

# the Atlantic

## Why Are People So Distrustful of Big Government?

By Conor Friedersdorf – June 18<sup>th</sup>, 2013

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NSA surveillance poses a particularly thorny challenge to conservative War on Terror hawks, who are forced to confront the tension between two things they believe: 1) The Obama Administration shouldn't ever be trusted. 2) We're at war, and the Obama Administration must be trusted with extraordinary powers to stop the enemy, despite the theoretical potential for abuse.

It is tough to advance both arguments at once.

If the Obama Administration can be trusted to put the names of American citizens on a secret targeted-killing list and amass a secret database that holds years of our private digital communications, why object to a non-secret panel that reviews the efficacy of medical procedures? And if they're using the IRS to target their enemies, why not the NSA?

Charles Krauthammer comes as close to having it both ways as anyone. "The object is not to abolish these vital programs, it's to fix them," he wrote in a *Washington Post* column on NSA surveillance. "Not exactly easy to do amid the current state of national agitation -- provoked largely because such intrusive programs require a measure of trust in government, and this administration has forfeited that trust amid an unfolding series of scandals and a basic problem with truth-telling."

Tension cleverly evaded, if left unresolved. It's little surprise that Kevin Drum of *Mother Jones* flagged that same column. But I must say that I was surprised and disheartened by the particulars of the rebuttal Drum offered. In fact, it's emblematic of an attitude that helps explain our out-of-control surveillance state.

The headline: "Today's Chin Scratcher: Why Are People So Distrustful of Big Government." Here's Drum, channeling Krauthammer:

To summarize: People are groundlessly suspicious of vital panopticonish surveillance programs, and this is all due to Barack Obama's weaselly ways, not to the Republican Party's relentless 30-year campaign to destroy the public's faith in domestic programs of all sorts, mock the very idea that government accomplishes anything useful, and pander to the black-helicopter conspiracy theories of the Glenn Beck crowd.

Sorry Charlie, that's not going to fly. If you spend decades inventing scandals out of whole cloth and insisting that big government is a menace to liberty, don't be surprised when it turns out that an awful lot of people no longer have any trust in government. You reap what you sow.

It isn't that Drum's comments are totally off-base. Conservative elites do sometimes verge into frivolous, conspiratorial nonsense when they vilify government. It is ironic when they complain that a rank-and-file they've taught to mistrust government is *too distrustful* of government efforts they favor. At the same time, regardless of whatever nonsense Glenn Beck is spewing this week, it is perfectly rational to mistrust big government, particularly in the realm of national security.

Drum writes as if that isn't true.

Elsewhere, he's been diligently trying to nail down the facts about exactly what the NSA is doing. But like so many American commentators, he proceeds as if Edward Snowden, Glenn Greenwald, and others are wrong to proceed from the premise that "big government" is untrustworthy. In doing so, he is the one who isn't following the facts where they lead.

Why should reality-based, empirically minded Americans like Drum be distrustful of big government, insist on transparency, be on constant guard against abuses, and object to the NSA's surveillance capabilities, even if, technically, there are policy safeguards in place to prevent abuses? For the same reason an alcoholic with three years dry raises red flags when he stocks his liquor cabinet with promises that he'll never have more than one drink: It always ends badly.

Forget the ideological battle between liberals and conservatives about the size of government, the social safety net, the commerce clause, and all the rest. That's not the kind of big government this column is about. Let's review some hard, indisputable facts about recent American history:

- The U.S. government is currently imprisoning dozens of people believed to present no threat to national security at Guantanamo Bay, where mere innocence has never been sufficient to be released.
- Innocent Muslim Americans in New York City were subject to a secret program of racial profiling and spying, initiated by the Bloomberg Administration and known to the Obama Administration -- indeed, Obama's top counterterrorism advisor John Brennan defended the effort.
- In recent years, the FBI has repeatedly violated surveillance laws, misstated facts in National Security Letters it submits, and tried to cover up its unlawful behavior after the fact.
- The U.S. government instituted an official program of torture in secret. Its architects were never seriously investigated or charged, despite the obligation to do so under a duly ratified treaty -- and even worse, many people complicit in the torture staff the national-security state even today.
- When indisputable evidence emerged that the Bush Administration conducted illegal warrantless surveillance on American citizens, and that various telecom companies violated the law by aiding government efforts, no one was prosecuted. By providing retroactive immunity to the lawbreakers instead, President Obama played a direct role in this injustice.

These are far from the only official abuses to occur in the post-9/11 era. Whole books have been written detailing the misleading, negligent behavior of the national-security decision-makers who paved the way for the Iraq invasion, presided over the Abu Ghraib prison, and looked away as private defense contractors stole from American taxpayers and misbehaved abroad. But surely the points above are sufficient reason to harbor a deep, abiding mistrust of the government.

That isn't to say that it can or should be abolished.

America needs a federal government. It needs national-security officials, and even classified programs -- I don't want or need to know the identities of those trying to infiltrate al-Qaeda cells. But the case for being distrustful is air-tight. The case for demanding transparency, and assuming that secret surveillance programs will be abused, is supported by all the relevant history. The case for more robust oversight, by Congress, the press, and the public, is firmly grounded in experience. The notion that American security depends on a pervasive surveillance state maintained in secret -- something we've never had -- is totally without precedent, and the evidence presented for it so far is "trust us." And that we *shouldn't* trust is obvious.

Let's go back a bit farther, to the 1970s.

"The rampant abuses uncovered by the Church Committee, recall, had in many instances gone undisclosed to the public for decades," indispensable policy expert Julian Sanchez writes at the Cato Institute. "This is for the unsurprising reason that when government officials illegally misuse information obtained in secret surveillance programs, they tend not to send out press releases about it, but rather make covert and indirect use of the information -- as via targeted leaks -- and conceal their actions as far as possible, which the shroud of secrecy facilitates."

Among the abuses uncovered long after the fact:

- Secret efforts to undermine Martin Luther King as a result of his activism on behalf of racial equality
- An FBI attempt to destroy a dissident political party
- Improper surveillance of private citizens by the military
- Warrantless wiretapping
- Domestic FBI and CIA mail-opening programs

Again, the abuses uncovered by the Church Committee -- long after most of them took place and went undetected for lack of oversight -- are far more broad than the ones I've summarized and linked.

But they suffice to make the point. There is no reason to think that the Americans who staff the government today, and the politicians who preside over them, are somehow less prone to abusing their authority when afforded the ability to act in secret, nor that they'll remain so for the foreseeable future, through unknown presidents of both parties -- an argument that no one seems willing to make and defend. So it is irrational, even foolhardy, to permit the sort of official

secrecy that the Bush and Obama Administrations have shortsightedly and arrogantly championed.

Drum isn't unsympathetic to much of what I've written, and if it were up to him, civil liberties would be far more secure than they are today. But given that he shares my horror at the abuses in the Church Committee report, the abuses of the Bush years, and the abuses of the Obama years -- and could surely write a long magazine piece about the abuses of Reagan, Bush and Clinton too -- I can't understand why he treats the posture of distrusting government as suspect.

It is rational.

The reflexive trust of some legislators and establishment journalists is far more *irrational*, ideological, and historically illiterate. The real "chin scratcher" is why so many have trusted Bush and Obama, even as they demanded levels of secrecy and executive branch autonomy that would corrupt anyone, *even knowing that mixing secrecy and the surveillance state produced alarming government abuse before*. Drum should refrain from treating mistrust in government as if it is mostly the irrational consequence of believing lies told by right-wing entertainers.

The lies the government constantly tells are the more relevant factor.