

Privacy and the State III

Privacy Technology in Context

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Administrative

- Walk through of port forwarding for SSH (since no one asked!)
- What are foo, bar, baz, quux again?

Administrative

- Final projects: you should be thinking well in advance about your term project
- The final project should involve the development of software; it will involve some of the topics from the latter half of the course
- There are stages of this with different deadlines: topic choice, proposal, submission
- Topic choice deadline comes before much technical material has been introduced. Draw the obvious moral: you have to investigate the material, broadly, before we talk about it. You can talk to me about this as you go.
- September 14: topic choice deadline. Keep an eye out this week for a post giving the grading criteria

War and curtailed civil liberties

- Speech, association, the press are often restricted around wartime
- Often political dimensions emerge as the laws are used to punish opponents, stir up support



The Quasi-War led to the Alien and Sedition Acts

- Naturalization Act
- Alien Friends Act
- Alien Enemy Act
- Sedition Act of 1798

One of the Acts Remains in Effect

- Naturalization, Alien Friends Act, and Sedition Act were all repealed
- Alien Enemies Act is still in effect
 - It has been invoked to justify actions against more than citizens of hostile nations
 - in support of the internment of Japanese Americans
 - in support of “total and complete” ban on Muslim immigration by Donald Trump in 2015



WWI led to the Espionage Act of 1917

- Adopted during WWI by the Wilson Administration
- Depends on a notion of what counts as classified material
 - How could we know if too much is being classified?
- Espionage Act of 1917 was later expanded by the Sedition Act of 1918 to include more offenses (I'll just talk about these as "The Espionage Act")

Espionage Act restricts speech

- Schenck v. United States: A member of the Socialist Party was prosecuted for distributing antiwar literature
- United States ex rel. Milwaukee Social Democratic Publishing Co. v. Burleson: A radical newspaper had its second-class mailing privilege revoked for publishing opinions critical of the war

LONG LIVE THE CONSTITUTION OF THE UNITED STATES

Wake Up, America! Your Liberties Are in Danger!

The 13th Amendment, Section 1, of the Constitution of the United States says: "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

The Constitution of the United States is one of the greatest bulwarks of political liberty. It was born after a long, stubborn battle between king-rule and democracy. (We see little or no difference between arbitrary power under the name of a king and under a few misnamed "representatives.") In this battle the people of the United States established the principle that freedom of the individual and personal liberty are the most sacred things in life. Without them we become slaves.

For this principle the fathers fought and died. The establishment of this principle they sealed with their own blood. Do you want to see this principle abolished? Do you want to see despotism substituted in its stead? Shall we prove degenerate sons of illustrious sires?

The Thirteenth Amendment to the Constitution of the United States, quoted above, embodies this sacred idea. The Socialist Party says that this idea is violated by the Conscription Act. When you conscript a man and compel him to go abroad to fight against his will, you violate the most sacred right of personal liberty, and substitute for it what Daniel Webster called "despotism in its worst form."

A conscript is little better than a convict. He is deprived of his liberty and of his right to think and act as a free man. A conscripted citizen is forced to surrender his right as a citizen and become a subject. He is forced into involuntary servitude. He is deprived of the protection given him by the Constitution of the United States. He is deprived of all freedom of conscience in being forced to kill against his will.

Are you one who is opposed to war, and were you misled by the venal capitalist newspapers, or intimidated or deceived by gang politicians and registrars into believing that you would not be allowed to register your objection to conscription? Do you know that many citizens of Philadelphia insisted on their right to answer the famous question twelve, and went on record with their honest opinion of opposition to war, notwithstanding the deceitful efforts of our rulers and the newspaper press to prevent them from doing so? Shall it be said that the citizens of Philadelphia, the cradle of American liberty, are so lost to a sense of right and justice that they will let such monstrous wrongs against humanity go unchallenged?

In a democratic country each man must have the right to say whether he is willing to join the army. Only in countries where uncontrolled power rules can a despot force his subjects to fight. Such a man or men have no place in a democratic republic. This is tyrannical power in its worst form. It gives control over the life and death of the individual to a few men. There is no man good enough to be given such power.

Conscription laws belong to a bygone age. Even the people of Germany, long suffering under the yoke of military rule, are beginning to demand the abolition of conscription. Do you think it has a place in the United States? Do you want to see unlimited power handed over to Wall Street's chosen few in America? If you do not, join the Socialist Party in its campaign for the repeal of the Conscription Act. Write to your congressman and tell him you want the law repealed. Do not submit to intimidation. You have a right to demand the repeal of any law. Exercise your rights of free speech, peaceful assemblage and petitioning the government for a redress of grievances. Come to the headquarters of the Socialist Party, 1326 Arch street, and sign a petition to congress for the repeal of the Conscription Act. Help us wipe out this stain upon the Constitution!

