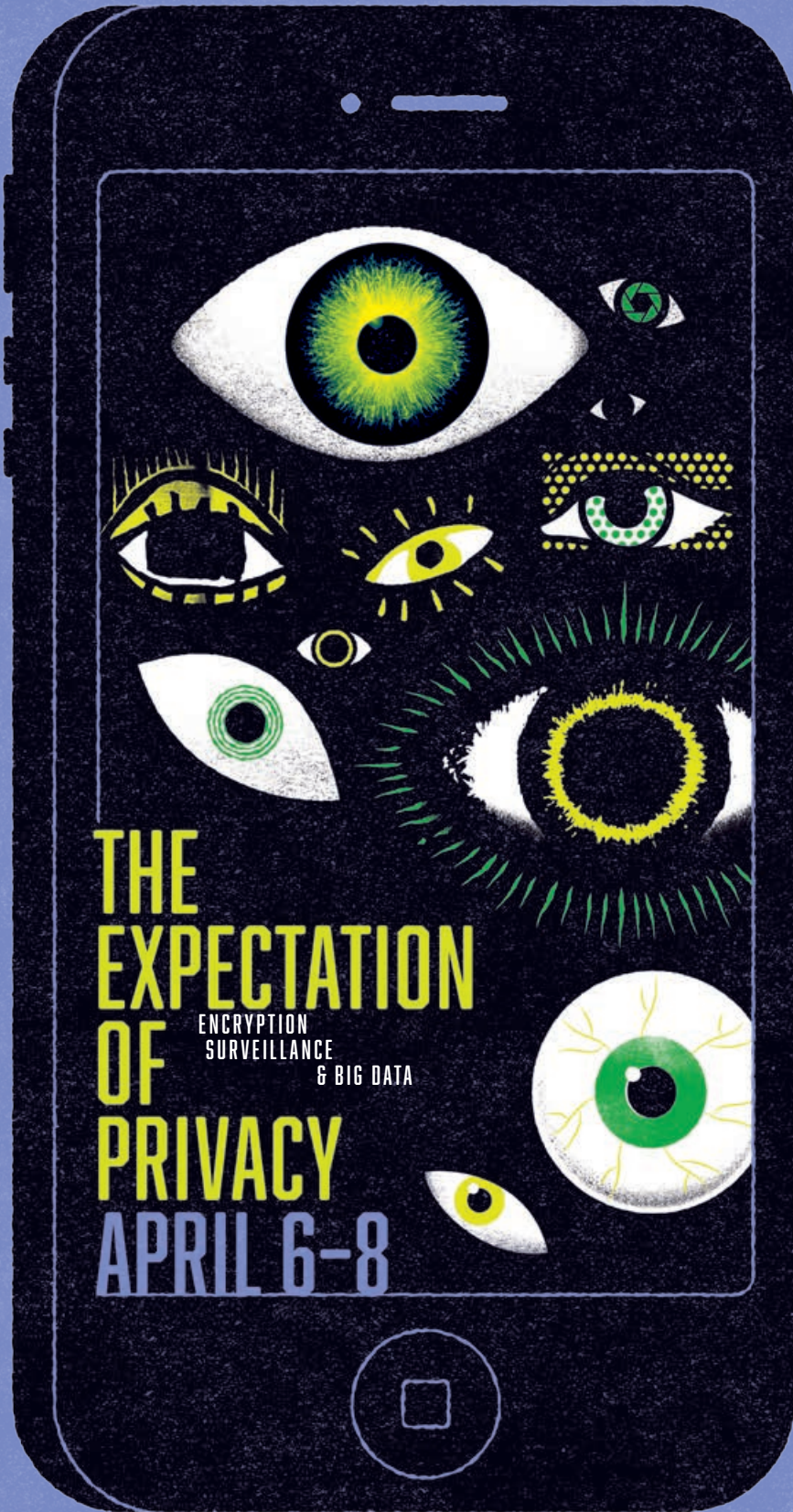


2016 CONFERENCE OF THE CENTER FOR THE STUDY OF AMERICAN DEMOCRACY



**THE
EXPECTATION
OF** ENCRYPTION
SURVEILLANCE
& BIG DATA
PRIVACY
APRIL 6-8

KEYNOTE ADDRESS BY
FBI DIRECTOR JAMES B. COMEY

THE EXPECTATION OF PRIVACY

ENCRYPTION
SURVEILLANCE
& BIG DATA

*In a constantly connected world,
how much privacy may one
reasonably expect?*

WHETHER KNOWINGLY OR NOT, EVERYONE IN MODERN SOCIETY

is affected by this problem, as economic data and daily habits are increasingly tracked and stored in private, commercial and government databases of various kinds.

