DISSERTATION APPROVED BY

9/29/2017

Date

Timothy Guetterman, Ph.D., Chair

James Martin, Ph.D., Committee Member

Jennifer Moss Breen, Ph.D., Director

Gail M. Jensen, Ph.D., Dean

SURVEILLANCE VERSUS PRIVACY:
CONSIDERATIONS FOR THE SAN BERNARDINO COMMUNITY

By
ROBERT PRICE

A DISSERTATION IN PRACTICE

Submitted to the faculty of the Graduate School of Creighton University in Partial Fulfillment of the Requirements for the degree of Doctor of Education in Interdisciplinary Leadership

---

Omaha, NE
(September 29, 2017)

Abstract

This privacy versus security doctoral research examines existing literature, policies, and perceptions to identify the effects of the 2015 San Bernardino terrorist attack on the San Bernardino community. This study contributes to identifying factors that influence perceptions of governmental surveillance. Multiple articles contribute to the surveillance, and Constitutional challenges of counterterrorism within the United States. Specific articles were chosen to complement a comprehensive evaluation affecting the various aspects of privacy versus security as government officials attempt to counter the modern terrorist threats in America. The literature identifies the challenges, needs, and public concerns of surveillance and sets the foundation for the privacy versus security study. The literature argues a negative relationship between comprehension of surveillance programs and the acceptance of such programs. The findings of the online survey obtained through members of the San Bernardino Community are contrasted against a 2013 Pew national survey asking similar questions. Events that may have influenced differences in responses during the four-year span between surveys are acknowledged and discussed. Survey results include descriptive evaluation and quantitative statistical analysis. The results of this study provide basis for additional studies to assist in the determination of perceptions of government surveillance. This study identified challenges in public perception of surveillance as well as the effects of public perception of government surveillance following a terrorist attack. Overall, the study found minimal improvement in the acceptance of government surveillance following a terrorist attack.

Keywords: Lone wolf, surveillance, intelligence community, eavesdropping, courts, and counterterrorism.

Dedication

I would like to dedicate this dissertation to my beautiful wife who has supported me through my bachelor, master, and now doctoral degree.

Acknowledgements

I would like to thank my committee, Dr. Tim Guetterman and Dr. James Martin, as well as my faculty advisor, Dr. Leah Georges; I truly appreciate your assistance and your complete availability whenever I was in need. I would also like to recognize my family who have supported me through this demanding and rewarding process.

Table of Contents

Page

List of Tables

Page

List of Figures

Page

CHAPTER ONE: INTRODUCTION

Introduction and Background

The American law enforcement and intelligence community is challenged to maintain public safety and security from those who would do harm to the people of the United States. These same organizations must also exercise their duties within the bounds of constitutional provisions. Unfortunately, there is not always an agreement in interpretation of constitutional provisions, legislation, or what is otherwise deemed as politically acceptable. As a result, these organizations may not be operating to their fullest legal abilities or they may be operating beyond their legal authority. By evaluating this challenge in the aftermath of the San Bernardino terrorist attack, this study identified methods of governmental surveillance that are more (and less) acceptable to the citizens of San Bernardino.

On December 2, 2015, two terrorists armed with firearms killed 14 people with at a work-related holiday event. The terrorists additionally placed an improvised explosive device (IED) at the location with the intent to kill first responders. The IED failed to detonate allowing first responders to evacuate survivors. Shortly after the incident and at the conclusion of a vehicle pursuit, officers engaged the terrorists, killing both terrorists during an exchange of weapons fire (Burguan, 2016). Members of Congress have called for the use of surveillance measures to thwart terrorist activities as noted by Congressman Mike Pompeo of Kansas who stated in a press release following the San Bernardino terrorist attack "The intelligence community feels beleaguered and bereft of political support. What's needed is a fundamental upgrade to America's surveillance capabilities" (2016, p. 1). Counter to Congressman Pompeo's call for increased surveillance is the

pressure from civil rights groups such as the American Civil Liberties Union and Amnesty International. These groups have engaged in law suits against the American intelligence community to limit surveillance as evidenced in the American Civil Liberties Union (ACLU) v. Clapper and Amnesty International v. Clapper cases (Brown, 2015). By identifying suitable means, levels of intrusion, and protections, an acceptable balance of security and privacy may be identified. It is important to note that such an acceptable balance may not necessarily provide a sufficient level of security to guarantee effective security.

Through a survey research study of the San Bernardino community, this study identified perceptions of surveillance practices. While considering privacy concerns, this study identified the depth of governmental surveillance practices that the San Bernardino community is willing to accept to ensure personal security in the aftermath of a lone wolf terrorist attack. The results of the survey were contrasted against the 2013 Pew national survey as well as other surveys and literature.

Statement of the Problem

Political and legal debate on government intrusion, privacy rights, and security appear to be endless in an age of terrorism and electronic surveillance. Fourth Amendment rights are routinely argued in court and challenges to governmental over-reach appear to sway with judicial prejudices. As lone wolf attacks become more prevalent, identifying and locating terrorists becomes more challenging. Terrorists' acts of violence continue to produce more death and injury as evidenced in San Bernardino, Orlando, and Boston, resulting in public outcry against failed surveillance. Occasionally governmental surveillance techniques are exposed, resulting in public criticism against

surveillance. Consequently, demands for the protection of the Fourth Amendment are demonstrated. Identifying the appropriate balance between surveillance and the right to privacy is needed for security and personal freedom. This study focused on the community of San Bernardino as a representation of the communities victimized by terrorism within recent years. One year has passed since the attack in San Bernardino allowing the community to reflect on the tragedy and for understandable emotions susceptible to rash reactions to subside. These conditions put the San Bernardino community in a unique position to participate in a study to evaluate their perceptions and concerns of governmental surveillance. The study will contribute to policy makers, governmental leaders, and surveillance professionals in policy development through an informed understanding of the citizenry served.

Purpose of the Study

The purpose of this quantitative descriptive study is to determine the public's acceptance or rejection of governmental surveillance practices through the lens of the San Bernardino community in the aftermath of a lone wolf terrorist attack.

Research Question(s) and Hypotheses

As the political leadership ponder surveillance policies and regulations such as the USA PATRIOT Act, a determination of acceptable surveillance policies need to be identified by governmental leaders that sustains security beyond presidencies and political affiliations. In recent administrations, both Presidents Bush and Obama have been challenged on their surveillance policies. In 2005, President Bush's administration had a policy of warrantless searches for those reasonably believed to be linked to al-Qaeda. This policy came under strict scrutiny and was disbanded in 2007 (Staff, 2013).

In 2013, the National Security Agency's (NSA) Planning Tool for Resource Integration, Synchronization, and Management (PRISM) program under President Obama administration also came under scrutiny upon its disclosure by NSA contractor Edward Snowden (Staff, 2013). These examples of surveillance policies that are regularly amended to fit political ideology create uncertainty for national security practitioners. By identifying policy that supports legal and acceptable surveillance methodologies, practitioners can create long term strategies to combat lone wolf terrorism operations with the United States. The following research question guided this study:

> What are the perceptions of citizens in the San Bernardino community regarding government surveillance practices?

Aim of the Study

The aim of this study is to provide policy makers and other governmental leaders one of many resources to aid in the development of surveillance practices with the goal of preventing lone wolf terrorist attacks and maintaining an acceptable and legal level of privacy consistent with the Fourth Amendment.

Methodology Overview

This descriptive study utilized quantitative survey research to identify acceptable surveillance practices. Utilizing the 2013 Pew national survey questions researching perceptions of various surveillance practices, data was obtained from various segments of the San Bernardino community through random sampling. This study builds upon and contributes to previous surveillance research such as *Public Opinion on National Security Agency Surveillance Programs* by Reddick, Chatfield, & Jaramilloa, (2015) examining

public perception of surveillance on a national level referencing the proposed survey instrument.

The research utilized questions from a Pew survey instrument that was implemented in support of Dimock, Doherty, Tyson, & Gewurz's (2013) public opinion study, identifying methods of surveillance to determine subjects' level of acceptance and perception of government surveillance. Applying professional services from Qualtrics, a sampling of adult members of the San Bernardino community were identified for the Pew questionnaire. Utilizing power analysis, a sample of 500 participants was determined to be ideal. Statistical Package for the Social Sciences (SPSS) software was utilized for data analysis.

Definition of Relevant Terms

The following terms were used operationally within this study:

Intelligence: Secret information that a government collects about an enemy or possible enemy; also: a government organization that collects such information.

Law Enforcement: Includes federal, state, and local police/investigators.

Lone Wolf: A single individual terrorist or pair of terrorists who do not receive direct operational support from sponsors of terrorism.

Surveillance: Any method of following, tracking, or monitoring. Examples include cyber, aerial, electronic, telephonic, and human.

Terrorism: As defined by the Federal Bureau of Investigation; "The unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives" (Smith, 1994, p. 6).

Open Source: Term is common within intelligence and national security research and literature referring to research sources that are available to the public and not obtained through classified and restricted sources.

Limitations, Delimitations, and Personal Biases

This study focused on one community that suffered a lone wolf terrorist attack. It is recognized that the populations in Boston, Orlando, or any other community in the United States may return differing results in a similar survey. This study provides an example of one community's perceptions and concerns of surveillance in the United States. Unlike many communities within the United States, the city of San Bernardino is largely a minority community. According to the United States Census Bureau, the city of San Bernardino consists of 60% Hispanic, 19% white, 15% black, 4% Asian, 1.3% native American, and .4% native Hawaiian or Pacific Islander (2010).

As the researcher, I do have a bias towards governmental surveillance to locate and identify potential terrorists. I have Masters of Arts in National Security Studies from California State University San Bernardino. I additionally performed numerous ground and aerial surveillance operations as a police officer and as the Chief Pilot for the Los Angeles Police Department, retiring after 21 years of service. I also served as a military officer for 24 years. The previously identified biases will not influence the study, as the focus of the study is to identify perceptions and concerns of surveillance as identified by the public, not to justify or deny the use of surveillance practices. To eliminate any influence these biases may have on the research, questions from an established survey instrument will be utilized, and a review of the analysis by third party personnel will be performed. Additional barriers in preventing research biases include random sampling of

participants conducted by Qualtrics. The use of SPSS software will provide additional barriers to biases.

Leader's Role and Responsibility in Relation to the Problem

The analysis and findings that result from this study greatly impacts strategic planning under ethical considerations. The data this study provides encourages ethical consideration among leaders. Leaders must consider the impact they have, not only on the organization they lead, but on the community as well. This study encourages leadership to consider the mission as well as the community. The community is a valued stakeholder in the effort to identify possible lone wolf terrorists. Johnson recognized that reaching out to stakeholders contributes to the common good (2013). By inquiring and studying public perception, this study encourages a form of collaborative leadership by driving surveillance strategy through co-creation (Olson & Simerson, 2015). By examining the public's perception and expectations of balancing security with privacy, this research forces all stakeholders involved to consider a more inclusive solution. Haslam (2011) discussed positive citizenship behaviors and noted that leadership needs to shift thinking from "what's in it for me" to "what's in it for us" (loc. 1088). By recognizing a bifurcated approach, leadership can model an acceptable and effective application of tradecraft to thwart lone wolf terrorist activity.

Significance of the Study

This descriptive study builds on previous studies evaluating public perception of government surveillance as part of a counterterrorism program. While other studies have evaluated opinions through generic national surveys or have been a summary of psychological research of surveillance and anxiety, this dissertation specifically surveys a

community one year after a significant terrorist attack. This research could assist in the validation of other studies or indicate trends and differences in the public's perception of surveillance.

This study utilizes participant responses to determine current public perception of surveillance through the lens of a community recovering from a terrorist attack. These responses were evaluated by contrasting results to existing literature and previous national surveys. This research may be found essential for future litigation, surveillance practices, public affairs officials, or other professionals who interact with those who may be subjected to surveillance or who are beneficiaries of surveillance. By identifying topics of concern to those who reside in a community impacted by terrorism, policy makers will be well informed of perceptions, both real and perceived, of surveillance held by the community. Furthermore, policy makers are able to develop campaigns to address the public's anxiety resulting from surveillance and are encouraged to develop improved methods of collection to minimize such concerns. Policy makers may also be able to determine what changes in policy or threat have contributed to improved perceptions of government surveillance.

Summary

The American public is at odds between privacy and surveillance to maintain public safety. The terrorist attack on a holiday work party in San Bernardino in December of 2015 provides the background to which this study is focused. The community of San Bernardino has had approximately one year to reflect on the shooting. As a result of the law enforcement and intelligence community failing to identify and stop this attack from occurring, some advocates are calling for increased surveillance.

Counter to the support for surveillance, many such as the ACLU and Amnesty International are demanding limitations. By conducting a survey study of the San Bernardino community, this study intends to identify an acceptable means and intensity of surveillance while maintaining a legal and appropriate level of privacy. The results of the study may provide policy makers and legislators the tools to develop appropriate policies that enable the practitioners the ability to successfully and professionally conduct surveillance with support of the community. The study may serve as a foundation for additional research into acceptable surveillance and privacy practices.

CHAPTER TWO: LITERATURE REVIEW

Introduction

This literature review examines existing studies that either directly or peripherally address counterterrorism and surveillance challenges in maintaining public safety with minimal impact on personal freedoms and privacy. The major literary themes focusing on security versus strategy are evaluated within this chapter. These themes include criminal, surveillance, and strategy. Counterterrorism operations within the United States have been the primary responsibility of the Federal Bureau of Investigation (FBI) (Roberts, 2009). Therefore, it is imperative that any review of literature include a focus on the criminal aspects of terrorism. A keen understanding of the criminal him/herself along with the criminal investigative procedures will assist in identifying challenges and boundaries of such investigations. A review of political influences on counterterrorism operations is also essential. Prussian General, Carl Von Clausewitz, stated that “War is not merely a political act, but also a real political instrument, a continuation of political commerce, a carrying out of the same by other means" (Rapport, 1982, p. 119). In other words, war is an extension of politics. The war on terror cannot be separated from politics and must be an inclusive element of any review of the topic. The political influence and restraint of surveillance is especially important when guarding against the collateral casualties of personal freedom and privacy within any conflict. In a free democratic society, political leadership provides direction, intensity, and restraint of counterterrorism surveillance and criminal enforcement.

In discussing servant leadership, Harari (2002) notes that during former Secretary of State Collin Powell's time at the State Department, Powell believed that "quality of

policy and the capacity to execute policy with excellence are fueled by high morale, esprit de corps, personal initiative and skill levels at all levels of the organization" (p. 137). Policies on surveillance are not immune to these demands of excellence in leadership and execution.

Currently, government surveillance operates under a plethora of laws and restrictions to include the Foreign Intelligence Surveillance Act of 1978 (FISA), the FISA Amendments Act of 2008 and the USA PATRIOT Act of 2001. Political considerations and public opinion on surveillance activities cannot be ignored and needs revision as threats and public demands evolve. Lastly, this review will evaluate both historical and current strategies that address counterterrorism, surveillance practices, personal freedoms, privacy, and criminal enforcement.

Criminal

Lone Wolf

The term lone wolf terrorist has become the identifying term of choice by the media and media relations professionals to describe terrorists who were inspired or radicalized by outside influences. This study defines lone wolf terrorists as a single individual terrorist or pair of terrorists who do not receive direct operational support from sponsors of terrorism. Challenges in identifying lone wolf terrorists have strained law enforcement personnel. A lone wolf terrorist may be a natural born citizen or an immigrant. The lone wolf terrorist can vary in cause and ideology. Such lone wolf terrorists include the Oklahoma City Federal Building bomber, Timothy McVeigh, Ted Kaczynski also known as Unabomber, and the multitude of lone wolf terrorists that have increased since post 9/11 (Carter & Carter, 2012). Gall (2014) who studied patterns of

domestic lone wolf terrorists noted that McVeigh was the deadliest lone wolf terrorist in United States history. The concern for and focus on lone wolf terrorist is not a new phenomenon. The federal government established the *Lone Wolf Initiative* in 2009 to detect those contemplating politically charged attacks (Michael, 2012).

Sageman and Whitelaw note that lone wolf terrorists may become radicalized through mentors who influence their beliefs and actions (as cited in Carter and Carter, 2012). While a mentor does not provide financial or logistical support, he/she does provide ideological support (Carter and Carter, 2012). The lone wolf terrorist obtains and consumes literature that supports radicalization. Al-Qaeda member, Abu Musab al-Suri, wrote a 1,600-page document that he released online calling for a global Islamic resistance to be implemented by cells and individual jihadists (Michael 2012).

Lone wolf assaults have also been assisted by advancements in modern technology. The internet has enabled the emergence of leaderless resistance as a new strategy and allows like-minded individuals to act on their own initiative (Michael, 2012). Michael (2012) notes that "Al-Qaeda and its affiliates have created a more leaderless resistance approach to terrorism and insurgency" (p. 271). The notion of terrorists and terrorist organizations obtaining weapons of mass destruction has been commonplace on the nightly news for decades. However, weapons of mass destruction are not necessary to create significant damage. Stealthy lone wolves have the potential to sabotage soft targets (Michael, 2012). As opposed to hard targets, soft targets lack security such as armed personnel and physical barriers making them extremely vulnerable to terrorist attacks similar to the Inland Regional Center attack in San Bernardino, California.

Since the 2015 San Bernardino attack, lone wolf and small terrorist teams have perpetrated terrorist attacks and challenged law enforcement and the intelligence community. Table 1 contains a list of such attacks according to Singman (2017). The list developed by Singman (2017) does not include the recent June 2017 attacks in France, United Kingdom, and Iran. Table 1 provides a brief description of attacks completed by lone wolf individuals or small teams that perpetrated attacks across the world.

Table 1.