Help us re-establish democracy in America.

Remember, "eternal vigilance is the price of liberty."

Down with autocracy!

Long live the Constitution of the United States! Long live the Republic!

Books on Socialism for Sale at

SOCIALIST PARTY BOOK STORE AND HEADQUARTERS

1326 ARCH ST. Phone, Filbert 3121

(OVER)

ASSERT YOUR RIGHTS!

Article 6, Section 2, of the Constitution of the United States says: "This Constitution shall be the supreme law of the Land."

Article 1 (Amendment) says: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

Article 9 (Amendment) says: "The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people."

The Socialist Party says that any individual or officers of the law entrusted with the administration of conscription regulations, violate the provisions of the United States Constitution, the Supreme Law of the Land, when they refuse to recognize your right to assert your opposition to the draft.

If you are conscientiously opposed to war, if you believe in the commandment "thou shalt not kill," then that is your religion, and you shall not be prohibited from the free exercise thereof.

In exempting clergymen and members of the Society of Friends (popularly called Quakers) from active military service, the examination boards have discriminated against you.

If you do not assert and support your rights, you are helping to "deny or disparage rights" which it is the solemn duty of all citizens and residents of the United States to retain.

Here in this city of Philadelphia was signed the immortal Declaration of Independence. As a citizen of "the cradle of American Liberty" you are doubly charged with the duty of upholding the rights of the people.

Will you let cunning politicians and a mercenary capitalist press wrongly and untruthfully mould your thoughts? Do not forget your right to elect officials who are opposed to conscription.

In lending tacit or silent consent to the conscription law, in neglecting to assert your rights, you are (whether knowingly or not) helping to condone and support a most infamous and insidious conspiracy to abridge and destroy the sacred and cherished rights of a free people. You are a citizen, not a subject! You delegate your power to the officers of the law to be used for your good and welfare, not against you.

They are your servants. Not your masters. Their wages come from the expenses of government which you pay. Will you allow them to unjustly rule you? The fathers who fought and bled to establish a free and independent nation here in America were so opposed to the militarism of the old world from which they had escaped; so keenly alive to the dangers and hardships they had undergone in fleeing from political, religious and military oppression, that they handed down to us "certain rights which must be retained by the people."

They held the spirit of militarism in such abhorrence and hate, they were so apprehensive of the formation of a military machine that would insidiously and secretly advocate the invasion of other lands, that they limited the power of Congress over the militia in providing only for the calling forth of "the militia to execute laws of the Union, suppress insurrections and repel invasions." (See general powers of Congress, Article 1, Section 8, Paragraph 15.)

No power was delegated to send our citizens away to foreign shores to shoot up the people of other lands, no matter what may be their internal or international disputes.

The people of this country did not vote in favor of war. At the last election they voted against war. To draw this country into the horrors of the present war in Europe, to force the youth of our land into the shambles and bloody trenches of war-crazed nations, would be a crime the magnitude of which defies description. Words could not express the condemnation such cold-blooded ruthlessness deserves.

Will you stand idly by and see the Moloch of Militarism reach forth across the sea and fasten its tentacles upon this continent? Are you willing to submit to the degradation of having the Constitution of the United States treated as a "mere scrap of paper?"

Do you know that patriotism means a love for your country and not hate for others?

Will you be led astray by a propaganda of jingoism masquerading under the guise of patriotism? No specious or plausible pleas about a "war for democracy" can obelude the issue. Democracy cannot be shot into a nation. It must come spontaneously and purely from within.

Democracy must come through liberal education. Upholders of military ideas are unfit teachers. To advocate the persecution of other peoples through the prosecution of war is an insult to every good and wholesome American tradition.

"These are the times that try men's souls."

"Eternal vigilance is the price of liberty."

