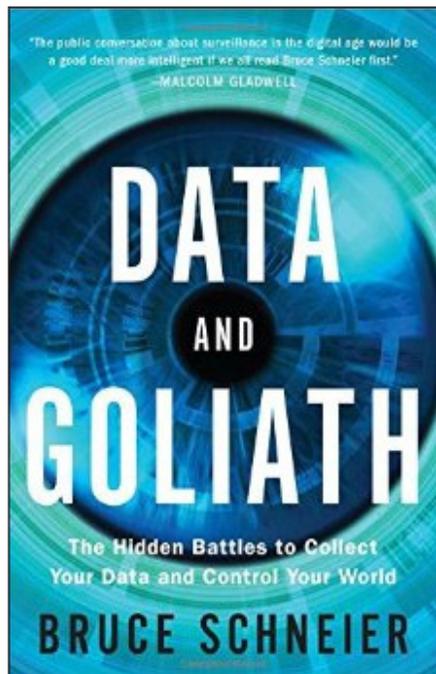


into the absurd.” The Cuban missile crisis of October 1962 is described by Bruff as “a constitutional dictatorship in the classic sense that the president and his advisors were acting in the absence of “timely legal checks to their authority.” Lyndon Johnson and the Democratic Party paid heavily for the escalation of the Vietnam war. As to Nixon, Bruff describes his approach to governance, especially in foreign policy, as “highly secretive and even personal.” He excluded “Congress, the people, and most of the executive branch from his decision making.” Bruff covers Ford in three pages, and says that his pardon of Nixon likely cost him the election in 1976.

Bruff notes that Carter “disdained dealing with the Washington establishment and the barons of Congress,” with a “fine Wilsonian self-righteousness.” In the summer of 1979, Carter “made an ill-conceived speech that seemed to blame the people for the nation’s woes” and proceeded to fire a group of Cabinet members. Subsequent chapters in *Untrodden Ground*, covering from Reagan to Obama, underscore miscalculations and costly errors by Presidents and their advisers, highlighted by the Iran-Contra affair, Clinton’s impeachment, and the war against Iraq in 2003. Although Clinton was “acquitted” in the Senate, many senators who voted not to remove him said in their floor statements that he was indeed guilty of perjury and obstruction of justice. Obama’s recess appointments to the National Labor Relations Board were struck down by a unanimous Supreme Court. After telling the public for several years that he was not a king or monarch and could not address immigration problems unilaterally, he did so in November 2014. Thus far he has met defeat in district court and the Fifth Circuit. It is often claimed that Presidents, being elected by all the people, are devoted to the “national interest.” Bruff’s careful scholarship puts a large dent in that theory.

Louis Fisher is scholar in residence at the Constitution Project and visiting professor at the William and Mary Law School. From 1970 to 2010, he served at the Library of Congress as a senior specialist in separation of powers with the Congressional Research Service and specialist in constitutional law with the Law Library. He is the author of more than 20 books, including The Law of the Executive Branch: Presidential Power (Oxford University Press, 2014). For more information, see <http://loufisher.org>.



Data and Goliath: The Hidden Battles to Collect Your Data and Control Your World

By Bruce Schneier

W.W. Norton and Co., New York, NY, 2015.

383 pages, \$27.95.

Reviewed by Elizabeth Kelley

Data and Goliath—the very title invites you to read and have fun. But make no mistake—this is not a whimsical book. Rather, *Data and Goliath: The Hidden Battles to Collect Your Data and Control Your World*, by Bruce Schneier, is sobering and frightening. When Schneier, whom *Wired* magazine called “one of the world’s foremost security experts,” writes, “[w]e are living in the golden age of surveillance,” he does not mean it approvingly.

Schneier points out that this golden age of surveillance did not happen by accident. Indeed, we Americans have chosen convenience and safety over privacy. For the convenience of cell phones, the Internet, the Cloud, and other technologies, we have given corporations the right to know virtually everything about us at every moment of every day. And, for safety from all things dangerous, such as child abductors, drug dealers, and certainly terrorists, we have relinquished our privacy, along with our civil liberties.

A fellow at the Berkman Center for Internet and Society at Harvard Law School and a program fellow at the New America Foundation’s Open Technology Institute, Schneier has written several books on security and cryptography. Given that background, you might expect *Data and Goliath* to be rather technical and dense. Again, the book surprises you. Sophisticated technology is explained in ordinary terms. For example:

Last year, when my refrigerator broke, the serviceman replaced the computer that controls it. I realized that I had been thinking about the refrigerator backwards: it’s not a refrigerator with a computer, it’s a computer that keeps food cold. Just like that, everything is turning into a computer. Your phone is a computer that makes calls. Your car is a computer with wheels and an engine. Your oven is a computer that bakes lasagnas. Your camera is a computer that takes pictures. Even our pets and livestock are now regularly chipped; my cat is practically a computer that sleeps in the sun all day.

One of the organizing themes of *Data and Goliath* is that there are two major engines for data collection, government and corporations, and their relationship is symbiotic. Data collection is nothing new. Schneier quotes Cardinal Richelieu, who said, “Show me six lines written by the most honest man in the world, and I will find enough therein to hang him.” Mass surveillance can be traced to Jeremy Bentham, who designed a prison called a “panopticon” that allowed a single watchman to continuously watch its inmates. The Founding Fathers sought to protect us with the Fourth Amendment, which Schneier points out contains the all-important but often-overlooked concept of the right of the people to be *secure* against unreasonable searches and seizures. Over the years, with the rise of threats to our national security and with advances in technology, we began to relinquish more and more of our autonomy to the government. September 11, 2001 marked a turning point. But, as Schneier shows, the need for targeted surveillance does not justify mass surveillance.