Technological, commercial and security developments appear to make the private sphere a vanishing space. As the expectation of privacy diminishes, so too does the distinction that formed the basis for Western liberal democracy and the idea of limited government.

The Center for the Study of American Democracy is pleased to host this conference to raise these questions with the larger Kenyon community.

WEDNESDAY, APRIL 6

- 7:30 P.M. CONFERENCE INTRODUCTION** (Rosse Hall)
 Thomas Karako, *director, Center for the Study of American Democracy (CSAD)*
- OPENING ADDRESS: ENCRYPTION AND SECURITY**
 James B. Comey P'16, *director of the Federal Bureau of Investigation*
Introduced by Sean Decatur, president of Kenyon College

THURSDAY, APRIL 7

- 9 A.M. FOUNDATIONS OF A RIGHT TO PRIVACY**
 Peter Myers, *University of Wisconsin*
 Vincent Phillip Muñoz, *University of Notre Dame*
 Reva Siegel, *Yale Law School*
Moderated by Nancy Powers, visiting assistant professor of political science
- 10:30 A.M. PRIVACY TRENDS: ARE THINGS SO BAD?**
 Benjamin Wittes, *Brookings Institution*
- 1:30 P.M. TECHNOLOGY, PRIVACY AND YOU**
 Julia Angwin, *ProPublica*
 Kirk Herath, *Nationwide Insurance*
 Laura Donohue, *Georgetown Law*
 David Greene, *Electronic Frontier Foundation*
Moderated by Tim Feran, business reporter for the Columbus Dispatch
- 3 P.M. THREE PROBLEMS FOR PRIVACY**
 James Lewis, *Center for Strategic and International Studies*
- 4 P.M. PUBLIC RECEPTION** (Gund Gallery Atrium)

FRIDAY, APRIL 8

- 9 A.M. SECURITY AND SURVEILLANCE**
 Chris Calabrese, *Center for Democracy and Technology*
 Charlie Savage, *New York Times*
 Jameel Jaffer, *American Civil Liberties Union*
 Julian Sanchez, *Cato Institute*
Moderated by Thomas Karako, director, CSAD
- 11:00 A.M. THE EXPECTATION OF PRIVACY ON A COLLEGE CAMPUS**
 Jill Engel-Hellman, *Student Affairs, Kenyon College*
 Jared Hoffman, *Library and Information Services, Kenyon College*
 Ron Griggs, *Library and Information Services, Kenyon College*
 Bob Hooper, *Campus Safety, Kenyon College*
Moderated by Meredith Harper Bonham, Student Affairs, Kenyon College
- 12:15 P.M. CONFERENCE CONCLUSION**

All events are located in the Community Foundation Theater in Gund Gallery unless otherwise noted.

WEDNESDAY, APRIL 6

OPENING ADDRESS:

ENCRYPTION AND SECURITY

GEORGE L. OHRSTROM JR. LECTURESHIP ON DEMOCRACY

With an introduction by Sean Decatur, president of Kenyon College



JAMES B. COMEY P'16

On Sept. 4, 2013, James B. Comey was sworn in as the seventh director of the Federal Bureau of Investigation. Comey previously served as an assistant United States attorney for both the Southern District of New York and the Eastern District of Virginia. After his service in Virginia, Comey returned to New York to become the U.S. attorney for the Southern District of New York. In 2003, he became the deputy attorney general at the Department of Justice (DOJ). Comey left DOJ in 2005 to serve as general counsel and senior vice president at defense contractor Lockheed Martin. Five years later, he joined Bridgewater Associates, a Connecticut-based investment fund, as its general counsel. A native of Yonkers, New York, James Comey graduated from the College of William and Mary and the University of Chicago Law School.