Terrorist Attacks Following the San Bernardino Shooting

Date	Location	Description
Jan. 7, 2016	Philadelphia, Penn	A man shot and wounded a Philadelphia police officer. The man claimed the attack was in the name of Islam and the Islamic State.
Jan. 11, 2016	Marseille, France	A teenager attacked a Jewish teacher in Marseille with a machete. He told police that he carried out the attack in the name of the Islamic State.
March 22, 2016	Belgium	There were two suicide bombings on March 22, 2016—one at Brussels Airport and the other in the city's subway system. Combined, the attacks killed 32 people. *Not considered a lone wolf attack.
June 12, 2016	Orlando	Omar Mateen attacked an Orlando gay nightclub, killing 50 people. Mateen pledged allegiance to ISIS on a 911 call, after the worst mass shooting in U.S. history, and the worst terrorist attack on U.S. soil since 9/11.
July 26, 2016	Normandy, France	Two men took five people hostage during a Mass at a church in Normandy and murdered an elderly priest by stabbing him in the chest and slitting his throat. The hostages were freed later, and the two men were arrested.
July 14, 2016	Nice, France	Seventy-seven people were killed in Nice, France, when a truck drove through a crowd on Bastille Day.

Oct. 16, 2016	Hamburg, Germany	One teenager was killed in a knife attack by a "lone wolf" terrorist in Hamburg, Germany.

Date	Location	Description
Nov. 28, 2016	Ohio State	Abdul Razak Ali Artan, an Ohio State University student, ran his car into a group of students and slashed people with a butcher knife.
Dec. 19, 2016	Germany Christmas market	A large truck plowed through a Christmas market in central Berlin, which killed 12 and injured 48 others.
Feb. 3, 2017	Louvre, Paris, France	A machete-wielding man yelling "Allahu Akbar" attacked soldiers in a shopping mall near the Louvre in Paris. He was shot and wounded by soldiers.
March 22, 2017	Westminster, England Bridge attack	Five people, including a London police officer who was stabbed and the perpetrator, were killed in a terror attack. More than 40 people were injured outside the Parliament building.
April 3, 2017	Saint Petersburg, Russia	A suicide bombing on the subway in Russia's second largest city killed more than a dozen passengers and injured dozens more.
April 7, 2017	Stockholm, Sweden	Five people were killed when a truck driven by a man drove into a pedestrian shopping street and department store in Sweden's capital city, wounding over a dozen others.
April 20, 2017	Champs Elysees, Paris	An attacker got out of a car and fired an automatic weapon at a parked police van, killing the officer inside, before shooting at others standing on the nearby sidewalk, injuring two before he was shot and killed by police.
May 22, 2017	Outside Ariana Grande concert in Manchester, England	Twenty-two people were killed and dozens more injured by a suicide bomber with apparent connections to an organized terror network.

Law Enforcement

Preventing terrorism through traditional criminal investigations can be extremely difficult. Unless the terrorist engages in criminal activity in preparation of the terrorist

act, law enforcement may find themselves unable to affect an arrest. Alexander (2005) notes that preempting a terrorist on U.S. soil would involve a seizure of the individual prior to the commission of a crime. Yin (2011) expands on this challenge by discussing Oregon State's restrictions on counterterrorism investigations as an example. Oregon State specifically requires the investigation to have a direct relation to criminal activity and have "reasonable grounds to suspect involvement in criminal conduct" (Yin, 2011, p. 7). The United States Supreme Court (SCOTUS) regularly identifies reasonableness as a component when evaluating police investigations. In *Terry versus Ohio*, the SCOTUS held that police may detain and frisk an individual based on articulable reasonable suspicion (Bloss, 2009). As noted by the news literature in Table 1, many of these attacks were able to obtain completion and avoid detection as often, the suspects are able to avoid suspicion to involvement in criminal conduct prior to the criminal act.

To address many of the counterterrorism challenges faced by both federal and local law enforcement, the FBI formed the Joint Terrorism Task Force (JTTF). Alexander (2005) notes that in 1980, 117 FBI agents and 11 NYPD officers formed the first JTTF to investigate domestic and international terrorism. The number of Joint Terrorism Task Forces have expanded throughout the United States since 1980 to as many as 34 locations by 9/11 (Alexander, 2005). These locations have become a useful tool for law enforcement in both conventional criminal activity as well as counterterrorism investigations.

Law enforcement investigation philosophies have evolved to address terrorist threats. Moving from reactive or even preventive policing, many departments are utilizing a new concept known as Intelligence Lead Policing (ILP). Carter and Carter

(2012) note that the ILP is "an intelligence process consisting of planning and direction, collection, processing and collation, analysis, dissemination, and re-evaluation" (p. 141). Law enforcement agencies have enhanced the ILP process through new partnerships within their communities that elicits raw information that evolves into actionable intelligence (Carter and Carter, 2012).

Surveillance

Operational

The right to privacy and prohibition against warrantless searches is a pillar of American society. The challenge of government executives and investigators to conduct counterterrorism operations while protecting the rights of the American people can seem counterproductive. It is imperative that operational leaders not allow the availability and ease of surveillance coupled with the demands for outcomes to influence or coerce their adherence to policy and procedures. Though following operational policy may be more difficult, it is essential to stay within operational guidelines and avoid violating constitutional mandates. Lowney (2003) notes that "leadership often is a swim against the current" (loc. 2160). While not always expedient, organizational leadership and individual integrity is essential for the maintenance of the criminal justice system, apprehension of criminals, and prosecutorial procedures.

Surveillance and intelligence collection capabilities are highly classified. As what has become common terminology within recent 2017 congressional hearing, *sources and methods* of such capabilities are under the protection of the director of national intelligence (Lowenthal, 2017). Within domestic operations, one central issue for the director as well as operators is the balance between civil liberties and security. The FBI

is regularly challenged by civil rights advocates in its monitoring of Muslim Americans to prevent terrorist attacks and utilizing informants from predominately Arab neighborhoods (Lowenthal, 2017).

To counter terrorists utilizing computer messaging application, the FBI required broader authority to continue surveillance. Such authority is reiterated by Lowenthal (2017) who stated "In 2015, new criminal procedures rules allowed federal judges to grant warrants for remote searches of computers beyond the geographic bounds of a judge's jurisdiction. Again, civil liberties groups raised objections" (p. 109). Additional surveillance includes extensive Human Intelligence (HUMINT) and enhanced cybersecurity services by the DHS allowing internet service providers to identify malicious activity. The United State Postal Service also assists law enforcement through the monitoring of mail of 50,000 U.S. persons to support criminal and national security investigations (Lowenthal, 2017).

Improvements in surveillance technology have enabled governments to improve their abilities to monitor potential terrorist groups, thus limiting their effectiveness and making them vulnerable to counterterrorism operations (Michael, 2012). Unfortunately, the use of technologies that improve surveillance abilities and enable governments to infiltrate terrorist organizations also contributes to the migration of the leaderless resistance model (Michael, 2012). Technology has enabled terrorists to conduct operations without significant support, giving rise to individual terrorist attacks. However, it has also made it more difficult for such terrorist organizations to evolve into and control a nation state (Michael, 2012).

As the ability to conduct surveillance improves or the list of possible suspects increase, the requirement to translate raw data into usable intelligence can become an overwhelming task. The FBI added 1600 names to the terrorist watch list in the spring of 2009 alone (Jeffries, 2011). The FBI as well as local law enforcement regularly utilize aircraft to conduct surveillance and capture video in support of criminal cases as well as for national security (Lowenthal, 2017). The resources required to conduct surveillance may exceed resource availability should these trends continue. These challenges will only be exasperated by adding intelligence emerging from the JTTFs and local law enforcement's community partnerships. As law enforcement becomes familiar with terrorist pre-attack surveillance of targets, efficiency improves in identifying terrorist targets and positions of surveillance (Alexander, 2005).

Though surveillance has proven valuable in preventing crime and terrorism, the process is subject to criticism and oversight. Within the Creighton Law Review, Bejesky (2015) discusses concerns with the use and application of surveillance drawing conclusions to Hollywood films such as *Minority Report* where individuals were apprehended for crimes prophesized. Bejesky (2015) does note that surveillance and intelligence data assists law enforcement in scrutinizing behavior and provides the foundation for intervening and thwarting terrorist attacks before they can be fully realized. In this, Bejesky (2015) discusses concerns for entrapment and complaints by the Human Rights Watch in 2014 against the FBI. Law enforcement regularly conducts operations that elicit criminal activities commonly known as sting operations. Many of these stings include prostitution operations or similar operations conducted during prohibition. During prohibition, Supreme Court cases such as Carol v. Ohio, authorizing

warrantless vehicle searches and Sorrells v. United States; identifying the defendant's predisposition to offend as important the rather than the government's action (Moore and Worrall, 2015).

Political Implications of Government Surveillance

Surveillance practices that enhance public security are not without political implications. Technological advances are ongoing in the practice of surveillance, yet inconsistent political priorities often affect which methods may be possible to employ (Kreissl, 2014, p. 662). Challenges on the use of surveillance and the acceptance of the public are not avoidable. Increasing local control and influence on counterterrorism operations and surveillance has increased in recent years. This is evidenced through the use of JTTF.

Government surveillance does not end with the JTTFs and active partnerships of local law enforcement. Public space surveillance as seen in London and New York is expanding. To address the challenges of massive amounts digital information, both data and audio/video, software has been developed to analyze data and interpret and identify threatening human behavior (Jeffries, 2011). Within American politics and the debate on counterterrorism and surveillance, the problem of interpreting suspicious behavior has become paramount (Jeffries, 2012).

As public officials seek out the latest and most comprehensive monitoring technologies, the American public debates over privacy protection and civil liberties. Jeffries (2011) identifies critics of surveillance such as the American Civil Liberties Union who argues that "balance must be sought between a desire to guarantee public safety and the right of individuals to privacy" (p. 179). The New York Civil Liberties

Union went as far to argue for clear legal limits to surveillance practices (Jeffries, 2011). Amnesty International and others challenged the FISA Amendments Act in 2013 over improvements in surveillance authorizations, citing that their organizations would be subject to surveillance due to communications with their clients overseas. On February 26, 2013 Justice Alito gave the deciding opinion and held that the claimants did not have standing (Clapper, Director of National Intelligence, Et Al. V. Amnesty International USA Et Al, 2013). Unfortunately, this opinion did not argue on the constitutionality of the FISA surveillance, leaving the issue open to further challenges. Considering foreign populations perceptions of surveillance can provide insight to possible outcomes within the United States. In discussing terrorist attacks in Norway, Eijkman and Weggemans (2011) note that terrorist attacks "will probably strengthen public support for counter-terrorism measures such as surveillance" (p. 149). However, they warn that public debate is needed to guarantee the notion of public legitimacy.

Public legitimacy may be found in striking an appropriate balance of privacy and surveillance through the public's degree of resistance to surveillance. Calo (2016) examined the public's use of encryption and desire to elect privacy minded politicians to office. His focus was on the public's proactive role of resisting surveillance through all available means. Calo (2016) noted that if the public had a "legitimate and practical means resist and reform surveillance, but that they still choose not to do so, then a much stronger case can be made that our society has struck an appropriate balance" (p. 43).

Political actors are regularly challenged with security, privacy, and transparency. The collection of big data or metadata collection of the American population is not immune from such challenges. In reference to concerns of data collection programs,

Podesta, Pritzker, Moniz, Holdren, and Zienst (2014) recommended to President Obama public disclosure of the existence and operation of predictive analytics programs to avoid any negative effects concerning Constitutional rights of free speech and association. These concerns are not isolated to the United States. The Australian government has encountered similar concerns since the attacks on September 11, 2001. Australian counterterrorism strategies have caused concern for and debate over personal freedoms. The introduction of national identity cards, increased police powers, and sedition laws have aroused anxiety amongst the Australian people for concerns for the loss of certain freedoms and democratic values (Aly & Green, 2010).

Public Perception of Surveillance

In considering domestic counterterrorism policies, Best, Krueger, & Pearson-Merkowitz (2012) argue that ordinary citizens want both security and liberty and that many citizens feel anxious about government monitoring. Calo (2016) cites a 2014-2015 Pew study of 475 adults that found 52 percent of Americans are concerned about government surveillance while 65 percent of Americans believe that there are inadequate limits on surveillance. Though the political anti-surveillance activism trends have not been framed on privacy, it is mostly associated as such as an "incursion by Big Brother into people's lives" (Jeffries, 2011, p. 188). This can be demonstrated in the Katz v. United States, 389 U.S. 347 (1967) Supreme Court decision. The Supreme Court of the United States (SCOTUS) expanded privacy beyond the home, placing additional wiretap restrictions on the government, further advancing the idea of reasonable expectation of privacy in regard to surveillance. Improvement in surveillance technology since the Katz case has given additional concern for privacy. Jeffries (2011) identifies social justice,

autonomy, and democracy as being "threatened by the rise of a stealth surveillance state and grinding socio-economic insecurity" (p. 188).

Deflem and McDonough (2015) argue that civil liberty violations resulting from surveillance practices should be "viewed as a manifestation of certain cultural sensitivities related to privacy rights and personal liberties" (p. 70). Unlike Jeffries (2011) concerns, Best et al. (2012) argue that Americans are not necessarily threatened by surveillance. They note that individuals perceive government monitoring programs as only targeting others who are guilty. However, Best et al. (2012) ascertain that the public's reaction to terrorism in not consistent with cognitive tendency theory's focus on risk aversion. They advise that multiple studies have found that there is not a positive association of terrorism with support for counter-terrorism domestic policies. Americans were found to feel anxious about domestic government monitoring and such anxiety negatively reflected on domestic counterterrorism policies (Best et al., 2012). This anxiety may be unavoidable, as Deflem and McDonough note that within Lexis-Nexis, the term *privacy* was utilized in the headlines of major newspapers promoting a minimum of 3,266 stories between June 1, 2013 and January 18, 2014. This significantly exceeds the previous use of the term at 999 times the previous year (2015). Deflem and McDonough additionally contend that 90% of Americans perceive a degradation of privacy over previous generations (2015). The literature suggests an anxious public when considering domestic counterterrorism policies and research supports increased news stories utilizing the term privacy. An increasingly more informed public of privacy challenges and concerns may directly influence responses of the San Bernardino participants.

Though the law enforcement and intelligence community need to know threats and where terrorists reside or come from, the government's necessity to surveille within the United States is often challenged. While the public's perception and anxiety towards surveillance may generally be considered negative, arrest records do indicate some level of success. The efforts of counterterrorism activity from 2001 through 2011 have resulted in 202 people being charged with serious terrorism related crimes (Schulhofer, Tyler, & Huq, 2011). Over fifty percent of these individuals were found to be United States citizens, of which over thirty three percent were American born (Schulhofer, Tyler, & Huq, 2011). Deflem and McDonough (2015) contend that disclosure of NSA surveillance programs by former security contractor Edward Snowden in June 2013 have invigorated debate over surveillance and intelligence activities on personal rights. They further note that civil liberties organizations as well as academic scholars have asserted recent counterterrorism surveillance programs as a major threat to civil liberties and privacy.

A lack of public knowledge of surveillance programs must be considered when evaluating perceptions. In their October 2013 YouGov national poll, Zegart and Erwin (2014) found that thirty nine percent of respondents incorrectly believed that the bulk telephone metadata information the NSA collects includes telephone call content. They additionally found that thirty five percent of the respondents incorrectly believe that the NSA interrogates terrorist detainees. While these results may appear to support public ignorance and contribute to negative opinions of the intelligence community, Zegart and Erwin (2014) advise that correct knowledgeable responses from participants did not result in favorable opinions of the NSA. "For example, Americans who accurately

understood the NSA's telephone metadata program were no more favorable toward the agency than those who mistakenly thought metadata involved snooping on the content of calls. In many cases, we found that more knowledge corresponded with lower support" (Zegart & Erwin, 2014, p. 65). Zegart and Erwin (2014) argue that the administration [Obama] needs to utilize clear examples and demonstrate to the public that NSA programs are crucial and worth the privacy trade-offs. In other words, it is equally important to educate the public of the risk versus rewards aspect in a favorable manner towards the benefits of surveillance as well as the actual functions of the NSA. Many organizations as evidenced by actions of civil rights organizations noted within this study indicate low tolerance for such trade-offs as recommended by Zegart and Erwin (2014) resulting in civil liberties complaints within the judicial system.

Counterterrorism Strategy

Although terrorism exists throughout the world, it has mainly been focused outside of the United States and did not become a significant concern in America until after the 9/11 attacks (Gage, 2011). Public opinion as opposed to enforcement strategies have been the determining factor of the national significance given to terrorist acts (Gage, 2011). Resolving political and social conflicts are essential in containing terroristic violence (Gage, 2011). Though the Omnibus Counterterrorism Act of 1995 was the focus of public scrutiny, President Clinton recognized a need for a "comprehensive effort to strengthen the ability of the United States to deter terrorism" (Clinton, 1995, p.1). Under his leadership role, President Clinton sought for clear Federal criminal jurisdiction for any international terrorist attack within the United States. Strategic leadership as exercised by President Clinton can provide meaningful results. Olson (2015) notes that

meaningful results are driven through strategic thinking. The Omnibus Act did improve the FBI's authority to conduct investigations. However, President Clinton and the Omnibus Act encountered opposition by Muslim groups and the American Civil Liberties Union (Nimer, 1996).

The increased use of the internet created additional challenges for the counterterrorism community. Michael (2012) notes that the internet allows individuals to communicate globally and has undermined the traditional terrorist organizational structure enabling the rise of the leaderless jihad. This allows smaller organizations and individuals to conduct terrorist operations locally while promoting a higher strategy. Michael (2012) also asserts that in addition to technological advancements, political and social trends have contributed to the frequency of the lone wolf phenomenon. Long before the San Bernardino terrorist attacks, former FBI Director Louis Freeh was an outspoken advocate of encryption restrictions. Rindskopf-Parker (2000) notes that "Director Freeh argued that the ability to conduct court-authorized electronic surveillance should be built into any technology, including powerful encryption software" (p. 83). Director Freeh believed that strong cryptography would prevent the FBI and local police from conducting wire taps and would prohibit such organizations from protecting the United States from terrorism and violent crime (Rindskopf-Parker, 2000). As foreseen by Freeh, immediately after the 2015 San Bernardino terrorist attacks, the FBI was challenged with cell phone cryptography created by Apple and utilized by the San Bernardino terrorists.

