

CHILLING EFFECTS:

NSA Surveillance Drives U.S. Writers to Self-Censor

**PEN
AMERICA**

free expression.
literature.

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NSA Surveillance Drives U.S. Writers to Self-Censor

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Research conducted by The FDR Group, thefrdgroup.com

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INTRODUCTION

Writers are not only overwhelmingly worried about government surveillance, but are engaging in self-censorship as a result:

28% have curtailed or avoided social media activities, and another **12%** have seriously considered doing so.

24% have deliberately avoided certain topics in phone or email conversations, and another **9%** have seriously considered it.

16% have avoided writing or speaking about a particular topic, and another **11%** have seriously considered it.

In the human rights and free expression communities, it is a widely shared assumption that the explosive growth and proliferating uses of surveillance technologies must be harmful—to intellectual freedom, to creativity, and to social discourse. But how exactly do we know, and how can we demonstrate, that pervasive surveillance is harming freedom of expression and creative freedom? We know—historically, from writers and intellectuals in the Soviet Bloc, and contemporaneously from writers, thinkers, and artists in China, Iran, and elsewhere—that aggressive surveillance regimes limit discourse and distort the flow of information and ideas. But what about the new democratic surveillance states?

The question of the harms caused by widespread surveillance in democracies, like the surveillance being conducted by the U.S. National Security Agency, is underexplored. In October 2013, PEN partnered with independent researchers at the FDR Group to conduct a survey of over 520 American writers to better understand the specific ways in which awareness of far-reaching surveillance programs influences writers' thinking, research, and writing. See appendix for complete survey results.

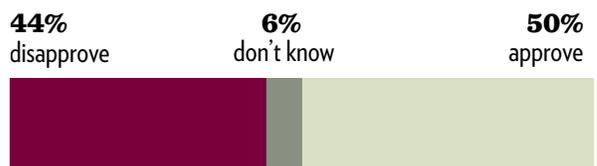
The initial survey results show that writers are significantly more likely than the general public to *disapprove* of “the government’s collection of telephone and Internet data as part of anti-terrorism efforts”—66% of writers vs. 44% of the general public. Only 12% of writers approve, compared with 50% of the general public.¹

Freedom of expression is under threat and, as a result, freedom of information is imperiled as well. Fully 85% of writers responding to PEN’s survey are worried about government surveillance of Americans, and 73% of writers have never been as worried about privacy rights and freedom of the press as they are today. PEN has long argued that surveillance poses risks to creativity and free expression. The results of this survey—the beginning of a broader investigation into the harms of surveillance—substantiate PEN’s concerns: writers are not only overwhelmingly worried about government surveillance, but are engaging in self-censorship as a result.

Response to “the government’s collection of telephone and Internet data as part of anti-terrorism efforts”



WRITERS



GENERAL PUBLIC¹

“I feel that increased government surveillance has had a chilling effect on my research, most of which I do on the Internet. This includes research on issues such as the drug wars and mass incarceration, which people don’t think about as much as they think about foreign terrorism, but is just as pertinent.”

PEN’s survey allowed participants to offer long-form comments on surveillance; PEN also invited members to share their thoughts and personal experiences via email. In reviewing the responses, themes emerged centering on writers’ self-censorship and fear that their communications would bring harm to themselves, their friends, or sources:

1. **PEN writers now assume that their communications are monitored.**
2. **The assumption that they are under surveillance is harming freedom of expression by prompting writers to self-censor their work in multiple ways, including:**
 - a) **reluctance to write or speak about certain subjects;**
 - b) **reluctance to pursue research about certain subjects; and**
 - c) **reluctance to communicate with sources, or with friends abroad, for fear that they will endanger their counterparts by doing so.**

This Report outlines the responses PEN has received from writers, organized under the themes listed above. Wherever possible, this Report allows writers to speak for themselves; each section includes a selection of quotes from the writers who responded to PEN’s calls for comment on surveillance and its impact. The Report concludes with a brief list of preliminary recommendations for reform of U.S. surveillance practices.

Since Edward Snowden leaked documents detailing National Security Agency surveillance in June 2013, disclosures have revealed ever-greater infringements on privacy by the NSA. To date, we know the following information regarding NSA surveillance impacting U.S. residents:

- The NSA has collected the phone records of millions of Verizon, Sprint, and AT&T subscribers.²
- NSA analysts can search through “vast databases containing emails, online chats, and the browsing histories of millions of individuals” with no prior authorization, using a program called XKeyscore.³
- From 2001 to 2011, the NSA collected “vast amounts of records detailing the email and Internet usage of Americans,” including “the accounts to which Americans sent emails and from which they received emails,” as well as “the Internet protocol addresses (IP) used by people inside the United States when sending emails—information which can reflect their physical location.”⁴
- The NSA is continuing to collect “significant amounts of data from US communications systems in the course of monitoring foreign targets.”⁵
- The NSA, “in conjunction with telecommunications companies, has built a system that can reach deep into the U.S. Internet backbone and cover 75% of traffic in the country, including not only metadata but the content of online communications.”⁶
- The NSA has broken into “the main communications links that connect Yahoo and Google data centers around the world...position[ing] itself to collect at will from hundreds of millions of user accounts, many of them belonging to Americans.”⁷

“The codification of surveillance as the new ‘norm’ – with all different forms and layers – is changing the world in ways I think I fail to grasp still. This is of great concern: that the foundations are being laid and reinforced so that by the time we fully realize that we live in this condition, it will be too late to alter the infrastructure patterns.”

SUMMARY OF RESPONSES FROM PEN WRITERS



1. PEN writers now assume that their communications are monitored.

Many PEN writers remarked that they simply take for granted that the government is watching everything. As one writer commented, “I assume everything I do electronically is subject to monitoring.” This assumption is striking: in a short span of time, the United States has shifted from a society in which the right to privacy in personal communications was considered inviolate to a society in which many writers assume they have already lost the right to privacy and now expect to be spied upon almost constantly. PEN’s research begins to document the chilling effect of encroaching surveillance on creativity and free expression.

“The codification of surveillance as a new ‘norm’—with all different forms and layers—is changing the world in ways I think I fail to grasp still. And one of the things I’ve learned through repeat visits to another country with a strong police/military presence is what it feels like to not *know* whether or exactly how you are being watched due to some categorization you might not even know about. This is of great concern to me, the sense that this condition is spreading so rapidly in different nations now—or perhaps more accurately: that the foundations are being laid and reinforced so that by the time we fully realize that we live in this condition, it will be too late to alter the infrastructure patterns.”

