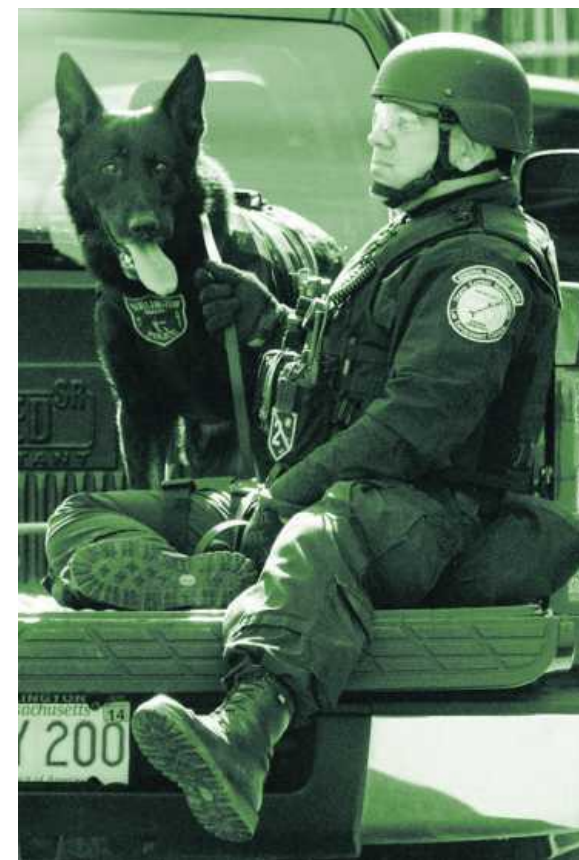




# A FINE LINE

Sustained security measures  
require balance to ease concerns

By Matt Alderton



**F** ALL IN BOSTON IS BEAUTIFUL. IF YOU ASK LOCAL FOOTBALL FANS, however, it's not the scarlet foliage on the Boston Common that's so magnificent. It's the sight of their beloved New England Patriots lining up at Gillette Stadium in Foxborough, Mass.

"Growing up in Massachusetts, it's hard not to be a Pats fan," said public relations professional Theresa Masnik of Brookline. Although she typically makes it to only one home game per season, she remembers going to the old Patriots stadium with her dad.

Back then, football games were pure escapism. Now, however, an omnipresent mix of security cameras, armed guards and traffic barriers can send an opposite message: There is no escape.

That message was amplified in June 2013, when the National Football League announced a new policy limiting the size and type of bags allowed in stadiums. Backpacks and purses are out. Instead, fans are limited to clear totes, 1-gallon clear plastic freezer bags and clutches the size of their hand.

"We crafted what we think is an effective policy that serves two goals: one, to create a safer environment, and two, to get our fans into our stadiums a little

more quickly," said NFL vice president and chief security officer Jeff Miller.

When Masnik attended a Patriots exhibition game on Aug. 16, she spent 40 minutes in line for security, and missed kickoff as a result. But she felt safer — and for that she was grateful.

"I work in downtown Boston and live just outside the city," Masnik said. "After the events of the Boston Marathon only a few months before, I gladly welcomed the heightened security efforts. It was comforting."

Philadelphia Eagles fan Sarah Maiellano attended the Eagles' season opener against the Washington Redskins in September, and didn't feel safe. She felt stymied.

"Banning purses isn't going to do anything to stop violence or terrorism," said Maiellano, who wrote a scathing critique of the policy afterward for *Salon*.

"These policies are designed to make people feel safer, but I think they just make life harder for the good guys."

The NFL's stadium bag policy is only the latest link in a long chain of post-9/11 security measures designed to protect Americans from terrorist attacks.

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The divide between fans and foes, however, illustrates perfectly the ongoing national debate about whether security is working — and whether it's worth it.

Love it or loathe it, security is permanently embedded in American society, according to Bruce Hoffman, director of the Center for Security Studies at Georgetown University.

"Security has become fairly extensive, especially in the aftermath of 9/11. You can't walk into an office building now without showing some form of ID, or at least signing in," said Hoffman, author of *Inside Terrorism*. "It has become ingrained in our culture."

The job outlook for security guards offers a glimpse of just how ingrained security has become: In 2001, there were 515,747 security guards employed in the United States, according to the U.S. Bureau of Labor Statistics. In 2010 — the most recent year for which there is data — there were 1.03 million, and by 2020 there will be 1.2 million.

Another telling metric is local, state and federal spending on "enhanced" security and intelligence, which has totaled \$75

billion per year since 9/11, according to John Mueller, a senior research scientist at The Ohio State University's Mershon Center for International Security Studies.