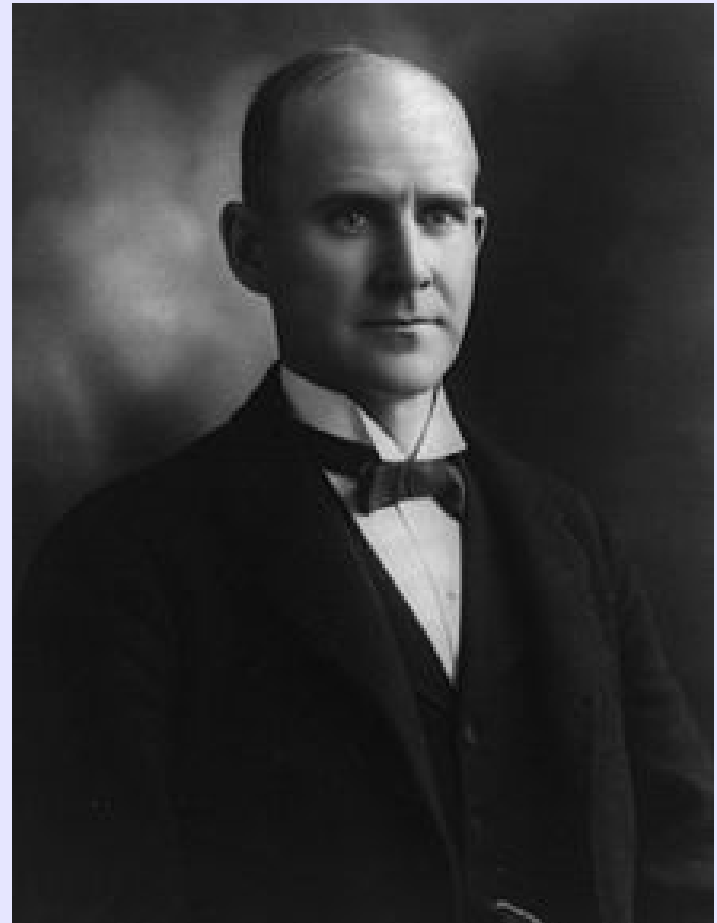
You are responsible. You must do your share to maintain, support and uphold the rights of the people of this country.

In this world crisis where do you stand? Are you with the forces of liberty and light or war and darkness?

(OVER)

Espionage Act restricts speech

- Eugene Debs: 10 years in jail for making a speech that “obstructed recruiting” (commuted by President Harding)
- Joseph Rutherford: 20 years in jail for statements contained in the book he headed (released on bail after 9 months by Justice Brandeis)



The Espionage Act is used to prosecute whistleblowers

- Daniel Ellsberg
- Thomas Drake
- John Kiriakou
- Chelsea Manning
- Edward Snowden

Punishment under the Espionage Act can be severe

- Punishment can include life in prison, or the death penalty
- Julius and Ethel Rosenberg

WWII saw the rise of totalitarian regimes, in which violation of privacy figured prominently



Violations of Privacy for Jews in Europe

- Star of David badges
- Street stops
- Invasion of businesses and homes
- Forced sterilization

The role of the census

- Census in Germany, and IBM cooperation
- As Germany rolled over Europe, they took a census for invaded countries, which was used to identify Jews and Gypsies in particular

“Although elements of the right to privacy existed prior to the modern era, there was neither a complete nor robust “right to privacy” recognized or protected by law anywhere in the world. The right to privacy truly emerged and evolved in the late twentieth century, especially after World War II.”

Keenan (2005), “Privacy in Modern Times”

Post-WWII

More on Cointelpro (started last time)

Washington's reliance on surveillance first appeared in the colonial Philippines around 1900 and soon became an essential though essentially illegal tool for the FBI's repression of domestic dissent that continued through the 1970s

After occupying the Philippines in 1898, the U.S. Army, facing a difficult pacification campaign in a restive land, discovered the power of systematic surveillance to crush the resistance of the country's political elite. Then, during World War I, the Army's "father of military intelligence," the dour General Ralph Van Deman, who had learned his trade in the Philippines, drew upon his years pacifying those islands to mobilize a legion of 1,700 soldiers and 350,000 citizen-vigilantes for an intense surveillance program against suspected enemy spies among German-Americans, including my own grandfather.

Alfred McCoy

More on Cointelpro (started last time)

“From the evidence now available, it appears that the first FBI disruption program (apart from the CP) was launched in August 1960 against groups advocating independence for Puerto Rico. In October 1961, the “SWP Disruption Program” was put into operation against the Socialist Workers Party. The grounds offered, in a secret FBI memorandum, were the following: the party had been “openly espousing its line on a local and national basis through running candidates for public office and strongly directing and/or supporting such causes as Castro’s Cuba and integration problems...in the South.” The SWP Disruption Program, put into operation during the Kennedy administration, reveals very clearly the FBI’s understanding of its function: to block legal political activity that departs from orthodoxy, to disrupt opposition to state policy, to undermine the civil rights movement.”