PANEL DISCUSSION:

FOUNDATIONS OF A
RIGHT TO PRIVACY

Moderated by Nancy Powers, visiting assistant professor of political science,
Kenyon College

**PETER MYERS**

Peter C. Myers is professor of political science at the University of Wisconsin-Eau Claire, specializing in political philosophy and U.S. constitutional law. Myers is the author of two books: *Our Only Star and Compass: Locke on the Struggle for Political Rationality* and *Frederick Douglass: Race and the Rebirth of American Liberalism*. He has published articles, chapters, and book reviews in the fields of liberal political philosophy, American literature, and American political thought. He is currently researching a book on Martin Luther King Jr. and the vision of a color-blind America.

**VINCENT PHILLIP MUÑOZ**

Vincent Phillip Muñoz is the Tocqueville Associate Professor of Religion and Public Life in the Department of Political Science at the University of Notre Dame. Muñoz writes and teaches across the fields of constitutional law, American politics, and political philosophy. His recent research has focused on the theme of religious liberty and the American Constitution. His first book, *God and the Founders: Madison, Washington, and Jefferson*, was published by Cambridge University Press in 2009. Muñoz is currently completing a second book exploring the original meaning of the Constitution's religion clauses. He has testified before the United States Senate Judiciary Committee on the topic of hostility to religious expression in the public square.

**REVA SIEGEL**

Professor Reva Siegel is the Nicholas deB. Katzenbach Professor of Law at Yale Law School. Siegel's writing draws on legal history to explore questions of law and inequality and to analyze how courts interact with representative government and popular movements in interpreting the Constitution. Her books include *Processes of Constitutional Decisionmaking* (with Paul Brest, Sanford Levinson, Jack M. Balkin and Akhil Reed Amar), *Before Roe v. Wade: Voices That Shaped the Abortion Debate Before the Supreme Court's Ruling* (with Linda Greenhouse), and *The Constitution in 2020* (edited with Jack M. Balkin).

REMARKS:

PRIVACY TRENDS: ARE THINGS SO BAD?



BENJAMIN WITTES

Benjamin Wittes is a senior fellow in Governance Studies at the Brookings Institution. He co-founded and is the editor-in-chief of the Lawfare blog, which is devoted to sober and serious discussion of “Hard National Security Choices,” and is a member of the Hoover Institution’s Task Force on National Security and Law. He is the author of *The Future of Violence: Robots and Germs, Hackers and Drones — Confronting a New Age of Threat* (2015); *Detention and Denial: The Case for Candor After Guantanamo*, published in November 2011; co-editor of *Constitution 3.0: Freedom and Technological Change*, published in December 2011; and editor of *Campaign 2012: Twelve Independent Ideas for Improving American Public Policy* (2012). He is the author of *Law and the Long War: The Future of Justice in the Age of Terror* (2008) and the editor of *Legislating the War on Terror: An Agenda for Reform* (2009).

Between 1997 and 2006, he served as an editorial writer for the *Washington Post* specializing in legal affairs. Before joining the editorial page staff of the *Washington Post*, Wittes covered the Justice Department and federal regulatory agencies as a reporter and news editor at *Legal Times*. His writing has also appeared in a wide range of journals and magazines including the *Atlantic*, *Slate*, the *New Republic*, the *Wilson Quarterly*, the *Weekly Standard*, *Policy Review*, and *First Things*.

Wittes was born in Boston, Massachusetts. He graduated from Oberlin College in 1990, and he has a black belt in taekwondo.

PANEL DISCUSSION:

TECHNOLOGY, PRIVACY AND YOU

Moderated by Tim Feran, business reporter for the Columbus Dispatch



JULIA ANGWIN

Julia Angwin is an award-winning investigative journalist at the independent news organization ProPublica. From 2000 to 2013, she was a reporter at the *Wall Street Journal*, where she led a privacy investigative team that was a finalist for a Pulitzer Prize in Explanatory Reporting in 2011 and won a Gerald Loeb Award in 2010. Her book, *Dragnet Nation: A Quest for Privacy, Security and Freedom in a World of Relentless Surveillance*, was released in paperback in 2015. In 2003, she was on a team of reporters at the *Wall Street Journal* that was awarded the Pulitzer Prize in Explanatory Reporting for coverage of corporate corruption. She is also the author of *Stealing MySpace: The Battle to Control the Most Popular Website in America*.



