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EDITORIAL

NO NEW NUKES IS GOOD NEWS

The Supreme Court's affirmation of California's ban on nuclear plant construction pending the development of a system for storing spent fuel strikes at the heart of the nuclear industry's viability. The giant utilities and the corporate merchants of nuclear equipment need new plants to remain solvent at a time when the entire energy system is suffering severe stress. Rising costs, falling consumption, nonpaying customers, appealing alternative energy sources and deepening technical problems have combined to make the industry extremely vulnerable to political pressures. At present, seven other states have construction bans similar to California's, and twenty-three more have comparable legislation pending. Antinuclear states could disrupt the system and bankrupt utilities and their suppliers.

The political implications of the decision are far-reaching. Local groups opposed to nuclear power have been given a potentially powerful weapon—state law. The Court held that the Federal Atomic Energy Act of 1954 does not pre-empt state action aimed at "economic problems" in the areas the law covers. The ruling might be extended to cover economically motivated laws on evacuation procedures, the transportation of nuclear materials and on-site waste storage—indeed, every conceivable issue of nuclear safety. Nor is it beyond the realm of possibility that subdivisions of a state—towns and counties—could win the right to impose their own restrictions on nuclear operations.

The Court's ruling will surely encourage the no-nukes movement to press its protests across the country. For it has been the radical extension of the decision-making process that has placed the nuclear establishment in its present precarious state. The Court has now confirmed the right of a democratic opposition to reverse the dangerous decisions of an expert elite.

**MURDER
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ELECTRONIC SNOOPING

TALES OF A COMPUTER STATE

DAVID BURNHAM

Under the hood of the 1981 V8-6-4 Cadillac motorcar, the General Motors Corporation buried a small but sophisticated computer. "Your Cadillac," the owner's manual boasted, "is equipped with a digital fuel injection system which monitors the exhaust stream with an oxygen sensor. The oxygen sensor signals the control unit to adjust the air-fuel ratio as necessary."

The manual further noted that the "Check Engine" light on the instrument panel "is designed to warn you if the system has detected any faults. If the light comes on and stays on while driving, the car should be taken to a Cadillac dealer as soon as possible for system inspection and maintenance. If the light comes on and goes off, it is an indication that a temporary problem has cleared itself. While it is not as critical that the vehicle be brought in to a dealer for inspection immediately, the dealer may at a later date be able to determine what trouble had occurred and if any maintenance is necessary."

But *Electronics Engineering News*, a trade publication, discerned another possible use for the tiny electronic spy: a way to deny Cadillac owners the benefits of their warranties if they have failed to drive according to G.M. standards.

"Any suggestion that there is any equipment in our cars designed to spy on a driver is pure hogwash," said a Cadillac spokesman. "The computer is just to help mechanics repair cars, and the information it provides is used for that purpose only."

The on-board Cadillac computer affects only a handful of people. But it is a symbol of the

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reporters have no difficulties seeing Saudi Arabia as non-aligned, even though it is a firm supporter of the West.

The major preoccupation of the New Delhi summit was the international financial crisis, which is threatening to wipe out the hard-won gains made by Third World countries over the last generation. Gandhi said that the crisis had originated in the West, and Castro warned that the worldwide recession will cause a political crisis that could lead to war.

The conference rejected the notion of reformist adjustments in the world economy and called for a structural transformation. It called for Namibian independence and Palestinian rights. Significantly, a cautious approach to the crisis in Central America was rejected: the delegates called on the United States to stop its interventions in Nicaragua and El Salvador.

An important message of the conference was contained in the style and substance of its leadership. Far from Gandhi substituting "moderation" for Castro's "radicalism," the two leaders sang a duet in close harmony. There were no shifts in policy on fundamental issues. Rather, the delegates affirmed their continuity with the past. □

Computer State

(Continued From Front Cover)

sweeping computerization of government and industry that is building a world where large organizations routinely collect detailed information about how we drive, where we sleep, what we buy, whom we talk to, where we go and even what we think. Whether the source is a bank, the Internal Revenue Service, the telephone company, the National Security Agency, a two-way cable television system or an insurance company, computerized surveillance is a largely unacknowledged reality of American life.