“[D]uring the Nixon years, I took it for granted that the administration had an eye on me, and if it didn’t, I wasn’t doing my job. For a political cartoonist, active early on against Vietnam, one expected tax audits and phone taps. Irritating, but not intimidating. In fact, just the opposite: I was inspired. I view the current situation as far more serious, and the culpability and defensiveness of the president and his people deeply and cynically disturbing.”

Furthermore, several writers noted the far-reaching impact of U.S. surveillance, both because we know that the United States monitors phone calls and emails in other countries as well as at home, and because U.S. government practices are often adopted by other countries. One writer expressed concern that other countries will see the U.S. surveillance program as a green light to conduct their own surveillance:

“One ramification of what the U.S. government does is that it may be taken as a blueprint for what other governments do. I am fairly sure that some of my emails and calls in another country have been subject to varieties of surveillance. So I’m just as concerned for what becomes ‘business as usual’ globally without serious pause and dialogue, as surveillance of all sorts (private and public information ‘harvesting,’ etc.) continues to escalate.”

Fear and uncertainty regarding surveillance is so widespread that several survey respondents expressed fear at using email or an online survey format to articulate their concerns in writing or to explain what they have done in response to the reports of government surveillance. As one writer noted, “Even taking this survey makes me feel somewhat nervous.”

2. The assumption that they are under surveillance is harming freedom of expression by prompting writers to self-censor their work in multiple ways, including:

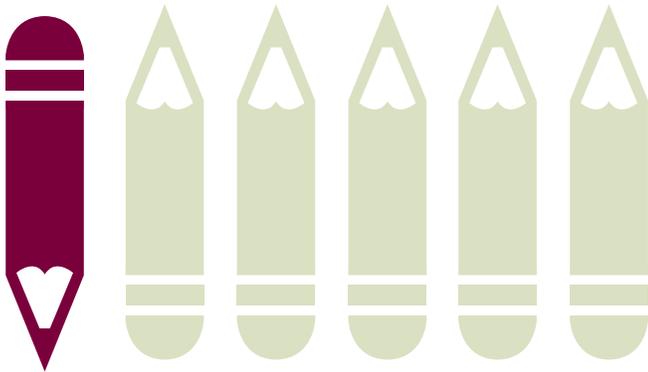
- a) reluctance to write or speak about certain subjects;
- b) reluctance to pursue research about certain subjects;
- c) reluctance to communicate with sources, or with friends abroad, for fear that they will endanger them by doing so.

“I have made a conscious, deliberate choice to avoid certain conversation topics in electronic emails out of concern that those communications may be surveilled.”

Writers are self-censoring their work and their online activity due to their fears that commenting on, researching, or writing about certain issues will cause them harm. Writers reported self-censoring on subjects including military affairs, the Middle East North Africa region, mass incarceration, drug policies, pornography, the Occupy movement, the study of certain languages, and criticism of the U.S. government. The fear of surveillance—and doubt over the way in which the government intends to use the data it gathers—has prompted PEN writers to change their behavior in numerous ways that curtail their freedom of expression and restrict the free flow of information. The results of the survey regarding forms of self-censorship were particularly striking—and troubling:

- 28% have curtailed or avoided social media activities, and another 12% have seriously considered doing so;
- 24% have deliberately avoided certain topics in phone or email conversations, and another 9% have seriously considered it;
- 16% have avoided writing or speaking about a particular topic, and another 11% have seriously considered it;
- 16% have refrained from conducting Internet searches or visiting websites on topics that may be considered controversial or suspicious, and another 12% have seriously considered it;
- 13% have taken extra steps to disguise or cover their digital footprints, and another 11% have seriously considered it;
- 3% have declined opportunities to meet (in person, or electronically) people who might be deemed security threats by the government, and another 4% have seriously considered it.

a) Self-censorship in writing and speaking: Writers reported avoiding writing or speaking about particular subjects that they thought could make them a target of surveillance.



1 in **6** writers has avoided writing or speaking on a topic they thought would subject them to surveillance.

Another **1** in **6** has seriously considered doing so.

“In my limited experience, the writers who feel most chilled, who are being most cautious, are friends and colleagues who write about the Middle East.”

“As a writer and journalist who deals with the Middle East and the Iraq War in particular, I suspect I am being monitored. As a writer who has exposed sexual violence in the military, and who speaks widely on the subject, likewise.”

“I have felt that even to comment on the Snowden case in an email would flag my email as worthy of being looked at.”

“I would hesitate to express in writing understanding for anti-American sentiments abroad, as I suspect that expressing such understanding might make me suspect in the eyes of the American security apparatus.”

“I am pretty free with political opinions online, but hesitate to write about liberal organizing, especially during Occupy.”

“I have dropped stories in the past and avoided research on the company telephone due to concerns over wiretapping or eavesdropping.”

“I have made a conscious, deliberate choice to avoid certain conversation topics in electronic emails out of concern that those communications may be surveilled.”

“What would be the perception if I Googled ‘nuclear blast,’ ‘bomb shelters,’ ‘radiation,’ ‘secret plans,’ ‘weaponry,’ and so on? And are librarians required to report requests for materials about fallout and national emergencies and so on? I don’t know.”

“This may well prove a great detriment to the study of foreign cultures, especially in this country, with a subsequent loss of international understanding.”

A story shared by a PEN member indicates that writers’ fears of being targeted for writing about certain topics are not without basis.

“‘Selected’ for a special security search returning to the United States from Mexico twice last summer, I learned I was on a U.S. Government list. I was searched for ‘cocaine’ and explosives. I suspect ... that I must have been put on the government list because of an essay I wrote ... in which I describe finding a poem on a Libyan Jihad site, and ultimately express some sympathy for young men on the other side of the world who are tempted into jihad ... one can see how [the poem] might be a comfort to jihadists.”

b) Self-censorship of research: Writers’ ability to do research is also hindered by a fear of surveillance. Writers reported avoiding Internet search tools, email, and online communication tools for fear that their search terms and conversations would be monitored.

“I was considering researching a book about civil defense preparedness during the Cold War: what were the expectations on the part of Americans and the government? What would have happened if a nuclear conflagration had taken place? What contingency plans did the government have? How did the pall of imminent disaster affect Americans? But as a result of recent articles about the NSA, I decided to put the idea aside because, after all, what would be the perception if I Googled ‘nuclear blast,’ ‘bomb shelters,’ ‘radiation,’ ‘secret plans,’ ‘weaponry,’ and so on? And are librarians required to report requests for materials about fallout and national emergencies and so on? I don’t know.”