KIRK HERATH

Kirk Herath is vice president, associate general counsel and chief privacy officer for Nationwide Insurance Companies and affiliates based in Columbus, Ohio. Kirk's practice group is responsible for all legal issues impacting privacy, information security, technology and information systems, contracts and supply-services management, confidentiality, and data integrity. He represents Nationwide's interests in many industry and business privacy groups and before legislative and regulatory bodies.

Under Herath's leadership, Nationwide has been selected by the Ponemon Institute six times as one of its 10 most trusted companies for privacy. Herath is a past president and a past member of the board of the International Association of Privacy Professionals, and served on the U.S. Department of Homeland Security's Data Privacy and Integrity Advisory Committee from 2005 to 2011. He speaks regularly on a broad array of privacy, security and technology issues, and has edited the privacy practitioners' bible, *How to Build a Privacy Program*.



LAURA DONOHUE

Laura K. Donohue is a professor of law at Georgetown Law, director of Georgetown's Center on National Security and the Law, and director of the Center on Privacy and Technology. Donohue writes on U.S. constitutional law, American and British legal history and national security, and counterterrorist law in the United States and United Kingdom. She is currently working on *The Future of Foreign Intelligence*, focusing on the Fourth Amendment and surveillance in a digital world. Her articles have examined the origins of the Fourth Amendment; the evolution of First and Fourth Amendment doctrine; state secrets; remote biometric identification; Executive Order 12333 and the Foreign Intelligence Surveillance Act; extended detention and interrogation; terrorist trials; antiterrorist finance and material support; synthetic biology, pandemic disease, and biological weapons; scientific speech; and the history of quarantine law. In 2008–09 she clerked for Judge John T. Noonan of the Ninth Circuit Court of Appeals.



DAVID GREENE

David Greene, senior staff attorney and civil liberties director of the Electronic Frontier Foundation (EFF), has significant experience litigating First Amendment issues in state and federal trial and appellate courts and is one of the country's leading advocates for and commentators on freedom of expression in the arts. Greene was a founding member, with David Sobel and Shari Steele, of the Internet Free Expression Alliance and currently serves on the Northern California Society for Professional Journalists Freedom of Information Committee, the steering committee of the Free Expression Network, the governing committee of the ABA Forum on Communications Law, and on advisory boards for several arts and free speech organizations across the country. Before joining EFF, David was for 12 years the executive director and lead staff counsel for the First Amendment Project, where he worked with EFF on numerous cases including *Bunner v. DVDCCA*.

REMARKS:

THREE PROBLEMS FOR PRIVACY



JAMES LEWIS

James Andrew Lewis is a senior fellow and program director at the Center for Strategic and International Studies (CSIS). Before joining CSIS, he worked at the departments of State and Commerce as a foreign service officer and as a member of the Senior Executive Service. His government experience includes work on politico-military issues in Asia and Central America and on military and intelligence policies including encryption and space remote sensing. Lewis was a negotiator on conventional arms and technology transfer, and he led the U.S. delegation to the Wassenaar Arrangement Experts Group on advanced civil and military technologies. He also was the rapporteur for the U.N. Group of Governmental Experts on Information Security for its successful 2010, 2013 and 2015 sessions. He was assigned as a political advisor to U.S. Southern Command for Operation Just Cause, to U.S. Central Command for Operation Desert Shield, and to the U.S. Central American Task Force. Lewis has authored more than 100 publications, with his recent work focusing on cybersecurity. His current research examines Internet sovereignty, cybersecurity, warfare, strategy, and technological change.

PANEL DISCUSSION:

SECURITY AND SURVEILLANCE

Moderated by Thomas Karako, director, Center for the Study of American Democracy

**CHRIS CALABRESE**

Chris Calabrese is the vice president for policy at the Center for Democracy and Technology. Calabrese has long been an advocate for privacy protections, Internet openness, limits on government surveillance, and fostering the responsible use of new technologies. He has testified before Congress and appeared in many media outlets. Calabrese sits on the Consumer Advisory Committee of the Federal Communications Commission and previously served as legislative counsel at the Washington Legislative Office of the American Civil Liberties Union (ACLU).