The powerful reach of modern surveillance is compounded by the increasing ability of the computers of separate organizations to talk to one another. Computer matching—the automatic correlation of information that has been stored in different data banks for different reasons—is now a widely used and casually accepted practice.

"There is nothing new about matching," said Thomas McBride, until recently the Inspector General of the Labor Department. McBride, who now is a professor at Stanford Law School, is a leading advocate of this investigative technique.

"You do it as a reporter; I did it when I was a prosecutor," he said. "I remember, for example, when I was a member of the special team investigating Watergate and I matched the lists kept by the President's secretary—Rosemary Woods—against the Federal campaign contributions roster. What is new, what is exciting, is that so much more information is now stored on computer tapes.

David Burnham is a reporter in The New York Times's Washington bureau. This article is adapted from his book The Rise of the Computer State, to be published by Random House in May.

This enables you to match 1,000 names or 100,000 names against telephone numbers, Social Security numbers or whatever in a matter of seconds."

The systematic use of computers to detect fraud in certain Federal programs began under President Carter. But with the election of President Reagan, computer matching has come into vogue. McBride, in fact, was co-chairman of a Presidential committee established to expand the use of the technique.

"There are now about sixty different Federal programs that depend on the income level of the individual to determine eligibility," McBride explained. "Everything from weatherization grants to Head Start. There just isn't any question that this methodology should be widely applied, that it has an enormous potential for eliminating fraud or erroneous payments and saving the taxpayers billions of dollars each year."

McBride acknowledged that computer matching is being used mostly in programs aimed at the poor. "We're now trying to get some matches going that don't have this welfare tilt," he said. "Disaster loans are one example. This is an area where benefits primarily go to business people, agribusiness people, and where some quite wealthy people were into some pretty heavy double dipping. Medical providers, like pharmacists, doctors and hospitals, are another area where big bucks can be saved. I'm quite sure there are a number of areas in the Pentagon where matching might be a big-ticket item."

And he admitted that there are dangers inherent in the widespread use of computer matching. "Making sure that computer data bases are clean and accurate is very difficult," he said. "Social Security, for example, is really a mess. Sure, there is a real potential for abuse. That's why we need very careful controls. I certainly am not prepared to say, for example, that all Federal and state program managers should automatically get access to everyone's income tax return. I think that would be going too far."

In a cream-colored three-story office building in an industrial section of Los Angeles, just off the freeway to Disneyland, is the headquarters of the Bureau of Child Support of the Los Angeles County district attorney's office. With 1,007 investigators, lawyers, technicians and clerks, the bureau employs exactly half of the men and women who prosecute all the crimes that occur within the county's borders.

Robert Kiehl is one of a new category of law enforcement officers whose authority comes from social welfare law rather than from criminal statutes. He has developed a computerized system which automatically diverts state tax refunds owed to "runaway parents" to the support of their children. Kiehl, who is 54, has a full gray mustache which dominates his mournful face. He speaks in the quiet monotone of many longtime government employees. "The seizing of tax refunds is just one aspect of our child-support program, and a rather new one at that," he said. "Here is how it works. Once we have a court order on a parent and there are delinquencies built up on that order for support of a

child receiving public assistance, we send the name up to the Franchise Tax Board. They run the name through their computer. If the parent is due a refund, it is intercepted and used by the state to offset the support going to the child."

The program appears to be quite efficient. According to Dan Hicks, an analyst with the California Department of Social Services, in the second year of the system's operation the district attorneys of the state's fifty-eight counties submitted 117,000 names to the Franchise Tax Board. The result: more than \$10 million in tax refunds was taken from delinquent parents and given to the state to defray the costs of supporting their dependents.