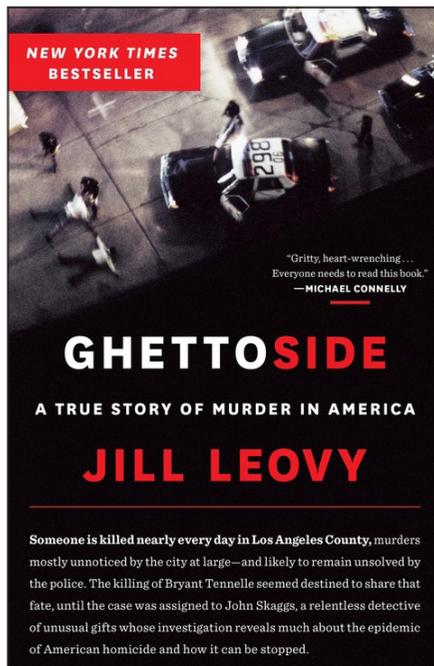
The mountains of data that have been collected may or may not have made us safer. Schneier quotes Congressman Jim Sensenbrenner, one of the authors of the Patriot Act, who described mass surveillance

as “scooping up the entire ocean to guarantee you catch a fish.” The media’s focus on the spectacular frightens us and lulls us into sacrificing whatever we are led to believe is necessary in order to remain safe. In the meantime, Schneier is mindful that, relative to other countries, such as China and Russia, we Americans enjoy tremendous freedoms.

Schneier warns that “we’re growing accustomed to the panopticon,” and he devotes approximately 70 pages to “overcom[ing] our fears, learn[ing] how to value our privacy, and put[ting] rules in place to reap the benefits of big data while securing ourselves from some of the risks.” He believes “that in half a century people will look at the data practices of today the same way we now view archaic business practices like tenant farming, child labor, and company stores.”

On the book jacket, the author Malcolm Gladwell writes: “The public conversation about surveillance in the digital age would be a good deal more intelligent if we all read Bruce Schneier first.” Gladwell is the author of the bestselling *David and Goliath: Underdogs, Misfits, and the Art of Battling Giants*, whose title inspired Schneier’s. In the battle between David and Goliath, David won. Our challenge is not to let Data win. As Schneier concludes, “Data is the pollution problem of the information age, and protecting privacy is the environmental challenge. Almost all computers produce personal information. It stays around, festering. ... [O]ur grandchildren will look back at us during these early decades of the information age and judge us on how we addressed the challenge of data collection and misuse.” ☉

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Ghettoside: A True Story of Murder in America

By Jill Leovy

Spiegel & Grau, New York, NY, 2015.

366 pages, \$28 (cloth), \$18.89 (paper).

Reviewed by Joshua A. Koblitz

The #BlackLivesMatter movement started well before Aug. 9, 2014, the day that police officer Darren Wilson shot Michael Brown in Ferguson, Missouri. But, in the wake of the shooting—and the death of other black males as a result of police actions—the slogan gained momentum. Now a rallying cry for a movement that calls for a response “to the virulent anti-Black racism that permeates our society,” #BlackLivesMatter means so much more than the obvious statement contained in the 16 letter hashtag.

Jill Leovy’s *Ghettoside: A True Story of Murder in America* shows why the #BlackLivesMatter movement speaks to so many Americans. Leovy wrote *Ghettoside*, which is about crime and police work in the Los Angeles Police Department’s 77th Street Division, after spending more than a decade covering homicides for the *Los Angeles Times*. She could not have known, as the book moved to publication, that 2015 would be a year in which society’s attitude toward black lives would become part of the national conversation. The new activist movement aims, as does one of the detectives in the book, to “mak[e] black lives expensive.”

Leovy’s book is an indictment of the criminal justice system in “ghettoside” Los Angeles, which she describes as “a place and a predicament [that] gave a name to that otherworldly seclusion that all violent black pockets of [Los Angeles] county had in common.” Through her research and storytelling, Leovy shows how and why ghettoside residents believe that society does not think they matter. According to Leovy, “[T]he sense that the police—and the larger city—didn’t care was not just a cliché. It was the lived experience of South L.A.’s black residents, quantified by data.” Discussing violent crime in those neighborhoods, Leovy adopts a term supplied by an LAPD detective, summing up “the whole mess—not just the pileup of homicides among a small group of people, mostly black, and the unseen savagery of these crimes, but also the indifference with which the world seemed to view them”—as “the Monster.”

Leovy captures the trauma of living with the Monster and having the sense that nobody cares. Even after the drop in crime at the end of the last century, from 1994 to 2006 the LAPD arrested suspects in only 38 percent of the 2,677 killings involving black male victims. *Ghettoside* argues that this lack of attention is not just a consequence of high crime—it is also a cause. Through the experience of her protagonists—the police detectives of the 77th Street Division—Leovy attacks the “broken windows” theory of policing, which focuses on *preventing* minor crimes in order to create an atmosphere of order and thereby reduce more serious crimes. She instead proposes prioritizing the thorough investigation, prosecution, and punishment of violent crimes, including those involving the murder of black men in crime ridden pockets of Los Angeles. Yet Leovy does not vilify the police to make this point. Instead, her protagonists are heroes; detectives struggling to solve murders against tremendous odds. These detectives include John Skaggs, whose almost superhuman work ethic inspired his colleagues to coin the term “John Skaggs Special,” referring to “a certain kind of investigation: aggressive, relentless, field-focused”; Nathan Kouri, who, despite an introverted and bumbling nature, grows into his own style, vowing to work harder and eventually earning the title “Li’l Skaggs”; and Wally Tennelle, a detective who made the 77th a better place by living in it, only to have his youngest son, Bryant Tennelle, murdered