"The total increase since 9/11 in homeland security spending has been more than \$1 trillion," said Mueller, co-author of *Terror, Security and Money: Balancing the Risks, Benefits and Costs of Homeland Security*. "That's a fantastic amount of money."

Most Americans believe the nation is getting a good return on its security investment. A May 2013 Gallup Poll found that 82 percent, 75 percent, 74 percent and 84 percent of Americans, respectively, think the FBI, CIA, DHS and Transportation Security Administration are doing "excellent" or "good" work. Likewise, a September 2013 Fox News poll found that a majority of Americans (51 percent) think the United States is safer today than it was before 9/11.

"We tend to look at security measures ... as inconvenient, but there's a different constituency that takes great solace and satisfaction in the fact that these measures remain in place," Hoffman said.

Clearly, the U.S. security apparatus has gotten big. Whether it's deemed too big, however, depends largely on whether it's proven effective, according to Rick Mathews, director of the National Center for Security & Preparedness at the State University of New York-University at Albany. He thinks it has been.

"Our state of security is far improved over where we were 12 years ago," said Mathews, who cites the lack of another large-scale terrorist attack on U.S. soil since 9/11. "We've not seen significant attacks in those areas where security measures have been put in place. The question is: Is it because the bad guys don't want to attack them, or because it's too difficult for terrorists to take on those targets? I think the latter."

Mueller isn't so sure. That another terrorist attack hasn't happened is a function mostly of probability, he argued.

"At present rates, your chance of being killed by a terrorist is one in 3 or 4 million per year if you're American," said Mueller, who called U.S. spending on counterterrorism "delusional."

"There's a whole concept known as 'acceptable risk,'" he said. "If a risk is that low, it's generally considered to be acceptable; spending a lot of money to make it even lower is very questionable, because there are many things you can spend that same money on that deal with hazards much more likely to kill people."

The "If You See Something, Say Something" security awareness campaign is a good example, according to New York University sociology professor Harvey Molotch, author of *Against Security: How We Go Wrong at Airports, Subways and Other Sites of Ambiguous Danger*.

Developed by New York's Metropolitan

Transportation Authority, the campaign has been licensed by DHS, whose national partners include cities, states, universities, transportation systems, sports leagues and private companies — including Walmart, which began airing security messages in checkout lanes at 588 participating stores in 2010.

"These campaigns are everywhere, and they create visual pollution," Molotch said. "When there are signs in subways that say 'If You See Something, Say Something,' there are signs you don't read because attention spans are limited. Some of those signs tell you, for example, where the exit is."

Probability does not relieve authorities of responsibility, according to Sen. Tom Carper, D-Del., chairman of the Senate Homeland Security and Governmental Affairs Committee.

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## WHAT HAPPENED TO COLOR-CODED TERROR ALERTS?

The Department of Homeland Security retired the Homeland Security Advisory System — the color-coded terrorism threat advisory scale — in 2011. In its place, it instituted the National Terrorist Advisory System, whereby DHS shares information about credible terrorist threats via [DHS.gov/alerts](http://DHS.gov/alerts), social media and news media. Advisories are now "Elevated" if DHS lacks specific information about the timing or location of a threat, or "Imminent" if DHS believes the threat is impending or very soon.



JOSHUA ROBERTS/AFP/GETTY IMAGES

**Then-Homeland Security chief** Tom Ridge introduces the color-coded alert system on March 12, 2002. The system was retired in 2011.



PAUL J. RICHARDS/AFP/GETTY IMAGES

The "If You See Something, Say Something" campaign began in 2010 as a way to involve citizens in the effort to watch for and prevent terrorist attacks. This sign was posted at Ronald Reagan Washington National Airport in Washington, D.C.

a terrorist attack as low, the simple truth is that terrorism remains a serious and complex threat to the homeland," he said. "According to statements from the FBI, the U.S. government has disrupted close to 100 potential terror attacks over the last four years. Stopping these potential attacks requires a consistent and unwavering commitment to invest in our homeland defenses."

Because it empowers people to live more fully, some argue that perceived safety is just as valuable as actual safety. "Terrorism is a low-probability event. Unfortunately,

its consequences are tragic," Hoffman said. "Probabilities don't make people feel safe; perception does."

Even the DHS acknowledges the difficulty. "We cannot prevent all threats all the time, nor can we guarantee the safety of every community against all hazards," acting secretary Rand Beers told Congress in November.

A September 2013 poll by the AP-NORC Center for Public Affairs Research suggests that Americans do, in fact, feel safe. Although 30 percent of those surveyed said they're a "great deal" or "somewhat"



MARIO TAMA/GETTY IMAGES

**New York City police** officers inspect bags at a subway entrance during the morning commute in Grand Central Terminal on April 16, 2013.