Unfortunately, as evidenced by recent events, disclosure of counterterrorism strategies and surveillance practices have become commonplace. Public Disclosure

Websites (PDW) such as WikiLeaks work through relationships with the traditional media allowing the public to interpret the information being released (Ray, 2016). Snowden justified his actions as sousveillance [a form of inverse surveillance], and improperly disclosed sensitive U.S. documents, and ultimately received legal assistance from WikiLeaks (Ray, 2016). Sousveillance is a term to describe surveillance technologies and tactics utilized to disclose the confidential processes and programs of powerful institutions (Huey, Walby, & Doyle, 2006). Intelligence disclosures such as those from Snowden may stoke indignation leading to political reform (Ray, 2016). The possibility of the subversive release of surveillance practices requires the consideration for acceptable surveillance practices. Considering the events surrounding Edward Snowden who released classified information to the media, the effects to intelligence programs were extremely damaging. Though many consider him a whistleblower, many agree that the excessive nature of the unauthorized release of 1.5 million classified documents to journalist from a hotel room in Hong Kong went beyond whistleblowing, as "a large portion of the material he stole and revealed compromised lawful, needed government programs" (Connon, 2017, p. 916). Connon (2017) goes on to acknowledge House Intelligence Committee claims that a majority of these document were not related to programs impacting individual privacy, but their disclosure did cause considerable damage to national security. Other releases by self-claimed whistleblowers such as Chelsea Manning created debate over the military's role in U.S. foreign policy when the soldier disclosed thousands of documents to WikiLeaks (Connon, 2017).

One concern of the growing terrorist threats is recruiting and propaganda through the internet. Currently, terrorist websites constantly change their URL to make it difficult

for governments to track (Elovici, Shapira, Last, Zaafrany, Friedman, Schneider, & Kandel, 2010). In response to such challenges, the Advanced Terrorist Detection System (ATDS) was developed to track the web browsing activity of targeted groups (Elovici et al., (2010). In detection mode, ATDS is capable of identifying users who visit and download specific content and alerting officials of such activity.

Much of the current surveillance strategy of terrorist activity is divided. Local law enforcement is forced to adhere to traditional techniques and procedures involving search warrant support by probable cause for criminal activity. Federal agencies monitoring suspected foreign terrorists utilize the Foreign Intelligence Surveillance Act (FISA) courts that do not allow for criminal investigations. Funk (2011) notes that FISA has limitations on disclosure and use of any intelligence gathered through surveillance authorizations. The intended surveillance under these means must be for intelligence gathering only. However, through the Plain View Doctrine (Horton v. California, 1990), regardless of warrant, when government agents incidentally observe or acquire evidence of criminal activity, it may be utilized for criminal prosecution.

Counterterrorism strategies also include monitoring of terrorist propaganda web sites. Individuals visiting such sites may undergo a process of radicalization. Elovici et al. (2010) note that the Madrid train bombing was a result of a local Islamist cell inspired by an online essay. In 2004, Terrorists utilized improvised explosive devices on a train in Madrid, Spain. On March 11, 2004, terrorists placed backpacks filled with gelatinous nitroglycol-based Spanish made explosives utilizing nails and screws as shrapnel. The terrorists utilized cell phones as the detonation device, killing 191 people and injuring another 1,824 (Bale, 2012). As these terrorists were inspired by online recruitment sites,

Elovici et al. (2010) encourages the use of an Advanced Terrorist Detection System (ATDS) to locate online recruitment sites and track individuals browsing the web for such sites.

Professional Practice Setting

Surveillance within the United States can come from a number of sources depending on the agencies involved and the technology utilized. Within the United States, every level of government conducts surveillance. From the police officer watching a street corner for narcotic sales to the FBI conducting wiretaps as part of a counterterrorism operation. Leadership structure within these organizations are typically paramilitary in nature. Collaboration between the FBI and local law enforcement is enhanced by the JTTF. Casey (2004) notes that "all investigators, whether from the FBI, other federal agencies, or state and local departments, are equal partners" (p. 3). Leadership is an essential component to counterterrorism operations. While focusing on leadership responsibilities, Lazarus (2005) separated counterterrorism leadership into two sectors; geopolitical and ideological. He notes that the United States is the only nation capable of taking the geopolitical leadership role in counterterrorism. However, Lazarus (2005) advises that the United States lacks the legitimacy in the Muslim world to assume the ideological leadership role. The FBI has taken a leadership role in counterterrorism operations and coordinated their efforts with local police agencies through the use of JTTF. Michael (2012) recognized governmental coordination efforts such as the JTTF to increase their counterterrorist efforts and significantly prohibiting traditional terrorist networks to operate. The JTTF is an example of such coordination and has been

identified by Alexander (2005) as the best methodology to prevent terrorist attacks within the United States.

Local law enforcement not only participate in JTTF operations, they also operate independently as well. Local law enforcement agencies such as the San Bernardino police department are constrained by constitutional, case, and statutory laws (Bloss, 2009). Surveillance capabilities by local law enforcement since 9/11 have improved through technology and legislative action. Bloss, (2009) notes that "US legislators and courts revised legal guidelines for police investigation of crime related to terrorism, drug trafficking, and organized crime" (p. 236). He additionally, acknowledges increased police surveillance resulting from new federal laws, regulatory procedures, and court decisions.

National Security Agency has utilized a program known as PRISM which is believed to enable the agency to access mobile phones and monitor communications through the individual's email address (Robis, 2014). The PRISM system allows for the establishment of a chain of communication with goal eventually identifying association with foreign terrorist organizations. Surveillance tools such as the PRISM database has come under great scrutiny. Lachmayer and Witzleb (2014) note that the amendments to the Foreign Intelligence Surveillance Act enabled surveillance programs as PRISM. Robis (2014) notes that communications of Americans are regularly processed through this system and likely culminating in human review. He further notes that privileged communications are subject to this intrusion as well. This is consistent with accusations of intelligence community eavesdropping into the communication of the Trump presidential transition team as disclosed by multiple news sources to include the Los

Angeles Times (Cloud, 2017). Figure 1 is a flow chart indicating the various intelligence organizations within the United States (Carpenter, Temchine, and Trautman, 2003).

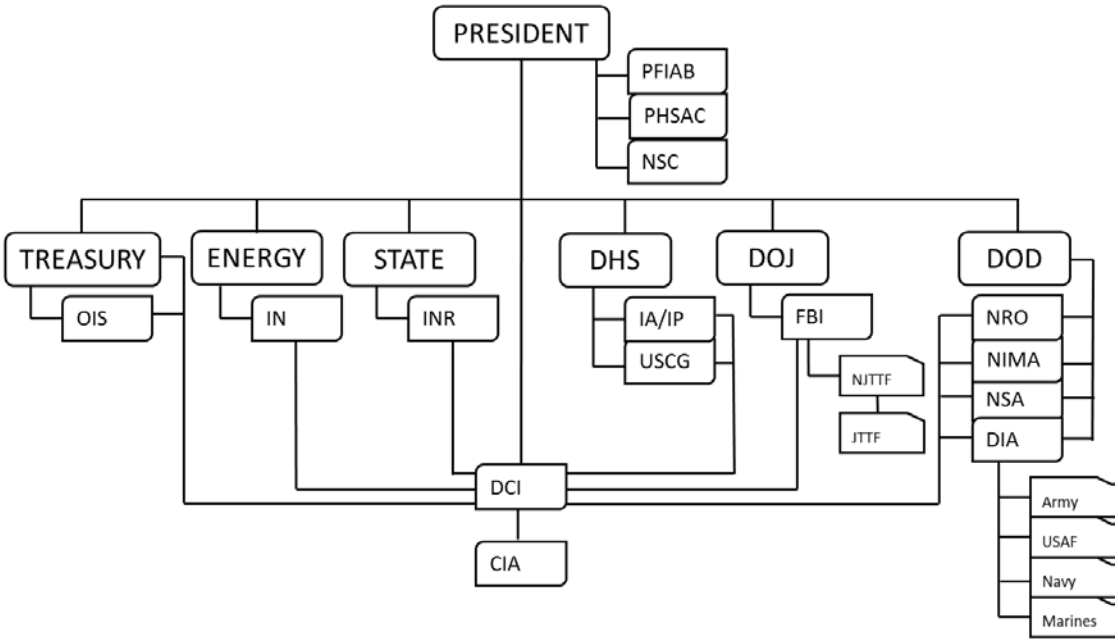

Figure 1. Intelligence Community Chart

Figure 1 Acronyms:

CIA: Central Intelligence Agency

DIA: Defense Intelligence Agency

DCI: Director of Central Intelligence

DHS: Department of Homeland Security

DOD: Department of Defense

DOJ: Department of Justice

FBI: Federal Bureau of Investigation

IA/IP: Information Analysis and Infrastructure Protection

IN: Office of Intelligence

INR: Bureau of Intelligence and Research

JTTF: Joint Terrorism Task Force

NIMA: National Imagery and Mapping Agency

NJTTF: National Joint Terrorism Task Force

NRO: National Reconnaissance Office

NSA: National Security Agency

NSC: National Security Council

OIS: Office of Intelligence Support

PFIAB: President's Foreign Intelligence Advisory Board

PHSAC: President's Homeland Security Advisory Council

USAF: United States Air Force

USCG: United States Coast Guard

Summary

A review of literature focusing on surveillance and privacy developed into themes of criminal, surveillance, and strategy. The literature review additionally addressed the professional practice setting in addressing these themes. The lone wolf challenge is not a new phenomenon. The federal government established the *Lone Wolf Initiative* in 2009 to detect those contemplating politically charged attacks (Michael, 2012). Lone wolf assaults have also been assisted by advancements in modern technology. Alexander (2005) notes that preempting a terrorist on U.S. soil would involve a seizure of the individual prior to the commission of a crime. To assist in the apprehension of terrorist suspects, 71 Joint Terrorism Task Forces have been added throughout the United States since 9/11 (FBI, n.d.). Moving from reactive or even preventive policing, many departments are now utilizing ILP.

Currently, government surveillance operates under a plethora of laws and restrictions to include the Foreign Intelligence Surveillance Act of 1978 (FISA), the FISA Amendments Act of 2008 and the USA PATRIOT Act of 2001. In 2015, new criminal procedures rules allowed federal judges to grant warrants for remote searches of computers beyond the geographic bounds of a judge's jurisdiction. Though the political anti-surveillance activism trends have not been framed on privacy, it is mostly associated as such as an "incursion by Big Brother into people's lives" (Jeffries, 2011, p. 188).

Improvements in technology have benefited both terrorists and law enforcement. Michael (2012) notes that the internet allows individuals to communicate globally and has undermined the traditional terrorist organizational structure enabling the rise of the leaderless jihad. In response to terrorist internet recruiting challenges, ATDS was developed to track the web browsing activity of targeted groups (Elovici et. al., (2010). National Security Agency has utilized PRISM to enable the agency to access mobile phones and monitor communications through the individual's email address (Robis, 2014). The PRISM system allows for the establishment of a chain of communication with goal eventually identifying association with foreign terrorist organizations.

Counterterrorism efforts against lone wolf terrorists within the United States have been handled as a law enforcement matter which as the literature indicates presents additional legal challenges in criminal surveillance as opposed to foreign intelligence surveillance. Current literature within the privacy versus security topic has thoroughly, but separately evaluated varying components of counterterrorism operations, investigations, surveillance, privacy, and Constitutional concerns. Unfortunately, a

thorough comprehensive evaluation of balancing these issues has yet to be addressed. This literature review serves as the foundation of such a comprehensive study.

To build on the existing literature, a quantitative descriptive study was utilized to determine perceptions and tolerance of government surveillance in an effort to thwart terrorist activity. Chapter three outlines the methodology utilized to conduct the online survey and evaluate the responses.

CHAPTER THREE: METHODOLOGY

Introduction

As the United States government pushes against the boundaries of personal privacy in an effort to thwart terrorist activity within the United States, opposition is either immediate or delayed through legislative action, judicial findings, or civil discourse. Beyond legal standings, it is important to identify an acceptable balance between surveillance and privacy as determined by the public who is impacted by failures in security or governmental surveillance overreach. The purpose of this quantitative descriptive study is to determine what governmental surveillance practices the San Bernardino community will accept to ensure personal security in the aftermath of a lone wolf terrorist attack.

Research Question

While considering privacy concerns, will the San Bernardino community accept or reject governmental surveillance practices to ensure personal security in the aftermath of a lone wolf terrorist attack?

Research Design

This descriptive study utilized survey research design to identify perceptions of surveillance practices. A descriptive study utilizing quantitative data analysis is the most appropriate means to assess the population's acceptance and perceptions of surveillance in an effort to balance security and safety one year after a terrorist attack on the community. The community of San Bernardino California was impacted by a terrorist in December 2015. Numerous variables resulting from the attack will influence the results of this study. With the attack, itself as the independent variable, dependent variables will

include items such as the type of surveillance considered and its impact on privacy. Additional predictors in the form of demographic data were utilized to evaluate the differences in opinions of surveillance and privacy.

Dependent variables: Overall approval of surveillance methods

a. Telephonic (both recording and activity data)
b. Internet monitoring

Predictors:

a. Information media
b. Political affiliation

Participants/Data Sources

The intent of this study is to identify the acceptable depth of surveillance at the expense of privacy as determined by a community who recently suffered from a terrorist attack. The San Bernardino community was identified as a population to conduct such a study. It has been one year since the attack, allowing time to pass, lending opportunity for thoughtful responses to questions of surveillance practices.

Random sampling of San Bernardino community residents was utilized. Participants were adults who have resided within the community at the time of the terrorist attack. The city of San Bernardino has a population of 213,708. The appropriate sample size has been determined to be 500 participants. A total 550 participants completed the surveys. Professional services were utilized for random sampling of the San Bernardino community. A random group sampling representing the San Bernardino community from the Qualtrics contribute member base was utilized with IRB approval from Creighton University. According to a Qualtrics representative,

> Respondents can choose to join a panel through a double opt-in process. Upon registration, they enter some basic data about themselves, including demographic information, hobbies, interests, etc. Whenever a survey is created that that individual would qualify for based on the information they have given, they are notified via email and invited to participate in the survey for a given incentive. The email invitation is very simple and generic, with no specifics as to the topic of the survey itself. They are just told that they qualify for a survey, given a link, and told to follow the link if they would like to participate for the given incentive. They are also told the duration of the survey. Incentives are most often given on a point system. Those points can be pooled and later redeemed in the form of gift cards, skymiles, credit for online games, etc. (M. Oaks, personal communication, January 27, 2017).

Beyond IRB approval and participant permissions, no additional permissions were required, as all participants were adults and obtained outside of any scholastic affiliation or known at-risk group.

Data Collection Tools

This study utilized Qualtrics software to collect data acquired through completed online surveys by a sample of the San Bernardino population. According to Roberts (2010), the internet has become an instrument of data collection, increasing the ease and speed of collecting data. The online survey tool is the most efficient and appropriate data collection tool for a large metropolitan population. Creswell (2014) also recognizes the benefits of online survey products in allowing researchers to quickly customize surveys for use.

Questions utilized for the proposed survey tool originated from the July 2013 Political Survey by Pew (Dimock et. Al, 2013). The Pew survey included multiple questions beyond the scope of this study that will not be included. Permission to utilize the survey was obtained from the Pew Research Center.

The Pew survey utilized various multiple choice categorical questions. There are no changes to the series of categorical response options to the adapted version of the original Pew instrument. Additionally, the survey includes multiple choice predictor questions as provided in Appendix B.

Table 2.

San Bernardino Survey Question and Answers

Question	Selection of Answers
1. In general, how well do you think the U.S. government is doing in reducing the threat of terrorism?	a. Very well b. Fairly well c. Not too well d. Not at all well e. Don't know
2. What concerns you more about the government's anti-terrorism policies?	a. That they have gone too far in restricting the average person's civil liberties b. That they have not gone far enough to adequately protect the country c. Both d. Neither / Approve of policies e. Don't know
3. Overall, do you approve or disapprove of the government's collection of telephone and internet data as part of anti-terrorism efforts?	a. Approve b. Disapprove c. Don't know

	Question	Selection of Answers
4.	Thinking about the data the government collects as part of anti-terrorism efforts; Do you think federal courts do or do not provide adequate limits on what telephone and internet data the government can collect?	a. Does provide adequate limits on what government can collect b. Does not provide adequate limits on what government can collect c. Don't know
5.	What other purposes do you think the government is using the data the government collects as part of anti-terrorism efforts for	a. To control/spy/be nosy b. To gather evidence on non-terror crimes c. General purposes/monitoring d. Political agenda/targeting e. Whatever they want f. Marketing/to sell information g. For protection/national security h. Tax purposes i. Targeting interest and religious groups j. Other targeting/profiling k. Other l. Don't know/Refuse
6.	Do you think this government data collection effort is only being used to investigate terrorism, or do you think the government uses this data for purposes other than terrorism investigations?	a. Only being used to investigate terrorism b. The government uses this data for purposes other than terrorism investigations c. Don't know

Question	Selection of Answers
7. Just your impression, does this government program only collect data such as phone numbers and e-mail addresses, or is it also collecting what's actually being said in the calls and e-mails?	a. Only data such as phone numbers and e-mail addresses b. Also collecting what is being said c. Don't know/Refuse
8. Do you think the government has listened to your telephone calls or read your e-mails as part of this data collection program, or not?	a. Yes b. No c. Don't know
9. Do you think the news media should – or should not – report information it obtains about the secret methods the government is using to fight terrorism?	a. Yes, should b. No, should not c. Don't know
10. Would you say your overall opinion of the Supreme Court is very favorable, mostly favorable, mostly unfavorable, or very unfavorable?	a. Very favorable b. Mostly favorable c. Mostly unfavorable d. Very unfavorable
11. In politics today, do you consider yourself a Republican, Democrat, or Independent?	a. Republican b. Democrat c. Independent d. No preference e. Other party f. Don't know/Refuse

The survey instrument adopted was utilized in 2013. Pew (2017) notes that "At Pew Research Center, questionnaire development is a collaborative and iterative process where staff meet to discuss drafts of the questionnaire several times over the course of its development. After the questionnaire is drafted and reviewed, we pretest every questionnaire and make final changes before fielding the survey" (p.1). The Pew

instrument has previously been utilized on a national sample of 1,500 participants (Final, 2013). The previous results of the survey instrument and design process as outlined by Pew (2017) provide evidence content validity. Creswell (2014) identified content validity as one of three traditional forms of validity to measure the content the instrument was intended to measure. In an attempt to identify perceptions and opinions, the proposed instrument includes predictors to further analyze the responses. The instrument additionally, inquires the perception of governmental intrusion as well as the fear terrorist threats to provide supporting data to responses on methods of surveillance.

