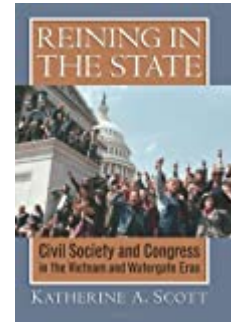


Katherine A. Scott. *Reining in the State: Civil Society and Congress in the Vietnam and Watergate Eras.* Lawrence: University Press of Kansas, 2013. 248 pp. \$34.95 (cloth), ISBN 978-0-7006-1897-2.



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A Timely Study on Challenges to the National Security State

History monographs rarely speak to current policy debates as vigorously as Katherine A. Scott's *Reining in the State: Civil Society and Congress in the Vietnam and Watergate Eras*. Scott chronicles the achievements of reformers who set out to curb the federal government's ability to secretly gather and collect information about private citizens, usually in the name of national security. A few of the people she writes about may be familiar to specialists, or to political junkies, but for the most part the protagonists in this book appear as unsung heroes. They are newspaper editors, lobbyists, politicians, civil servants, and renegade army officers, all of them united in their belief that the American national security state should be subjected to enhanced democratic accountability.

The name Edward Snowden does not appear anywhere in this book; his explosive revelations about the National Security Administration's (NSA) vast spying apparatus came too late to be mentioned here. But Scott, an assistant historian with the U.S. Senate, nevertheless underscores the uncanny degree to which current

debates about our national intelligence agencies have played out before. Then as now, whistleblowers have alleged that the government has exceeded its authority, infringed upon privacy, and betrayed the Constitution's high ideals. Then as now, high-ranking officials have defended their conduct by pointing out that a certain amount of governmental snooping is, well, necessary. (After all, the United States has its enemies. That has always been so.) Nevertheless, by raising awareness about abuses of power, Vietnam and Watergate era reformers were able to galvanize modest reforms.

Certainly many scholars and journalists remain grateful for the passage of the Freedom of Information Act (FOIA), which gives ordinary citizens access to federal agency records. Scott shows how John Emerson Moss, a member of the U.S. House of Representatives, was FOIA's greatest and most effective champion. When Lyndon B. Johnson signed the bill in the summer of 1966, he did so privately—and for good reason. In the midst of waging an increasingly unpopular war in Southeast Asia and battling crime and disorder in the nation's streets,

the last thing the White House needed was a flood of FOIA requests," Scott writes (p. 32). For years, civil libertarians complained that federal agencies responded to FOIA requests only very anemically; then when they finally *did* get around to providing documents, the pages they turned over were often indelibly marked with thick, black ink. And so the law was greatly strengthened by the Privacy Act Amendments of 1974, much to the frustration of Gerald Ford, Donald Rumsfeld (who was then Ford's chief of staff), and Dick Cheney (Rumsfeld's deputy). The conservative Supreme Court justice Anthony Scalia, who back then was a government lawyer, likewise opposed certain aspects of the FOIA revisions.

Another impressive (and long-drawn-out) lobbying effort led to the Foreign Intelligence Surveillance Act (FISA), which Jimmy Carter signed in 1978. As a result, we now have judicial and congressional oversight of the executive branch's national security investigations. In practice, the FISA court often seems like a rubber stamp operation, and hardly any Americans know what really goes on there. (The NSA's authority to accumulate unimaginably vast sums of data on American citizens after 9/11 was, of course, court-approved.) Nevertheless, the law established an important precedent. Most Americans favor safeguards to prevent invasions of their privacy, and the acute debate over the NSA's high-tech surveillance practices has already led to some bite-sized reforms. (By contrast, around most of the rest of the world, ordinary people do not get to weigh in on this type of issue.)

An irony about all of this, which Scott shrewdly points out, is that in their efforts to prevent governmental abuses of power, reformers actually "strengthened and enlarged the state" (p. 7). When controversial domestic security programs were *regulated*, they were also, simultaneously, *legitimized*. It is little wonder, then, that

partisans on both sides of the debate remain largely dissatisfied.

The most effective privacy activists of the late sixties and early seventies were not radicals. In fact, many of them were Republicans. Since they were interested in reining in the state, rather than overthrowing it, Scott calls them "neo-Progressives." They were, for the most part, technocrats with a powerful trust in the use of technology and institutional capacity to solve social problems," she writes (p. 4). That seems fair enough, although Scott seems not to notice (or care) when privacy advocates occasionally resorted to histrionics. Here is another commonality between then and now: certain people will never stop proclaiming that, if we are not careful, we will wake up one day to find that George Orwell's dystopian nightmare has become a reality in the United States. It would be nice to put an end to that inapt cliché.

The great failing of *Reining in the State*, unfortunately, is that it is poorly written. The prose is, at best, workmanlike. Scott has a lamentable habit of stringing together long quotations, rather than explaining things herself. Worse still, most of the quoted material in this book is tedious, unnecessary, or bureaucratic. True, Scott puts across some scene-setting anecdotes at the beginning of each chapter, but she rarely displays the narrative skills that historians ordinarily rely on to sustain their readers' attention.

That's a pity. This is in many respects a well-researched book, and Scott's intentions are admirable: She wants us to understand the overlooked contributions of a loose coalition of activists who helped to protect Americans from governmental intrusions. Scott's work is timely, and the topic is important. But only the most devoted specialists are likely to make their way through this eye-glazing account.

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