



Civil Libertarians Hope Snooping Scandals Will Serve As Tipping Point

By Rosie Gray & Evan McMorris-Santoro – June 6th, 2013

As the White House tries to shrug off controversial revelations, will Americans start to care about their government spying on them?

WASHINGTON — The revelation that the National Security Agency has been pulling all Verizon phone records in the United States has civil liberties watchers questioning whether this could be the tipping point at which an American public accustomed to surveillance finally gets outraged. But if a flippant White House response to the controversy and recent poll numbers are any indication, it remains unclear whether this will be that moment.

“The response to this story has been far greater than I anticipated, which I think happened because the sweeping up of records to monitor all Americans — every last one — so offends our sense of what the proper role of government is,” said Glenn Greenwald, the author of the *Guardian* story that exposed the spying, in an email to BuzzFeed. “But I also think that for the reaction to be truly meaningful in an enduring way, the key is that the public be made to understand that this program that we exposed yesterday is just the tip of the iceberg.”

“It’s way past time for serious light to be shined on that world,” Greenwald said, referring to the growing surveillance state. “Once that starts to happen — and I know that it is and will continue — then I think the public will have a real sense for just how menacing and pernicious it all is.”

Other civil libertarians were slightly less hopeful.

“Humans are strange people indeed,” said Jim Harper, director of information policy studies at the libertarian Cato Institute. “They seem to choose at random what to care about and what not to care about. Maybe the IRS’s mistreatment of certain groups will remind people that the NSA is subject to the same flaws — and much more powerful. Maybe it won’t!”

In a post on the Monkey Cage blog, writer and political science professor John Sides asked if the news, combined with recent revelations about government spying on journalists, was “enough to spark a broader backlash against the government’s domestic surveillance?”

“I am skeptical, for two reasons,” Sides wrote, citing survey results from the last five years that show Americans are largely unconcerned about domestic surveillance, plus elected officials who are mostly in favor of it.

“Real public concern about civil liberties is most likely to arise when elected leaders express concern,” Sides writes.

Some members of Congress have been openly criticizing the NSA’s actions, including Rep. Justin Amash and Sen. Rand Paul. Paul called the phone tracking an “astounding assault on the Constitution.” And former legislators have expressed concern as well, including Russ Feingold, the liberal former Wisconsin senator who was one of a handful to vote against the PATRIOT Act.

“I hope today’s news will renew a serious conversation about how to protect the country while ensuring that the rights of law-abiding Americans are not violated,” Feingold said in a statement.

During the Bush administration, a post-9/11 populace, reminded frequently by the White House and press that the country still faced a war on terror, was generally supportive — or at least forgiving — of government spying and snooping. But nearly 12 years after the September 11th terror attacks, Americans may be less willing to approve of wide-scale government snooping in the name of “anti-terrorism”

The Obama White House, which has so far been almost flippant in its response to critics of the data-tracking, appears to believe the popular opinion precedent set during the Bush years will hold. In a statement released Thursday morning, the administration dismissed concerns, arguing that the gathering of metadata is necessary to prevent terrorism.

“National security is something the public is traditionally willing to defer to the administration on,” said Bruce Haynes, a top strategist at the bipartisan firm Purple Strategies. Outside of elections, the firm specializes in consumer research and Haynes said the data suggests Obama could have a problem if the national security argument doesn’t stick. And given the scope of the NSA program, Haynes said the White House can’t rely on everyone buying into the anti-terror defense especially considering the current status of the war on terror and the nature of the tracking.

“The main question I have is, is [national security] the frame the public sees this in or not? What’s different this time is this is not a question about matters overseas,” he said. “This is a question about the telephone on the wall of my kitchen.”

As a general rule, Haynes said, younger people expect and accept that their lives are being tracked by the private companies they rely on for social networking and other communications. Polling data confirms people believe the tracking is happening — an Allstate/National Journal poll released Thursday found 85% of respondents “said it was likely that their ‘communications history, like phone calls, e-mails, and Internet use,’ was ‘available for businesses, government, individuals, and other groups to access without your consent.’”

The risk the White House is taking is that people are so used to this kind of tracking and record-keeping that they aren’t going to be upset by news that the government is keeping the records most people assume Verizon and other providers are handing over to advertisers already.

Haynes said older Americans aren’t likely to play along with this. No polling data exists yet, of course, but Haynes predicted older voters will be more likely to react badly to the NSA story than younger voters.

“Older voters are much more concerned about privacy,” he said, “and I would guarantee they’ll be much more sensitive about it [than younger people.]”

If past data on older Americans and digital privacy predicts the reaction to the Verizon story, “older voters are going to be very agitated,” Haynes said.

Younger Americans prove more of a conundrum.

“We’re plowing new ground with the idea that the gov’t has a database of all the calls,” Haynes said. “For younger voters, this isn’t private firms [tracking them], this is the US government,” he added. “Are they comfortable with the government looking at it?”

And the scope of the NSA-Verizon story makes it hard for pollsters to predict how it will play.

“There hasn’t been this kind of stuff in the past,” Peter Brown, pollster at Quinnipiac University, told BuzzFeed, when asked to contrast the NSA story with previous issues. “On most political issues, it’s pretty easy to tell how voters will react. Democrats and Liberals will think one thing, Republicans and conservatives will think another. This is less likely to cleve that way.”

“There will be hardcore conservatives and serious lefties who will be allies on this,” he said. “This one is going to be pretty unpredictable.”