Data Collection Procedures

Upon obtaining IRB approval, the survey instrument was uploaded online into Qualtrics. All required disclosures were included with the survey. The survey was processed by Qualtrics and distributed to Qualtrics contribute members meeting the adult San Bernardino community residence requirements. Utilizing Qualtrics is a personal budgetary item for both the survey service and participant acquisition. Upon obtaining the necessary data from a minimum of 500 participants, the data was analyzed through Statistical Package for the Social Sciences (SPSS) software.

Ethical Considerations

Utilizing services through Qualtrics to digitally create a comprehensive and productive survey as well as identify participants for the survey required detailed evaluation of the organization's policies and safeguards to ensure participants' anonymity and confidentiality are consistent with scholastic standards and IRB guidelines. All participants were provided with consent authorization and the Participant's Bill of Rights

obtained from Creighton (n.d.) included in Appendix A. An additional consideration was ensuring that the most appropriate data analysis software is utilized.

In considering personal biases, it is important to reflect on my personal history and future goals that could impact the study. Though I have personally conducted surveillance operations on behalf of both federal and local governments and appreciate the value of surveillance, this study is to identify public perceptions and acceptance of surveillance and not to defend it. As a researcher, I have no interest in the outcome of this study other than obtaining the public's perception and opinion. Regardless of the results of this study, policy makers and leadership within the law enforcement and surveillance community will obtain a greater understanding of the public's perception and acceptance of governmental surveillance. Mitigating barriers in preventing research biases include random sampling of participants conducted by Qualtrics and the use of SPSS software.

Another ethical consideration is the challenge of not ensuring accuracy of data due to time limitation and graduation deadlines. Unfortunately, utilizing web-based survey technology may prohibit the participation of individuals with limited access to technology living within lower socio-economic conditions. The time line provided within this section allows for the completion of a thorough literature review, survey completion, analysis, synthesis, findings, and overall polishing well before graduation.

Summary

The methodology as outlined in this section supports the study's goal to identify an acceptable balance between surveillance and privacy as determined by the San Bernardino community. Utilizing the community of San Bernardino as the targeted

population allows for insight from a community recovering from a terrorist attack. Upon identifying an existing national survey by Pew Research, approval was obtained to distribute survey questions to San Bernardino participants. This quantitative descriptive study utilized Qualtrics to identify participants and distribute the surveys online. A descriptive study utilizing quantitative data analysis can assess the population's acceptance and perceptions of surveillance in an effort to balance security and safety one year after a terrorist attack on the community. This study considers multiple forms of surveillance practices and participant predictors to support a comprehensive analysis of the data. Statistical Package for the Social Sciences was utilized to organize and analyze the results of the survey. Lastly, appropriate time has been allotted for completion of the study to ensure a thorough and productive contribution to the law enforcement and intelligence community. Utilizing chi-square, tables, and figures to analyze the data, chapter four introduces the findings of the research.

CHAPTER FOUR: FINDINGS

Introduction

Public perception and discourse over government surveillance in support of counter-terrorism operations have undergone great scrutiny since the inception of the *War on Terrorism*. Fourth Amendment rights are routinely argued in court and challenges to governmental over-reach appear to sway with judicial prejudices. The public is often influenced through various news sources, social media, and popular culture. In July 2013, Pew Research conducted research on the publics' opinion of governmental research. This research was also the focus of follow-up research by Reddick, et. al (2015) just prior to the December 2015 terrorist attack in San Bernardino. While the Pew research was a national sampling, this research utilizes the San Bernardino community for participants one year after the San Bernardino terrorist attack.

Terrorists' acts of violence produce more death and injury as evidenced in San Bernardino, Orlando, and Boston resulting in public outcry against failed surveillance. Occasionally governmental surveillance techniques are exposed, resulting in public criticism against surveillance and demands for the protection of the Fourth Amendment are demonstrated. Identifying the appropriate balance between surveillance and the right to privacy is needed for security and personal freedom. This study is focused on the community of San Bernardino as a representation of the communities victimized by terrorism within recent years. One year has nearly passed since the attack in San Bernardino allowing the community to reflect on the tragedy and for understandable

emotions susceptible to rash reactions to subside. These conditions put the San Bernardino community in a unique position to participate in a study to evaluate their perceptions and concerns of governmental surveillance. The study will contribute to policy makers, governmental leaders, and surveillance professionals in policy development through an informed understanding of the citizenry served.

The purpose of this quantitative descriptive study is to determine the public's acceptance of governmental surveillance practices through the lens of the San Bernardino community in the aftermath of a lone wolf terrorist attack.

As the political leadership ponder surveillance policies and regulations such as the USA PATRIOT Act, a determination of acceptable surveillance policies need to be identified by governmental leaders that sustains security beyond presidencies and political affiliations. In recent administrations, both Presidents Bush and Obama have been challenged on their surveillance policies. In 2005, President Bush's administration policy of warrantless searches of those reasonably believed to be linked to al-Qaeda came under strict scrutiny and was disbanded in 2007. In 2013, President Obama's administration, the National Security Agency's (NSA) Planning Tool for Resource Integration, Synchronization, and Management (PRISM) program also came under scrutiny as well upon its disclosure by NSA contractor Edward Snowden (Staff, 2013). These examples of surveillance policies that are regularly amended to fit political ideology create uncertainty for national security practitioners. By identifying policy that supports legal and acceptable surveillance methodologies, practitioners can create long term strategies to combat lone wolf terrorism operations with the United States. The following research question guided this study:

While considering privacy concerns, what governmental surveillance practices will the San Bernardino community accept or reject to ensure personal security in the aftermath of a lone wolf terrorist attack?

The survey tool utilized within this research utilizes questions from the July 2013 Pew political survey questionnaire. This chapter outlines the specific results obtained from the San Bernardino participants and then provides contrast against the national participants from the 2013 Pew survey. By providing contrast, researchers can identify trends contributed by multiple terrorist attacks nation-wide as well as an attack that has directly impacted the San Bernardino community.

Presentation of the Findings

The data collected was organized within SPSS. Each response was assigned a value for analysis. Utilizing these values, analysis was conducted to determine influencing variables resulting in the participants' responses. Upon determining the community's perceptions of surveillance and privacy, a descriptive analysis to previous national Pew Research polls was conducted.

Quantitative data obtained from online surveys identified only 42.75 percent of the San Bernardino community participants as approving of the United States government's collection of telephone and internet data in anti-terrorism efforts while 39.82 percent disapproved. Prior to the December 2016 San Bernardino terrorist attack, Pew Research found that 50 percent of a national pool of participants responded with approving the government's data collection method while 44 percent disapproved. These results may not be considered consistent with common predictions of calls for increased

surveillance following a terrorist attack as the response has trended towards less collection of telephone and internet data.

Though the survey employed was an established instrument applied by the Pew Research Center in 2013, SPSS was utilized to determine reliability with a Cronbach's Alpha of .737 and a Cronbach's Alpha Based on standardized items at .769. The variables were further organized to correspond with previous national studies for additional comparisons upon completion of the descriptive analysis.

At the close of the online survey, 549 participants had completed the questionnaire and were included in the analysis. Table 3 identifies the participants' perception of the governments success in combating terrorism when asked how well do you think the U.S. government is doing in reducing the threat of terrorism? The San Bernardino community is split in their view as 49.5% believe the government is doing fairly well or better versus the 41.6 % that feel the government is not doing too well or worse. The 41.6% negative response may be in response to the 2015 San Bernardino terrorist attack.

Table 3.

Descriptive Statistics: Anti-Terrorism Performance

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Very well	95	17.3	17.3	17.3
	Fairly well	176	32.0	32.1	49.5
	Not too well	158	28.7	28.8	78.3
	Not well at all	70	12.7	12.8	91.1
	Don't know	49	8.9	8.9	100.0
	Total	548	99.6	100.0	
Missing	System	2	.4		
Total		550	100.0		

Participants' concerns over the government's anti-terrorism policies are clearly mixed with 10.1% more participants are concerned with civil liberty intrusions than those concerned by security. As displayed in Table 4, the San Bernardino survey further discloses that only 8.2% of the participants approve of current anti-terrorism policies. While 35.2% of participants feel that the government has over reached in restricting personal liberties, only 25.1% believe that anti-terrorism policies are inadequate.

Table 4.

Descriptive Statistics: Policy Concerns

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	That they have gone too far in restricting the average person's civil liberties.	193	35.1	35.2	35.2
	That they have not gone far enough to adequately protect the country.	138	25.1	25.1	60.3
	Both	118	21.5	21.5	81.8
	Neither / Approve of policies.	45	8.2	8.2	90.0
	Don't know	55	10.0	10.0	100.0
	Total	549	99.8	100.0	
Missing	System	1	.2		
Total		550	100.0		

Surveys were completed online by participants in March 2017 following an extremely contested and controversial presidential election with allegations of governmental surveillance on American citizens, Russian meddling, and electronic hacking. This inundation of news coverage regarding multiple forms of surveillance and hacking may have contributed to a positive response from 82.3%, as indicated in Table 5,

of the participants who considered themselves at least a little informed when asked how much, if anything, have you heard about the government collecting information about telephone calls, e-mails and other online communications as part of efforts to monitor terrorist activity? This response is specifically important to this research, as it informs on the community's ability to provide an informed response the questions. As noted in Appendix B, most respondents receive their news through television or the internet. Television consumption proved slightly more popular with participants at 43.61% over internet use at 42.52%. Predictors did not break down specific outlets or news programs that may prove useful in future research.

Table 5.

Descriptive Statistics: Surveillance Knowledge Performance

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	A lot	181	32.9	33.0	33.0
	A little, or	270	49.1	49.3	82.3
	Nothing at all	53	9.6	9.7	92.0
	Don't know	44	8.0	8.0	100.0
	Total	548	99.6	100.0	
Missing	System	2	.4		
Total		550	100.0		

As outlined in Table 6, participant response to meta data collection of telephone and internet was nearly split with only 3% more participants approving of meta data collection than disapproving. These results have been consistent with other survey questions in that approval or disapproval has not crested beyond the 50% percent mark. When asked, if they approve or disapprove of the government's collection of telephone and internet data as part of anti-terrorism efforts, only 42.8% of participants approved.

When evaluating the disapproval results of 47% from the 2013 Pew national survey, the participants in the San Bernardino survey dropped to 39.5%. This is a significant drop in disapproval rating considering that San Bernardino has a much smaller conservative representation.

Table 6.

Descriptive Statistics: Meta Data Collection

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Approve	233	42.4	42.8	42.8
	Disapprove	217	39.5	39.8	82.6
	Don't know	95	17.3	17.4	100.0
	Total	545	99.1	100.0	
Missing	System	5	.9		
Total		550	100.0		

When evaluating checks and balances of government over-reach, the courts are often considered a source to prohibit unconstitutional surveillance and data collection. When participants were asked if they believed the federal courts provide adequate limits on what telephone and internet data the government can collect in relation to anti-terrorism activity, 41.3% responded in the negative noting that the courts do not provide adequate limits. These results can be viewed in Table 7.

Table 7.

Descriptive Statistics: Court Surveillance Limitations

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Does provide adequate limits on what government can collect	184	33.5	33.7	33.7
	Does not provide adequate limits on what government can collect	227	41.3	41.6	75.3
	Don't know	135	24.5	24.7	100.0
	Total	546	99.3	100.0	
Missing	System	4	.7		
Total		550	100.0		

Many participants believe government monitoring is for purposes other than national security with only 11.1% selected protection/national security as a purpose for government data collection. Control may be an emerging theme, as 36.7% of participants perceive government data collection to be a form of control and possibly performing data collection without oversight. Table 8 offers participants various choices to indicate what they suspect the government is utilizing data in the furtherance of. To be in *control/spy/be nosy* and *whatever they want* were to two most popular choices totaling 36.7%. The responses provided in Table 8 provide research opportunity to assist in identifying the publics concerns with encroachment of civil liberties. Very few participants selected choices consistent with government mandates such as public safety. Only a total of 21.3% of participants identified gathering evidence and information on criminal activity or national security. Participants representing the San Bernardino

community following the 2015 San Bernardino terrorist attack indicate a lack of trust in the government's use of surveillance.

Table 8.

Descriptive Statistics: Other Purposes for Surveillance

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	To control/spy/be nosy	108	19.6	19.6	19.6
	To gather evidence on non-terror crimes	56	10.2	10.2	29.8
	General purposes/monitoring	83	15.1	15.1	44.9
	Political agenda/targeting	44	8.0	8.0	52.9
	Whatever they want	94	17.1	17.1	70.0
	Marketing/to sell information	13	2.4	2.4	72.4
	For protection/national security	61	11.1	11.1	83.5
	Tax purposes	10	1.8	1.8	85.3
	Targeting interest and religious groups	9	1.6	1.6	86.9
	Other targeting/profiling	12	2.2	2.2	89.1
	Other	8	1.5	1.5	90.5
	Don't know/Refuse	52	9.5	9.5	100.0
	Total	550	100.0	100.0	

Only 21.5% of the participants believe that government data collection is only being utilized for counter-terrorism efforts while 59.6% believe the data is being utilized for other purposes. Table 9 reinforces the results from Table 8 that also reflects 21.3% positive response to proper and acceptable use of surveillance. When evaluating the publics' perception of surveillance purposes, negative responses such as those indicated in Table 9 are important to consider in relation to responses questions of meta data as noted in Table 6.

Table 9.

Descriptive Statistics: Other Purposes for Data

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Only being used to investigate terrorism	118	21.5	21.7	21.7
	The government uses this data for purposes other than terrorism investigations	328	59.6	60.2	81.8
	Don't know	99	18.0	18.2	100.0
	Total	545	99.1	100.0	
Missing	System	5	.9		
Total		550	100.0		

Most participants have the perception that data collection programs collect and document conversations while only 18.2 percent of the participants believe the government only collects meta data such as phone numbers and e-mail addresses. Table 10 displays the suspicion that many participants have of the government listening to phone conversations and reading e-mails.

Table 10.

Descriptive Statistics: Forms of Data

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Only data such as phone numbers and e-mail addresses	100	18.2	18.3	18.3
	Also collecting what is being said	342	62.2	62.5	80.8
	Don't know/Refuse	105	19.1	19.2	100.0
	Total	547	99.5	100.0	
Missing	System	3	.5		
Total		550	100.0		

While Table 10 acknowledges participant suspicions of government eaves dropping, Table 11 identifies the participants' beliefs of personally being listened upon. When asked is the government has listened to their telephone calls or read their e-mails as part of a data collection program, 43.3% answered in the affirmative while only 26.5% indicated that they did not believe the government has listened to their phone calls or read their e-mails.

Table 11.

Descriptive Statistics: Personal Eavesdropping

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	237	43.1	43.3	43.3
	No	146	26.5	26.7	70.0
	Don't Know	164	29.8	30.0	100.0
	Total	547	99.5	100.0	
Missing	System	3	.5		
Total		550	100.0		

Table 12 identifies responses consistent with political philosophy predictor questions as identified in Appendix B that indicate 25.8% of participants to be conservative. Appendix B responses may indicate political influence into Table 12 with results describing only 28.5% of participants believe that the news media should not report on intelligence surveillance methods, while 53.4% of the participants believe secret counter-terrorism methods should be released to the public.

Table 12.

Descriptive Statistics: Approval of News Media Releasing Secret Methods

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes, should	292	53.1	53.4	53.4
	No, should not	156	28.4	28.5	81.9
	Don't know	99	18.0	18.1	100.0
	Total	547	99.5	100.0	
Missing	System	3	.5		
Total		550	100.0		

Most participant have a favorable opinion of the Supreme Court with 70% indicating they are either mostly or very favorable of the United States Supreme Court. Table 13 is the only question to elicit an overwhelming positive consensus.

Table 13.

Descriptive Statistics: Supreme Court

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Very favorable	88	16.0	16.0	16.0
	Mostly favorable	297	54.0	54.0	70.0
	Mostly unfavorable	126	22.9	22.9	92.9
	Very unfavorable	39	7.1	7.1	100.0
	Total	550	100.0	100.0	

Along with the predictor questions that are noted in Appendix B, participants were queried of their party affiliation as part of the survey questions. Party affiliation break downs were generally consistent with area demographics with respondents indicating 20.2% republican, 37.1% democrat, and 21.6% independent. Table 14 is a valuable tool to cross check participant responses to this survey, as this survey was

completed just two months following a very contested Presidential election highlighting numerous aspects of government surveillance and terrorism.

