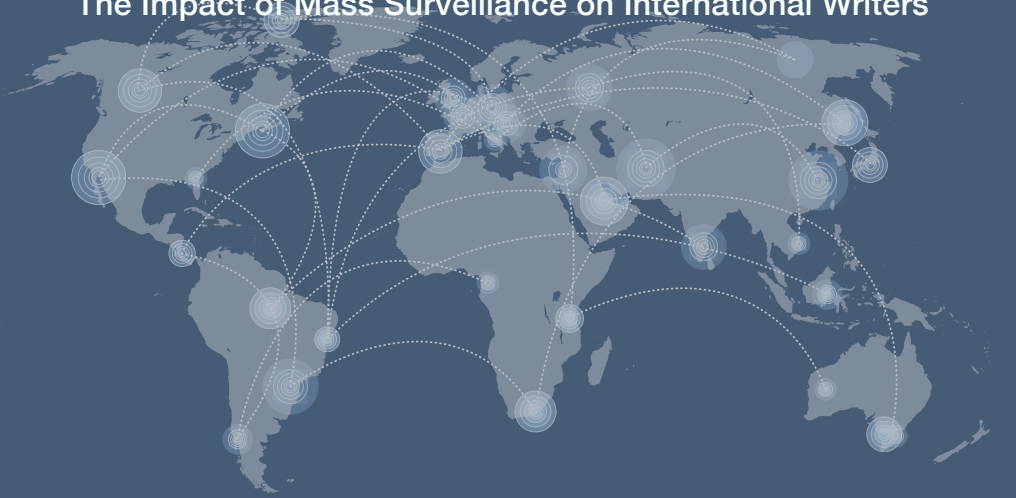
GLOBAL CHILLING

The Impact of Mass Surveillance on International Writers



Results from
PEN's International
Survey of Writers
January 5, 2014

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PEN American Center is the largest branch of PEN International, the world's leading literary and human rights organization. PEN works in more than 100 countries to protect free expression and to defend writers and journalists who are imprisoned, threatened, persecuted, or attacked in the course of their profession. PEN America's 3700 members stand together with more than 20,000 PEN writers worldwide in international literary fellowship to carry on the achievements of such past members as James Baldwin, Robert Frost, Allen Ginsberg, Langston Hughes, Arthur Miller, Eugene O'Neill, Susan Sontag, and John Steinbeck. For more information, please visit www.pen.org.

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INTRODUCTION

From August 28 to October 15, 2014, PEN American Center carried out an international survey of writers[1], to investigate how government surveillance influences their thinking, research, and writing, as well as their views of government surveillance by the U.S. and its impact around the world. The survey instrument was developed and overseen by the nonpartisan expert survey research firm The FDR Group.[2] The survey yielded 772 responses from writers living in 50 countries. This report summarizes the survey findings that are most relevant to the current debate in the U.S. on the future of mass surveillance programs. PEN is releasing these findings now in the hope that they will inform public and Congressional debates on the future of mass surveillance. Because freedom of expression is so central to writers' craft, they may be considered particularly sensitive to encroachments on their rights to communicate, obtain and impart information and voice their ideas and opinions. But the freedoms that writers rely on daily are the underpinnings of all free societies. Accordingly, in the words of novelist E.L. Doctorow, writers can be considered the "canaries in the coalmine" when it comes to the impact of surveillance on privacy and free expression in society writ large. A full report including these and other survey findings from writers around the world will be released in spring 2015.

Mass surveillance has badly shaken writers' faith that democratic governments will respect their rights to privacy and freedom of expression.

The survey results are striking, and confirm that the impact of mass surveillance conducted by the National Security Agency, other U.S. government authorities, and U.S. allies—including those in the "Five Eyes" surveillance alliance of Australia, Canada, New Zealand, the United Kingdom and the United States[3]—is rippling outward to curtail freedom of expression around the world. Levels of concern about government surveillance in democratic countries are now nearly as high as in non-democratic states with long legacies of pervasive state surveillance. Writers living in liberal democratic countries have begun to engage in self-censorship at levels approaching those seen in non-democratic countries, indicating that mass surveillance has badly shaken writers' faith that democratic governments will respect their rights to privacy and freedom of expression, and that—because of pervasive surveillance—writers are concerned that expressing certain views even privately or researching certain topics may lead to negative consequences.

These results confirm and expand upon the findings of PEN's October 2013 survey of U.S. writers, published in PEN's Chilling Effects report.[9] That survey found that U.S. writers were overwhelmingly worried about mass surveillance, and were engaging in multiple forms of self-censorship as a result. When combined with the results of this survey of international writers, the harm caused by surveillance to free expression, freedom of thought, and creative freedom is unmistakable. Surveillance conducted by government authorities induces self-censorship by writers around the world. The levels of self-censorship reported by writers living in liberal democratic countries—those classified as "Free" by U.S. non-governmental watchdog Freedom House—match, or even exceed, the levels reported by U.S. writers. More than 1 in 3 writers in Free countries (34%) said that they had avoided writing or speaking on a particular topic, or had seriously considered it, due to concerns about surveillance, compared

Although many details of the U.S. government's mass surveillance programs are still not known, it is clear that these programs sweep up vast quantities of international communications, implicating the rights to privacy and free expression of hundreds of millions of people around the world. The NSA collects millions of U.S. telephone call records under Section 215 of the PATRIOT Act.[4] It also collects the telephone and internet communications and communications data of both U.S. citizens and non-U.S. nationals under programs authorized by Section 702 of the FISA Amendments Act and Executive Order 12333.[5] Under one of these programs, code-named PRISM, the NSA and the FBI can reportedly tap directly into the servers of nine major U.S. internet companies to extract "audio and video chats, photographs, emails, documents, and connection logs."[6] Another, code-named UPSTREAM, involves collecting communications data directly "from the fiber-optic cable networks that carry much of the world's internet and phone data."[7]

