

Week 1: The recurring gap between data governance and accountability

Section 1: Foundations

Course thesis. Every data governance failure in the modern era has a precedent. The technology changes. The pattern does not: crisis justifies collection, collection enables abuse, abuse eventually comes to light, law is passed too late and enforced too weakly, and the cycle repeats. Understanding where we are requires knowing where this started.

This week establishes the analytical framework for the course. Students examine how data governance failures occur across different administrations, technological eras, and legal contexts — and identify the structural conditions that make those failures recurrent rather than exceptional. Cases are drawn from 1919 through the present day and span administrations of both parties.

The goal is not to evaluate any specific actor or administration. It is to identify the systemic patterns that no single law, technology, or administration has yet resolved. Students leave Week 1 with an analytical framework and an open question, not a political conclusion.

LEARNING OBJECTIVES

By the end of this session, students will be able to:

- Define data governance, privacy, and ethics as distinct but interacting disciplines and identify where they diverge.
- Distinguish between legal compliance and ethical accountability as analytical categories.
- Identify the four structural conditions — absence of oversight, purpose creep, aggregation, and enforcement gaps — that recur across data governance failures regardless of political context.
- Apply a consistent analytical framework to cases across administrations and eras without reliance on political or moral prior conclusions.
- Articulate the course's central question: why do governance frameworks fail to prevent the failures they were designed to prevent.

SESSION STRUCTURE

Hour 1 — Defining the three disciplines and their relationship

Introduction of the three pillars: governance (who controls data and how), privacy (what protections individuals hold against data collection and use), and ethics (what obligations exist beyond legal compliance). Establish early and explicitly that compliance and ethics are not synonymous — an action can be fully legal and ethically indefensible. This distinction is the analytical spine of the course.

Brief overview of the semester structure and how the three pillars interact across fourteen weeks.

Hour 2 — The pattern: a structured case walk

Instructor-led examination of six cases drawn from across the timeline, selected to represent different failure types, different administrations, and different technological contexts. Cases are presented through a consistent four-question analytical lens applied to each:

- What data was involved?
- Who authorized its use?
- What oversight existed?
- What was the consequence when oversight failed?

Students are not asked to evaluate the political actors. They are asked to identify which structural condition produced the failure.

Hour 3 — Small group analysis

Students work in groups of three or four, each assigned one case from the timeline. Groups apply the four-question framework and identify which of the four structural failure conditions is primary in their case. Groups then identify one case from a different era where the same structural condition appears.

Debrief as a full class. The goal is to surface the pattern, not to debate the politics.

Hour 4 — The Church Committee and the question that opens the course

Close with Senator Frank Church's 1975 warning that surveillance technology could enable total tyranny, and that the only protection was the law. Present it against the current state of federal data systems and ask the single question that will run through the entire semester:

Was he right — and if the law was the protection, what does it mean when the law fails?

This is not a political question. It is a governance and ethics question. Students leave with that question open, not answered.

Teaching cases

Administration / Era	Years	Case	Primary structural condition
Wilson / Hoover	1919–1920	Palmer Raids	Absence of oversight
		200,000 individual files assembled without legal authorization. Mass arrests based on political association, not criminal conduct.	
Roosevelt	1942–1945	Japanese American internment	Purpose creep — legal protections suspended
		Census data collected under statutory confidentiality used to locate 120,000 people for imprisonment. Legally authorized. Formally apologized for in 1976.	
Eisenhower–Nixon	1956–1971	COINTELPRO	Absence of oversight + active concealment
		Systematic surveillance of constitutionally protected political activity across five administrations of both parties. Discovered only through a private break-in.	
Nixon	1969–1974	Watergate / enemies list	Enforcement gap — no mechanism

Administration / Era	Years	Case	Primary structural condition
		IRS, CIA, FBI, and NSA capabilities directed at political adversaries. Produced the Church Committee and the Privacy Act of 1974.	prevented executive misuse
		PATRIOT Act and PRISM	
Bush / Obama	2001–2013	Mass surveillance authorized by secret legal interpretation. Legal at every step. Disclosed only by a contractor.	Oversight existed on paper, not in practice
		DOGE — live case	
Trump (2nd term)	2025–present	Access to Treasury, SSA, IRS, OPM, and Medicaid systems outside established authorization structures. Federal courts have intervened. Status ongoing.	Enforcement gap + absence of real-time oversight

Seminar discussion questions

1. Across the cases examined today, which structural failure condition appears most frequently? What does that suggest about where governance reform should focus?
2. Senator Church warned in 1975 that only the law stood between citizens and the total misuse of surveillance capabilities. What has changed since then — in the technology, in the law, and in the gap between them?
3. The Japanese American internment case was legally authorized at every level, including the Supreme Court. What analytical tools do we need beyond legal analysis to evaluate data governance decisions?
4. COINTELPRO operated across five administrations of both parties. What does that tell us about the relationship between political leadership and institutional behavior in data governance?

5. If the pattern identified today is structural rather than political, what would it take to break it? Has any administration or governance reform come close?

Required

Required reading

- Church Committee Final Report, Book II: Intelligence Activities and the Rights of Americans (1976) — selected excerpts, approximately 40 pages. Read the summary findings and the section on COINTELPRO.
- Margo Anderson and William Seltzer, "Challenges to the Confidentiality of U.S. Federal Statistics, 1910–1965" (2007) — approximately 25 pages. The scholarly documentation of Census Bureau data use in Japanese American internment.
- Daniel Solove, "A Brief History of Information Privacy Law" (2006) — chapter 1 only, approximately 20 pages. Establishes the legal context for the cases examined in class.

Recommended reading

- Beverly Gage, *G-Man: J. Edgar Hoover and the Making of the American Century* (2022) — chapters 1–3.
- Danielle Citron, "DOGE Betrays Foundational Commitments of the Privacy Act of 1974," *Lawfare*, February 2025.

Assignment

Enter the course code to unlock assignments.