The Story of Secret Writing*, (Macmillan 1967), Chapters 2 and 3

James Westfall Thompson, *Secret Diplomacy; Espionage and Cryptography, 1500-1815*, (New York 1963), selections.

Short Assignment 1: Develop your own code or cipher. Group one will be given secret information about the course which, when combined with information known only to group two, will yield extra credit. You will be tasked with developing a secure means of communicating this information for deciphering by a partner in the other group.

Week 4: Wednesday February 10th
Secrecy, Surveillance, and the Modern State

David Vincent, *The Culture of Secrecy: Britain, 1832-1998* (OUP 1998), chapters 1-4.

Daniel Metcalfe, “The Nature of Government Secrecy”, *Government Information Quarterly*, Vol.26,No.2, pp.305-310, April 2009
<http://www.sciencedirect.com/science/article/pii/S0740624X09000124>

Michael Colaresi, *Democracy Declassified : the Secrecy Dilemma in National Security*, (OUP 2014), selections.

Week 5: Wednesday February 17th
American History

Daniel N. Hoffman, *Governmental secrecy and the founding fathers : a study in constitutional controls*, (Greenwood Press, 1981), chapters

Daniel Patrick Moynihan, *Secrecy: A Brief Account of the American Experience*, (Appendices to the 1996 commission report, available [here](#), parts 1-6.)

Stephen Paul Miller, *The Seventies Now: Culture as Surveillance*, (Duke University Press 1999).

Week 6: Wednesday February 24th

Privacy

David Vincent, *I hope I don't intrude : Privacy and its Dilemmas in Nineteenth-century Britain*, (Oxford University Press 2015)

Alan Westin, *Privacy and Freedom*, (Atheneum 1967)

Helen Fay Nissenbaum, *Privacy in context: Technology, Policy, and the Integrity of social life*, (Stanford Law Books 2010)

Robert Solove, *Nothing to hide: the false tradeoff between privacy and security*, (Yale University Press 2011).

Short Assignment 2: Choose a large company that mainly provides goods and services through the internet (e.g. Google, Facebook, Amazon, Netflix, eBay, LinkedIn, Twitter). Now read their terms of use, especially regarding what they do with user data. Choose one or more aspects of their policy that seem vague or threatening, write to the company asking for clarification, and share with classmates both the highlighted section of the policy and the response you receive.

Week 7: Wednesday March 2nd

The Technology of Secrecy

Simon Singh, *The Code Book*, (Delacorte 2001), chapter 3 "The Mechanization of Secrecy"

Ralph Weber - *United States Diplomatic Codes and Ciphers, 1775-1938*, (Precedent 1979)

Alasdair Roberts, *Blacked Out: Government Secrecy in the Information Age*, (Cambridge University Press 2008)

David Pozen, "Deep Secrecy", *Stanford Law Review*, Vol.62, pp.257-339 (2010)

Week 8: Wednesday March 9th

Leaks

David Pozen, "The Leaky Leviathan: Why the Government Condemns and Condone Unlawful Disclosures of Information", *Harvard Law Review*, Vol. 127, pp. 512-635, (2013)

Rahul Sagar, *Secrets and Leaks: The Dilemma of State Secrecy*, (Princeton University Press 2013)

Wednesday March 16th

Spring Recess

Week 9: Wednesday March 23rd

Nuclear secrets

Peter Galison, "Removing Knowledge", *Critical Inquiry*, Vol.31 No.1, Autumn 2004
<http://www.jstor.org/stable/10.1086/427309?pq-origsite=summon>

Peter Galison, "Secrecy in Three Acts." *Social Research* 77 (2010): 941-974.
<http://galison.scholar.harvard.edu/publications/secrecy-three-acts>

Alex Wellerstein "Knowledge and the Bomb: Nuclear secrecy in the United States, 1939-2008", Harvard University, ProQuest Dissertations Publishing, 2010. 3435567.

Paper/Project Proposal Due

Week 10: Wednesday March 30th

Freedom of Information

Michael Schudson, *The Rise of the Right to Know: Politics and the Culture of Transparency, 1945–1975*, (HUP 2015)

Harold Reylea, "Congress and freedom of Information: A Retrospective and a Look at a Current Issue", [Government Information Quarterly Volume 26, Issue 3](#), July 2009, Pages 437–440

David Pozen, "The Mosaic Theory, National Security, and the Freedom of Information Act", Vol. 115 *Yale Law Journal* 628-79 (2005)

Short Assignment 3: Identify government information relevant to your paper or project but not currently available. Write a Freedom of Information Act requesting that information using the techniques that you have learned are most likely to bring results. Bonus: Consult government statistics and estimate how long it will take to receive the information your requested.

Week 11: Wednesday April 6th

Executive Power

Jack L. Goldsmith - *Power and Constraint: The Accountable Presidency after 9/11* (New York 2012)

Paul Craig and Adam Tomkins (eds.) *The Executive and Public law : Power and accountability in Comparative Perspective*, (OUP 2006)

Hannah Arendt, "Lying in Politics", *NY Review of Books*

<http://www.nybooks.com/articles/archives/1971/nov/18/lying-in-politics-reflections-on-the-pentagon-pape/>

Executive orders 12958, 13292 and 13526

<http://fas.org/irp/offdocs/eo/>

Week 12: Wednesday April 13th
Hactivism and Wikileaks

Peter Ludlow (ed.) - *Crypto Anarchy, Cyberstates, and Pirate Utopias*, (MIT 2001)

David Leigh, *Wikileaks : Inside Julian Assange's War on Secrecy*, (Public Affairs 2011)

Week 13: Wednesday April 20th
Modern Surveillance and Whistle-Blowing

David Fidler (ed.) *The Snowden Reader*, (Indiana University Press, 2015)

Short Assignment 4: Set up a peer-to-peer file-sharing system with a partner in the class such that a file you create is never stored on any server. Use it to exchange drafts of your paper/project.

Week 14: Wednesday April 27th
Too Much Information -- Or Too Little?

William McAllister, "The Documentary Big Bang, the Digital Records Revolution, and the Future of the Historical Profession," *Passport* 41:2 (September 2010): pp.12-17