“I guess what’s most pertinent is that when I was writing my book ... which deals with a lot of difficult material, I hesitated to research anything that could be related to child abuse/pornography (hesitate to even write that now).”

“I feel that increased government surveillance has had a chilling effect on my research, most of which I do on the Internet. This includes research on issues such as the drug wars and mass incarceration, which people don’t think about as much as they think about foreign terrorism, but is just as pertinent.”

Part of what makes self-censorship so troubling is the impossibility of knowing precisely what is lost to society because of it. We will never know what books or articles may have been written that would have shaped the world’s thinking on a particular topic if they are not written because potential authors are afraid that their work would invite retribution. We do know that our studies of the private papers of generations of past luminaries have yielded valuable information that aids not only our understanding of their work and lives, but also our own thinking on contemporary problems. As one writer noted, “As a professor of literature, I lament that contemporary writers’ papers (hard copy and electronic) will potentially be less useful to future scholars because of self-censorship in the face of these governmental surveillance programs.” If today’s writers, many of whom do much of their work on computers and online, hesitate to put their thoughts in writing because of the fear of surveillance, we will lose these valuable wells of information, and future generations of scholars will find the sources available to them much impoverished due to concerns about surveillance.

“As a person interested in foreign languages (including at least one that’s politically sensitive), I’ve been quite disturbed by the extent of surveillance evident regarding anyone with such interests in the United States. A couple of friends with similar interests have also had troubling surveillance experiences (both here and abroad). This may well prove a great detriment to the study of foreign cultures, especially in this country, with a subsequent loss of international understanding.”

“Some of those precautions remind me of my days as Moscow Bureau Chief of [a major news outlet] under communism, when to communicate with dissidents and refuseniks we had to avoid substantive phone conversations, meet in person in public, etc. It’s not a good feeling to have reporters work in your own country’s capital resemble ours in Moscow in the bad old days.”

c) Self-censorship in communicating with friends abroad and sources: Writers expressed fear that contact with friends or sources abroad could result in harm either to themselves or to their friends or sources, further evidence that U.S. surveillance programs cast a shadow over writers’ daily communications. Forty-four percent of writers thought it was “very likely” that an email to someone abroad who was affiliated with an anti-American organization would be read by the government, and another 48% described it as “realistically possible.” Thirty-nine percent of writers thought it was “very likely” that a phone call made to someone living in an area of the world known for its antipathy toward the U.S. would be monitored and recorded by government officials, and another 52% thought it was “realistically possible.” The impact extends beyond curtailing writers’ everyday freedom of speech. It affects their work, and the harm done to their work impacts society at large “because writers develop ideas through conversations, including conversations with radicals, dissidents, pariahs, victims of violence, or even outlaws, [and] chilling their exchanges will impoverish thought.”⁷

“In preparing for the Translation Slam at this year’s [PEN] World Voices Festival, I Skyped [a] writer, a Palestinian who lives on the West Bank. I was tempted to ‘talk politics,’ since the West Bank was so much in the news, but I deliberately steered clear of the topic, figuring that our conversation was being monitored. I normally wouldn’t have skirted such an obvious topic, but I was concerned about keeping him out of trouble—thinking any controversial remark might make it harder for him to travel.”

“Surveillance hasn’t stopped me from researching and writing about any topic I feel like exploring. But I am more careful about phone conversations with people I don’t know well, and sometimes with friends and family. For example, I would no longer have argumentative conversations on the phone as I used to, especially with a very bright and very right-wing friend, with whom I had lively and stimulating discussions about our differences.”

Protecting sources is a long-standing concern for journalists and non-fiction writers. The details of the NSA surveillance program have heightened this concern and left many writers wondering how to protect sources in this new environment, or if it is even possible to protect them. Eighty-one percent of writers responding to PEN’s survey are very concerned about government efforts to compel journalists to reveal sources of classified information, and another 15% are somewhat concerned—96% in all. Among survey respondents who are journalists, 93% are very concerned about such efforts. Thirty percent of journalists reported having taken extra precautions to protect sources’ anonymity. The NSA’s surveillance will damage the ability of the press to report on the important issues of our time if journalists refrain from contacting sources for fear that their sources will be found out and harmed, or if sources conclude that they cannot safely speak to journalists and thus stay silent. One writer commented:

“I write books, most recently about civil liberties, and to protect the content of certain interviews, I am very careful what I put in emails to sources, even those who are not requesting anonymity. I’m also circumspect at times on the phone with them—again, even though they may not be requesting anonymity and the information is not classified. For example, I have recently interviewed reporters who write about national security and prefer to meet in person rather than talk with me by phone. This makes the work cumbersome and time-consuming. Some also want playbacks of their quotes so they don’t inadvertently identify sources or describe precautions they take to protect them. Some of those precautions remind me of my days as Moscow Bureau Chief of [a major news outlet] under Communism, when to communicate with dissidents and refuseniks we had to avoid substantive phone conversations, meet in person in public, etc. It’s not a good feeling to have reporters’ work in your own country’s capital resemble ours in Moscow in the bad old days.”



PRELIMINARY RECOMMENDATIONS

Given the alarming implications of this survey and ongoing revelations about the vast breadth of NSA surveillance, PEN calls on the United States government to take immediate steps to restore public confidence that private communications remain private and protected by:

1. suspending the dragnet monitoring of international communications of U.S. citizens pending the restoration of Constitutionally required due process protections, including probable cause and individualized suspicion;
2. suspending the wholesale, unwarranted collection of telecommunications and digital metadata, also pending the restoration of due process protections;
3. reviewing the dragnet monitoring of all international communications and bringing any such monitoring into compliance with established norms, including privacy and due process guarantees;
4. making the right to be free of unwarranted surveillance a cornerstone of surveillance policy and practice; and
5. reaffirming the United States government's commitment to preserving and protecting the privacy necessary for intellectual and creative freedom by:
 - disclosing the full scope of surveillance programs that access the communications of, or information about the communications of, U.S. citizens without a warrant; and
 - disclosing what data the government is gathering on U.S. citizens without a warrant, the purposes for which the data is gathered, how the data is stored, and the circumstances under which it may be accessed.