How much of the information collected by U.S. agencies is shared with other countries' intelligence services is also unclear. The U.S. is part of a surveillance alliance known as the "Five Eyes", based on an agreement between Australia, Canada, New Zealand, the United Kingdom and the United States to share signals intelligence (which includes communications) with each other. The extent to which the countries in Five Eyes are gathering intelligence about citizens of other Five Eyes countries, and sharing that with each other, is currently unknown, but the U.S. and UK reportedly operate at least one joint surveillance program, codenamed MUSCULAR.[8]

to more than 1 in 4 U.S. writers (27%) surveyed by PEN.[10]

Mass surveillance has also gravely damaged the United States' reputation as a haven for free expression at home, and a champion of free expression abroad. In Free countries, 36% of writers surveyed think that freedom of expression enjoys less protection in the U.S. than in their country. Only 17% of these writers think that freedom of expression enjoys more protection in the U.S. than in their country. Furthermore, approximately 6 in 10 writers in both Western Europe (60%) and the Five Eyes (57%) countries[11] (Australia, Canada, New Zealand, and the United Kingdom) think U.S. credibility "has been significantly damaged for the long term" by its surveillance programs. Another 3 in 10 writers in these regions think U.S. credibility "has been weakened but can be restored" (28% and 29% respectively).

PRESENTATION OF KEY FINDINGS

KEY FINDING #1

Writers in democratic and non-democratic countries are equally worried about levels of government surveillance in their countries.

Vast majorities of writers around the world said they were "very" or "somewhat" worried about levels of government surveillance in their countries, including 75% in countries classified as "Free" by Freedom House, 84% in countries classified as "Partly Free", and 80% in "Not Free" countries.[12]

These levels are consistent with the findings of PEN's October 2013 survey of U.S. writers, which showed that 85% of American writers were very or somewhat worried about current levels of government surveillance. The high level of concern among U.S. writers mirrors that of writers living in the other four countries that make up the "Five Eyes" surveillance alliance (Australia, Canada, New Zealand, and the United Kingdom), 84% of whom are very or somewhat worried about government surveillance. Writers are not outliers when it comes to their level of concern about government surveillance. Eighty percent of Americans surveyed in a Pew Research Center poll released on Nov. 12, 2014, agree that Americans should be worried about the government's monitoring of phone calls and internet communications.[13]

Writers' fear and uncertainty regarding surveillance is so widespread that several survey respondents expressed concern over submitting their responses to PEN's survey—a concern also expressed by U.S. writers completing the October 2013 survey. Respondents to our international survey remarked:

> "As a final indication of the way the current "surveillance crisis" affects and haunts us, I should say that I have had serious misgivings about whether to write the above and include it in this questionnaire. It is clear to me from the information I have given you that my responses to the questionnaire, and presumably also therefore this statement, can be traced back to me. It may be that this information will be hacked by security agencies. Surely anyone who thinks thoughts like these will be in danger—if not today, then (because this is a process) possibly tomorrow."

> "Not to sound paranoid, but I hesitated—and thought to answer very honestly—these questions."

> "Believe it or not, completing this survey made me apprehensive. How sad, living in a democratic country. How did we come to this!"

Ongoing revelations of the broad scope of government surveillance programs in many democracies continue to fuel fear over surveillance and its impact on free expression. One respondent noted:

> "What we have learned in the past couple of years and continue to learn, and what I had already suspected for many years, has cast a ghostly and intimidating cloak over many personal and professional communications."

Another respondent commented:

> "As the daughter of a Holocaust survivor, I have always felt blessed to live in the UK, a relatively safe and free country where mostly people can live without fear. However the revelations of Edward Snowden, [NSA] whistleblower have made me think about what 'freedom' means in the 21st century and what we are and have been prepared to 'pay' for it. I can no longer take for granted that my children will enjoy the same benefits as I have. I believe that most UK citizens are now regularly under levels of surveillance that make the Stasi seem

amateurish. I may be paranoid, but I believe not."

The passage of new national security-related legislation granting greater surveillance powers in countries like the UK[14] and Australia[15] are prompting greater concern among writers, leading one Australian respondent to comment:

> "Had I taken this survey two weeks ago my answers would be different. With the introduction of legislation giving Australian security agencies greater powers in regards to all communications (as a reaction to terrorism) I think the freedom of expression of writers and publishers is under greater threat. It feels unprecedented and very concerning."

Several respondents particularly noted their fear that communications data being collected and stored under mass surveillance programs today, even if not being utilized improperly by current officials, could be misused by future governments:

> "Stored and analyzed data today that does not have any immediate consequences on the life of a minority-language author like me, can later become extremely dangerous, following a change towards a much more totalitarian government."

> "The government has put in place an apparatus of surveillance, supported by laws enabling them to go far into people's private sphere, that can be easily misused if we had a power grab."

KEY FINDING #2

Writers around the world are engaging in self-censorship due to fear of surveillance.

Large numbers of writers in liberal democratic countries have engaged in various forms of self-censorship out of fear that their communications may be monitored by a government authority. PEN's survey asked respondents whether they had engaged in different types of self-censorship in their written work, personal communications, and online activity. The survey findings demonstrate that increasing levels of surveillance in democracies are seriously damaging freedom of expression and thought, the free flow of information, and creative freedom around the world. Perhaps most remarkably, the levels of self-censorship reported by writers in Free countries are beginning to approach the levels reported by writers in Partly Free or Not Free countries (as classified by Freedom House).