The refund-intercept program is only one way computers help Los Angeles County district attorneys force parents to meet their financial obligations to their children. The computers in the district attorney's office have direct electronic links to the Department of Motor Vehicles, the Employment Development Board and the Criminal Justice Information System and other data banks, providing county investigators with information that helps them locate parents who have left their children without support.

Louis Hays, the director of the Federal Child Support Enforcement Office, provided the perspective from Washington. "This year the whole program will result in support payments being made by about 1 million parents—400,000 who have applied to receive Aid for Dependent Children, 600,000 who have not," he said.

"During roughly the same time period, the states asked us for address information on 200,000 individuals. We put these names on magnetic tapes and periodically submitted them to the Internal Revenue Service, the Social Security Administration, the Defense Department, the Veterans Administration and the National Personnel Record Center. Using their computers, the agencies search their records for information about the people whose names have been submitted by the states. Most of the states have terminals directly linked to us, and when we get a hit—which happens in about 60 percent of the cases—we send the information we have found back to the state."

Hays believes, however, that obtaining the home addresses and places of employment of runaway parents is the simple part of the problem. "You can locate people easily. You can go to court easily. But that doesn't mean you can make them pay," he said.

When I asked him about the possibility that his system might someday be turned against another target, let's say civil rights protesters taking part in legal demonstrations, he became uneasy. "I balk at the implication in your question that parents have a right to avoid their responsibilities," he said. "And besides, the average state doesn't have a very sophisticated computer tracking system yet. I am not saying that we never could get to 1984. I'm just saying that the facts don't support such a premise at the present time."

Michael DuCross, a Canadian-born Indian, lives in Huntington Beach, California, a small city halfway between Los Angeles and San Diego. At about 9 P.M. on March 24, 1980, DuCross, a slight man with a gentle smile and wire-

rimmed glasses, decided to drive to a local supermarket for some groceries. Just after he turned his 1976 Pinto into the parking lot of a shopping center near his apartment, the flashing red lights of a police car filled his rear-view mirror. He had made an illegal left turn.

The policeman, using his two-way car radio, asked for a check on DuCross. A clerk in the Huntington Beach police station punched DuCross's name and driver's license number into a terminal. The information was instantly flashed to Sacramento, the state capital. Nothing. Then it was flashed 3,000 miles east to the F.B.I.'s computerized National Crime Information Center in Washington.

Pay dirt. Back across the continent came the answer. The F.B.I.'s records said DuCross was wanted by the Federal government because on Christmas Eve of 1969 he had gone AWOL from the Marine Corps. Based on that information, DuCross was taken to the brig at Camp Pendleton, California. Five months later, the charges were dropped and he was set free to pick up the pieces of his life. The government released DuCross after discovering he had never been AWOL. He had left the Marine Corps in 1969 under a special discharge program for resident aliens.

Thus, an error somewhere in the government's computerized records and surveillance system reached across a vast expanse of time and space and violently interrupted the life of a single Mohawk Indian.

The growing number of privately operated surveillance systems also make errors. In 1977, Harvey Saltz, a former deputy district attorney in Los Angeles, formed a company called U.D. Registry Inc., which provides landlords with information about prospective tenants. Using data obtained from the court records of suits filed by landlords against tenants, Saltz compiled a computerized list of more than a million names from all over the Los Angeles area. Some 1,900 landlords pay him an annual fee ranging from \$35 to \$60 and a search fee of \$7.50 to find out whether potential tenants have been sued by their landlords in the past.