Table 14.

Descriptive Statistics: Party Affiliation Data

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Republican	111	20.2	20.2	20.2
	Democrat	204	37.1	37.1	57.3
	Independent	119	21.6	21.6	78.9
	No preference	54	9.8	9.8	88.7
	Other party	11	2.0	2.0	90.7
	Don't know/Refuse	51	9.3	9.3	100.0
	Total	550	100.0	100.0	

To identify the political party affiliation influence on surveillance perceptions, a Chi Square test was conducted to compare observed frequencies to expected frequencies. Field (2013) notes that the Chi-Square tests the association of variable. Additionally, the San Bernardino participant survey sample size is sufficient for an accurate Chi-Square evaluation. The Chi Square test was conducted to determine significance between party affiliation and counterterrorism operations. The test annotated within Table 15 specifically evaluated the government's use of surveillance to collect telephone and internet data. Party affiliation and approval or disapproval of metadata collection indicate a significant positive relationship with significance values below .01.

When the participants were asked to indicate their approval or disapproval of government surveillance practices, the study found significant political party affiliation influence and provided a highly significant chi-square test as noted in Table 15, $\chi 2\ (10) = 135.41$, $p < .001$. Figure 2 identifies specific differences in participant approval

separated by party affiliation. While democrat and independent affiliates indicate slight variances between approval and disapproval of government surveillance programs, the republican party affiliates overwhelmingly approve of surveillance programs.

Table 15.

Party Affiliation and Support Surveillance Approval Chi Square

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	135.413[a]	10	.000
Likelihood Ratio	120.749	10	.000
Linear-by-Linear Association	96.025	1	.000
N of Valid Cases	545		

a. 3 cells (16.7%) have expected count less than 5. The minimum expected count is 1.92.

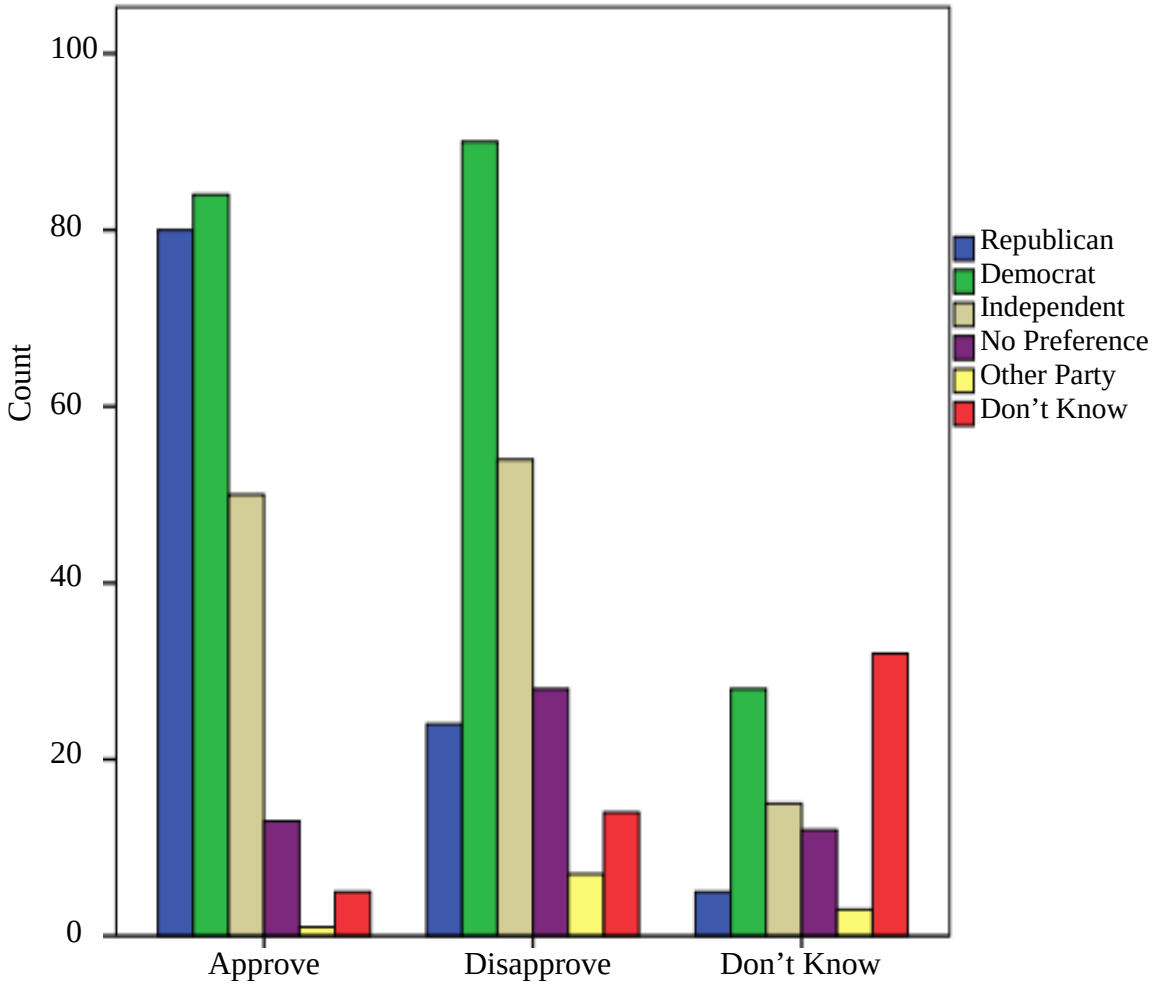

Figure 2. Party Affiliation and Support for Surveillance

Analysis and Synthesis of Findings

One year after the San Bernardino terrorist attacks, this study has found that the San Bernardino community is less confident in the government's counterterrorism capabilities as compared to Pew's July 2013 survey where 67% of the participants perceived the government's counterterrorism performance as very well or fairly-well. A 17.5% drop in perceived performance may be a result of multiple lone wolf attacks since 2013 culminating in the 2013 San Bernardino terrorist attack. Lone wolf attacks have the potential to sabotage soft targets as recognized by Michael (2012) who additionally assert

that "Al-Qaeda and its affiliates have created a more leaderless resistance approach to terrorism and insurgency" (p. 271).

Though terrorist attacks are a concern, 35.2% of the San Bernardino survey participants believe government surveillance programs have over reached into an incursion of civil liberties. This is an improvement over the Pew July 2013 survey with 47% of participants indicating an unwelcome intrusion of civil liberties. This improvement of public opinion may indicate the public's improving acceptance through normalization, or the influence of increased NGO commercial surveillance through internet providers. The increased disclosures of intelligence community activities and directives that have been made available through congressional hearings and reporting since the 2013 survey may have contributed to improved survey responses. During the Obama Administration, Zegart and Erwin (2014) argued that the administration needs to utilize clear examples and demonstrate to the public that NSA programs are crucial and worth the privacy trade-offs.

The surveillance versus privacy surveys were completed online by participants in March 2017 following an extremely contested and toxic Presidential election with allegations of governmental surveillance on American citizens, Russian meddling, and electronic hacking. This inundation of news coverage regarding multiple forms of surveillance and hacking may have contributed to a positive response from 82.3% of the participants who considered themselves at least a little informed when asked how much, if anything, have you heard about the government collecting information about telephone calls, e-mails and other online communications as part of efforts to monitor terrorist activity.

Participant response to meta data collection of telephone and internet was nearly split with only 3.5% more participants approving of meta data collection than disapproving. With 42.4% of participants approving and 39.5% disapproving of meta data collection, this is a slight improvement over the Pew 2013 national survey, where the split was at 48% approving with 47% disapproving. These results are counter to the other survey responses with more participants disapproving than approving of government surveillance questions. Additionally, it indicates a lack of expected demand for increased surveillance following multiple terrorist attacks nationwide between 2013 and 2015 to include the culminating attack with in the participants home town, San Bernardino.

When evaluating checks and balances of government over-reach, the courts are often considered the institution to prohibit unconstitutional surveillance and data collection. When participants were asked if they believed the federal courts provide adequate limits on what telephone and internet data the government can collect in relation to anti-terrorism activity, 41.3% responded in the negative noting that the courts do not provide adequate limits. This is a significant improvement since the July 2013 Pew survey where 55.4% of the participants believed the courts where not providing adequate limits on government data collection. At the time of the survey, the FISA Amendments Act was being debated and unsuccessful challenges against surveillance were being argued in the courts. The New York Civil Liberties Union went as far to argue for clear legal limits to surveillance practices (Jeffries, 2011). Amnesty International and others challenged the FISA Amendments Act in 2013 over improvements in surveillance authorizations, citing that their organizations would be subject to surveillance due to

communications with their clients overseas. On February 26, 2013 Justice Alito gave the deciding opinion and held that the claimants did not have standing (Clapper, Director of National Intelligence, Et Al. V. Amnesty International USA Et Al, 2013). Decisions such as these, while did not establish case law, does contribute to the participants concerns of privacy. Since the 2013 Pew survey, public perception may have changed as the San Bernardino survey indicates a 14.1% improvement in public opinion.

This too, may be indicator of greater acceptance of current surveillance practices, as more participants, specifically those from San Bernardino indicate the courts are enforcing limitations on surveillance. Consistent with the participants' improved response to the courts, most participant have a favorable opinion of the Supreme Court with 70% indicating they are either mostly or very favorable of the United States Supreme Court.

The post San Bernardino terrorist attack survey indicated improved perception results with 59.6% of the participants believing the government is utilizing data collected for counter-terrorism for other purposes as opposed to 70.7% of the July 2013 Pew survey participants, who believed the government utilized collected data of purposes other than terrorism. While these results may still be of concern, the results do contribute to a developing hypothesis that a community victimized by a terrorist attack is more receptive to government surveillance than those who have not been victimized.

The July 2013 Pew survey found that only 2% of all participants perceived that the counterterrorism data collection was only utilized for national security purposes. With 11.1% of the San Bernardino participants believing that such data is only utilized for national security purposes, this is a significant improvement since 2013. Though

participants from both studies are reluctant to trust the end use of government surveillance, the San Bernardino participants again indicate a greater degree of trust than the Pew 2013 national survey participants.

When participants were asked specifically if the government is listening to phone conversations there has been no change since the 2013 Pew survey. Suspicion that the government is recording phone calls and copying e-mail conversations has not changed. Pew identified 18% with this belief along with the 2017 San Bernardino survey indicating 18.2% with this belief. However, there has been a significant 16.3% increase in the suspicion that the government has been either listening to phone calls or documenting e-mail conversations since the 2013 Pew survey. Zegart and Erwin (2014) also found in their 2013 YouGov national poll that 39 percent of respondents incorrectly believed that the bulk telephone metadata information the NSA collects includes telephone call content. Best et al. (2012) contend that the nature of counterterrorism policies creates an anxious feeling among ordinary Americans regarding surveillance. As noted, the Presidential elections and media focus on telephonic surveillance of President Ex-National Security Advisor Michael Flynn or accusations of Russian hacking during the presidential campaign may have contributed to the 16.3% increase over the 2013 Pew survey results. Additionally, Deflem and McDonough (2015) note that between June 1, 2013 and January 18, 2014, more than less than 3,266 stories with the term *privacy* in the headline of major newspapers in Lexis-Nexis was published.

Disclosure of programs utilized by the National Security Agency such as PRISM may have contributed this trend. The PRISM program is believed to enable the agency to access mobile phones and monitor communications through the individual's email

address (Robis, 2014). The PRISM system allows for the establishment of a chain of communication with the goal of eventually identifying association with foreign terrorist organizations. Robis (2014) notes that communications of Americans are regularly processed through this system and likely culminating in human review. He further notes that privileged communications are subject to this intrusion as well. This is consistent with accusations of intelligence community eavesdropping into the communication of the Trump presidential transition team as disclosed by multiple news sources to include the Los Angeles Times (Cloud, 2017).

In 2013, Pew survey participant belief that news outlets should report and disclose secret methods utilized by the government was at 47.7%. One year after the San Bernardino terrorist attacks, 53.4% of San Bernardino survey participants believe in such disclosures. This is a troubling and unexpected response following a terrorist attack and should be a note of concern for those within the intelligence community charged preventing such disclosures. These results are counter to research that indicate such attacks would strengthen public support for counterterrorism efforts and surveillance (Norway, Eijkman and Weggemans, 2011).

Party affiliation break downs were slightly different than with the Pew 2013 respondents. San Bernardino participants indicating 20.2% republican, 37.1% democrat, and 21.6% independent; while the 2013 Pew respondents indicated 19% republican, 29% democrat, and 46% independent. According to Padilla (2016), San Bernardino county 2014 registration data indicates 31.98% republican, 40.27% democrat, and 22.42% independent.

The influence of the 2013 San Bernardino attack on the community's perception and acceptance can be further displayed by analyzing the 2013 Pew survey assessed prior to the terrorist attack. Figure 3 supported by Table 16 identifies the Pew research results of participant acceptance to government surveillance. When the Pew participants were asked to indicate their approval or disapproval of government surveillance practices, the Pew study found significant political party affiliation influence and provided a highly significant chi-square test as noted in Table 16, $\chi 2\ (10) = 67.78$, $p < .001$. Similar to the San Bernardino participants in Figure 2, Figure 3 identifies independent voters as being split between approval and disapproval. There were no significant differences in opinions of independent voters. However significant differences between republican and democrat voters are visibly present. San Bernardino republican participants indicated a significant increase in approval of surveillance compared to the national Pew pre-attack survey while San Bernardino democrat participants indicated an increase in disapproval when compared to the Pew national survey.

Table 16.

Pew 2013 Party Affiliation and Support for Surveillance Approval Chi Square

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	65.785[a]	10	.000
Likelihood Ratio	51.263	10	.000
Linear-by-Linear Association	9.314	1	.000
N of Valid Cases	1480		

a. 5 cells (27.8%) have expected count less than 5. The minimum expected count is .62.

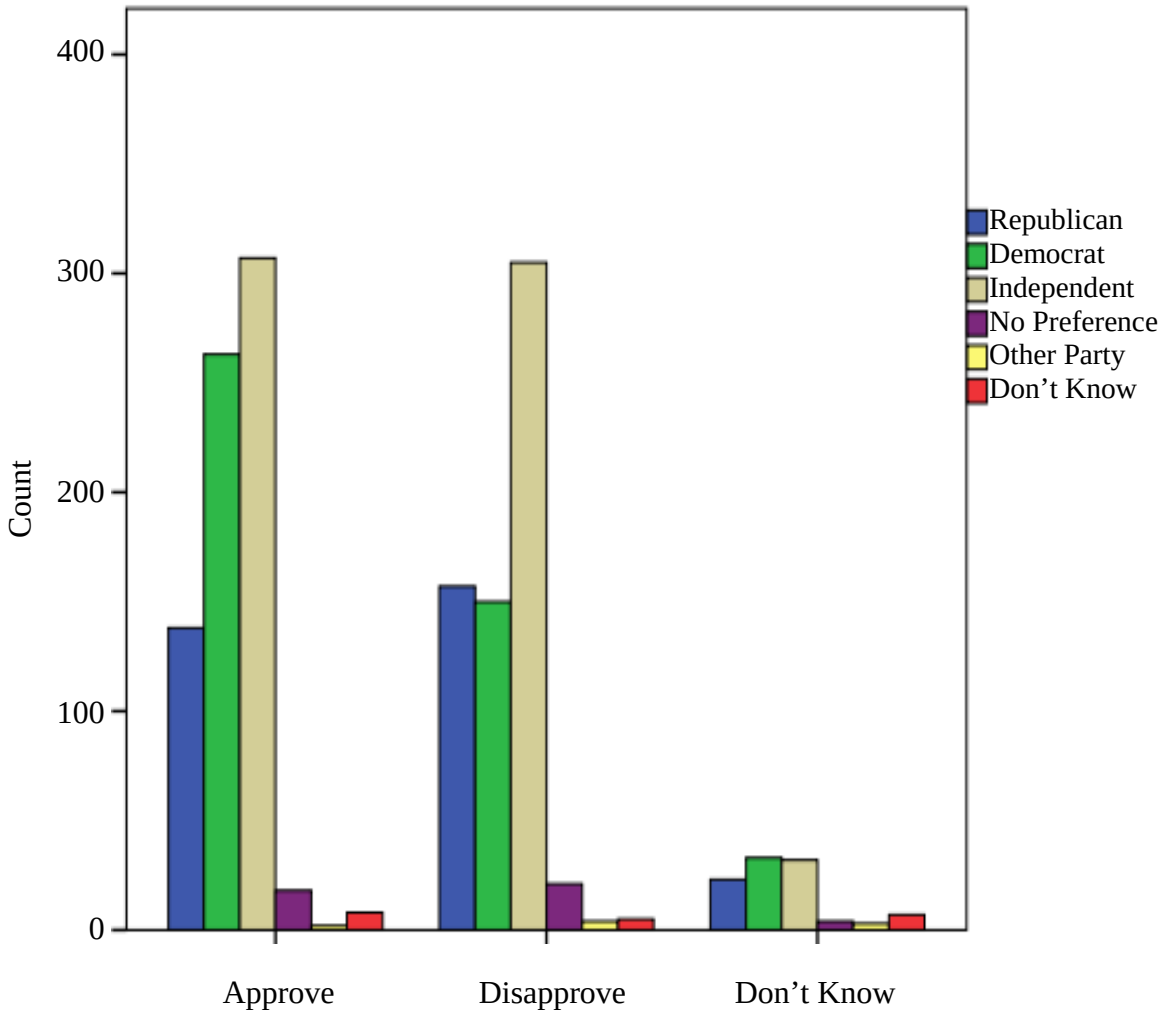

*Figure 3. Pe*w 2013 Party Affiliation and Support for Surveillance

Table 17 outlines the approval and disapproval of government data collection broken down by participant news source consumption. While most forms of media extract approval for government data collection programs, participants who utilize the internet as a news source are less likely to approve of government surveillance.