A. Writers living in both Free and Not Free countries have avoided writing or speaking on a particular topic, or have seriously considered it, due to fear of government surveillance, including:

In comparison, 27% of U.S. writers surveyed by PEN in October 2013 reported avoiding writing or speaking on a particular topic, or seriously considering doing so.[16]

B. Writers living in both Free and Not Free countries have curtailed or avoided activities on social media, or seriously considered it, due to fear of government surveillance, including:

In comparison, 40% of U.S. writers surveyed by PEN in October 2013 reported curtailing or avoiding activities on social media, or seriously considering doing so.[17]

C. Writers living in both Free and Not Free countries have deliberately steered clear of certain topics in personal phone conversations or email messages, or have seriously considered it, due to fear of government surveillance, including:

In comparison, 33% of U.S. writers surveyed by PEN in October 2013 have deliberately steered clear of certain topics in personal phone conversations or email messages, or seriously considered doing so.[18]

D. Writers living in both Free and Not Free countries have refrained from conducting internet searches or visiting websites on topics that may be considered controversial or suspicious, or have seriously considered it, due to fear of government surveillance, including:

In comparison, 27% of U.S. writers surveyed by PEN in October 2013 have refrained from conducting internet searches or visiting websites on topics that may be considered controversial or suspicious, or seriously considered doing so.

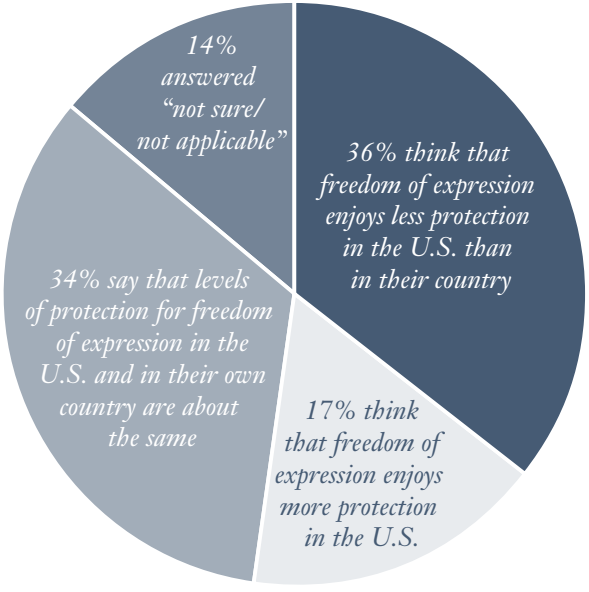
The levels of self-censorship reported by writers living in liberal democracies are astonishing, and demonstrate that mass surveillance programs conducted by democracies are chilling freedom of expression among writers. Awareness of mass surveillance in democratic societies is prompting many writers to behave similarly to those living in countries with histories of widespread state surveillance, indicating that these writers are not confident that their governments will not abuse the information collected under these surveillance programs. Writers are reluctant to speak about, write about, or conduct research on topics that they think

may draw government scrutiny. This has a devastating impact on freedom of information as well: If writers avoid exploring topics for fear of possible retribution, the material available to readers—particularly those seeking to understand the most controversial and challenging issues facing the world today—may be greatly impoverished.

KEY FINDING #3

Mass surveillance by the U.S. government has damaged its reputation as a protector of freedom of expression at home.

The U.S. government's mass surveillance programs have clearly damaged the country's reputation for offering some of the strongest protections for free speech in the world, under the rubric of the First Amendment to the U.S. Constitution. PEN's survey asked writers if they thought freedom of expression enjoys more protection in the U.S., less protection in the U.S., or the same compared to the country in which the writer currently lives. The results indicate that particularly in other Free countries, writers do not believe freedom of expression is better protected in the U.S. than in their home countries. Writers in Free countries responded as follows:



Even in countries classified by Freedom House as "Partly Free", nearly 1 in 3 writers (32%) think freedom of expression enjoys less protection in the U.S. than at home, with 27% stating it is more protected in the U.S., and 24% saying it is about the same. Writers in "Not Free" countries were much more likely to say that freedom of expression enjoys more protection in the U.S. (70%). Fifteen percent (15%) of writers in these countries thought freedom of expression enjoys about the same level of protection in the U.S. as in their country, and 7% thought it was less protected in the U.S. than in their country.

When results are broken down by region, a similar pattern emerges. Large percentages of writers in regions that are largely democratic think the U.S. offers less protection for free expression than their home countries: 43% in Western Europe and 33% in the Five Eyes countries. Only 14% and 19%, respectively, think free expression is more protected in the U.S. than at home, and another 1 in 3 believe levels of protection for free expression in the U.S. and in their own country are about the same (30% and 36% respectively).

Writers in Eastern Europe and Asia-Pacific are more likely to think the U.S. offers more protection for free expression: 40% in Eastern Europe and 50% in Asia-Pacific. Even so, 12% and 17% respectively think the U.S. offers less protection than their home countries, and 33% and 15% believe levels of protection for free expression in the U.S. and in their own country are about the same.

Some writers were scathing in their assessment of the damage the U.S. has done to its own constitutional values, and the long-term impact this will have around the world, with one respondent commenting:

> "The USA has fundamentally damaged the "Western" model of human and citizen's rights, turning large parts of the world's population (including the U.S. population) into right-less objects of surveillance and secret intelligence operations."

KEY FINDING #4

Mass surveillance by the U.S. government has damaged its reputation as a champion of freedom of expression around the world.

U.S. mass surveillance programs have damaged its reputation not only in terms of upholding free expression at home, but also as a champion of free expression around the world. Writers were asked, "In your view, how have recent revelations about U.S. government surveillance programs affected the United States' credibility on free expression issues around the world?"

