

Chapter 55

The E–Government Surveillance in the United States: Public Opinion on Government Wiretapping Powers

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ABSTRACT

Since the 2001 U.S. Patriot Act passed in response to the 2001 terrorist attacks on the U.S., government wiretapping powers have evolved in scope and practice. Although overall public opinion favors government protection from terrorism, public support for government surveillance has ebbed and flowed. Recently, public opinion polls suggest that there has been a shift from supporting government wiretapping activities toward protecting individual civil liberty. A number of competing explanations have developed from sources ranging from the literature on Right Wing Authoritarianism (RWA) to evolving beliefs about personal information privacy. The purpose of this chapter is to analyze factors predicting changing public support for government surveillance. Multivariate regression analysis and individual level data from the 2012 American National Election Time Series Study are used to test rival explanations.

INTRODUCTION

Since the passage of the U.S. Patriot Act in response to the 2001 terrorist attacks on the U.S., government wiretapping powers have evolved in scope and practice. Under President George W. Bush's Administration, the National Security Agency (NSA) implemented anti-terrorism surveillance activities, which includes wiretapping on U.S. citizens, and continues to operate today. The NSA data mining program

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a “wiretapping program” called PRISM (a codename) uses the communication infrastructure, e.g. Internet emails, social networking channels, cell telephone among other sources as raw data for foreign intelligence analysis.

In the entrepreneurial spirit of making government more “business like” by borrowing private-sector free-market concepts (Osbourne and Gaebler, 1992), private-sector communication companies have become a source of coordinating intelligence information in the evolution of government wiretapping activities. Government surveillance activities on American citizens are now largely contracted out to the private-sector. Communication companies, such as AT&T, Verizon, and BellSouth have been an intelligence source for NSA (Krishnan, 2011) contracted for “the development, maintenance, and operation of collection systems and serving as fronts for intelligence operations” (Krishnan, 2011, p. 177). These private-sector institutions have the technological capacity for intelligence gathering promising to bring efficiency to government anti-terrorist efforts, a common partner in the war on terror. As with many government privatization efforts, the goals for private contractors and government differ. Private sector motivation is to improve the “bottom line” as compared with government responsibility to protect public from harm. To date, the “problems associated with intelligence outsourcing are secrecy, control, oversight, and accountability, which can result in or encourage politicization, corruption, waste, and abuse of government powers” (Krishnan, 2011, p. 177).

The use of private-sector companies as well as the expansion of government wiretapping activities has raised a number of concerns. Recent public controversy on government anti-terrorist surveillance has centered about NSA activities in collection of private citizen data, and how private data is used for means other than anti-terrorist efforts, and the overall security of the collected data. This controversy gained momentum following the recent NSA intelligence breach by Edward Snowden, a private sector contractor with NSA “for leaking classified documents about the National Security Agency” (Democracy Now, June 11, 2013). The leak is a focusing event on lack of oversight of government surveillance activities, pushing government surveillance and cybersecurity onto agenda (Baumgartner and Jones, 1993), and is a catalyst for changing the American public opinion on government’s role in surveillance. Although overall public opinion in 2010 favored government protection from terrorism, a 2013-2014 opinion polls on government surveillance found changes for some demographic groups with political parties shifting away from approval for government wiretapping toward civil liberty concerns (Pew Research Center, January 20, 2014.) Americans against government wiretapping claim it as a violation of the U.S. Constitution Amendment IV unreasonable searches and seizures shall not be violated without a probable cause and warrant (U.S. Constitution, 1791).

Why has public support by the American public for restrictions on civil liberties with regard to government wiretapping ebbed and flowed? In the abstract, Americans have strong levels of support for basic civil liberties. There is a long history of research however, that demonstrates that while Americans support these liberties in the abstract, in practice they are often willing to deny basic freedoms to groups they don’t like. Samuel Stouffer was among the first to point out this divide between principles and applications. Across a wide variety of target groups including communists and atheists, Americans strongly supported banning of books, restricting employment opportunities, and denying the opportunity to speak (Stouffer, 1963). Subsequent research has documented a continued willing to deny civil liberties to a variety of disliked political groups. This behavior is largely tied to predispositions about the level of threat that a group provides and contemporary information about that group and its potential transgressions of norm (Marcus, Sullivan, Theiss-Moore, & Wood, 1995).

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