Chomsky, *New Political Science* 21(3)

Conclusion of Cointelpro

“... the Justice Department has decided not to prosecute anyone in connection with the Federal Bureau of Investigation’s 15-year campaign to disrupt the activities of suspected subversive organizations.”

“Charges Over F.B.I.’s Tactics on Subversive Suspects Barred,” Washington Star-News; New York Times, January 4, 1975.

“the committee noted, every president from Franklin Roosevelt to Richard Nixon improperly used government surveillance to obtain information about critics and political opponents.”

--The Church Committee

“Quiet Repression” and the Stasi

- The Checkpoint Charlie Museum shows ingenious means of escape from East Germany

N
Neuzeit
bange Altkolon
tag für den
Kaffeevorrat.
Die 1111-Zollner
schließen seinen
Verdacht











Bild 5

Na Aufnahme von bootähnlichen Schwimmkörper.

“the man who married a woman in the West who looked like this wife in East Berlin and then returned to East Berlin to fetch his real wife, murder the new one, and drive back to West Berlin”

See More

- Book "Faszination Freiheit: Die spektakulärsten Fluchtgeschichten" by Bodo Müller
- Chronik der Mauer, by Fluchten
- <https://imgur.com/gallery/NoZ0b>
- <http://imgur.com/gallery/Mjl1X>

“Quiet Repression”

- The Checkpoint Charlie Museum shows ingenious means of escape from East Germany
- What motivated people to take these desperate measures?

What motivated emigrées?

- Oppositional activity could result in jail time
- “In Wittenberge, the Stasi apprehended an eighteen-year-old student who had laid hundreds of flyers at people’s doorsteps urging them to “Think about Berlin” and vote against the unity list in the upcoming elections. The student, who had the bad luck of being spotted at Peace Square by a party member while distributing his pamphlets, received a jail sentence of one year and four months.”
p. 117
- The role of anonymous speech

What motivated emigrées?

- Jail was not the only repercussion
- Direct interference to bring about the downfall of opponents: Zersetzen

“... the Stasi followed, from the 1970s on, a formal strategy of limiting the oppositional impact of an individual in society who was not technically engaged in illegal conduct and therefore could not be sent to jail. This strategy is known as *Zersetzen*, translated as “to undermine,” “to subvert,” or “to break down,” and involved unsettling the targeted individuals, often by spreading rumors about them that would ruin their reputations and cause great personal distress, or by sowing seeds of suspicion in a group...”

“...There was also a certain amount of psycho-terror, such as phone calls in the middle of the night. Many affected by the Stasi referred to Zersetzen as “punishment without verdict.” Mielke defined Zersetzen as the “exploitation of differences among enemy forces, directed in a manner that results in the splintering, paralyzing, disorganizing, or isolation of the forces so that their activities are considerably reduced, or even halted altogether.”
(130)

“...this was a refined, bureaucratic, behind-the-scenes repression. Even until the collapse of the East German regime, many victims of *Zersetzen* had no idea who was responsible for the sudden downward spiral in their lives. In order to describe this phenomenon---at once intrusive yet subtle--Hubertus Knabe has coined the term ‘quiet repression’”