The results are striking, particularly

in democratic regions: Approximately 6 in 10 writers in both Western Europe (60%) and the Five Eyes (57%) countries think U.S. credibility "has been significantly damaged for the long term" by its surveillance programs. Another 3 in 10 writers think U.S. credibility "has been weakened but can be restored" (28% and 29% respectively).

Large majorities of writers in Eastern Europe and the Asia-Pacific region also agree that mass surveillance has damaged U.S. credibility on free expression, though they are somewhat more optimistic that credibility can be restored. Forty-three percent (43%) of writers in Eastern Europe and 41% of writers in Asia-Pacific think U.S. credibility has been weakened, but can be restored, while 36% and 38% respectively think U.S. credibility has been significantly damaged for the long term.

Several respondents noted the negative impact that mass surveillance has had on the U.S.' reputation abroad, as well as that of its allies:

> "The unlawful secret intelligence activities of the U.S. and its closest allies strengthens and encourages totalitarian states and despots through its blatant harm to human and citizen's rights. We are becoming hostages of the self-destruction of the 'western' value system."

> "This has seriously damaged the reputation of the U.S. and the UK governments and their security agencies, and, what is probably much worse, led to a generalized cynicism about the U.S. and UK and their policy motives and current cultural and political climates."

RECOMMENDATIONS

On the basis of these findings as well as those contained in PEN's October 2013 *Chilling Effects* report on the impact of surveillance on U.S. writers, PEN urges the U.S. government to take immediate action to reform mass surveillance programs. Writers' accounts of the impact of mass surveillance sound a loud alarm bell about the pervasive damage that intrusive surveillance is wreaking on privacy and unfettered expression worldwide. U.S. mass surveillance has badly damaged freedom of expression around the world, and has undercut the United States' credibility as a global advocate for free expression. Under both the First Amendment to the U.S. Constitution and the International Covenant on Civil and Political Rights, the U.S. is obligated not to infringe upon the free expression rights of its own people. Both President Obama's Administration and those of his immediate predecessors have prioritized the promotion and defense of free expression and human rights worldwide as a key policy pillar. Current surveillance practices are undermining these obligations and commitments, and may risk permanent damage to the U.S.' global stature and influence on human rights.

Both Congress and the executive branch should implement reforms to mass surveillance programs to ensure that constitutional and international human rights to free expression, pri-

vacy, freedom of thought, and freedom of information are fully protected. In particular, the provisions of the Patriot Act used by the government to collect phone and other personal records of Americans in bulk should be allowed to expire on June 1, 2015 if appropriate reforms have not been enacted. Reform measures should also include full protections for the rights of non-U.S. nationals by reforming or ending surveillance programs carried out under Section 702 of the FISA Amendments Act and Executive Order 12333: As the United Nations has repeatedly stated, the International Covenant on Civil and Political Rights, to which the U.S. is a party, requires it to respect the human rights to privacy and free expression of all individuals affected by its surveillance programs, regardless of whether they reside in U.S. territory.[19]

To reaffirm the U.S. government's commitment to preserving and protecting the privacy necessary for intellectual and creative freedom, reform measures should include:

1. suspending the dragnet monitoring and collection of domestic and international communications of U.S. citizens pending the restoration of constitutionally required privacy and due process protections;

2. suspending the wholesale, unwarranted collection of telecommunications and digital metadata, also pending the restoration of privacy and due process protections;

3. reviewing the dragnet monitoring and collection of international communications and bringing such programs into compliance with established human rights protections, including privacy and due process guarantees;

4. making the right to be free of unwarranted surveillance a cornerstone of U.S.surveillance policy and practice; and

5. implementing stronger oversight measures for U.S. mass surveillance programs, and greater transparency regarding the full scope of those programs, including the publication of all legal and policy documents that include legal interpretations of U.S. laws and orders on surveillance, with only those redactions that are truly necessary to protect legitimate national security interests.

ACKNOWLEDGMENTS

This report was drafted by Katy Glenn Bass, Deputy Director of Free Expression Programs at PEN, based on research conceived and carried out by PEN American Center in close consultation with the FDR Group. Report design was done by Suzanne Pettypiece. PEN thanks all of the members of the worldwide literary community who participated in the survey. Translation and vetting of the survey instrument and open-end responses was provided by PEN volunteers and paid translators. Particular thanks go to Cassie DaCosta, Julian Delacruz, Sasha Jason, Se-Woong Koo, May Zhee Lim, Megan Matich, Canaan Morse, and Miwako Ozawa. PEN thanks the law firm Clifford Chance for providing extensive pro bono translation assistance, and Alice Donahue and Catherine Foulkrod for research, communications and translation assistance. PEN is also grateful to Steve Farkas and especially Ann Duffett for their tireless engagement and commitment to this project. We also thank the Fritt Ord Foundation for their support, without which this study and the resulting report would not have been possible.

METHODOLOGY

The findings in *Global Chilling: The Impact of Mass Surveillance on International Writers* are based on the results from an online survey conducted between August 28 and October 15, 2014. A total of 772 writers completed the survey, representing 50 countries in which respondents currently live. The survey was made available in eight languages: Chinese, English, French, German, Japanese, Korean, Spanish, and Russian. The survey was preceded by a focus group with writers from a variety of countries.

The questionnaire included a total of 33 substantive questions, of which 7 are reported here. See the appendix for complete question wording and percent responding to these 7 questions. A full report of all the findings will be released later in 2015.

The questionnaire included many items that were originally asked in the October 2013 PEN report *Chilling Effects: NSA Surveillance Drives U.S. Writers to Self-Censor*, based on an online survey with U.S. PEN members, also written and conducted in partnership with the FDR Group.

FIELDING THE SURVEY

As one might imagine, there were challenges to fielding a survey of this kind. After all, there is no comprehensive list of "writers" from around the world. How would we find them? What could we do to encourage writers to take part in the survey? What steps could we take to protect their anonymity?