**CHARLIE SAVAGE**

Pulitzer Prize-winning journalist Charlie Savage is a Washington correspondent for the *New York Times*. Savage has been covering post-9/11 issues since 2003, when he was a reporter for the *Miami Herald*. While working for the *Boston Globe*, Savage received the Pulitzer Prize for National Reporting, the American Bar Association's Silver Gavel Award and the Gerald R. Ford Prize for Distinguished Reporting on the Presidency. He has twice co-taught a seminar on national security and the Constitution at Georgetown University. Savage's first book, *Takeover*, is an account of the expansion of presidential power during the Bush administration. His second book, *Power Wars*, explores national-security legal policy in the Obama era.

**JAMEEL JAFFER**

Jameel Jaffer is a deputy legal director of the ACLU and director of its Center for Democracy, which houses the organization's work on human rights, national security, free speech, privacy, and technology. He has litigated many cases relating to government surveillance, including challenges to the Patriot Act's national security letter provision, the Bush administration's warrantless wiretapping program, and the National Security Agency's call-tracking program. He has also litigated cases relating to targeted killing and torture, including a landmark case under the Freedom of Information Act that resulted in the release of hundreds of documents relating to the Bush administration's torture program. Jaffer previously clerked for Judge Amalya L. Kearsse of the U.S. Court of Appeals for the Second Circuit and Rt. Hon. Beverley McLachlin, chief justice of Canada.

**JULIAN SANCHEZ**

Julian Sanchez is a senior fellow at the Cato Institute and studies issues at the intersection of technology, privacy and civil liberties, with a particular focus on national security and intelligence surveillance. Sanchez previously served as the Washington editor for the technology news site Ars Technica, wrote for the *Economist's* blog Democracy in America, and was an editor for *Reason* magazine, where he remains a contributing editor. Sanchez has written on privacy and technology for many national publications and is a founding editor of the policy blog Just Security.

PANEL DISCUSSION:

THE EXPECTATION OF PRIVACY ON A COLLEGE CAMPUS

Moderated by Meredith Harper Bonham, vice president of student affairs, Kenyon College



JILL ENGEL-HELLMAN

Jill Engel-Hellman is Kenyon's assistant dean of students and director of housing and residential life. She has been a part of residential life programs at Binghamton University, the University of Maryland, and Denison University. Engel-Hellman is committed to developing safe, supportive and engaging residence hall communities that create a seamless living and learning environment across campus. She holds a bachelor's degree from Allegheny College and a master's degree from the University of Maryland



RON GRIGGS

Ron Griggs has served as the vice president for library and information services at Kenyon since 2008. Griggs has worked at Kenyon since 1991 in a series of positions managing information technology in every area: networks, databases, personal computers and information security. Prior to his Kenyon career, Ron served for eight years as an officer in the United States Navy with a specialization in cryptology. Trained as a mathematician, Ron worked with computer systems and networks in 1980s in the early days of the development of secure systems for protecting classified data and in the development of systems to collect and analyze encrypted data. He holds a bachelor's degree from Central Missouri State University.



JARED HOFFMAN

Jared Hoffman works in Kenyon's Division of Library and Information Services as the associate director of enterprise infrastructure and leads the Information Security Team. He started at Kenyon in 2001 as an analyst programmer. Hoffman has a degree in computer science and a master's in business administration from Mount Vernon Nazarene University.



ROBERT D. "BOB" HOOPER

Robert D. Hooper has served in the Campus Safety Office since 1993, starting as an officer. He was promoted to assistant director in 1994 and director in 2007. Hooper also served on the College Township Fire Department from 1987 until his retirement as fire chief in 2008. He currently maintains certification in fire, EMS, fire inspector and arson investigation.



THE CENTER FOR THE STUDY OF AMERICAN DEMOCRACY

The Center for the Study of American Democracy at Kenyon was created in 2007-08 with the help of a major grant from the National Endowment for the Humanities (NEH). On a campus renowned for intellectual inquiry in the spirit of the traditional liberal arts and sciences, the center brings students together with policymakers, political leaders, scholars, and journalists to debate the country's most pressing issues—and in the manner of nonpartisan, civil, probing discourse.

Throughout the academic year, the center sponsors lectures, panel discussions, and other events on campus. Frequently these involve visiting scholars, politicians, and journalists who, in addition to making public presentations, meet informally with students and faculty members.