Furthermore, PEN strongly supports additional research to explore the connection between surveillance and intellectual and creative freedom, particularly the link between surveillance and self-censorship and the impact that growing awareness of new digital surveillance programs and powers is having on writers and on the universal right to free expression.

IV

CONCLUSION

The findings of this survey and subsequent responses from PEN writers substantiate significant impingement on freedom of expression as a result of U.S. Government surveillance. While it may not be surprising that those who rely on free expression for their craft and livelihood feel greater unease about surveillance than most, the impact on the free flow of information should concern us all. As writers continue to restrict their research, correspondence, and writing on certain topics, the public pool of knowledge shrinks. What important information and perspectives will we miss? What have we missed already?

Acknowledgments

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¹ Pew Research Center for the People & the Press, Final Topline, July 2013 Political Survey, July 17-21, 2013, available online at <http://www.people-press.org/files/legacy-questionnaires/7-26-13%20NSA%20Topline%20for%20Release.pdf>

² Glenn Greenwald, "NSA collecting phone records of millions of Verizon customers daily," The Guardian, 5 June 2013, available online at <http://www.theguardian.com/world/2013/jun/06/nsa-phone-records-verizon-court-order>; Ryan Gallagher, "Phone Companies Won't Explain Failure to Challenge NSA Domestic Data Grab," Slate, 19 Sept. 2013, available online at http://www.slate.com/blogs/future_tense/2013/09/19/phone_companies_won_t_explain_failure_to_challenge_nsa_domestic_data_grab.html.

³ Glenn Greenwald, "XKeyscore: NSA tool collects 'nearly everything a user does on the Internet,'" The Guardian, 31 July 2013, available online at <http://www.theguardian.com/world/2013/jul/31/nsa-top-secret-program-online-data>.

⁴ Glenn Greenwald and Spencer Ackerman, "NSA collected US email records in bulk for more than two years under Obama," The Guardian, 27 June 2013, available online at <http://www.theguardian.com/world/2013/jun/27/nsa-data-mining-authorized-obama>.

⁵ Glenn Greenwald and Spencer Ackerman, "How the NSA is still harvesting your online data," The Guardian, 27 June 2013, available online at <http://www.theguardian.com/world/2013/jun/27/nsa-online-metadata-collection>.

⁶ Jennifer Valentiono-Devries and Siobhan Gorman, "What You Need to Know on New Details of NSA Spying," Wall Street Journal, 20 Aug. 2013, available online at <http://online.wsj.com/news/articles/SB1000142412788732410820457902522244858490>

⁷ Barton Gellman and Ashkan Soltani, "NSA infiltrates links to Yahoo, Google data centers worldwide, Snowden documents say," Washington Post, 30 Oct. 2013, available online at http://www.washingtonpost.com/world/national-security/nsa-infiltrates-links-to-yahoo-google-data-centers-worldwide-snowden-documents-say/2013/10/30/e51d661e-4166-11e3-8b74-d89d714ca4dd_story.html.

⁸ Brief of Amicus Curiae PEN American Center in Support of Plaintiffs' Motion for a Preliminary Injunction and in Opposition to Defendants' Motion to Dismiss, *ACLU v. Clapper*, p. 20.

APPENDIX

THE IMPACT OF US GOVERNMENT SURVEILLANCE ON WRITERS
FINDINGS FROM A SURVEY OF PEN MEMBERSHIP
CONDUCTED FOR THE PEN AMERICAN CENTER
BY THE FDR GROUP
OCTOBER 31, 2013

INTRODUCTION

The FDR Group conducted this research study on behalf of the PEN American Center to explore what impact – if any – US government surveillance has had on its members. The study explores writers' specific concerns around the issue of government surveillance, their sense of whether their own communications are being monitored, and the extent to which they are moderating their behavior as a result.

Despite the abundance of news stories about government surveillance, there was no data about its direct impact on writers. This survey, conducted online with 528 respondents, is intended to fill this gap.

The findings reveal widespread concern among PEN writers about government surveillance and strong evidence that it has had an impact on their work and creativity. Key findings include:

- 85% worry about current levels of government surveillance of Americans
- 76% think that increased government surveillance is especially harmful to writers because it impinges upon the privacy they need to create freely
- Half or more are either certain or suspect that their donations and organizational affiliations have been monitored by the government (57%); that metadata from their phone calls or e-mails has been collected and analyzed (51%); and that their Internet searches, Web site visits, and book purchases have been tracked (49%)
- 33% have steered clear of certain topics in personal phone conversations or e-mail messages or seriously considered doing so; 27% say the same about having avoided writing or speaking on a particular topic
- 92% believe that personal data collected by the government will be vulnerable to abuse for many years because it may never be completely erased or safeguarded

The online survey was conducted between October 10 and October 21, 2013; a total of 528 writers* completed the survey. Qualitative research in the form of individual interviews and a focus group to inform the survey instrument took place between September 12 and September 30, 2013. All research was conducted by the FDR Group, and the analysis and interpretation of data in this report is by the FDR Group. A full description of the research methodology as well as the complete survey results can be found at the end of this document.

SURVEY FINDINGS

1. There is widespread concern among writers about government surveillance. Few dismiss it as a trivial or unavoidable matter.

- 85% say they are worried about the current levels of government surveillance of Americans – 51% very worried and 35% somewhat worried
- 73% say they have never been as worried about privacy rights and freedom of the press as they are today – 46% very close and 27% somewhat close
- 89% are concerned about the government’s secret program to collect and analyze metadata on phone calls, e-mails, browsing, and other activity of Americans – 66% very concerned and 23% somewhat concerned
- 83% are following news stories about US government surveillance – 33% very closely and 50% somewhat closely
- There is outright *rejection* of the notions that:
 - “Surveillance is something that all governments do – there’s really nothing new or worrisome about what’s happening now.” Nearly 8 in 10 (78%) reject this view.
 - “The government’s primary concern is monitoring communication with foreigners – it’s not really interested in domestic eavesdropping.” Nearly 8 in 10 (78%) reject this view.
 - “Widespread data surveillance is an absolutely essential tool for the government in the fight against terrorism.” Nearly 3 in 4 (73%) reject this view.

2. Writers are especially concerned about the impact of government surveillance on their ability to do their jobs.

* The vast majority of survey participants self-described as writers (86%); the remainder are editors, translators, and agents. A comparison of responses of writers vs. not writers indicated no substantive differences in opinions or experiences, so we use the term “writers” throughout this report as a general descriptor of survey participants.

