the Watchers- The Rise of America's Surveillance State
Shane Harris

Kind to everyone without sacrificing the quality of the history or the message

The freighted wording of Harris' subtitle "The Rise of America's Surveillance State" would lead you to believe that he is an ardent liberal or libertarian ready to denounce intrusions on our civil liberties. Not at all. The source he quotes most often is John Poindexter, the man who saw the need for data mining to ferret out suspicious connections among billions and trillions of pieces of public data and use them to identify terrorists.

The book begins with events in the Reagan Administration such as the Marine barracks bombing in Beirut. These represented failings of both intelligence and policy. Although the various intelligence gathering agencies such as the CIA, NSA, and military agencies had acquired the raw intelligence that would be adequate to explain in retrospect how the authorities should have known about the impending disaster, they lacked the ability to coordinate their intelligence to put together a comprehensive picture and, most important, to act on what they knew.

Harris alludes only briefly to the history before Reagan. Briefly, Richard Nixon used government agencies to gather information to use against his enemies. These included the IRS, the FBI, and the CIA. There is a permanent interest group, centered on the political left and anchored by the ACLU, which believes that every citizen has the right to privacy, at best perfect anonymity, and the right to a lawyer under every circumstance. This group was led in the Senate by Frank Church of Idaho, not named in the book. Nixon's excesses provided them the opportunity to enact the Foreign Intelligence Surveillance Act of 1978 which confined the CIA to gathering intelligence only overseas, and only on noncitizens. This same leftish sentiment led the Senate to curtail funding for CIA operations in support of anti-Communist factions throughout the world, including those who fought against the USSR backed Sandinistas in Nicaragua. In brief, the majority in the U.S. Congress believe that right-wing oppressors such as the generals in Argentina, Chile, Brazil and elsewhere were more of a threat and less to be loved than left-wing oppressors such as the Sandinistas. The Cold War gave us our paradigm for assessing foreign threats, and within that paradigm the Senate majority felt comfortable reducing our capabilities.

The terrorist threat is of a different nature than the Cold War threat. Terrorism is a matter of small cells of people using conventional materials to wreak havoc on Western targets, often within Western societies. It required different techniques, especially data mining, to discern suspicious patterns among millions of transactions such as telephone calls, money transfers, credit card transactions and the like. It also required a generational change in outlook on privacy. Any reader of this review knows that a Google search is likely to reveal a vast amount of personal information. As "The Watchers" documents, before 9/11, collecting any such data gathered on a citizen, even though it came from public sources, was taboo unless surveillance of that person had been authorized by a judge under something like a wiretap order. In one specific instance in this book, in the year before 9/11 the Army was ordered to

destroy a huge database on Al Qaeda because it might compromise the privacy of American citizens. Harris' interviews wonder often if they might have connected the dots to prevent 9/11.

The book does a good job of chronicling the evolution of the surveillance and analysis technology since 9/11 as well as our attitude toward surveillance. The conclusion is that we have moved toward the British position, which is that surveillance is a necessary evil, preferable to being blindsided by terrorist attacks. The book gives the British credit for quickly deducing who was responsible for the London subway bombings, and primary credit for identifying the group of terrorists who intended to bring down tens of airliners simultaneously over the Atlantic with bombs fashioned from carry-on liquids. British immigrants, rather than universally appreciating their adopted country, often feel it to be oppressive sometimes loathe it enough that they are willing to blow it up. In a similar fashion, the Irish Republican Army used terror over the decades to make their points. The British citizen does not terribly mind being watched so long as the troublemakers are being equally watched. Americans are adopting this attitude.

Poindexter, Harris' hero, advocated composing a database in which personal data were encrypted in such a way that they would remain invisible until needed. In other words, you could ask a vast computer system to identify suspicious patterns of transactions, and only then, and only under some supervision, possibly even a court order, identify the individuals associated with those transactions. Harris is willing to leave this as an open question. Granted the need for widespread surveillance, why don't we impose a blind over it in order to protect individual privacy? Harris appears to think this is a good idea. I will offer an opinion as a database guy that doing something like this would primarily result in an unmanageable tangle. It would make it difficult to make associations that only people can intuitively make, such as between the Russian and Ukrainian or Arabic and Persian rendering of a name, or the knowledge that my telephone prefix 279 puts me in central Kiev. If the NSA were to attempt such a privacy filter, it would add to their data processing load, detract from their efficiency, and result in a large bureaucracy to administer the many exceptions. It is better to be honest and say that it can't be done, which brings up the second point, watching the watchers.

It is possible and desirable to watch the watchers. To use the same sort of intelligence gathering to determine how every person authorized to use the system is in fact using the system. The same sort of analytical tools can be used to determine whether an analyst is stalking a woman, showing inordinate interest in somebody's bank account, or doing something else untoward. What Harris suggests, though not in those words, is a kind of auditability. It is impossible for a stockholder or any federal agency to audit every transaction in a business. Audits are what keeps them honest. An auditor looks for suspicious patterns and tracks them, but also chooses totally unsuspicious transactions at random and investigates them thoroughly to make sure that they are legitimate. The government already has such an agency: the Government Accountability Office, or GAO. It would make sense to establish a similar sort of accounting office, with all the levels of security and compartmentalization required by this mission, to prevent Nixonian style abuses of power and freelance abuses by authorized users even as our intelligence organizations do the necessary work of keeping us safe.

Harris' conclusion does not leave much suspense. Both Bush and Obama come out looking pretty good. His take is that once they understood the issues, they did not have much choice but to leave the professionals to do their job. Bush took a lot of criticism from the old left for allowing the expansion of the surveillance state, but Obama has disappointed those who expected a change in policy. Harris' conclusion would be that the old views of privacy and anonymity are simply no longer tenable.

I will conclude in saying that this is a delightfully readable book. It is set in the form of a story, John Poindexter story, against the backdrop of the rising terrorist threat since the 1980s. Harris is certainly aware of the topics I raise here in the review, but probably chose to limit the material in his book in order that it might follow a storyline narrative. It does that well. It is both highly informative and easy to read. I look forward very much to his next book.