To find writers, PEN relied upon its extensive network of over 100 PEN Centers around the world. Beginning on June 27, 2014, PEN Centers were notified via email of the upcoming survey project, and invited to join a conference call to hear more about the project. Several calls were held with various Centers, and a reminder email about the upcoming survey was sent to all Centers on August 6, 2014. On August 28, 2014, an email message was sent from Peter Godwin, President of PEN American Center, and Suzanne Nossel, Executive Director, to the leadership of PEN Centers inviting them to forward the message and encourage their members and affiliates to take part in the survey. The message was written in three languages (English, French, Spanish). After the initial message was sent, a reminder email was sent on September 9, and individual emails and phone calls were made to Centers to remind them to distribute the survey.

To encourage writers to take part, the message from PEN described the purpose of the survey, included survey links in eight languages (Chinese, English, French, German, Japanese, Korean, Russian, and Spanish), provided assurances that the data would be reported in the aggregate to ensure anonymity, and requested that the survey be distributed as widely as possible. The survey invitation was also sent to a number of non-PEN-affiliated writers' and journalists' organizations around the world. Additional outreach was conducted by Katy Glenn Bass, Deputy Director, Free Expression Pro-

grams at PEN America, who attended the PEN World Congress in Bishkek, Kyrgyzstan, between September 29-October 2, 2014, where she had the opportunity to talk about the survey with over 100 writers from around the world. After the PEN World Congress, a final email message was sent to Congress attendees on October 6 and to the PEN International Rapid Action Network email list on October 10. A follow-up email was sent to all PEN Centers between December 3–8, asking for additional feedback on subjects that writers may be avoiding as a result of concern about mass surveillance.

PROTECTING ANONYMITY

In addition to reporting data in the aggregate, anonymity of the respondents was preserved by programming the survey so that each substantive question permitted a "not sure/not applicable" response option and each demographic question could be skipped, so as not to require a respondent to provide any identifying information. Also, the survey was programmed such that respondents' IP addresses were not stored and that data would be encrypted. Finally, because the survey was sent from PEN America to the leaders of PEN Centers around the world and not to individuals via personal email addresses, there is no way to identify who received the invitation or who did or did not complete the survey.

The final survey instrument was pre-tested with members of PEN International to ensure that the language was accessible and appropriate. Questions were randomized and answer categories rotated in an effort to minimize non-sampling sources of error. The survey instrument was crafted by the FDR Group, and data analysis was conducted by the FDR Group. Data were collected via Survey Monkey.

THE FOCUS GROUP

Prior to crafting the online survey instrument, the FDR Group conducted a focus group with 6 writers who were attending the PEN World Voices Festival on May 2, 2014. Each of the focus group participants had been born in, and/or currently lived in, countries other than the U.S. The findings from this focus group were crucial to developing the wording of the survey items and to understand the various points of view of writers in different regions of the world.

LIMITATIONS OF THE RESEARCH

There are some limitations to this research that are important to mention. Nevertheless, while these data are far from perfect, they comprise, to our knowledge, the only available dataset that attempts to portray the impact of mass government surveillance on writers around the world in both democratic and non-democratic countries. Limitations are as follows:

The sample is not representative. Respondents self-selected to participate; there is no authoritative or comprehensive list of "writers" from around the world, and so there was no option for systematic random sampling. Also, despite multiple attempts to encourage participation, the results in some regions have extremely small sample sizes. The sample is not

representative and the findings cannot be generalized to represent all writers in any given region or level of freedom.

The respondents are in some way connected to PEN. Outreach was conducted via PEN Centers worldwide. It is possible that writers who are unaffiliated with PEN may have different points of view.

Mode effect: online. The survey was conducted exclusively online, which means that those who don't have an email address—or who don't check their in-boxes regularly—will be under-represented in the data. Also, some who received the email message describing the research may have had no interest in the topic of government surveillance and its impact on writers so reflexively hit delete before ever viewing the first survey question.

Concerns about online surveillance. This is a survey conducted online about the topic of surveillance; thus, it is likely that those writers who are especially concerned about Internet surveillance and the vulnerabilities of online data may have elected not to participate.

Missing data. In an effort to protect the anonymity of respondents, the survey was programmed to allow for demographic questions to be skipped (thus, respondents were not required to enter identifying information). Out of a total of 772 completed interviews, 168 (22% of the sample) did not provide an answer to the question "In what country do you currently live?" As a result, sub-group sizes are smaller.

There is no "total" number to report. Throughout this report the data are provided for two key sub-groups of respondents: Region and Level of Freedom as measured by U.S.-based NGO watchdog Freedom House. Both sub-groups are offered so that the reader can have as complete information as possible for interpreting the data. For example, countries that share a regional affiliation may operate under very different types of governments. Take Eastern Europe, for instance; all the countries in this region are either Free or Partly Free, with the exceptions of Russia and Belarus (Not Free). Given the nature of the research, we want the reader to be able to conceptualize the data not only by region but also by a scale measuring countries' level of democracy and civil liberties.

The regions were categorized based mainly on geography, using the UN Regional Groups as a model[20], with an exception being the "Five Eyes" category that includes the four countries in a close intelligence-sharing alliance with the United States government (Australia, Canada, New Zealand, and the United Kingdom).

The category "Level of Freedom" was determined using Freedom House's classifications of countries in its 2014 "Freedom in the World" report, identifying countries as "Free", "Partly Free", or "Not Free".

DEMOGRAPHICS OF THE SAMPLE

Although there is no population vs. sample comparison, it is informative to have a clear understanding of the demographics of the survey respondents. What follows are key demographic variables and their corresponding sample size (total N and percent of sample).