Table 17.

Government Data Collection Program Approval

Participant Source of News:	Television	Paper	Radio	Magazine	Internet	Other
Approve	45.57%	40%	54.55%	65.56%	41.20%	18.8%
Disapprove	39.24%	40%	27.27%	0%	45.06%	45.45%
Don't Know	15.19%	20%	18.18%	44.44%	13.73%	36.36%

This study additionally found that those participants who had favorable opinions of SCOTUS were more likely to approve of surveillance with 195 participants that have a favorable perception of SCOTUS also approving of surveillance. Only 134 of the participants with a favorable view of SCOTUS disapproved of government surveillance practices. Table 18 accompanied by Figure 4 provides a depiction of the approval for SCOTUS along with the support for surveillance.

Table 18.

SCOTUS Approval and Support of Surveillance Chi Square

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	68.153[a]	6	.000
Likelihood Ratio	71.318	6	.000
Linear-by-Linear Association	58.873	1	.000
N of Valid Cases	545		

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 6.62.

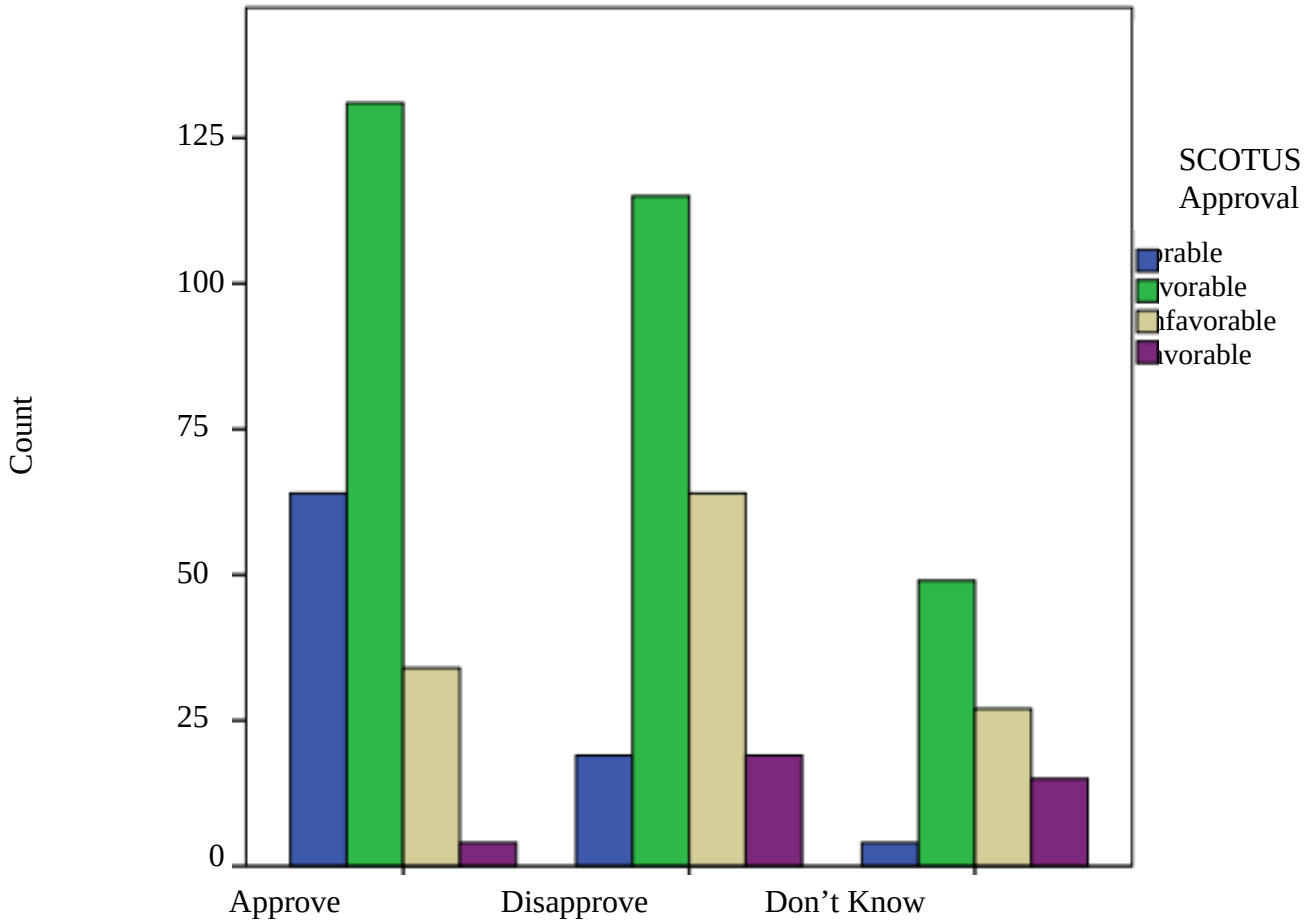

Figure 4. SCOTUS Approval and Support for Surveillance

Summary

When analyzing the San Bernardino survey results against the 2013 Pew national survey while considering current literature on surveillance, security, and privacy, much of the results can be placed into context. However, the study does reveal less confidence in counterterrorism strategies from the San Bernardino participants as opposed to the participants of the 2013 Pew national survey. While participants may be less confident in their security, they have gained confidence in the security of their civil liberties. Surprisingly, in the mist of congressional debate over Russian meddling, Clinton e-mails,

and Michael Flynn surveillance unmasking, the San Bernardino participants had less knowledge over government collecting information about telephone calls, e-mails and other online communications as part of efforts to monitor terrorist activity than the Pew participants in 2013. Yet, 16.3% more San Bernardino participants believed their phone calls and e-mails were being listened to and documented. Despite this suspicion, the San Bernardino participants were more supportive of metadata collection and the courts in general than the 2013 Pew participants. While the San Bernardino participants were more likely to support metadata collection, they were also more likely to support the media in releasing surveillance methods. Though the trend is towards surveillance acceptance following the San Bernardino terrorist attack, the overall results of the survey indicate low acceptance of government surveillance.

The following chapter will situate the major results in the existing literature and previous research and explain implications. Furthermore, it offers recommended solutions for communicating with society about surveillance.

FIVE: CONCLUSIONS AND RECOMMENDATIONS

Introduction

The central issue in intelligence acquisition and surveillance is to achieve a balance between civil liberties and security (Lowenthal, 2017). The public's rightful concern for civil liberties should not be dismissed in search of security. The focus of this descriptive study was to identify surveillance perceptions of a community following a terrorist attack. While it may be expected to see a rise in demand for security and more flexibility in civil liberties by those impacted by terrorist assaults, determining the degree of such trending and to what end will individuals surrender their civil liberties may provide stakeholders insight and tools for policy development and operational execution. In identifying these perceptions, the study has determined the impact a terrorist attack has on the acceptance of governmental surveillance. This chapter discusses conclusions and implications identified as a result of the survey completed by the San Bernardino participants, the 2013 Pew national survey, as well as literature discussing relevant issues in terrorism, surveillance, and leadership.

Purpose of the Study

The purpose of this quantitative descriptive study is to determine the public's acceptance of governmental surveillance practices through the lens of the San Bernardino community in the aftermath of a lone wolf terrorist attack.

Research Question

While considering privacy concerns, will the San Bernardino community accept governmental surveillance practices to ensure personal security in the aftermath of a lone wolf terrorist attack?

Aim of the Study

The aim of this study is to provide policy makers and other governmental leaders one of many resources to aid in the development of surveillance practices with goal of preventing lone wolf terrorist attacks and maintaining an acceptable and legal level of privacy consistent with the Fourth Amendment.

Conclusions

While this study is intended to be descriptive in nature, the findings of the research clearly identify minimal improvement in the acceptance of government surveillance following a terrorist attack. Furthermore, this research finds that acceptance of government surveillance programs correlates to political party affiliation and that news source format such as radio versus television provide significant influence in participant perception. Literature additionally indicates that educating the public of surveillance programs does not necessarily correlate to acceptance (Zegart et al., 2014). This study found that most participants supported the media in releasing information on classified surveillance programs, much to the detriment of national security.

In considering the results of this study and the challenges noted in the literature, this study recommends public awareness campaigns, such as those utilized during World War II that discouraged unintentional disclosure of sensitive information. While studies have shown that merely educating the public of intelligence programs does not correlate with improved acceptance, literature suggests that educating the public of the merits and constitutional protections of these programs may improve acceptance (Zegart et al., 2014). This study reveals less than moderate influence a terrorist attack has on an individual's opinion and position of privacy and security. This research found that the

San Bernardino terrorist attack was not sufficient to crest a 50% approval mark for operational effectiveness or metadata surveillance. While the San Bernardino community is split in their view and only 49.5% believe the government is doing at least fairly well, they are nonetheless overwhelmingly, not willing to accept surveillance. Only 42.4% approve of meta data collection while only 33.1% either approve of current policies or believe additional surveillance is needed. These results could be impacted by negative metadata disclosures as noted by Deflem and McDonough (2015) who contend that disclosure of NSA surveillance programs by former security contractor Edward Snowden in June 2013 have invigorated debate over surveillance and intelligence activities on personal rights. Depending on the respondents' source of news as noted in Appendix B, their consumption of news could influence opinions through continued reports of surveillance programs as a major threat to civil liberties and privacy by civil liberties organizations and academic scholars as described by Deflem and McDonough (2015). Twenty five percent of the participants believe that the government has gone too far in restricting civil liberties while not going far enough in protecting the country. These are significant public relation challenges for policy makers to overcome.

Major Findings

The research data identified several areas of use to policy makers and future research:

1. The 2017 San Bernardino survey indicates participant confidence in counterterrorism at 17.5% below the national Pew survey conducted in 2013.
2. Confidence that limits on counterterrorism surveillance placed by the courts improved by 14.1%

3. Perception of intrusion on civil liberties have decreased by 11.8%.
4. Perception that government is utilizing data collected for counter-terrorism for other purposes decreased by 11.1%.
5. Perception that data collection was only utilized for national security purposes increased by 9%.
6. Telephone and internet metadata collection approval decreased by 5.6% while disapproval dropped by 7.5%. These results do indicate a slight shift towards acceptance following a terrorist attack.
7. Belief that news outlets should disclose sensitive surveillance programs increased by 5.7%.
8. When evaluating San Bernardino demographics, correlations were found with political party affiliation. The San Bernardino participants consisted of 8.1% more democrats than the Pew survey and 1.2% less republicans than the Pew survey.

There has been a significant loss in the public's opinion of counterterrorism success. The 2013 national Pew survey found that 67% of participants believed the government was doing at least fairly well compared to only 49.45% of the 2017 San Bernardino participants. With ten notable terrorist attacks following the 2015 San Bernardino attack as annotated in Table 1, participants may perceive a weakness in the government's strategy to combat terrorism. This could be a reflection of poor transparency. While maintaining sources and methods classified, some disclosure may prove beneficial. Political actors are regularly challenged with security, privacy, and transparency. In reference to concerns of data collection programs, Podesta, Pritzker, Moniz, Holdren, and Zienst, (2014) recommended to President Obama that "to prevent

chilling effects to Constitutional rights of free speech and association, the public must be aware of the existence, operation, and efficacy of such programs" (p. 66). Extending this theory to include disclosure of successful operations may increase the public's confidence in counterterrorism programs. While law enforcement and the intelligence community may quickly reject such suggestions, it may be imperative that they embrace such actions to secure political support. As Gage (2011) notes that public opinion as opposed to enforcement strategies have been the determining factor of the national significance given to terrorist acts.

The study unexpectedly found that source of news consumption affected the participants' knowledge and approval of governmental programs. Except for consumers of radio and magazines, a majority of the participants who consume their news from other sources claim to have heard little or nothing about government collection programs. Sixty percent of television and internet news consumers as well as sixty seven percent of newspaper consumers advised that they knew little to nothing of government data collection programs. Radio and magazine news consumers only accounted for 5.68% of the participants. Only the internet consumers mostly disapproved of government collection of telephone and internet data while none of the magazine consumers disapproved of such programs as noted in Table 17. However, despite the media focus on surveillance and hacking, the San Bernardino participants were less informed than those quarried in the July 2013 Pew survey who responded with 86.6% of the respondents having some knowledge of surveillance efforts.

Participants who identified as consumers of internet news may be more aware of Advanced Terrorist Detection System (ATDS) and risk adverse to the system. The

ATDS was developed to track the web browsing activity of targeted groups (Elovici et. al., (2010). In detection mode, ATDS is capable of identifying users who visit and download specific content and alerting officials of such activity. Other programs such as the National Security Agency PRISM program is believed to enable the agency to access mobile phones and monitor communications through the individual's email address (Robis, 2014). The PRISM system allows for the establishment of a chain of communication with goal eventually identifying association with foreign terrorist organizations. The PRISM system may also contribute to low approval acceptance by participants.

The survey revealed a significant reversal of participant call for the release of classified counterterrorism tactics by the media. While only 51% of republicans and democrats previously favored nondisclosure in the 2013 Pew national survey, 2017 San Bernardino survey found that 55.05% of republicans and 57.84% of democrats favored the released of classified information. The survey has also revealed that confidence in the government's use of data is utilized for national security purposes has increased while the suspicion of alternative uses of data such non-terror crimes and political targeting have decreased since the Pew survey. Specifically, the perception that data collected for anti-terrorism efforts is utilized exclusively for national security purposes increased from a mere 2% to 11.09%.

Overall, the terrorist attack decreased the affected community's confidence in the government's counterterrorism capabilities. Following the terrorist attack, the San Bernardino community has a more positive opinion of the court's ability to place limits on surveillance, government intrusion, and the government's use of surveillance data.

Knowledge of surveillance efforts have decreased while the perception that the government is listening to their personal phone conversations have increased. Differences between approval and disapproval of telephone and internet metadata collection have improved along with an increased approval of media disclosure of surveillance programs. This minimal increase in approval of surveillance programs does counter Best et al. (2012) note that multiple studies have found that there is not a positive association of terrorism with support for counterterrorism domestic policies. This research does not suggest a reversal of previous findings, as the San Bernardino study only obtained a 42.4% approval and 39.5% disapproval in data collection with 35.1% still perceiving the government as exceeding constitutional boundaries and infringing on civil liberties.

Limitations

This research identifies perceptions of the San Bernardino community one year following a deadly terrorist attack killing 14 people with firearms at a work-related event within the city of San Bernardino (Burguan, 2016). While this study only represents the participants of San Bernardino and only inform to the perceptions of this community, the results of this study are transferable on a national scale to consider public perceptions of surveillance and privacy following a local terrorist attack. When identifying differences between the 2013 national Pew survey and the 2017 San Bernardino survey, this research recognizes differences in demographics among the population that may influence variances in responses between the Pew and San Bernardino survey.

Proposed Solution

The intent of this research was to complete a descriptive analysis of the perceptions of governmental surveillance from the San Bernardino community. Based on those perceptions, analysis of previous national studies, and a thorough literature review, a methodical proposal to improve perceptions towards governmental surveillance may be offered as seen in Figure 5. The law enforcement and intelligence communities will benefit from a binary approach in gaining public support for current and future surveillance programs. Consideration must be given to communicating merits of their programs as well as acknowledging and presenting their successes to the public whenever possible. While this proposed solution recognizes the necessity for not disclosing sources and methods, more can be done to gain support and inform an untrusting populace.

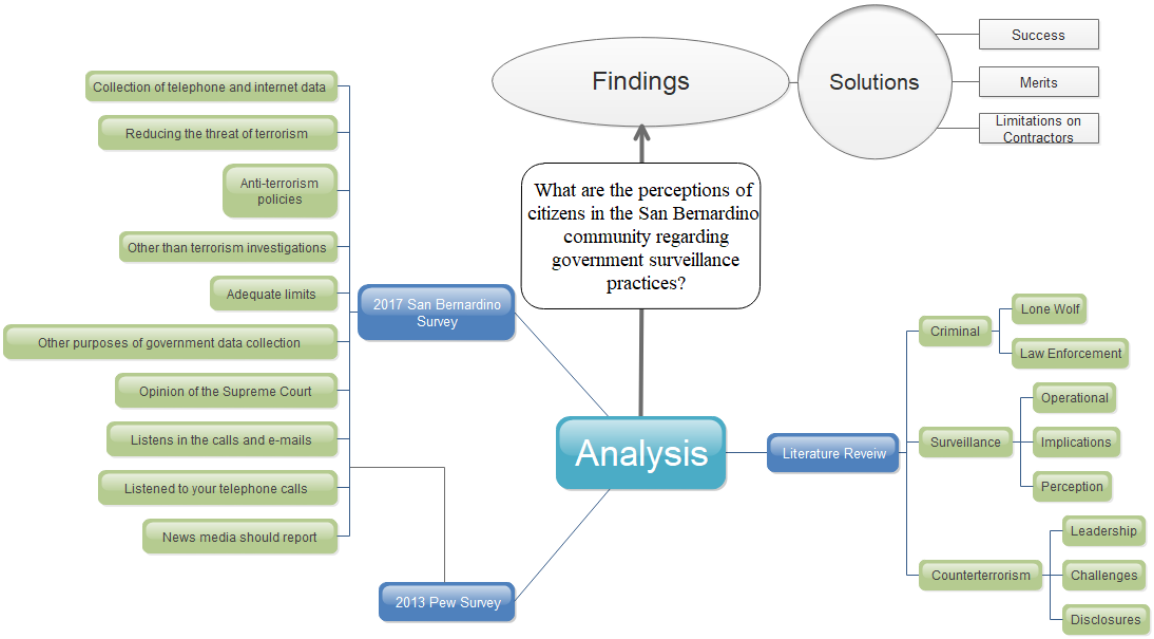

Figure 5. Literature, Analysis, and Solution

Communicating Merits and Success

Law enforcement and intelligence agencies are tasked to identify and apprehend terrorist prior to an attack occurring. Unfortunately, most often, no crimes beyond conspiracy, are committed or detectible until the attack itself. Prior to the internet revolution individuals with intentions to commit acts of violence against their neighbors were required to physically leave their residence to conduct research, acquire supplies, and communicate with likeminded individuals. Now, such suspected terrorists can complete these actions utilizing a computer or smartphone. As a result of challenges such as these, the intelligence community has had to resort to sophisticated surveillance programs such as the PRISM system. Perhaps communicating the merits and successes of such system will assist in improving public support. Table 16 indicates participants who obtain news from television, radio, and magazines are already prone to, or are positively influenced to approve of government data collection. However, those who obtain their news from the internet were less likely to approve of government data collection, while consumers of newspapers were evenly divided. Practitioners may want to consider directing success and merits disclosures to paper and internet news outlets.