But as Lucky Kellener, Barbara Ward and many others have learned, such information-retrieval systems frequently make mistakes. Kellener, a Los Angeles lawyer, paid his brother's rent on one occasion in 1978. Some months later, when his brother was evicted, Kellener's name was inadvertently included in the papers filed by the landlord in court. U.D. Registry transferred the incorrect information to its computer, and Kellener was recorded as an undesirable tenant. Three years after he paid his brother's rent, in December 1981, Kellener decided he needed a larger apartment. "I went to three apartment houses but was turned away," he said. "They kept saying things like, 'Someone was here before you,' or 'We'll get back to you.' You know, the brushoff."

After the third rejection, a landlord unintentionally let Kellener in on the dark secret: there was a computerized blacklisting service and his name was on its list. "It's creeping McCarthyism," he said. "Actually, it's worse. McCarthy usually did his stuff out in the open. This operation does it under the table."

Barbara Ward was another victim. In 1972 she moved to Los Angeles, rented an apartment and found it was infested with cockroaches and rodents. When her landlord refused to deal with the infestation, she gave him thirty days' notice. He countered with an eviction notice. Ward went to court armed with county health records to support her case. The landlord did not show up. The judge ordered the case dropped from the calendar. A few years later, several landlords refused to rent Ward an apartment because of the listing in U.D. Registry's computer that she had once been served with an eviction notice. Neither Kellener nor Ward knew of U.D. Registry's existence, let alone that it was transmitting false information that would severely damage their reputations.

In the late 1960s President Johnson, disturbed by the riots that took place after the assassination of Martin Luther King Jr. and the proliferating antiwar demonstrations, ordered the Army to begin collecting information on potential "subversives" so that the Federal government could prevent civil disturbances. The program became a Frankenstein's monster. In hearings conducted in 1971 by Senator Sam Ervin's Subcommittee on Constitutional Rights, it was revealed that the Army had gathered information on the political activities of about 100,000 people, including members of Congress such as Representative Abner Mikva and members of organizations like the American Civil Liberties Union, the American Friends Service Committee and the N.A.A.C.P.

With few directives to guide them, Ervin said, Army intelligence agents "monitored the membership and policies of peaceful organizations who were concerned with the war in Southeast Asia, the draft, racial and labor problems, and community welfare. Out of this surveillance, the Army created blacklists of organizations and personalities which were circulated to many federal, state and local agencies who were asked to supplement the data provided. Not only descriptions of the contents of speeches and political comments were included, but irrelevant entries about personal

finances, such as the fact that a militant leader's credit card was withdrawn. In some cases, a psychiatric analysis taken from the Army or other medical records was included."