- 81% are *very* concerned about government efforts to compel journalists to reveal sources of classified information (another 15% are somewhat concerned)
- 76% believe that increased government surveillance is especially harmful to writers because it impinges upon the privacy they need to create freely

3. As a consequence, self-censorship among writers is now commonplace. Sizeable – perhaps even alarming – numbers say they have altered their behavior (or seriously considered doing so) in the following ways because they thought the government was monitoring their communications:

- Curtailed or avoided activities on social media – 28% have done this and 12% have seriously considered it (40% total)
- Deliberately steered clear of certain topics in personal phone conversations or e-mail messages – 24% have done this and 9% have seriously considered it (33% total)
- Avoided writing or speaking on a particular topic – 16% have done this and 11% have seriously considered it (27% total)
- Refrained from conducting Internet searches or visiting Web sites on topics that may be considered controversial or suspicious – 16% have done this and 12% have seriously considered it (27% total)
- Took extra steps to cover or disguise digital footprints – 13% have done this and 11% have seriously considered it (24% total)
- Took extra precautions to protect the anonymity of sources – 14% have done this and 6% have seriously considered it (20% total)
- Declined opportunities to meet – physically or electronically – people who might be deemed security threats by the government – 3% have done this and 4% have seriously considered it (6% total)

4. Writers are self-censoring because they genuinely believe that government surveillance has touched them directly. Sizeable numbers are either certain or suspect that the following things have happened to them in the past year or two:

- Donations and organizational affiliations have been monitored by the government – 16% are certain this has happened and 41% suspect it (57% total)
- Metadata from phone calls or e-mails has been collected and analyzed by the government – 17% are certain this has happened and 34% suspect it (51% total)
- Things like Internet searches, Web site visits, and book purchases have been tracked by the government – 13% are certain this has happened and 36% suspect it (49% total)
- A personal profile has been built by the government that diagrams relationships and connections to others – 10% are certain this has happened and 23% suspect it (32% total)

- The actual content of phone calls or e-mails has been listened to or read – 7% are certain this has happened and 20% suspect it (28% total)
- The numbers of writers who say they are certain or suspect that these things have happened to “a friend or colleague” in the past year or two are even higher:
 - Donations and organizational affiliations have been monitored by the government (64% total)
 - Metadata from phone calls or e-mails has been collected and analyzed by the government (65% total)
 - Things like Internet searches, Web site visits, and book purchases have been tracked by the government (63% total)
 - A personal profile has been built by the government that diagrams relationships and connections to others (56% total)
 - The actual content of phone calls or e-mails has been listened to or read (54% total)

5. Writers believe that the data-trove of personal information now being collected about Americans will be mishandled by the government. This is not to say that they think data are being collected for the express purpose of wrongdoing; but rather that massive data collection of this nature will inevitably lead to mismanagement or abuse, regardless of intent.

- Virtually all (92%) believe that personal data collected by the government will be vulnerable to abuse for many years because it may never be completely erased or safeguarded – 68% very close and 24% somewhat close
- The overwhelming majority (88%) also say that what really worries them is that a vast amount of data is already in government hands and vulnerable to bureaucratic bungling, misuse, and partisan abuse – 64% very close and 23% somewhat close

6. In qualitative interviews conducted prior to the online survey, PEN members indicated that they are cautious when communicating with people outside the US, because they believe those exchanges are especially susceptible to government monitoring. The survey, which asked respondents to respond to hypothetical scenarios, indicates that such concerns are widely shared:

- 44% say it is very likely – and 48% that it is realistically possible – that their own e-mail message to someone abroad who was affiliated with an anti-American organization would end up being read by government officials
- 39% say it is very likely – and 52% that it is realistically possible – that a phone call they would make to someone living in an area of the world known for its antipathy toward the US would be monitored and recorded by government officials

- 35% say it is very likely – and 49% that it is realistically possible – that if they were to (hypothetically) publish a story or poem depicting anti-American militants in a positive light, it would place them on a list of people to be tracked and monitored by government officials
- Even among writers who communicate regularly (weekly or more than that) with people who live outside the US, the percentages in the three hypothetical scenarios described above are virtually the same

7. We hypothesized that writers would be more sensitized and worried about the issue of government surveillance than the general public. Comparisons with recent Pew Research Center surveys of the general public support this hypothesis.

- By a margin of 22 percentage points, writers are more likely than the general public to *disapprove* of “the government’s collection of telephone and Internet data as part of anti-terrorism efforts” – 66% vs. 44%. Only 12% of writers approve, compared with 50% of the general public. There’s also a wide gap in the percentage saying “not sure” – 22% of writers vs. 6% of the general public.*
- Similarly, writers are far more likely than the general public to say they would feel that their “personal privacy had been violated” if they knew that the federal government had collected data about their telephone or Internet activity – 81% vs. 63%. Just 10% of writers say they would not feel that their privacy was violated, compared with 36% of the general public. Again there’s a wide gap in the percentage saying “not sure” – 10% of writers vs. 1% of the general public.†
- 78% of writers believe that most Americans are unconcerned and uninformed about government surveillance

8. Writers are troubled by other ways in which people’s privacy has eroded – their unease is not restricted to surveillance by the US government.

- 57% are *very* concerned about corporations gathering data to track and analyze consumer behavior and preferences (and another 33% are somewhat concerned, for a total of 89%).

* Pew Research Center for the People & the Press, Final Topline, July 2013 Political Survey, July 17-21, 2013; <http://www.people-press.org/files/legacy-questionnaires/7-26-13%20NSA%20Topline%20for%20Release.pdf>

† Pew Research Center for the People & the Press/*USA Today*, Final Topline, June 2013 Political Survey, June 12-16, 2013; <http://www.people-press.org/files/legacy-questionnaires/6-17-13%20NSA%20topline%20for%20release.pdf>

- 78% are *very* concerned about technology companies collaborating with the government to provide vast amounts of personal information on Americans (and another 17% are somewhat concerned, for a total of 94%).
- And – not surprisingly given that this is a survey of PEN members – the overwhelming majority of writers surveyed (72%) is also *very* concerned about suppression of free speech and press freedom in countries other than the US (and another 24% are somewhat concerned, for a total of 97%).