Every two years, the center organizes a conference in which political leaders join noted scholars and journalists on the Kenyon campus to discuss some major issue. The inaugural conference, in 2010, focused on “The Future of Political Parties.” The 2012 conference considered the question, “Should America Promote Democracy Abroad?” In 2014, the theme was “The Politics of Economic Inequality.”

The center also sponsors informal student and faculty gatherings to watch and discuss political debates, election returns and State of the Union addresses. In addition, the CSAD Democracy Scholars Program provides opportunities for students to work closely with faculty members on some fundamental question of American democracy. Students selected for these competitive awards receive stipends to support their work. The center also sponsors an annual prize for the best student essay on American government; sessions for students on “How to Find an Internship in Washington, D.C.”; faculty development seminars; and other curricular enhancements.

Support from the NEH was vital in the establishment of the center. That support came in the form of a \$710,000 challenge grant, awarded in 2007 as part of the NEH “We the People” program. The program is designed to encourage and enhance the teaching, study, and understanding of American history, culture, and democratic principles.

The NEH grant required that the College raise \$2,130,000 in matching funds. Led by trustee Brackett Denniston III '69 a number of individuals came forward with contributions to an endowment for the Center, and were named fellows of the Center.

The Thomas W. Smith Foundation, the Arthur Vining Davis Foundations, and the George L. Ohrstrom Jr. Foundation have also provided major support for the Center.



Image: Roxy Paine. Detail. *Checkpoint*, 2014. Courtesy of the artist and Marianne Boesky Gallery, NYC.

GUND GALLERY EXHIBITIONS

In collaboration with the Center for the Study of American Democracy, the winter and spring 2016 art exhibitions at the Graham Gund Gallery feature work by prominent artists who critically consider issues central to the expectation of privacy.

Roxy Paine

Roxy Paine's work is an inquiry into our contemporary spaces of technology, industry and control. In a series of sculptures and large-scale dioramas, Paine triggers psychological shifts through commonplace industries of utility, food, security, and public desire — all of which coexist within apparatuses of surveillance. This exhibition is anchored by *Checkpoint* (2014), a room-size TSA checkpoint, and includes other recent works realized by Paine's obsessive processes and material transformations.



Visibility Machines: Harun Farocki and Trevor Paglen

Visibility Machines explores the unique roles Farocki and Paglen play as meticulous observers of the global military-industrial complex. Investigating forms of military surveillance, espionage, war-making, and weaponry, each examines the deceptive ways in which military projects have deeply transformed and politicized our relationship to images. This exhibition questions the role of imaging technologies in gathering and concealing intelligence, and places both artists within the broader artistic developments of photography, film, and new media.



Image: Trevor Paglen, *Detachment 3, Air Force Flight Test Center #2; Groom Lake, NV; Distance ~ 26 miles*, 2008, Courtesy of Metro Pictures, Altman Siegel Gallery, and Galerie Thomas Zander.

Visibility Machines: Harun Farocki and Trevor Paglen is curated by Niels Van Tomme and organized by the Center for Art, Design and Visual Culture, UMBC. Funding support for the project comes from the Andy Warhol Foundation for the Visual Arts, the Elizabeth Firestone Graham Foundation and the Goethe-Institut Washington.

Level of Confidence: Rafael Lozano-Hemmer

Level of Confidence is a face-recognition camera trained with the faces of the 43 disappeared college students from Ayotzinapa School in Iguala, Mexico. The system attempts to align a viewer's facial features with those of a student's, and gives a percentage-based "level of confidence" in the accuracy of the match. Because the students were likely murdered, the piece will never produce a positive match, but the process suggests how their fate could so easily overlap with our own.



Image: Rafael Lozano-Hemmer. Detail. *Level of Confidence*, 2015. Courtesy of the artist and Antimodular Research, Montréal, Québec, Canada.

The Gund Gallery is open extended hours during the conference:
Wednesday, April 6-Friday, April 8,
10 a.m.-10 p.m.



Gund Gallery exhibitions and programs are made possible, in part, by the Gund Gallery Board of Directors and the Ohio Arts Council.



Kenyon College www.gundgallery.org
gundgallery@kenyon.edu
 740-427-5972

CONFERENCE SPONSORS



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