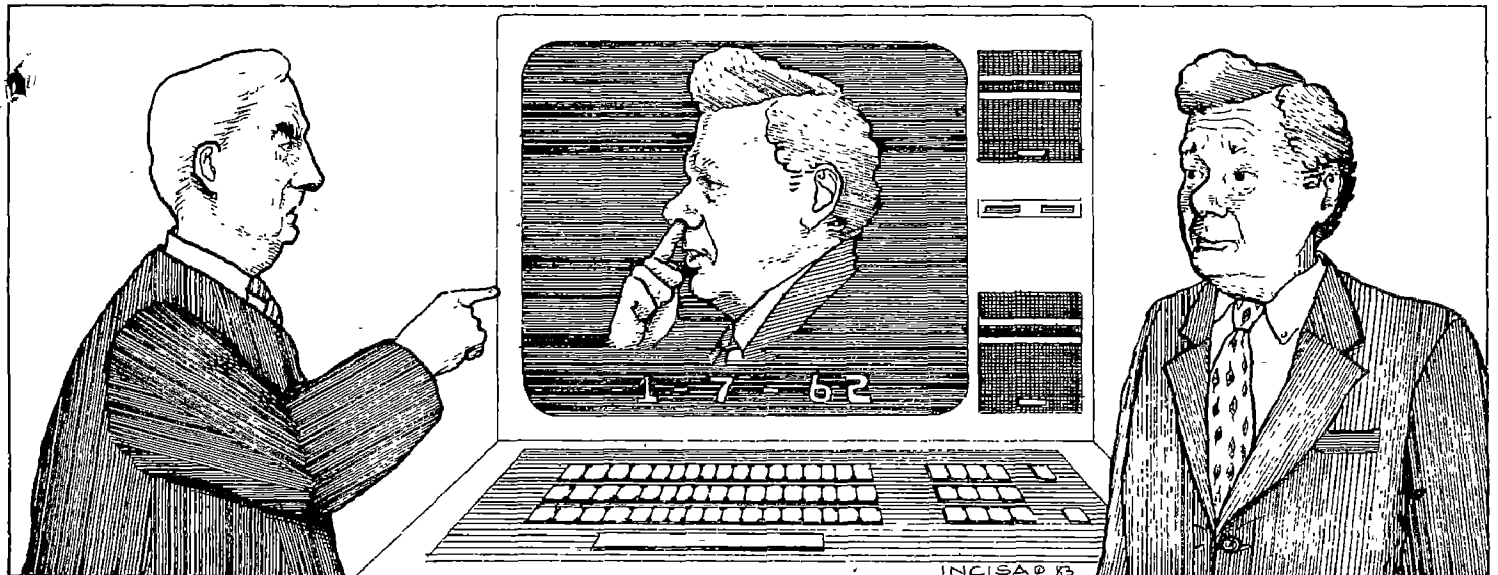
Ervin's subcommittee found that the information collected on individuals who opposed the Johnson Administration's policies was filed in four computers, located in the headquarters of the Army Intelligence Command (Fort Holabird, Maryland), the Continental Army (Fort Monroe, Virginia) and the Third Army Corps (Fort Hood, Texas), and at the Pentagon. Not only did the Army gather personal and political information; it had ordered its analysts to code the data so that the individuals could be listed in the computers according to various categories.

Ralph Stein, a young Army analyst, described for the subcommittee the confusing and sometimes arbitrary method used to code data into the Army's computers:

To make the difficult decisions about what category a person belonged in, the analyst was required to examine reports and then resort to a special intelligence code. He had to apply various number combinations which indicated a person's beliefs or status. For instance, 134.295 indicated that a person was a non-Communist, while 135.295—a difference of one digit—indicated Communist Party membership or advocacy of Communism.

Computers are essential to the operation of many of the conveniences of modern life. Without computers, for example, the massive car rental business could not exist. By almost any measure of speed, efficiency and reliability, the service offered by car rental companies is astounding. But the use of computers means that each transaction of each customer involves creating a record that can be stored, modified and retrieved in a matter of seconds.

Officially, F.B.I. agents must obtain administrative summonses for any records they seek. But such summonses are available to them almost automatically. What is more, in most jurisdictions, Federal, state and local law enforcement officers have informal ties with a variety of recordkeepers, so that even this modest restraint is easy to get around.



Ready access is guaranteed by the design of computerized credit and reservation networks.

Such a network can be wonderfully handy for the police—and other curious individuals as well. Peter Bronson (a pseudonym) is a first-class reporter I once worked with at *The New York Times*. A few years ago, while he was living in Washington and doing a great deal of traveling for the paper, he became infatuated with a young woman who worked at an Avis desk in Atlanta. "One day I came to Atlanta after being out of Washington for about a week, and I stopped by to see my friend," the reporter recalled. "The first thing she did was ask me what I had been doing in Los Angeles and Houston before coming to Atlanta. I was working on a pretty good story, and I'll tell you her tracking of my movements shook me up. It turns out that when someone has your Avis number, it is very easy to find out where you have been renting cars anywhere in the country. I've quit seeing this lady, by the way."

The five largest credit-reporting companies in the United States have a total of more than 150 million credit records in their computers. The information on file on each individual generally includes his or her full name, Social Security number, address, telephone number, name of spouse, place of work, salary, other sources of income, names of creditors, debt-payment history, arrest and conviction records, bankruptcies, tax liens and lawsuits. Some of this information has been volunteered by the person seeking credit; some has been collected by investigators.