9. The vast majority of these findings are consistent across demographic categories – whether young or old; journalist or not; frequent communicator overseas or not; professional or associate member status; female or male; or those who follow the news very closely and those who don’t. Here are a few areas where noteworthy differences were found:

- Younger writers (under 50 years old) sometimes differ from their older counterparts (50+). They are less likely to express concern about surveillance and more likely to take precautionary measures in their work. Younger writers are:
 - Less likely to “very closely” follow news stories about government surveillance efforts within the US (22% vs. 37%)
 - Less likely to be “very concerned” about corporations gathering data to track and analyze consumer behavior and preferences (47% vs. 60%)
 - Less likely to say this statement comes “very close” to their view: Most Americans are unconcerned and uninformed about government surveillance (24% vs. 36%)
 - Less likely to be certain or suspect that a personal profile has been built by the government that diagrams their relationships and connections to others (25% vs. 35%)
 - More likely to have done or seriously considered avoiding writing or speaking on a particular topic (38% vs. 23%)
 - More likely to have done or seriously considered curtailing or avoiding activities on social media (51% vs. 36%)
 - More likely to have done or seriously considered refraining from conducting Internet searches or visiting Web sites on topics that may be considered controversial or suspicious (37% vs. 24%)
 - More likely to have done or seriously considered taking extra steps to cover or disguise digital footprints (35% vs. 20%)
- Journalists differ from the non-journalists (other types of writers and/or editors, agents, and translators) in that they are more attuned to issue around sources. Journalists are:
 - More likely to be “very concerned” about government efforts to compel journalists to reveal sources of classified information (93% vs. 78%)

- More likely to have taken extra precautions to protect the anonymity of sources (30% vs. 11%)
- Writers who communicate frequently with people living outside the US differ from those who do not. Frequent communicators are more likely to have self-censored in these three ways and to believe the government has monitored them:
 - (Comparison is between those who communicate overseas weekly or more vs. a few times a month or less)*
 - More likely to have done or seriously considered avoiding writing or speaking on a particular topic (34% vs. 22%)
 - More likely to have done or seriously considered deliberately steering clear of certain topics in personal phone conversations or e-mail messages (38% vs. 29%)
 - More likely to have done or seriously considered taking extra precautions to protect the anonymity of sources (29% vs. 13%)
 - More likely to be certain or suspect that metadata from their phone calls or e-mails has been collected and analyzed by the government (58% vs. 47%)

METHODOLOGY

The findings in this report are based on 528 interviews conducted online with PEN members between October 10 and 21, 2013. The margin of error for a survey of this size is plus or minus 4 percentage points.

To help develop the online survey instrument, the FDR Group conducted in-depth telephone interviews with eight PEN members from across the country and one focus group with nine PEN members from the New York City area. The findings from the interviews and focus group were crucial to developing the wording of the survey items and to understand the various points of view of the writing community. The final questionnaire included 45 substantive questions.

The online survey was fielded as follows: An e-mail message from PEN Executive Director Suzanne Nossel was sent to 6,570 PEN members on October 10, 2013, and reminder e-mails were sent on October 15 and October 17. The body of the message included a description of the research and a link to the survey, and it assured potential respondents of their anonymity and that the data would be reported in the aggregate. The survey instrument was pre-tested with PEN members to ensure that the language was accessible and appropriate. Questions were randomized and answer categories rotated in an effort to minimize non-sampling sources of error.

Of the 528 PEN members who completed the survey, the vast majority self-described as writers (86%); the remainder are editors, translator, and agents. A comparison of the responses of writers and non-writers indicated no substantive differences in opinions or experiences, so we use the term “writers” throughout this report as a general descriptor of survey participants.

The interview guides and survey instrument were crafted by the FDR Group, and all data analysis and interpretation in this report were conducted by the FDR Group. Data were collected via Survey Monkey.

There are some limitations to this research that are worth mentioning. For one, this is a survey of writers who are PEN members and thus not necessarily a reflection of the views of all writers in the US. For another, the survey was conducted exclusively online, which means that those who don't have an e-mail address – or who don't check their e-mail regularly – may be under-represented in the data. Thirdly, some who received the e-mail may have had no interest in the topic of government surveillance and its impact on writers so reflexively hit delete before ever viewing the first survey question. Finally – and perhaps somewhat ironically – this is an *online* survey about surveillance, surveillance that mostly takes place *online*; thus, it is likely that those PEN members who are especially concerned about Internet surveillance and the vulnerabilities of online data may have elected not to participate.

ACKNOWLEDGEMENTS

The FDR Group would like to thank the PEN members who so generously made the time to speak with us on the telephone, participate in the focus group, and pre-test the survey instrument. We'd also like to thank Suzanne Nossel and Larry Siems for giving us the opportunity to conduct this research on behalf of PEN and for sharing their knowledge and expertise on these complicated issues while at the same time giving us free reign and space to craft the survey instrument and analyze the data.

ABOUT THE FDR GROUP

The FDR Group is a full-service, nonpartisan public opinion research company. Our expertise is in conducting surveys, focus groups, program evaluations, and organizational evaluations. We strive to help foundations and other nonprofits understand how key audiences feel about their initiatives. Since our inception in 2005, we've been research partners with 27 organizations.

COMPLETE SURVEY RESULTS

The Impact of US Government Surveillance on Writers

**Conducted for the PEN American Center
 by the FDR Group**

Fielded Online October 10-21, 2013

Total answering=528

What follows is complete question wording and percentage responding to each item. A dash indicates zero; in some cases totals do not add to 100 percent due to rounding.

1. How closely – if at all – are you following news stories about government surveillance efforts within the US?

- 83 NET very/somewhat closely
- 33 Very closely
- 50 Somewhat closely
- 14 Not too closely
- 3 Not closely at all
- <.5 Not sure/Not applicable

2. In general, how worried are you – if at all – about current levels of government surveillance of Americans?

- 85 NET very/somewhat worried
- 51 Very worried
- 35 Somewhat worried
- 12 Not too worried
- 2 Not worried at all
- 1 Not sure/Not applicable

3a-e. How concerned are you – if at all – about each of the following:

a.
 Corporations gathering data to track and analyze consumer behavior and preferences

- 89 NET very/somewhat concerned
- 57 Very concerned
- 33 Somewhat concerned

- 8 Not too concerned
- 2 Not concerned at all
- <.5 Not sure/Not applicable

b.
 Government efforts to compel journalists to reveal sources of classified information

- 96 NET very/somewhat concerned
- 81 Very concerned
- 15 Somewhat concerned
- 3 Not too concerned
- 1 Not concerned at all
- Not sure/Not applicable

c.
 The government’s secret program to collect and analyze metadata (e.g., time and location) on phone calls, e-mails, browsing and other activity of Americans

- 89 NET very/somewhat concerned
- 66 Very concerned
- 23 Somewhat concerned
- 9 Not too concerned
- 2 Not concerned at all
- <.5 Not sure/Not applicable

d.
 Suppression of free speech and press freedom in countries other than the US

- 97 NET very/somewhat concerned
- 72 Very concerned
- 24 Somewhat concerned
- 3 Not too concerned
- 1 Not concerned at all
- Not sure/Not applicable

e.
 Technology companies collaborating with the government to provide vast amounts of personal information on Americans

- 94 NET very/somewhat concerned
- 78 Very concerned
- 17 Somewhat concerned
- 5 Not too concerned
- 1 Not concerned at all

- Not sure/Not applicable

4a-h. How close does each of the following come to your own view?

a.