Both privacy and surveillance dimensions could be considered within future community relations policies. Organizational policy studies must include considerations to disclose the intelligence communities' successes whenever possible without compromising sources and methods. These disclosures coupled with reinforcing merits to programs and policies may improve public perception and support of the intelligence community.

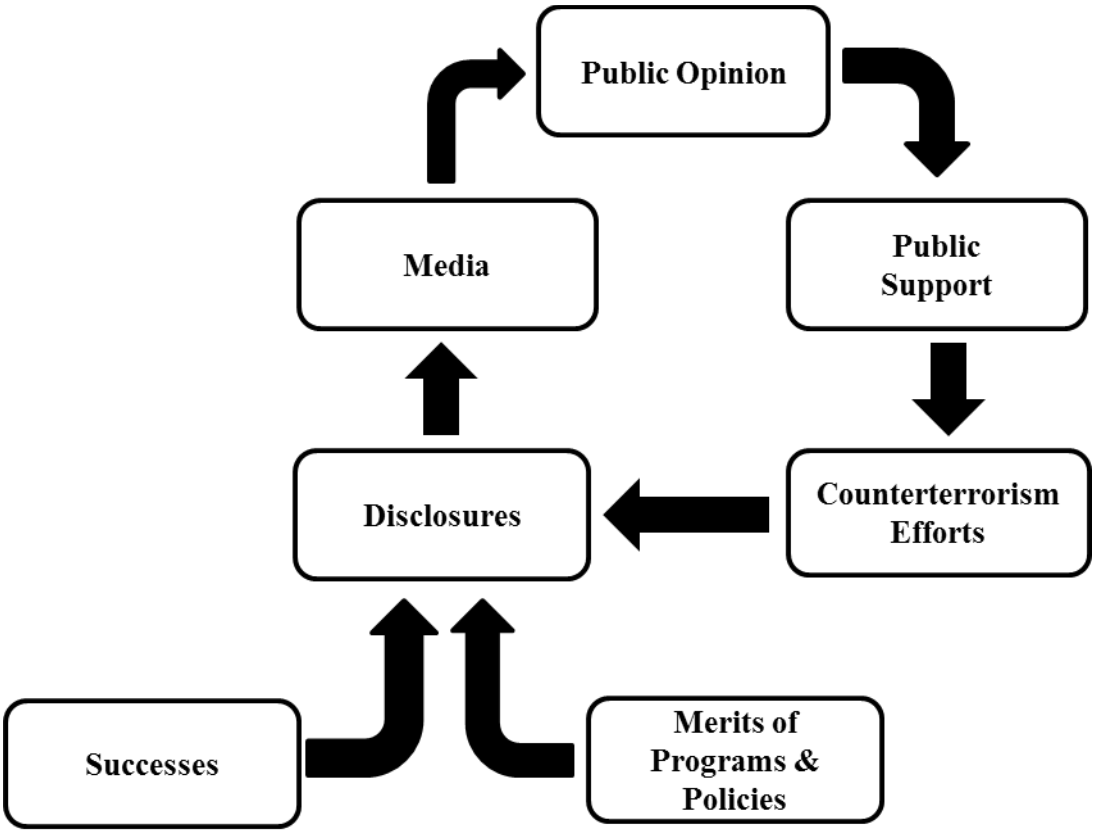

Figure 6. Success and Merits Disclosure

To promote the merits of surveillance programs such as PRISM, the intelligence community must learn to communicate with a changing and untrusting society. The intelligence community needs to evaluate the confidentiality of its successes and reconsider restrictive policies that prevent disclosure. Figure 6 provides a flow of counterterrorism efforts with an infusion of disclosing successes and promoting merits. In evaluating future policy in response to these concerns, the NSA is encouraged to complete a policy study. Kraft and Furlong advise, "most policy studies focus on what can be called proximate, or immediate, causes of public problems" (2014, p. 152). The privacy and security dimensions of counterterrorism surveillance may not require trade-offs. It requires an evaluation of the root causes of distrust of surveillance that exists today.

Continued lack of transparency and non-communication from the law enforcement and the intelligence community lends to continued speculation by 59% the public who believe that the government is utilizing counterterrorism surveillance programs for purposes other than counterterrorism efforts as noted in Table 9. Most government organizations require activity reports forwarded through the organizational chain of command. Such activity reports could be screened for those incidents most appropriate to public disclosure while protecting sources and methods.

Public policy is influenced by the concerns, fears, and preferences of the public (Kraft et al., 2015). Therefore, policymaking is greatly influenced by public opinion. This study has found that public opinion is overly favorable towards the government's current counterterrorism surveillance practices and perceive a loss in privacy. The intelligence community needs to consider all stakeholders. This includes the public it serves. Bryson (2011) acknowledges a need to establish a doctrine of no surprises. He recognized that at times, certain stakeholders may need to be kept in the dark. However, Bryson (2011) asserts that stakeholders should generally be informed.

Reducing Dependence on Contractors

Agencies, such as the NSA, need to evaluate their policy on supplementing their workforce with contractors. The NSA's recent public relations disaster and national security intelligence breach as a result of Edward Snowden who now is under the protection of the Russian government and Reality Winner [contractor whose name is *Reality Winner*], who recently released classified information to the media (Mettler, 2017). Revelations such as the security failures within the NSA as a result of employment practices may provide the stimulus to consider organizational change.

Tsoukas, and Chia (2002) view organizational change as a normal component of organizational life. They note that change or offering of change through change programs trigger ongoing change as a result. Improving organizational staffing practices may improve national security and public perceptions of the intelligence community.

While the utilization of government contractors may be essential for many programs within the intelligence community, consideration to the depth and scope of such contracts needs reconsideration. Individuals employed by contracting organizations as opposed to direct employment by an agency of the United States government are accountable to the organization they are employed by. Though such employees are still accountable to governmental regulations, consideration to their primary responsibility is to the employer. Esprit de Corp and management of employees will fade as the number of barriers exist between the employee and the government agency. As employee to sub-contractor to sub-contractor to contractor to agency gains distance, commitment to the government and management of the employee may be eroded.

This study reflects the need for a policy study on the use of contractors and limited disclosure of operational successes. Under a system with contract employees willing to disclose classified information to newspapers and other organizations coupled with the reward of Pulitzer prizes to journalists who willingly publish such information, national security and public opinion both become victims (Kraft et al., 2015). Since September 11, 2000, there have been considerable changes within the defense and intelligence communities. Policies and technology programs are a major component of these changes. Kraft et al. (2015) asserts the need to for analysis and reassessment of these programs. A policy study specifically focused on the use of contractors is

recommended to be part of such an assessment to determine efficiency and security of intelligence programs.

Implications

Defense, intelligence, and security agencies must consider the people they serve and "weigh and balance their missions against long-standing concern for the rights of citizens" (Kraft & Furlong, 2015, p. 429). Considering an 8.1% difference in political party affiliation between participants of the 2013 national Pew survey and the 2017 San Bernardino survey, change in public perception and support of government surveillance programs insignificantly improves following a terrorist attack. Many may assume the public is more politically receptive of increased government surveillance and a willingness to sacrifice privacy after a terrorist attack such as Kopan (2015), writing for CNN, who suggested that the intelligence community may have an opportunity to become more assertive following terrorist attacks in Paris. These beliefs are not consistent with the findings of this study. Analysis of the San Bernardino study indicates the response, though positive towards surveillance, is not sufficient to produce the overwhelming support of sacrificing privacy for security.

Implications for Practitioners

As noted by Zegart et al. (2014), those who wish to champion increased surveillance will need to communicate the merits of the programs, not just a description of the program. The public, as indicated by the San Bernardino participants do not overwhelmingly approve of sacrificing privacy and are not trusting of government surveillance programs. Unfortunately, the very nature of surveillance programs requires their confidentiality and void of public discourse. How do leaders and policy makers

promote the merits of classified programs without disclosing sources and methods? This will be the public relations challenge for policy makers and the intelligence community. Figure 5 displays the cycle of counterterrorism efforts, disclosure, and public opinion to communicate the merits of programs as suggested by Zegart et al. (2014). Though the study acknowledges Zegart et al. (2014) findings that education alone is insufficient to gain public support, misinformation and lack of understanding could have a degrading effect. Zegart and Erwin (2014) studied the public's perception of NSA data collection in October 2013. They found that 39% of the participants incorrectly believed the meta data program collected telephone call content. Both the San Bernardino and Pew surveys identified greater misconception among participants with 63% of the Pew survey participants and 62.2% of participants from the from the San Bernardino survey who believed telephone content was being recorded. Considering sources and methods, public education of programs and policies to include the merits of such programs along with acknowledged successes may improve public perceptions.

Implications for Future Research

Participants within this study have indicated that security and privacy are not mutually exclusive. The study further indicates the public's desire is not to forfeit privacy while maintaining security. The study, when analyzed against the 2013 national Pew survey identified minimal influence of a terrorist attack. Therefore, fear for safety is not a sufficient factor to sway public acceptance of governmental surveillance. Considerations for future research should include the impact of the declassification and dissemination surveillance successes and accomplishments. Previous research has indicated that mere education of the programs themselves do not improve acceptance of

the programs. Research into the effects of marketing the merits of such programs may produce affirmative results as suggested by Zegart et al. (2014). The aspect of concern is not so much the effectiveness of surveillance, but the intrusion into lives of the citizens the government is tasked to protect. Future research should include an evaluation of real and perceived damage to Americans who may be subject to such intrusions. Such research could include case studies of those who have been harmed in any manner by surveillance policies. Evaluation of these additional concerns could provide relevant solutions to the challenges identified in this study.

The participants in the San Bernardino study have unintentionally provided cause for additional research in media and national security. A study to evaluate the varying influence different forms of news media have on the perception of government surveillance could provide additional insight to why those who utilize internet media have a greater disapproval opinion of government surveillance than consumers of other forms of media. The research conducted to identify perceptions and acceptance of governmental surveillance has identified additional variables to for consideration for future research. While the focus of the research was to be pre and post San Bernardino terrorist attack, this research has found that while there is evidence to suggest the terrorist attack has influenced public perception, political party affiliation and differing news sources have significant influence as well.

Implications for Leadership Theory and Practice

The findings of this study have a direct impact on leadership within the nation's law enforcement and intelligence community. The lack of support and distrust of surveillance programs is a reflection upon these communities. Though the primary

objective of these organizations is to protect the public in identifying and apprehending terrorists, these organizations do need to dedicate resources to create public awareness of the merits of their programs. In discussing responses to natural disasters, Kraft and Furlong (2015) acknowledges an appeal to support policy and efforts by the President of the United States. Leadership requires such appeals to be extended to other matters as well. Kraft and Furlong (2015) also recognizes information disclosure as a useful supplement to policy strategy.

Leadership within all the law enforcement and intelligence communities must not allow for accusations and misinformation to damage their ability to conduct operations within constitutional guidelines. As a plethora of opposition challenge these organizations and gain support for further limits against surveillance, law enforcement and the intelligence community as part of an increased marketing campaign need to encourage people to consider themselves as one. Haslam advises that a task of leadership is to change people from thinking about "*what's in this for m*e" to thinking about *what's in this for us*" (2011, p. 37). Theories of organizational change and leadership as presented by Tsoukas, and Chia (2002), Kraft and Furlong (2015), and Haslam (2011) should be considered a valuable tool to the law enforcement and intelligence communities as they consider actions to improve public perception of the surveillance programs that benefit their organizations and protect the citizens they serve.

Lazarus (2005) separated counterterrorism leadership into two sectors; geopolitical and ideological. He notes that the United States is the only nation capable of taking the geopolitical leadership role in counterterrorism. However, Lazarus (2005) advises that the United States lacks the legitimacy in the Muslim world to assume the

ideological leadership role. Similar to Lazarus' (2005) call for legitimacy within the Muslim world, the United States intelligence community is still in need of establishing legitimacy for more than fifty percent of the American population. This research has found that the participants do not believe enough has been done to protect the electorate while intrusions on civil liberties are perceived to be excessive. This is a challenging task to overcome and will require meaningful change and evaluation of current strategies. As the Jesuits molded their leaders to confidently adapt and embrace a changing world (Lowney, 2005), the modern intelligence community must also adapt to new technologies and an untrusting populace. In adapting to a changing world, Bryson (2011) notes that changes in stakeholder relationship may be needed. Strategic planning at the organizational level as well as an evaluation of operational issues will need to be considered. Though the intelligence community leadership may rightfully assert deficiencies in academia, political leadership, and popular culture as contributing factors to the public's misperceptions of intelligence gathering methods and the depth of intrusion on civil liberties, it is the intelligence community's responsibility as the intelligence consumer to ensure the populace of their moral authority earned trust. Former secretary of state and army general, Colin Powell provides leadership advice that is applicable to implications of leadership by noting "quality of policy and the capacity to execute policy with excellence are fueled by high morale, esprit de corps, personal initiative and skill levels at all levels of the organization" (Harari, 2002, p. 137).

References

Alexander B. C. (2005). *United States Army War College strategy research project strategies to integrate America's local police agencies into domestic counterterrorism.* United States War College. Retrieved from http://www.strategicstudiesinstitute.army.mil/pdffiles/ksil178.pdf

Aly, A., & Green, L. (2010). Fear, anxiety and the state of terror. *Studies in Conflict & Terrorism*, *33*(3), 268-281.

Bale, J. (2012). *Jihadist cells and "IED" capabilities in Europe: Assessing the present and future threat to the west*. United States War College. Retrieved from http://ssi.armywarcollege.edu/pdffiles/pub1134.pdf

Bejesky R. (2015) Sixty shades of terror plots: Locating the actus reus and the hypothetical line for entrapment. Creighton Law Review [serial online]. June 2015;48(3):393-459.

Best, S., Krueger, B., & Ladewig, J. (2006). The polls--trends: Privacy in the information age. *Public Opinion Quarterly*, 70(3), 375-401.

Best, S., Krueger, B., & Pearson-Merkowitz, S. (2012). Al Qaeda versus big brother: Anxiety about government monitoring and support for domestic counterterrorism policies. *Political Behavior*, *34*(4), 607-625. doi:10.1007/s11109-011-9177-6

Bloss, W. P. (2009). Transforming US police surveillance in a new privacy paradigm. *Police Practice & Research*, *10*(3), 225-238. doi:10.1080/15614260802381083

Brown, A. (2015). Derivative-consent doctrine and open windows: a new method to consider the fourth amendment implications of mass surveillance technology. *Case Western Reserve Law Review*, *66*(1).

Bryson, J. (2011). *Strategic planning for public and nonprofit organizations: A guide to strengthening and sustaining organizational achievement*. Wiley. Kindle Edition.

Burguan, J. (2016, June). *San Bernardino terror attacks*. Paper presented at the National Homeland Security Conference, Tampa FL.

Calo, R. (2016). Can Americans resist surveillance? *University of Chicago Law Review*, *83*(1), 23-43.

Carter, J. G., & Carter, D. L. (2012). Law enforcement intelligence: implications for self-radicalized terrorism. *Police Practice & Research*, 13(2), 138-154. doi:10.1080/15614263.2011.596685

Carpenter, E., Temchine, B., & Trautman, E. (2013, October 16). The United States Intelligence Community. Frontline. Retrieved from http://www.pbs.org/wgbh/pages/frontline/shows/sleeper/homeland/chartintelligence.html

Casey, J. (2004). Managing Joint Terrorism Task Force resources. *FBI Law Enforcement Bulletin*, *73*(11), 1-6.

Clapper, Director of National Intelligence, Et Al. V. Amnesty International USA Et Al, 568 U.S.___ (2013).

Clausewitz, C. V. (1982). *Carl Von Clausewitz, On War, edited by Anatol Rapoport*. London England, Penguin Classics

Clinton, W. J. (1995). Message to the Congress transmitting the `Omnibus Counterterrorism Act of 1995'. *Weekly Compilation of Presidential Documents*, *31*(6), 227.

Connon, E. (2017). Are intelligence-community leakers internationally protected whistleblowers or simply "whistling in the dark"? Assessing the protections afforded to intelligence-community whistleblowers under international Law. *Case Western Reserve Law Review*, 67(3), 897-939.

Cloud, D. (2017, March 23). Inadvertent surveillance of Trump transition team raises far-reaching questions. *Los Angeles Times*. Retrieved from http://www.latimes.com/politics/washington/la-na-surveillance-nunes-htmlstory.html

Creighton (n.d.). *Bill of rights for research participants*. Retrieved from http://www.creighton.edu/fileadmin/user/ResearchCompliance/IRB/Policies_and_Procedures/118_11_Bill_of_Rights_for_Research_Participants.pdf

Creative Research Systems (n.d.). *Sample size calculator*. Retrieved from http://www.surveysystem.com/sscalc.htm

Creswell, J.W. (2014). *Research design: Qualitative, quantitative, and mixed methods approaches.* Thousand Oaks, CA: Sage.