CATEGORY	N	% OF SAMPLE
Region		
Western Europe	265	34%
Five Eyes *(could also be in W.Europe)*	171	22%
Eastern Europe	76	10%
Asia-Pacific	96	12%
Latin America	24	3%
Africa	13	2%
Missing	168	22%
Level of Freedom (based on Freedom House categories)		
Free	467	60%
Partly Free	63	8%
Not Free	74	10%
Missing	168	22%
Sex		
Male	379	49%
Female	330	43%
Missing	63	8%
Age (average)	(56.4 years)	
<40 years old	88	11%
40-49	114	15%
50-59	155	20%
60-69	199	26%

CATEGORY	N	% OF SAMPLE
70+	124	16%
Missing	92	12%
Profession		
Agent	9	1%
Editor	148	19%
Fiction writer	334	43%
Journalist	172	22%
Nonfiction writer	254	33%
Poet	192	25%
Publisher	42	5%
Translator	109	14%
Something else	55	7%
Missing	56	7%
		(Respondents were permitted >1 response so totals do not equal 100%)
Language		
Chinese	38	5%
English	432	56%
French	53	7%
German	80	10%
Japanese	52	7%
Korean	17	2%
Spanish	53	7%
Russian	47	6%

REGIONAL DEFINITIONS

Here is a list of the countries used to define each region. They are based on answers to the question "In what country do you currently live?".

Western Europe: Austria, Belgium, Denmark, Finland, France, Germany, Ireland, Italy, Netherlands, Norway, Portugal, Spain, Switzerland, Turkey, United Kingdom

Five Eyes: Australia, Canada, New Zealand, United Kingdom, United States

Eastern Europe: Belarus, Bosnia-Herzegovina, Croatia, Czech Republic, Macedonia, Poland, Romania, Russia, Slovakia

Asia-Pacific: Cambodia, China, Iraq, Japan, Nepal, Philippines, Singapore, South Korea

Latin-America: Argentina, Bolivia, Guatemala, Mexico, Peru, Venezuela

Africa: Congo, Kenya, Mozambique, Nigeria, Tunisia

ABOUT THE FDR GROUP

The FDR Group is a full-service, nonpartisan public opinion research company. Our expertise is in conducting surveys, focus groups, program evaluations, and organizational evaluations. We strive to help foundations and other nonprofits understand how key audiences feel about their initiatives. Since our inception in 2005, we've been research partners with 30 organizations.

The FDR Group would like to acknowledge the writers around the world who took part in the survey. We'd also like to thank Suzanne Nossel, Dominic Moran, and Katy Glenn Bass for giving us the opportunity to continue this research with PEN and for giving us free reign and space to craft the survey instrument and interpret the data.

APPENDIX

PARTIAL SURVEY RESULTS

The following are selected items from an online survey conducted with writers around the world between August 28 and October 15, 2014. The survey was sponsored by the PEN American Center and conducted by the FDR Group. A total of 772 writers completed the survey. The data reported are for two key subgroups of respondents: Region and Level of Freedom (categorized according to Freedom House's Freedom in the World 2014 report). The questionnaire included a total of 33 substantive questions, of which 7 are reported here. A full report of all findings will be released in early 2015. These selected items are being released now because they are the most relevant to the current debate in the U.S. regarding necessary reforms to mass surveillance programs and because we hope that they will be useful to American lawmakers and the general public. An asterisk indicates less than one percent. A dash indicates zero. May not total to 100% due to rounding.

	REGION				LEVEL OF FREEDOM		
QUESTION	WESTERN EUROPE (N=265)	FIVE EYES (N=171)	EASTERN EUROPE (N=76)	ASIA-PACIFIC (N=96)	FREE (N=467)	PARTLY FREE (N=63)	NOT FREE (N=74)
	%	%	%	%	%	%	%
Q1. In general, how worried are you—if at all—about current levels of government surveillance in your country?							
NET "Very"/ "Somewhat"	69	84	71	84	75	84	80
Very worried	36	35	26	59	36	48	53
Somewhat worried	34	49	45	25	38	37	27
Not too worried	25	14	18	10	20	10	14
Not worried at all	4	2	9	4	4	6	7
Not sure/ Not applicable	2	1	1	1	1	-	-

	REGION				LEVEL OF FREEDOM		
QUESTION	WESTERN EUROPE (N=265)	FIVE EYES (N=171)	EASTERN EUROPE (N=76)	ASIA-PACIFIC (N=96)	FREE (N=467)	PARTLY FREE (N=63)	NOT FREE (N=74)
	%	%	%	%	%	%	%
Q5. Compared to your own country, do you think that freedom of expression enjoys more protection in the U.S., less protection in the U.S., or is it about the same?							
More protection in U.S.	14	19	40	50	17	27	70
Less protection in U.S.	43	33	12	17	36	32	7
About the same	30	36	33	15	34	24	15
Not sure/ Not applicable	13	11	16	19	14	18	8

	REGION				LEVEL OF FREEDOM		
QUESTION	WESTERN EUROPE (N=265)	FIVE EYES (N=171)	EASTERN EUROPE (N=76)	ASIA-PACIFIC (N=96)	FREE (N=467)	PARTLY FREE (N=63)	NOT FREE (N=74)
	%	%	%	%	%	%	%
Q8. In your view, how have recent revelations about U.S. government surveillance programs affected the U.S.'s credibility on free expression issues around the world? Do you think that U.S. credibility has been:							
Significantly damaged for long term	60	57	36	38	58	62	22
Weakened but can be restored	28	29	43	41	29	30	51
Has not been affected	2	2	15	14	3	-	23
Something else	5	6	5	1	4	6	3
Not sure/ Not applicable	6	6	1	7	6	2	1