The government's primary concern is monitoring communication with foreigners – it's not really interested in domestic eavesdropping

18 NET very/somewhat close
5 Very close
13 Somewhat close
25 Not too close
53 Not close at all
4 Not sure/Not applicable

b.

I have never been as worried about privacy rights and freedom of the press as I am today

73 NET very/somewhat close
46 Very close
27 Somewhat close
16 Not too close
9 Not close at all
2 Not sure/Not applicable

c.

Increased government surveillance is especially harmful to writers because it impinges upon the privacy they need to create freely

76 NET very/somewhat close
50 Very close
26 Somewhat close
14 Not too close
7 Not close at all
3 Not sure/Not applicable

d.

Most Americans are unconcerned and uninformed about government surveillance

78 NET very/somewhat close
33 Very close
45 Somewhat close
12 Not too close
6 Not close at all
5 Not sure/Not applicable

e.

Personal data collected by the government will be vulnerable to abuse for many years because it may never be completely erased or safeguarded

92 NET very/somewhat close
68 Very close
24 Somewhat close
5 Not too close
3 Not close at all
1 Not sure/Not applicable

f.

A real worry is that a vast amount of data is already in government hands and vulnerable to bureaucratic bungling, misuse, and partisan abuse

88 NET very/somewhat close
64 Very close
23 Somewhat close
9 Not too close
2 Not close at all
2 Not sure/Not applicable

g.

Surveillance is something all governments do – there's really nothing new or worrisome about what's happening now

20 NET very/somewhat close
5 Very close
15 Somewhat close
22 Not too close
56 Not close at all
2 Not sure/Not applicable

h.

Widespread data surveillance is an absolutely essential tool for the government in the fight against terrorism

22 NET very/somewhat close
5 Very close
17 Somewhat close
29 Not too close
43 Not close at all
6 Not sure/Not applicable

5. Overall, do you approve or disapprove of the government's collection of telephone and Internet data as part of anti-terrorism efforts?

- 12 Approve
- 66 Disapprove
- 22 Not sure/Not applicable

6. If you knew that the federal government had collected data about your telephone or Internet activity would you feel that your personal privacy had been violated, or not?

- 81 Yes, would feel that personal privacy had been violated
- 10 No, would not
- 10 Not sure/Not applicable

7a-e. How likely is it that the following has happened to YOU in the past year or two?

a.

Metadata from phone calls or e-mails has been collected and analyzed by the government

- 51 NET certain/suspect it has happened
- 17 Certain it has happened
- 34 Suspect it has happened
- 30 Unlikely but possible
- 8 Highly unlikely
- 12 Not sure/Not applicable

b.

The actual content of phone calls or e-mails has been listened to or read

- 28 NET certain/suspect it has happened
- 7 Certain it has happened
- 20 Suspect it has happened
- 41 Unlikely but possible
- 20 Highly unlikely
- 12 Not sure/Not applicable

c.

Things like Internet searches, Web site visits, and book purchases have been tracked by the government

- 49 NET certain/suspect it has happened
- 13 Certain it has happened
- 36 Suspect it has happened
- 30 Unlikely but possible

- 10 Highly unlikely
- 11 Not sure/Not applicable

d.

Donations and organizational affiliations have been monitored by the government

- 57 NET certain/suspect it has happened
- 16 Certain it has happened
- 41 Suspect it has happened
- 28 Unlikely but possible
- 7 Highly unlikely
- 8 Not sure/Not applicable

e.

A personal profile has been built by the government that diagrams relationships and connections to others

- 32 NET certain/suspect it has happened
- 10 Certain it has happened
- 23 Suspect it has happened
- 39 Unlikely but possible
- 19 Highly unlikely
- 10 Not sure/Not applicable

8a-e. And, as far as you know, how likely is it that the following has happened to a FRIEND OR COLLEAGUE in the past year or two?

a.

Metadata from phone calls or e-mails has been collected and analyzed by the government

- 65 NET certain/suspect it has happened
- 27 Certain it has happened
- 38 Suspect it has happened
- 18 Unlikely but possible
- 3 Highly unlikely
- 15 Not sure/Not applicable

b.

The actual content of phone calls or e-mails has been listened to or read

- 54 NET certain/suspect it has happened
- 20 Certain it has happened
- 35 Suspect it has happened
- 25 Unlikely but possible
- 6 Highly unlikely
- 15 Not sure/Not applicable

- c.
- Things like Internet searches, Web site visits, and book purchases have been tracked by the government
- | | |
|----|-------------------------------------|
| 63 | NET certain/suspect it has happened |
| 23 | Certain it has happened |
| 40 | Suspect it has happened |
| 18 | Unlikely but possible |
| 4 | Highly unlikely |
| 14 | Not sure/Not applicable |

- d.
- Donations and organizational affiliations have been monitored by the government
- | | |
|----|-------------------------------------|
| 64 | NET certain/suspect it has happened |
| 25 | Certain it has happened |
| 39 | Suspect it has happened |
| 17 | Unlikely but possible |
| 5 | Highly unlikely |
| 14 | Not sure/Not applicable |

- e.
- A personal profile has been built by the government that diagrams relationships and connections to others
- | | |
|----|-------------------------------------|
| 56 | NET certain/suspect it has happened |
| 23 | Certain it has happened |
| 34 | Suspect it has happened |
| 22 | Unlikely but possible |
| 7 | Highly unlikely |
| 15 | Not sure/Not applicable |

Please respond to the following three hypothetical scenarios (Q9-11):

9. Suppose you were writing an e-mail to someone abroad who was affiliated with an anti-American organization. What would be the chance that the message would end up being read by government officials?