Deflem, M., & McDonough, S. (2015). The Fear of counterterrorism: surveillance and civil liberties since 9/11. *Society*, *52*(1), 70-79. doi:10.1007/s12115-014-9855-1

Dimock, M., Doherty, C., Tyson, A., Gewurz, D. (2013). Adequate limits on NSA surveillance program: But more approve than disapprove. Pew Research Center. Retrieved from http://www.people-press.org/2013/07/26/few-see-adequate-limits-on-nsa-surveillance-program/.

Eijkman, Q. A., & Weggemans, D. (2011). *Visual surveillance and the prevention of terrorism: What about the checks and balances?* International Review of Law, Computers & Technology, 25(3), 143-150. doi:10.1080/13600869.2011.617480

Elovici, Y., Shapira, B., Last, M., Zaafrany, O., Friedman, M., Schneider, M. and Kandel, A. (2010), Detection of access to terror-related Web sites using an Advanced Terror Detection System (ATDS). *Journal of American Society Information Science,* 61: 405–418. doi:10.1002/asi.21249

FBI (n.d.) Joint terrorism task forces. *Federal Bureau of Investigation*. Retrieved from https://www.fbi.gov/investigate/terrorism/joint-terrorism-task-forces

Field, Andy (2013). *Discovering statistics using IBM SPSS statistics*. SAGE Publications. Kindle Edition.

Final Questionnaire. (2013). Washington D.C.: Pew Research Center for the People & the Press. Retrieved from http://www.people-press.org/2013/07/26/few-see-adequate-limits- on-nsa-surveillance-program/.

Funk, W. (2011). Electronic surveillance of terrorism in the United States. *Mississippi Law Journal*, Summer, 2011. 76 Miss. L.J. 841. Retrieved from http://www.lexisnexis.com.cuhsl.creighton.edu/hottopics/lnacademic/?verb=sr&csi=140730&sr=TITLE(Electronic+surveillance+of+terrorism+in+the+United+States)%2 BAND %2BDATE%2BIS%2B2011

Gage, B. (2011). Terrorism and the American experience: A state of the Field. *Journal Of American History*, 98(1), 73-94. doi:10.1093/jahist/jar106

Gall, J. M. (2014). Domestic lone wolf terrorists: An examination of patterns in domestic lone wolf targets, weapons, and ideologies (Doctoral dissertation). Retrieved from http://ebot.gmu.edu/bitstream/handle/1920/9164/Gall_gmu_0883E_10769.pdf?sequence=1&isAllowed=y

Harari, O, (2002). *The leadership secrets of Colin Powell.* New York: McGraw-Hill

Haslam, S.S., Reicher, S.D., & Platow, M.J. (2011). *The new psychology of leadership: Identity, influence, and power*. New York: Psychology Press.

Horton v. California, 496 U.S. 128 (1990)

Huey, L., Walby, K., & Doyle, A. (2006). Cop watching in the downtown eastside: Exploring the use of (counter)surveillance as a tool of resistance. T. Monahan (Ed.). Surveillance and Security. New York, NY: Routledge

Jeffries, F. (2011). Saying something: The location of social movements in the surveillance society. *Social Movement Studies, 10*(2), 175-190. doi:10.1080/14742837.2011.562362

Johnson, C.E. (2012) *Meeting the ethical challenges of leadership: casting light or shadow*. Thousand Oaks, CA: Sage Publications, 4th edition.

Katz v. United States, 389 U.S. 347 (1967).

Kopan, T. (2015, November 20). Political winds shifting on surveillance after Paris attacks? *CNN*. Retrieved from http://www.cnn.com/2015/11/20/politics/paris-syria-isis-surveillance-intelligence-politics/index.html.

Kraft, M., Furlong, S. (2015). *Public policy: Politics, analysis, and alternatives*. SAGE Publications. Kindle Edition.

Kreissl, R. (2014). Assessing security technology's impact: Old tools for new Problems. *Science & Engineering Ethics, 20*(3), 659-673. doi:10.1007/s11948-014-9529-9

Lachmayer, K and Witzleb, N. (2014). The challenge to privacy from ever increasing state surveillance: a comparative perspective. *University of New South Wales Law Journal* 37, no. 2: 748-783.

Lazarus, David (2005). Effects-based operations and counterterrorism. (2005). *Air & Space Power Journal*, 19(3), 22-28.

Lowney, C. (2005). *Heroic leadership: Best practices from a 450-year-old company that changed the world.* Kindle Edition.

Lowney, Chris, (2003). *Leadership: Best Practices From a 450-Year-Old Company that Changed the World.* (Kindle Location 2160). Kindle Edition.

Lowenthal, M. M. (2017). Intelligence, 7th Edition. [Bookshelf Online]. Retrieved from https://bookshelf.vitalsource.com/#/books/9781506379579/

Mettler, K. (2017, June 9). Judge denies bail for accused NSA leaker Reality Winner after not guilty plea. Washington Post. Retrieved from https://www.washingtonpost.com/news/morning-mix/wp/2017/06/09/judges-denies-bail-for-accused-nsa-leaker-reality-winner-after-not-guilty-plea/?utm_term=.4250b4ee7f79

Michael, G. (2012). Leaderless resistance: The new face of terrorism. *Defence Studies*, *12*(2), 257-282. doi:10.1080/14702436.2012.699724

Nimer, Mohamed (1996). Muslims in America are not a terrorist threat. Leone, B., Barbour, S., Stalcup, B., Sadler, B., & Winter, P. (Eds), Urban Terrorism (pp. 66-74). San Diego, CA: Greenhaven Press Inc.

Olson, A. K., Simerson, B. K. (2015). *Leading with strategic thinking: Four ways effective leaders gain insight, drive change, and get results.* Wiley. Kindle Edition.

Padilla, A. (2016). Voter registration statistics by county report of registration as of October 24, 2016, *California Secretary of State Homepage*. Retrieved from http://elections.cdn.sos.ca.gov/sov/2016-general/sov/02-voter-reg-stats-by-county.pdf

Podesta, J., Pritzker, P., Moniz, E., Holdren, J., & Zienst, J. (2014). Big data: Seizing opportunities, preserving values. *Executive office of the President*. Retrieved from https://www.whitehouse.gov/sites/default/files/docs/big_data_privacy_report_may_1_2014.pdf

Pew Research Center. (2017). U.S survey research. In *Questionnaire design*. Retrieved from http://www.pewresearch.org/methodology/u-s-survey-research/questionnaire-design/

Ray, N. (2016). Public disclosure websites and extremist threats. *Army War College Review. Army War College*, 2(1).

Reddick, C., Chatfield, A. & Jaramilloa, P. (2015). Public opinion on National Security Agency surveillance programs: A multi-method approach. *Government Information Quarterly*. 32 (2) 129-141. doi: 10.1016/j.giq.2015.01.003

Rindskopf-Parker, E. (2000). Transnational threats Vis-`a-Vis law Enforcement and military intelligence: Lessons on the emerging. *Transnational Threats: Blending Law Enforcement and Military Strategies.* Edited by Carolyn W. Pumphrey. Strategic Studies Institute, U.S. Army War College. Retrieved from http://www.strategicstudiesinstitute.army.mil/pdffiles/00217.pdf

Roberts, Carol M. (2010). The *dissertation journey: A practical and comprehensive guide to planning, writing, and defending your dissertation*. SAGE Publications. Kindle Edition.

Roberts, P. (2009). How security agencies control change: Executive power and the quest for autonomy in the FBI and CIA. *Public Organization Review, 9*(2), 169-198. doi:10.1007/s11115-009-0078-7

Robis, L. (2014). When does public interest justify government interference and surveillance? *Asia-Pacific Journal on Human Rights & The Law*, 15(1/2), 203-218. doi:10.1163/15718158-15010209

Schulhofer, S., Tyler, T., & Huq, A. (2011). American policing at a crossroads: Unsustainable policies and the procedural justice alternative. *The Journal of Criminal Law and Criminology*. (2). Retrieved from http://www.jstor.org/stable/23074042

Seidman, Irving. (2013). Interviewing as qualitative research: A guide for researchers in education and the social sciences. Teachers College Press. Kindle Edition.

Singman, B. (2017, June 5). Timeline of recent terror attacks against the west. *Fox News*. Retrieved from http://www.foxnews.com/world/2017/06/05/timeline-recent-terror-attacks-against-west.html

Smith, Brent (1994). *Terrorism in America, pipe bombs and pipe dreams*. Albany. State University of New York Press.

Staff, Newsteam. (2013). U.S. domestic surveillance. *CFR.org*. Council on Foreign Relations, 10 June 2013. Retrieved from http://www.cfr.org/intelligence/us-domestic-surveillance/p9763.

United States Congressman Mike Pompeo. (2016). *Post-9/11 measures have been weakened or discarded. A coherent new approach is needed.* [Press release]. Retrieved from http://pompeo.house.gov/news/documentsingle.aspx?DocumentID=398776

United States Census Bureau (2010). Quick facts San Bernardino city, California. Retrieved from http://www.census.gov/quickfacts/table/PST045215/0665000.

Moore, J. & Worrall J. (2015). *Criminal law*. New York, NY: Pearson

Yin, T. (2011). Joint terrorism task forces as a window into the security vs. civil liberties debate. *Florida Coastal Law Review,* Fall 2011.

Zegart, A. B., & Erwin, M. (2014). Bringing the NSA in from the cold. *Hoover Digest: Research & Opinion on Public Policy* [serial online]. Spring2014 2014;(2):63-67.

Appendix A

Bill of Rights for Research Participants

As a participant in a research study, you have the right:

1. To have enough time to decide whether or not to be in the research study, and to make that decision without any pressure from the people who are conducting the research.
2. To refuse to be in the study at all, or to stop participating at any time after you begin the study.
3. To be told what the study is trying to find out, what will happen to you, and what you will be asked to do if you are in the study.
4. To be told about the reasonably foreseeable risks of being in the study.
5. To be told about the possible benefits of being in the study.
6. To be told whether there are any costs associated with being in the study and whether you will be compensated for participating in the study.
7. To be told who will have access to information collected about you and how your confidentiality will be protected.
8. To be told whom to contact with questions about the research, about research-related injury, and about your rights as a research subject.
9. If the study involves treatment or therapy:
    a. To be told about the other non-research treatment choices you have.
    b. To be told where treatment is available should you have a research-related injury, and who will pay for research-related treatment.

Appendix B

Survey Predictor Questions

1. What is your sex?
    a. Male
    b. Female
2. What is your age?
    a. _____ years
    b. 97 or older
    c. Don’t know/Refuse
3. What is the highest level of school you have completed or the highest degree you have received?
    a. Less than high school (Grades 1-8 or no formal schooling)
    b. High school incomplete (Grades 9-11 or Grade 12 with NO diploma)
    c. High school graduate (Grade 12 with diploma or GED certificate)
    d. Some college, no degree (includes community college)
    e. Two year associate degree from a college or university
    f. Four year college or university degree/Bachelor’s degree (e.g., BS, BA, AB)
    g. Some postgraduate or professional schooling, no postgraduate degree (e.g. some graduate school)
    h. Postgraduate or professional degree, including master’s, doctorate, medical or law degree (e.g., MA, MS, PhD, MD, JD, graduate school)
    i. Don't know/Refuse

4. Which of the following describes your race? You can select as many as apply. White, Black or African American, Asian or Asian American or some other race. Check up to four.
    a. White (e.g., Caucasian, European, Irish, Italian, Arab, Middle Eastern)
    b. Black or African-American (e.g., Kenyan, Nigerian, Haitian)
    c. Asian or Asian-American (e.g., Asian Indian, Chinese, Filipino, Vietnamese or other Asian origin groups)
    d. Other
    e. Native American/American Indian/Alaska Native
    f. Pacific Islander/Native Hawaiian
    g. Hispanic/Latino (e.g., Mexican, Puerto Rican, Cuban)
    h. Don't know
    i. Refuse
5. Were you born in the United States, on the island of Puerto Rico, or in another country?
    a. U.S.
    b. Puerto Rico
    c. Another country
    d. Don't know/Refused

6. What is your present religion, if any? Are you Protestant, Roman Catholic, Mormon, Orthodox such as Greek or Russian Orthodox, Jewish, Muslim, Buddhist, Hindu, atheist, agnostic, something else, or nothing in particular?

    a. Protestant (Baptist, Methodist, Non-denominational, Lutheran, Presbyterian, Pentecostal, Episcopalian, Reformed, Church of Christ, Jehovah's Witness, etc.)
    b. Roman Catholic (Catholic)
    c. Mormon (Church of Jesus Christ of Latter-day Saints/LDS)
    d. Orthodox (Greek, Russian, or some other orthodox church)
    e. Jewish (Judaism)
    f. Muslim (Islam)
    g. Buddhist
    h. Hindu
    i. Atheist (do not believe in God)
    j. Agnostic (not sure if there is a God)
    k. Something else
    l. Nothing in particular
    m. Christian
    n. Unitarian (Universalist)
    o. Don't Know/Refuse

7. Last year, that is in 2016, what was your total family income from all sources, before taxes?

    a. Less than $10,000

    b. 10 to under $20,000

    c. 20 to under $30,000

    d. 30 to under $40,000

    e. 40 to under $50,000

    f. 50 to under $75,000

    g. 75 to under $100,000

    h. 100 to under $150,000 [OR]

    i. $150,000 or more

    j. Don't know/Refuse

8. In general, would you describe your political views as...

    a. Very conservative

    b. Conservative

    c. Moderate

    d. Liberal

    e. Very liberal

    f. Don't know/Refuse

9. How do you get most of your news about national and international issues? From

   a. Television

   b. Newspapers

   c. Radio

   d. Magazines

   e. The internet

   f. Other

   g. Don't know/Refused

Descriptive Predictor Statistics

Item	Group	*N*	Frequency
1. Gender	Male	198	36%
	Female	352	64%
2. Age	18-20	45	9.22%
	21-29	159	32.58%
	30-39	163	33.4%
	40-49	62	12.7%
	≥ 50	59	12.09%
3. Education	≤ High School	11	2%
	Some High School	26	4.74%
	High School	101	18.4%
	Some College	136	24.77%
	Associate Degree	63	11.48%
	Bachelor Degree	124	22.59%
	Some Post Graduate	26	4.74%
	Post Graduate Degree	56	10.2%
	Not Reported	6	1.09%

Item	Group	*N*	Frequency
4. Ethnicity	White	221	40.63%
	African American	66	12.13%
	Asian	62	11.4%
	Other	10	1.84%
	Native American	12	2.21%
	Pacific Islander	11	2.02%
	Hispanic	150	27.57%
	Don’t Know	2	.37%
	Refuse	10	1.84%
5. Birthplace	U.S.	472	87.9%
	Puerto Rico	3	.56%
	Another Country	56	10.43%
	Don’t Know/Refuse	6	1.12%

Item	Group	*N*	Frequency
6. Religion	Protestant (Baptist, Methodist, Non-denominational, Lutheran, Presbyterian, Pentecostal, Episcopalian, Reformed, Church of Christ, Jehovah's Witness, etc.)	83	15.29%
	Roman Catholic (Catholic)	141	25.97%
	Mormon	13	2.39%
	Orthodox (Greek, Russian, or some other orthodox church)	8	1.47%
	Jewish (Judaism)	6	1.10%
	Muslim (Islam)	10	1.84%
	Buddhist	13	2.39%
	Hindu 1.29% 7	7	1.29%
	Atheist	29	5.34%
	Agnostic	33	6.08%
	Something else	20	3.68%
	Nothing in particular	39	7.18%
	Christian	132	24.31%
	Unitarian (Universalist)	2	0.37%
	Don't Know/Refuse	43	7.92%

Item	Group	*N*	Frequency
7. 2016 Family Income	Less than $10,000	62	11.33%
	10 to under $20,000	49	8.96%
	20 to under $30,000	63	11.52%
	30 to under $40,000	55	10.05%
	40 to under $50,000	50	9.14%
	50 to under $75,000	98	17.92%
	75 to under $100,000	72	13.16%
	100 to under $150,000 [OR]	48	8.78%
	$150,000 or more	23	4.20%
	Don't know/Refuse	27	4.94%
8. Describe your political View.	Very conservative	50	9.17%
	Conservative	90	16.51%
	Moderate	190	34.86%
	Liberal	113	20.73%
	Very liberal	39	7.16%
	Don't know/Refuse	50	9.17%

Item	Group	N	Frequency
9. Where do you get your news?	Television	239	43.61%
	Newspapers	21	3.83%
	Radio	23	4.20%
	Magazines	9	1.64%
	The internet	233	42.52%
	Other	11	2.01%
	Don't know/Refuse	12	2.19%

Appendix C

INFORMED CONSENT

Surveillance Versus Privacy Considerations for The San Bernardino Community

Principal Investigator: Robert Price

Study Purpose and Procedures: The research this survey supports are to identify what governmental surveillance practices the San Bernardino community will accept to ensure personal security in the aftermath of a lone wolf terrorist attack. The survey should take approximately 20 minutes to complete.

Risks of Participating in the Study: This survey is conducted online with no risks to participants. Should a participant feel uncomfortable answering any questions, please continue to the following question.

Disclosure of Appropriate Alternatives: You may choose not to participate in the study at any time.

Confidentiality: Participant confidentiality records identifying subjects will not be maintained upon completion of the survey. Personal information you provide during this survey will not be accessible researchers. Creighton University Institutional Review Board will have access to questionnaire data. Participant identity is not disclosed or utilized in this research

Compensation for Participation: Participation is voluntary. Outside of any agreement with Qualtrics, no compensation will be made for participation in the research study.

Contact Information: Please feel free to contact the Primary Investigator, Robert Price at robertprice@creighton.edu with any questions or concerns regarding participation or

participants' rights. The Creighton University IRB may also be contacted through IRB@creighton.edu.