	REGION				LEVEL OF FREEDOM		
QUESTION	WESTERN EUROPE (N=265)	FIVE EYES (N=171)	EASTERN EUROPE (N=76)	ASIA-PACIFIC (N=96)	FREE (N=467)	PARTLY FREE (N=63)	NOT FREE (N=74)
	%	%	%	%	%	%	%
Q15a. Over the past year or two, have you done or seriously considered doing any of the following because you thought your communications might be monitored in some way by any type of government authority? **Avoided writing or speaking on a particular topic**							
NET	28	40	41	56	34	44	61
Have done	17	26	24	34	20	38	41
Have seriously considered	12	14	17	22	14	6	20
Have not done	69	59	54	38	62	52	34
Not sure/ Not applicable	3	2	5	6	4	3	5

	REGION				LEVEL OF FREEDOM		
QUESTION	WESTERN EUROPE (N=265)	FIVE EYES (N=171)	EASTERN EUROPE (N=76)	ASIA-PACIFIC (N=96)	FREE (N=467)	PARTLY FREE (N=63)	NOT FREE (N=74)
	%	%	%	%	%	%	%
Q15b. Over the past year or two, have you done or seriously considered doing any of the following because you thought your communications might be monitored in some way by any type of government authority? **Curtailed or avoided activities on social media**							
NET	37	43	32	70	42	46	53
Have done	26	35	22	54	31	40	41
Have seriously considered	11	9	9	16	11	6	12
Have not done	45	43	61	25	43	49	43
Not sure/ Not applicable	17	14	8	5	15	5	4

	REGION				LEVEL OF FREEDOM		
QUESTION	WESTERN EUROPE (N=265)	FIVE EYES (N=171)	EASTERN EUROPE (N=76)	ASIA-PACIFIC (N=96)	FREE (N=467)	PARTLY FREE (N=63)	NOT FREE (N=74)
	%	%	%	%	%	%	%
Q15d. Over the past year or two, have you done or seriously considered doing any of the following because you thought your communications might be monitored in some way by any type of government authority? **Deliberately steered clear of certain topics in personal phone conversations or email messages**							
NET	31	33	50	45	31	38	68
Have done	20	23	36	30	20	29	53
Have seriously considered	11	10	15	15	11	10	15
Have not done	66	64	47	47	65	62	31
Not sure/ Not applicable	3	2	3	8	4	-	1

	REGION				LEVEL OF FREEDOM		
QUESTION	WESTERN EUROPE (N=265)	FIVE EYES (N=171)	EASTERN EUROPE (N=76)	ASIA-PACIFIC (N=96)	FREE (N=467)	PARTLY FREE (N=63)	NOT FREE (N=74)
	%	%	%	%	%	%	%
Q15e. Over the past year or two, have you done or seriously considered doing any of the following because you thought your communications might be monitored in some way by any type of government authority? **Refrained from conducting nternet searches or visiting websites on topics that may be considered controversial or suspicious**							
NET	22	29	11	40	26	18	26
Have done	12	16	7	29	15	11	19
Have seriously considered	10	13	4	10	11	6	7
Have not done	72	65	80	53	68	76	68
Not sure/ Not applicable	6	6	9	7	6	6	7

DEMOGRAPHICS	WESTERN EUROPE (N=265)	FIVE EYES (N=171)	EASTERN EUROPE (N=76)	ASIA-PACIFIC (N=96)	FREE (N=467)	PARTLY FREE (N=63)	NOT FREE (N=74)
	%	%	%	%	%	%	%
Profession							
Agent	2	1	3	2	1	-	4
Editor	19	20	28	19	20	14	28
Fiction	45	46	54	29	44	60	34
Journalist	22	23	30	22	22	33	35
Nonfiction	33	44	34	28	34	41	28
Poet	28	29	32	22	28	24	26
Publisher	9	3	5	2	6	6	4
Translator	19	8	22	15	15	24	15
Something else	7	9	4	7	8	8	4
Gender							
Male	57	38	54	63	53	46	68
Female	41	59	46	38	45	54	32
Missing	2	4	-	-	2	-	-
Age (Mean)	58.6	56.6	53.4	47.9	57.0	54.3	47.5
"Currently live": Western Europe							
Denmark	9						
England	13						
Germany	28						
Norway	17						
Spain	9						
France	10						
Other countries	14						

DEMOGRAPHICS	WESTERN EUROPE (N=265)	FIVE EYES (N=171)	EASTERN EUROPE (N=76)	ASIA-PACIFIC (N=96)	FREE (N=467)	PARTLY FREE (N=63)	NOT FREE (N=74)
	%	%	%	%	%	%	%
"Currently live": Five Eyes							
Australia		11					
Canada		53					
England		21					
New Zealand		3					
Scotland		9					
USA		5					
"Currently live": Eastern Europe							
Bosnia-Herzegovina			22				
Romania			7				
Slovakia			8				
Russia			28				
Belarus			21				
Other countries			14				
"Currently live": Asia-Pacific							
Japan				37			
Philippines				10			
South Korea				16			
China				27			
Other countries				10			

DEMOGRAPHICS	WESTERN EUROPE (N=265)	FIVE EYES (N=171)	EASTERN EUROPE (N=76)	ASIA-PACIFIC (N=96)	FREE (N=467)	PARTLY FREE (N=63)	NOT FREE (N=74)
	%	%	%	%	%	%	%
"Currently live": Free							
Canada					19		
Denmark					5		
England					7		
Germany					16		
Japan					8		
Norway					10		
Spain					5		
France					6		
Other countries					24		
"Currently live": Partly Free							
Bosnia-Herzegovina						27	
Mexico						13	
Nepal						5	
Nigeria						5	
Philippines						16	
Venezuela						10	
Bolivia						8	
Other countries						18	
"Currently live": Not Free							
China							35
Russia							28
Congo							8
Belarus							22
Other countries							7

NOTES

1. The vast majority of survey respondents (82%) described themselves as writers—fiction, nonfiction, journalistic, academic, or creative. The remainder described themselves as professionals related to the writing profession, including editors, publishers, translators, and agents. Throughout this report we use the term "writers" broadly defined.

