Computers and Surveillance Scandals in the 1960s-70s: Shielding the "Crown Jewel" of US Intelligence from Democratic Claims? (Hypothesis and narrative)

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Abstract

Faced with surveillance scandals that documented the growing use of computer technologies for state surveillance purposes, oversight reformers of the 1970s, who saw computers as a solution rather than a problem, downplayed the reality and risks entailed by these new technologies of surveillance, and left it outside of the new oversight mechanisms they put in place (or how the technocratic ethos of liberal reformer undermined democratic claims of more radical actors.

> 'You talk as if a god had made the Machine,' cried the other. 'I believe that you pray to it when you are unhappy. Men made it, do not forget that.

> E.M. Foster.
> *The Machine Stops*
> (written in 1909).

1.   Introduction

- Opening

- Introduce methodology and research questions

  ◦ "If you really go back to the beginnings – to the idea that emerged around the time of the French Revolution that the political spectrum can be divided into a right- and left wing in the first place – it becomes clear that the Left, in its essence,is a critique of bureaucracy, even if it's one that has, again and again, been forced to accommodate itself in practice to the very bureaucratic structures and mindset it originally arose to oppose." p. 83. ◦ Be realistic, demand the impossible: "Why do movements challenging such structures so often end up creating bureaucracies instead? Normally, they do so as a kind of compromise" with prevailing structures of authorities.

- Why this history begs lessons for today:

- temporalization: issue of demestic surveillance: what is relevant about the period we're looking at.

2.   Computerized Surveillance Scandals: From Secret Experiments to Proliferation and Public Outcry

In the 1960s, various intelligence and law enforcement agencies engaged in the widespread surveillance of dissenting voices on US soil, reactivating and broadening policies that had progressively been institutionalized since the 1960s. At the same time, computers experimented for counter-insurgency strategies, abroad and domestically. They came to be seen as promising crown jewel of the Intelligence Community (IC), but were soon touted as a dangerous technology by radical activists and civil right advocates.

2.1. Domestic spying meets computer surveillance

- Since the early, 1960s, experiments between the Pentagon and its research agencies like DARPA, universities like the MIT, and consulting companies by prominent academic figures had experimented the used of computers not only to move data across agencies through new computer networks, but also to engage in large-scale data analysis, automate prediction, threat detection and decision-making (key players in that regard are Jopseh C.R. Licklider, Ithiel de Sola Pool –to whom we return in the next section– or William Godel).

- In the course of the 1960s, the Cold War turned increasingly domestic. Like it had been the case during WWI and its aftermath, military intelligence as well as other agencies like the FBI and the CIA spied upon American citizens and social movements. the IC gradually expanded the scope of surveillance while continually reducing restraints on surveillance programs. From 1967 on especially, when riots or protest happened American cities, no regulations stood in the way of a massive expansion of IC spy operations.

- In the face of too much data and bad data management across intelligence agencies, computers were rapidly introduced as a solution to help mine data and apply at scale counter-insurgency doctrines. Crucially, they enabled better data-sharing between various agencies like the CIA, NSA, FBI, Pentagon, military intelligence and so on. They might also have helped these agencies escape forms of institutional oversight.

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2.2. An explosion of surveillance scandals

- The IC's surveillance programs – and the use of computer networks in that context – were soon uncovered, leading to a series of scandals at the turn of the 1960s thanks for the work of a few well-connected journalists.

- In part, these revelations documented the use of computers and computer networks for state surveillance. These stories echoed the growing concerns among the American public regarding the use of computing by the state: Even before the scandals, computer-enabled state surveillance was facing strong criticism , not only in radical circles of the New Left but also from engineers, lawyers, and university professors – even policy-makers pushing for privacy regulations.

- The surveillance scandals uncovered from 1969 showed these concerns were grounded. Some of them helped document the growing use of new surveillance technologies, including computer networks. In that way, scandals might have fueled the fears and criticisms of computing. This created a strong liability for the new "crown jewel" of the IC.

### 2.3. Work program and research questions

Further research is needed to understanding the role computerized surveillance in experimental and on-the-ground programs in the 1960s, and bring corrections to mainstream traditional historiography in both Internet history (which over-emphasizes the role of "humanist" scientists in driving developments around computers and computer networks) and security studies (which tends to situate the formation of Big Data governmentality in the 1990s and post-9/11 context).

Recent academic work on the Pentagon's research programs as well as archives (e.g. CIA records documenting the framing of computer in relation to intelligence work) could help explore questions such as the following:

- Who are the actors driving these developments (technologically, financially, politically)?

- What are the justifications being advanced for such high-risk research? Are they similar to those provided later on by 1970s reformers?

- How do they move from external military action (in Vietnam or Chile) to domestic spying?

- Is there any legal framework surrounding the use of these new surveillance technologies, and to what extent does it escape forms of oversight (e.g. beyond the need for better data-sharing, are they a convenient way to bypass overseers)?

- How did the disclosures of the IC surveillance programs frame computers? How did this framing connect to the criticism of computers as a "technocratic" machine?