In September 1976, an Ohio man named Bennie Bryant applied for a mortgage through the Hammond Mortgage Company. Before granting the mortgage, Hammond took the routine step of asking TRW Information Service, a credit company, to run a check on him. On September 28, a TRW representative called the mortgage company and said that its written report would show that Bryant had had credit problems with four firms. The mortgage company informed Bryant about the negative report, and he immediately told TRW that its information was not correct. Two days later, according to Federal judge Avern Cohn, who presided in a suit Bryant later brought against TRW, the report was sent to the mortgage company "in its original form," and Bryant was denied the loan. "Subsequently, with a revision in the mortgage report and through the plaintiff's personal efforts, the loan was closed," the judge wrote. In December 1979, a Federal district court jury found that TRW had not followed procedures that would have assured the accuracy of its report, and awarded Bryant \$8,000 in damages.

The giant computerized credit company, both during the trial and in a subsequent appeal, contended that Bryant's complaint was unjustified. As a matter of law, TRW argued, it has no obligation to determine the accuracy of the information it receives from businesses about the bill-paying habits of individual consumers. "Put another way," said Judge Cohn, TRW contended "it was an error to allow the jury to consider whether there is an obligation on the defendant to test the truthfulness and/or accuracy of the information it receives."

That is a troubling claim from a company which sells 35 million credit reports each year to 24,000 subscribers throughout the country. A visit to TRW's computer operations center, in a single-story unmarked building about three miles from its corporate headquarters in Anaheim, California, explains why the company has so strenuously opposed being held accountable for the accuracy of the information it collects, organizes and then provides its subscribers. Each month, TRW receives computer tapes from thousands of companies, reporting the status of every one of their customers' accounts. TRW's employees then use its massed computers—the largest commercial concentration of computers in the world—to lift the information from those tapes and organize it alphabetically and by region. The company thus can offer up-to-date data on approximately 90 million people to businesses making credit checks. More than 200,000 times each business day, a TRW subscriber types the name of a customer into its own terminal. Within three seconds, the inquiry reaches Anaheim, the information is located in TRW's computers and a report is flashed back to the waiting subscriber. Obviously, the largely automated system would not be able to function were the courts to force TRW to check the accuracy of the reports it receives from its subscribers.

According to TRW's lawyers, a significant number of reports containing incorrect information are routinely transmitted to clients. Each year, about 350,000 people register formal complaints about the accuracy of TRW's reports with the company's consumer relations department. And each year, as many as 100,000 of these complaints result in TRW changing the information in its computers. But, one must ask, how many incorrect entries are not noticed and how many of those that are noticed go uncorrected?

One other problem must be examined concerning surveillance and TRW. The company's consumer credit reporting system is operated by a single division, one small part of a huge conglomerate which provides a broad range of high-technology services for a variety of customers. One of those customers is the Central Intelligence Agency. Though the relationship between TRW and the C.I.A. is highly classified, it is known to involve the processing of computerized intelligence reports gathered by secret government satellites. TRW prides itself on the independence of its divisions, and there is no known instance when information in one division "strayed" to another. But the decision of the Census Bureau during World War II to give the Army demographic data that pinpointed the residences of Japanese-Americans in California—despite a law prohibiting such sharing of information—is instructive. How much pressure would the chairman of the board and the chief executive officer of TRW have to bring on the vice president in charge of the company's information division to persuade him to give the C.I.A. access to credit reports stored in the division's computers?

Kent Greenwalt, a professor at Columbia University's School of Law, discussed the indirect but powerful effects of computer surveillance in a report he submitted to the

White House during the Ford Administration:

If there is increased surveillance and disclosure and it is not offset by greater tolerance, the casualties of modern society are likely to increase as fewer misfits and past wrongdoers are able to find jobs and fruitful associations. The knowledge that one cannot discard one's past, that advancement in society depends heavily on a good record, will create considerable pressure for conformist actions. Many people will try harder than they do now to keep their records clean, avoid controversial or "deviant" actions, whatever their private views and inclinations. Diversity and social vitality is almost certain to suffer and in the long run independent private thoughts will be reduced.