TIMOTHY CLARY/AFP/GETTY IMAGES

**Two women protest** New York City police surveillance of Muslims who were not suspected of terrorist activities. The ACLU filed suit against the police department in June.

concerned that they or their loved ones could be harmed by terrorists, that's the lowest level in polling on the subject dating back to 2004.

Americans want to feel safe, but they also want to feel free. For civil liberties advocates, therefore, security isn't just costly. Absent effective controls, it's also dangerous.

"What we've seen is a militarization of

civilian spaces," said Molotch, who worries about "security theater" — security measures that placate the public but haven't been proven effective — on privacy, mobility and access in public places. "This authority system intrudes in your life; when that happens, the gut reaction people have about being violated is an indicator of a breakdown in civil liberties."

Associated Press reporters Matt Apuzzo and Adam Goldman document further evidence of this breakdown in their book, *Enemies Within: Inside the NYPD's Secret Spying Unit and Bin Laden's Final Plot Against America*, which tells the story of Najibullah Zazi, an Afghan immigrant who was arrested

in September 2009 and pleaded guilty for his role in an al-Qaeda plot to bomb the New York subway. Despite mass surveillance of the Muslim community by intelligence officers in the New York Police Department, Zazi and his two accomplices went undetected until the feds intercepted an email they sent prior to the planned attack.

"The NYPD had infiltrated these guys'

mosques and their Muslim student association, they'd been to the restaurants near their house, the YMCA — it was almost as if no part of their lives remained untouched," Goldman said. "These activities were incredibly invasive, and yet they didn't catch these guys. They missed them completely."

What troubles civil liberties advocates isn't that Zazi was under surveillance. He was a terrorist, after all. It's that he was under surveillance before he was a suspected terrorist, along with countless innocent Muslims who were targeted by the NYPD likely because of their race and religion, alleges a lawsuit filed by the American Civil Liberties Union against the NYPD in June 2013.

"When groups of people believe themselves to be under scrutiny ... they begin to engage in a kind of self-censorship," said Elizabeth Goitein, co-director of the national security program at the Brennan Center for Justice, a nonpartisan public policy and law institute at New York University Law School. "There was a study recently by the CUNY School of Law looking at the effect of the NYPD's surveillance activities on the Muslim-American community in New York City. Interviews and other methods found that the surveillance had real, concrete effects. Mosque attendance was down. Muslim associations were having trouble with recruitment. Groups were not holding

political conversations in public like they used to. That kind of self-censorship is a quintessential First Amendment harm."

Mass surveillance programs — including the National Security Agency's secret "metadata" program, made public in May 2013 by former NSA contractor Edward Snowden — tell a cautionary tale about unfettered security measures, agrees ACLU senior policy counsel Mike German.

"The cumulative effect of all Americans being aware that the government is collecting (personal) information affects our national discourse and our ability to seek out information on sensitive topics," he said. "That does great harm to a democratic society."

Although he acknowledges the potential for abuse, Gary Schmitt rejects the argument that security threatens freedom.

"What basic civil liberties have really come under duress?" asked Schmitt, co-director of the Marilyn Ware Center for Security Studies at the American Enterprise Institute, a nonpartisan think tank. "As much as everybody wants to complain about the lines at the airport and the like ... free speech hasn't been curbed, or people's voting rights or people's right to assemble. None of the core rights we associate with a decent liberal regime have at all been curtailed."

Schmitt worries that concerns about civil liberties might hurt counterterrorism efforts, not the other way around. "The real danger is that the intelligence community feels like it has to be so cautious that it, in fact, doesn't do its job properly," he said.

Ultimately, both concerns are valid, according to Carper. "Today, a significant constitutional challenge we face is how we reconcile our desire to respect — and protect — our cherished civil liberties while ensuring we are doing everything we can to keep Americans safe," he said. "Striking that balance is very much a work in progress."

The conversation's new steward is David Medine, chairman of the newly operational Privacy and Civil Liberties Oversight Board, an independent, bipartisan agency charged with safeguarding civil liberties as part of the nation's counterterrorism efforts.

"Americans are understandably concerned about whether their privacy and civil liberties are being respected," Medine said. "It's our job to make an assessment and ... report to the president and Congress if we see shortcomings."

Meanwhile, the security juggernaut ambles on at airports, subways and office buildings. And, of course, football stadiums.

"There will always be those who are critical (of security), but they have the luxury of not being responsible for people," said the NFL's Miller. "In a free society you can never guarantee safety and security 100 percent, but you can take reasonable steps to create a safer environment. That's what we're trying to do." ●