- | | |
|----|-------------------------|
| 44 | Very likely |
| 48 | Realistically possible |
| 2 | Very unlikely |
| 6 | Not sure/Not applicable |

10. Suppose you were making a phone call to someone living in an area of the world known for its antipathy toward the US. What would be the chance

that the call would be monitored and recorded by government officials?

- | | |
|----|-------------------------|
| 39 | Very likely |
| 52 | Realistically possible |
| 3 | Very unlikely |
| 6 | Not sure/Not applicable |

11. Suppose you published a story or poem that describes anti-American militants in a positive light. What would be the chance that you would be placed on a list of people to be tracked and monitored by government officials?

- | | |
|----|-------------------------|
| 35 | Very likely |
| 49 | Realistically possible |
| 7 | Very unlikely |
| 9 | Not sure/Not applicable |

12a-g. Over the past year or two, have YOU done or seriously considered doing any of the following because you thought your communications might be monitored in some way by the government?

- a.
- Avoided writing or speaking on a particular topic
- | | |
|----|-----------------------------------|
| 16 | Yes, have done |
| 70 | No, have not |
| 11 | Have seriously considered |
| 27 | NET yes/have seriously considered |
| 3 | Not sure/Not applicable |

b.

Curtailed or avoided activities on social media (e.g., Facebook, Twitter)

- | | |
|----|-----------------------------------|
| 28 | Yes, have done |
| 56 | No, have not |
| 12 | Have seriously considered |
| 40 | NET yes/have seriously considered |
| 4 | Not sure/Not applicable |

c.

Declined opportunities to meet – physically or electronically – people who might be deemed security threats by the government

- | | |
|----|---------------------------|
| 3 | Yes, have done |
| 88 | No, have not |
| 4 | Have seriously considered |

- 6 NET yes/have seriously considered
 - 6 Not sure/Not applicable
- d.
- Deliberately steered clear of certain topics in personal phone conversations or e-mail messages
- 24 Yes, have done
 - 65 No, have not
 - 9 Have seriously considered
 - 33 NET yes/have seriously considered
 - 2 Not sure/Not applicable

- e.
- Refrained from conducting Internet searches or visiting Web sites on topics that may be considered controversial or suspicious
- 16 Yes, have done
 - 70 No, have not
 - 12 Have seriously considered
 - 27 NET yes/have seriously considered
 - 3 Not sure/Not applicable

- f.
- Took extra precautions to protect the anonymity of sources
- 14 Yes, have done
 - 68 No, have not
 - 6 Have seriously considered
 - 20 NET yes/have seriously considered
 - 12 Not sure/Not applicable

- g.
- Took extra steps to cover or disguise digital footprints (e.g., used stronger encryption software, changed to more secure digital service provider)
- 13 Yes, have done
 - 72 No, have not
 - 11 Have seriously considered
 - 24 NET yes/have seriously considered
 - 5 Not sure/Not applicable

Note: Because of the extremely high percentages responding "Not sure" or "Not applicable" in Q13a-g, these data are not included in the report of the findings.

13a-g. And, as far as you know, over the past year or two have any of your FRIENDS OR COLLEAGUES done or seriously considered doing any of these things because they thought their communications might be monitored in some way by the government?

- a.
- Avoided writing or speaking on a particular topic
- 22 Yes, have done
 - 19 No, have not
 - 5 Have seriously considered
 - 28 NET yes/have seriously considered
 - 54 Not sure/Not applicable

- b.
- Curtailed or avoided activities on social media (e.g., Facebook, Twitter)
- 26 Yes, have done
 - 16 No, have not
 - 5 Have seriously considered
 - 31 NET yes/have seriously considered
 - 53 Not sure/Not applicable

- c.
- Declined opportunities to meet – physically or electronically – people who might be deemed security threats by the government
- 13 Yes, have done
 - 21 No, have not
 - 3 Have seriously considered
 - 16 NET yes/have seriously considered
 - 63 Not sure/Not applicable

- d.
- Deliberately steered clear of certain topics in personal phone conversations or e-mail messages
- 21 Yes, have done
 - 16 No, have not
 - 6 Have seriously considered
 - 28 NET yes/have seriously considered
 - 57 Not sure/Not applicable

- e.
- Refrained from conducting Internet searches or visiting Web sites on topics that may be considered controversial or suspicious

- 16 Yes, have done
- 17 No, have not
- 5 Have seriously considered
- 22 NET yes/have seriously considered
- 61 Not sure/Not applicable

f.

Took extra precautions to protect the anonymity of sources

- 23 Yes, have done
- 14 No, have not
- 4 Have seriously considered
- 27 NET yes/have seriously considered
- 60 Not sure/Not applicable

g.

Took extra steps to cover or disguise digital footprints (e.g., used stronger encryption software, changed to more secure digital service provider)

- 24 Yes, have done
- 14 No, have not
- 4 Have seriously considered
- 27 NET yes/have seriously considered
- 59 Not sure/Not applicable

Demographics

15. Approximately how often do you communicate – by phone, e-mail or other method – with people who live outside of the United States?

- 45 NET every or most days/weekly
- 26 Every day or most days
- 19 Weekly
- 23 A few times a month
- 8 Once a month
- 12 Less than once a month
- 12 Almost never

16. How old are you?

- 3 29 or under
- 8 30-39
- 14 40-49
- 20 50-59
- 30 60-69
- 19 70-79
- 6 80 or older

17. Are you:

- 42 Male
- 58 Female
- Transgender
- <.5 Something else

18. Which of these is your affiliation with PEN?

- 70 Professional member
- 24 Associate member
- 6 Something else

19. Which of these best describes what you do? Check all that apply. *(Total does not equal 100 percent due to multiple responses.)*

- 1 Agent
- 17 Editor
- 14 Translator
- 86 Writer
- 8 Something else
- 5 Educator/Academic

20. If "Writer" was one of your responses in the previous question, which of these best describes the type of writer you are? Check all that apply. *Limited Base n=439 (Total does not equal 100 percent due to multiple responses.)*

- 8 Biographer
- 12 Blogger
- 10 Children's/Young Adult Book Writer
- 1 Graphic Novelist
- 12 Historian
- 22 Journalist
- 18 Memoirist
- 36 Narrative Nonfiction/Essayist
- 45 Novelist or Short Fiction Writer
- 8 Playwright
- 31 Poet
- 8 Screenwriter
- 6 Something else
- 2 Academic Writer