

Intellectual History of Privacy II

Information Privacy with Applications
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Administrative Details

- More changes to the schedule (speaker cancellation)
- Never done python programming? We need to talk this week so that you're on track for later work. Schedule with me, or come to OH
- Don't forget to use the moderation system!
<http://cyber.harvard.edu/questions/list.php> instance name is 'cointelpro'
- I might get an emergency call; if so I have a brief video

Concluding Cointelpro, from last time

Background of Cointelpro

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

Beginnings of Cointelpro

“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

A good point about the significance of this remark
by the Church Committee:

[https://www.youtube.com/watch?v=GAXLHM-1Psk
&feature=youtu.be](https://www.youtube.com/watch?v=GAXLHM-1Psk&feature=youtu.be)

@ 4:18

Whistleblower revelations in recent U.S. history

- These will get their own session next week

Europe Post WWII

Quick questions

- At the start of the reading, which device was used by the two East German men to try to escape to West Germany?
- Who turned the men in? What was his relation to the prisoners (a broad description is OK)?

“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”

Privacy harms' role in the development of a right to privacy: The Nazis

- Street stops
- Invasion of businesses and homes
- Forced sterilization
- Star of David badges
- The role of the census
 - National registry of Dutch Jews
 - IBM cooperation

“Quiet Repression” and the Stasi

- Our focus here
- 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)

The Stasi had a wide remit

“...twenty-three military bases in the district, economic installations like the electronic plant in Zehdenick and the rail network, societal sectors like youth, the medical sector, and the church milieu, and securing the elections set for the following year.”
(139)

- more broadly: ensuring that no disruption to the socialist order succeeded---a preventative task
 - anti-state graffiti, oppositional groups, defections, critical writings, a youth's opposition,

“according to a leading authority on the Stasi, the catalogue of potential offenses was so wide that an OV could likely have been justified against every East German at some point in their lives.”

p. 112

The role of informants

- Informants were essential given the Stasi's wide remit
- Early on, informants were volunteers who would spontaneously denounce someone
- Later, a vast network of informants was developed from ordinary citizens to officials serving in capacities outside of intelligence (e.g., in the police)

Volunteer informants

- denunciation by ordinary people, who sometimes used the system for their own ends
 - A jilted lover sets the Stasi on the cleaning lady who rejected his advances
 - A police officer reports a shared uniform in a horse-breeding society and provides a tip that resulted in the investigation of society members, their families, and their friends for several years, concluding that it was a horse-breeding society (and they didn't have a uniform)
 - A personal issue with a physical education teacher led to a tip resulting in his investigation
- Later years saw a shift to groomed informants

Groomed informants

- Ordinary Citizens
 - often compelled

OV Student

- “The basic goal of OV Student was simply to prevent the student from leaving East Germany illegally to be with her fiancé.”
- The Stasi:
 - monitored the student with informants,
 - wrote a false letter from the fiancé to the student telling her she was not important to him,
 - interfered in a planned visit
 - confronted the student to tell her that she would lose her place in architecture school if she did not break off contact,
 - intercepted the fiancé’s letters protesting the letter they forced the student to send

OV Student

- Ultimately, they ended the relationship.
- She also became an informant
- “Ralf-Dieter Gaeth had exhibited on several occasions the power that he wielded---he could prevent her further studies, he controlled her mail, he had halted the entry of her finacé into East Germany, he had ... restricted her ability to move about East Germany. To a twenty-one-year-old student, the Stasi officer must have appeared as someone with far-reaching powers someone not to be denied.” (118-119)

Groomed informants

- Ordinary citizens
- “irregular” collaborators

One-off Collaboration

- Informal networks of irregular collaborators were cultivated by Stasi officers, and sometimes used for official purposes
- One-off use for a specific operation, weakly tied to the Stasi
- factory bosses, funeral home directors, police officers, teachers, family members, ex-cellmates ...

Groomed informants

- Ordinary citizens
- “irregular” collaborators
- Official contacts

Official Contacts

- Not officially informants, but act as them
- Regular use by the Stasi
- “A local police detachment ...telephoned [a full-time Stasi officer] on average five times per day with tips about individuals.” (127)
- Teachers

- After the collapse of East Germany, there were sensational revelations of irregular collaborators
- Why might these have been more newsworthy than revelations of informants serving as official contacts?

The Stasi had a wide remit

- Its vast network of regular officers, informants, official sources, and part-time helpers, combined with enormous pressure from the party to know everything of significance in the land, meant that the Stasi and society became mutually entwined.” (114)

Despite informants, the Stasi was eventually overwhelmed

- “The number of individuals we were screen was far too large. This led to an unsustainable expansion of the Ministry’s work.” Stasi Officer from Perelberg (140)
- Application of similar methods to phone and computer communications would scale better.
 - Part of the role of computational privacy technologies is in making the methods of mass surveillance impractical in the contemporary setting

A role for technology

- The Stasi spent a lot of time identifying the authors of anonymous letters using forensic methods
 - graphanalysis, analysis of saliva on stamps
- Message authentication (or signatures) would thwart forged documents, which were used to great effect
- Encryption technology would prevent documents from being intercepted and read en masse

Privacy in the Universal Declaration of Human Rights

Article 2: “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.”

Privacy in the Universal Declaration of Human Rights

Article 12: “No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.”

Privacy in the Universal Declaration of Human Rights

Article 3: “Everyone has the right to life, liberty and security of person.”

Privacy in the European Convention of Human Rights (ECHR)

- Article 8 - Right to respect for private and family life
 - Everyone has the right to respect for his private and family life, his home and his correspondence

Privacy in the European Convention of Human Rights (ECHR)

- There are many exceptions to this right
- “There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of ...”
 - national security
 - public safety
 - the economic well-being of the country
 - the prevention of disorder or crime
 - the protection of health or morals
 - the protection of the rights and freedoms of others

Goals of the ECHR, Article 8

- Claudia Diaz makes several good points about the Goals of the ECHR
- Embeds protections against state intrusion of personal privacy for illegitimate reasons
 - Applies to citizens and noncitizens, which is unusual--- normally only citizens are included
- During the Cold War, ECHR was seen as distinguishing “Western Europe” from the security-state model of the “Eastern Bloc” (1953) (Diaz)

<https://youtu.be/D0AR-jy0Dac> @ 25:25

For next time

- Robert Ellis will be speaking to us
- Prepare three questions for discussion