p. 131

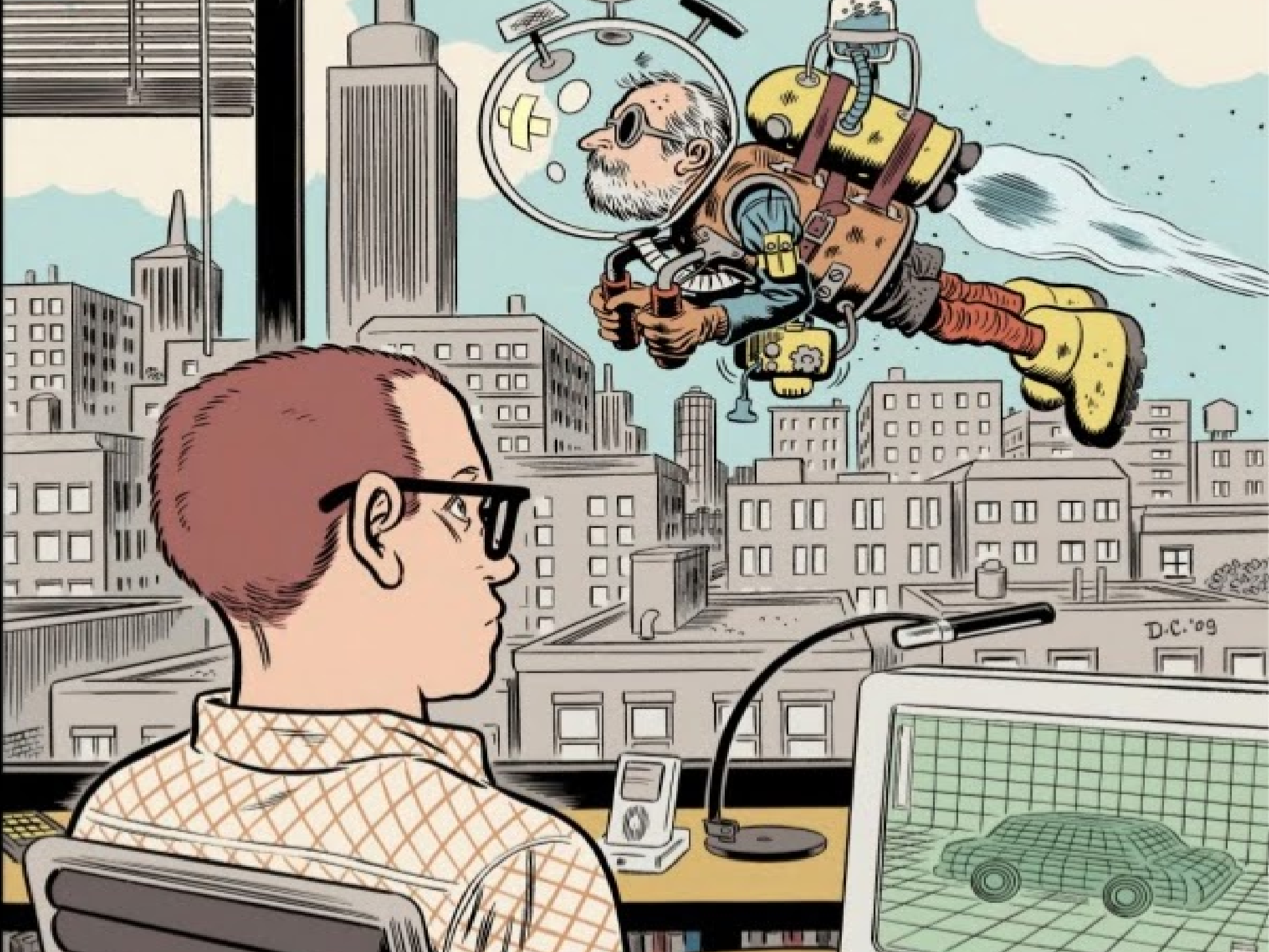
Privacy and autonomy

“Those who have viewed their files and become aware of the unseen controlling presence may well wonder at the authenticity of their lives. Opponents who were methodically “broken down” by the Stasi’s quiet tactics feel the effects to this day.”

p. 140

- a law was passed allowing everyone with a Stasi file to see it.

- Gossiping in a pub that a person is an adulterer or an alcoholic
- Sending fabricated letters to break up an important relationship (e.g., spouse)
- Spreading rumors that a person was a Stasi informant
- Sowing discord within groups with letters, planted insiders (Jehovah's witnesses example)



Next assignment

- The permissions for mr_phony_pants directory are more restrictive in light of the tongue-lashing he got from the sysadmin for his previous mistakes
- Your task is to keep an eye out for a permissions mistake by mr_phony_pants, and use it to copy his home directory.
- You'll find a file in there that you can use (with some work) to log in as mr_phony_pants

Redirecting output

- “Ordinary” pipes
 - composition: sends standard output of one command to standard input of the next
 - Each command in the pipe is run as a separate process
 - examples!

Redirecting output

- Example1 is a *named* pipe (FIFO)
 - same blocking behavior as an ordinary pipe
 - example

Redirecting output (and more)

- Output redirection with 1> and 2> (3> and 4>...), >>-variants
 - exercise: swap standard out and standard in, pipe to something, then swap back (tricky)

Ksh scripting

- Ksh is a scripting language: you can write programs in it
- Run a ksh script called 'foo.ksh' with
`$ ksh ./foo.ksh`
...or add a shebang (server example)

Ksh control constructs

- test
- if-then-else
- while- and until-do
- for-do
- ...look in your home directory for the example