3. Oversight Reform: Automation as the Rationalization of State Surveillance

As surveillance scandals shook the US government and threatened its intelligence agencies, a debate took hold on the need for better intelligence oversight. In the inner circles of power, both "IC insiders" and "liberal reformers" saw computers as a solution: they could help rationalize intelligence
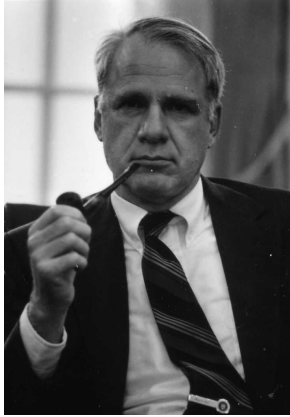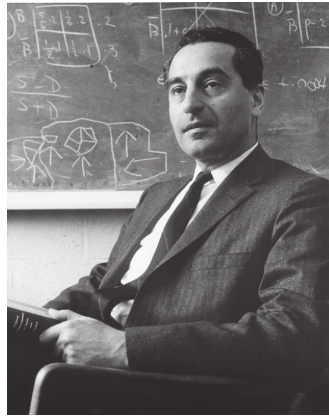
(a) James R. Schlesinger   (b) Ithiel de Sola Pool   (c) Franck Church

practice and avoid abuse; they could form the basis for a more democratic, privacy-respecting Intelligence Community.

3.1. IC insiders: Automation as more effective and economical

- A key player in the early 1970s is James R. Schlesinger, national security czar, briefly CIA director and secretary of Defense under Nixon. In the debate of intelligence oversight, he saw automation as a solution, building on the experiments of the previous decade.

- Schlesinger's rationale was that automated surveillance would lead to bureaucratic optimization: computers where seen as a way to apply scientific, systematic approaches to data management, it was more economical, and would avoid the multiplication of competing, redundant surveillance programs.

- Schlesinger claimed that, in the future, spies would be "desk jockeys staring at computers." As a CIA director for a few months, he oversaw the infamous "Schlesinger Purge" which cut about 7% of the CIA spies involved in covert action. The goal was to respond to scandals (the Chile Coup in particular), but maybe more crucially to roll-out his agenda of using SIGINT over HUMINT.

3.2. Liberal Reformers: Technology for transparency and effective oversight

- Liberal reformers (across the "politicization-proceduralization" policy spectrum) also supported computers as a way to enforce better sci-

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entific management, of surveillance (including to prevent abuse and other "human errors").

- This was certainly the case of individuals who might have then been associated with the "politicization" of surveillance oversight. A interesting character, though extremely ambiguous, in this respect is Ithiel de Sola Pool. In a 1971 DNC "politicizing" report on intelligence abuse, Pool wrote a chapter calling for more transparency, declassification, and normalization of intelligence work. But in the previous decade, he had also played an important part in the development of computerized counter-insurgency in the 1960s (as a public Cold-War-Left intellectual and researcher, and also as CEO of consulting company working with DARPA on new computer-power surveillance and profiling). In 1981, Pool would write a book calling computer networks "Technologies of freedom" which should be left unregulated under the First Amendment. This book had an important influence among a generation of liberal lawyers who defended rights and freedoms on the internet in the 1990s and early 2000s (e.g. Yochai Benkler). What can we make of this strange trajectory of Ithiel de Sola Pool? Was it a form of personal redemption, leading from deep state surveillance to freedom advocacy, or was he acting a the liberal spokesperson of the IC?

- This view of "computerized oversight of computerized surveillance" might have been shared by the leading "proceduralization" reformer of the decade, Franck Church, who preferred "compromise over conflict" with the IC. It's not clear yet but a working hypothesis would be that Church attempted to minimize the extent of computerized surveillance in his 1976 reports. If so, was it a demand of the IC in response to widespread criticism of computers and their privacy effects, to which Church conceded despite his own negative view of the privacy impacts of computing? Was it because Church thought, like other reformers, that computers could be used for more effective procedural oversight (less bias, more objective implementation of policy than those relying on humans, etc.)? More research is needed. But interestingly, the Church commission reports seem to overlook IC's use of the ARPANET for surveillance purposes (despite important revelations by journalist Ford Rowan the previous year, who showed that the Internet's predecessor had been used to transfer intelligence data for the operations discussed in the Committee Reports (e.g. CHAOS and COINTELPRO programs). That being, said, there are several mentions, and implicit criticism of computerized surveillance in the

Church reports[1].

3.3.   Work program and research questions

Further research is needed to test the key hypothesis that the 1970s intelligence reformers helped shield computerized surveillance from stronger scrutiny and regulation. The work will focus on situating Schlesinger, Pool and Church in the wider debate on "intelligence reform" and the institutional response to surveillance scandals, paying particular attention to their framing of new technologies.

A close reading of news archives and policy reports of the time, as well as books written by more radical participants to the 1970s debate on intelligence oversight, will help answer research questions like the following:

- How did "intelligence reformers" like Schlesinger, Pool or Church frame computing in relation to intelligence and surveillance?

- What role did they assign to these new technologies in terms of democratic oversight of intelligence work?

- To what extent do these characters act as spokesperson for IC, relaying dominant but perhaps conflicting views on surveillance and surveillance technologies within it?

- How to locate their stances within a broader controversy about the promises and perils of this technology (beyond state surveillance)?

- What was the impact of the 1970s intelligence oversight debate for intelligence practice – and in particular for the growing use of computers in surveillance work –, and beyond for the wider debate on the political stakes of computerization (e.g. legal innovations like the 1974 Privacy Act or the post-Watergate reform of the 1966 Freedom of Information Act)?

- How do the views of "reformers" translate into actual regulation, in particular through the Foreign Intelligence Surveillance Act of 1978?

Possible Conclusion

The result (or rather the hypothesis at this stage), is that these institutional response to surveillance scandals helped shield the new crown jewels of the IC: computerized surveillance and data-banks.[2]

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[1] See, e.g. p. 500-553 in book III of the Church Report.

[2] To bridge the gap with modern-day controversies (ECHELON, 9/11, Snowden, etc.), and see whether the hypothesized tactics outline above to shield computer surveillance

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from strong oversight, we would need to trace the debate around computerized surveillance under the Reagan administration, and assess whether these tactics were effective.

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