The question looms before us: Can the United States continue to flourish when the physical movements, the buying habits and the conversations of most citizens are under surveillance by private companies and government agencies?

Sometimes the surveillance is undertaken for innocent purposes, sometimes it is not. Does not surveillance, even the innocent sort, gradually poison the soul of a nation? Does not surveillance limit personal options for many citizens? Does not surveillance increase the powers of those who are in a position to enjoy the fruits of that activity?

Alexander Solzhenitsyn wrote about this process some years ago:

As every man goes through life he fills in a number of forms for the record, each containing a number of questions. . . . There are thus hundreds of little threads radiating from every man, millions of threads in all. If these threads were suddenly to become visible, the whole sky would look like a spider's web, and if they materialized like rubber bands, buses and trams and even people would lose the ability to move and the wind would be unable to carry torn-up newspapers or autumn leaves along the streets of the city. □

FOLLOW-UP.

■ NATIONAL WRITERS UNION

A Dream That's No Longer Deferred

JAMES RIDGEWAY

After a year and a half of preparation, the National Writers Union will be formally launched this weekend with a constitutional convention in Brooklyn. The union (or the Organizing Committee for a National Writers Union, as it was called in its formative stage) now has 1,500 dues-paying members, many of them journalists and nonfiction writers, but some of them poets and novelists.

"We are now ready to make our move to recruit a major share of American authors and freelance journalists, offering traditional union benefits and the power that comes with solidarity," says Barbara Raskin, chair of the national executive board.

Even before its transformation into a union, the organizing committee reached agreement on a contract with *Mother Jones* and is far along with plans to provide members with life and health insurance. The union hopes to be able to offer members such novel benefits as libel insurance and discounts on home computers. At least one local is interested in publishing its members' books.

The union "is giving people a tremendous sort of moral boost," says Andrea Eagan, treasurer of the union and a member of the national executive board. "Things can't get any worse for most of us. Here we are. We're all in it together, and we can really make some progress. Writers tend

to work in isolation. For the first time it gives us a chance to get together and act collectively, not just to bargain but to put some muscle behind the things we have to have, to really grieve something in an effective way, and the moral support of knowing that you're not the only chump on the block."

The writers' union began as a series of meetings at *The Nation* and living room get-togethers among New York City writers in early 1981, partly as a result of interest in such a union raised by organizers of the American Writers Congress. At the Congress, in October of that year, the idea of a union received overwhelming support from participants in a workshop on the subject, and encouragement from delegates to the Congress. The New York group then became a coordinating committee, which encouraged the formation of locals in a dozen cities. Last May, delegates from those locals met in Princeton, New Jersey, to set up a national executive board. Since then, its leaders have been busy raising money, developing contacts within the labor movement and writing the rules that will govern the organization.

The founding convention will take place April 30 and May 1 at the Brooklyn Polytechnic Institute. Delegates from the locals will form a policy-making assembly, which will adopt a constitution and elect a new national executive board. The convention is open to all members, but only delegates may vote.

Labor support has been vital to the union's development. In New York, District 65 (United Automobile Workers) gave space for a national office. In Washington and Boston, the Communications Workers of America provided office space, photocopying equipment, help with mailings and organizing advice. The National Football League Players Association, the Writers Guild of America, the Graphic Artists Guild, the Service Employees International Union and the Hotel and Restaurant Employees Union all have given assistance. Charles Perlik of the Newspaper Guild helped the union leadership establish ties with Lane Kirkland at the A.F.L.-C.I.O.

James Ridgeway writes a column with Alexander Cockburn in The Village Voice.

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