2. The FDR Group, http://www.thefdrgroup.com/.

3. The "Five Eyes" alliance is based on an agreement between Australia, Canada, New Zealand, the United Kingdom and the United States to share signals intelligence (which includes communications) with each other. *See* Paul Farrell, *History of 5-Eyes: Explainer*, The Guardian, Dec. 2, 2013, http://www.theguardian.com/world/2013/dec/02/history-of-5-eyes-explainer; Conor Friedersdorf, *Is 'The Five Eyes Alliance' Conspiring to Spy on You?*, The Atlantic, June 25, 2013, http://www.theatlantic.com/politics/archive/2013/06/is-the-five-eyes-alliance-conspiring-to-spy-on-you/277190/.

4. Glenn Greenwald, *NSA Collecting Phone Records of Millions of Verizon Customers Daily*, The Guardian, June 5, 2013, http://www.theguardian.com/world/2013/jun/06/nsa-phone-records-verizon-court-order.

5. James Bamford, *They Know Much More Than You Think*, New York Review of Books, Aug. 15, 2013, http://www.nybooks.com/articles/archives/2013/aug/15/nsa-they-know-much-more-you-think/?pagination=false; Barton Gellman & Laura Poitras, *U.S., British Intelligence Mining Data from Nine U.S. Internet Companies in Broad Secret Program*, Washington Post, June 7, 2013, *available at* http://www.washingtonpost.com/investigations/us-intelligence-mining-data-from-nine-us-internet-companies-in-broad-secret-program/2013/06/06/3a0c0da8-cebf-11e2-8845-d970ccb04497_story.html; John Napier Tye, *Meet Executive Order 12333: The Reagan Rule That Lets The NSA Spy On Americans*, Washington Post, July 18, 2014, http://www.washingtonpost.com/opinions/meet-executive-order-12333-the-reagan-rule-that-lets-the-nsa-spy-on-americans/2014/07/18/93d2ac22-0b93-11e4-b8e5-d0de80767fc2_story.html.

6. Some of the internet companies involved dispute the claim that the NSA has direct access to their servers. *See* Barton Gellman & Laura Poitras, *U.S., British Intelligence Mining Data from Nine U.S. Internet Companies in Broad Secret Program*, Washington Post, June 7, 2013, http://www.washingtonpost.com/investigations/us-intelligence-mining-data-from-nine-us-internet-companies-in-broad-secret-program/2013/06/06/3a0c0da8-cebf-11e2-8845-d970ccb04497_story.html; *NSA Slides Explain the PRISM Data-Collection Process*, Washington Post, June 6, 2013, http://www.washingtonpost.com/wp-srv/special/politics/prism-collection-documents/.

7. *NSA Slides Explain the PRISM Data-Collection Process*, Washington Post, June 6, 2013, http://www.washingtonpost.com/wp-srv/special/politics/prism-collection-documents/.

8. *See* Paul Farrell, *History of 5-Eyes: Explainer*, The Guardian, Dec. 2, 2013, http://www.theguardian.com/world/2013/dec/02/history-of-5-eyes-explainer; Barton Gellman & Ashkan Soltani, *NSA Infiltrates Links to Yahoo, Google Data Centers Worldwide, Snowden Documents Say*, The Guardian, Oct. 30, 2013, http://www.washingtonpost.com/world/national-security/nsa-infiltrates-links-to-yahoo-google-data-centers-worldwide-snowden-documents-say/2013/10/30/e51d661e-4166-11e3-8b74-d89d714ca4dd_story.html.

9. PEN American Center, *Chilling Effects: NSA Surveillance Drives U.S. Writers to Self-Censor*, November 2013, http://www.pen.org/chilling-effects [hereinafter Chilling Effects].

10. Chilling Effects, p. 6.

11. The "Five Eyes" category includes the views of 8 respondents who currently live in the U.S. but were born in a different country.

12. Freedom House's methodology for classifying countries as Free, Partly Free, or Not Free is available online: https://www.freedomhouse.org/report/freedom-world-2014/methodology.

13. Mary Madden, *Public Perceptions of Privacy and Security in the Post-Snowden Era*, Pew Research Center, Nov. 12, 2014, http://www.pewinternet.org/2014/11/12/public-privacy-perceptions/.

14. Alan Travis, *Drip surveillance law faces legal challenge by MPs*, The Guardian, July 22, 2014, http://www.theguardian.com/world/2014/jul/22/drip-surveillance-law-legal-challenge-civil-liberties-campaigners.

15. Terrence McCoy, *How Australia just became a 'national security state'*, Washington Post, Oct. 7, 2014, http://www.washingtonpost.com/news/morning-mix/wp/2014/10/07/how-australia-just-became-a-national-security-state/.

16. Chilling Effects, p. 6.

17. Id.

18. Id.

19. United Nations Human Rights Committee, *Concluding observations on the fourth periodic report of the United States of America*, Apr. 23, 2014, paras. 4, 22; Ryan Goodman, *UN Human Rights Committee Says ICCPR Applies to Extraterritorial Surveillance: But is that so novel?*, Just Security, Mar. 27, 2014, http://justsecurity.org/8620/human-rights-committee-iccpr-applies-extraterritorial-surveillance-novel/; see also *Scope: Extra-territorial Application of Human Rights Treaties*, Necessary and Proportionate, https://en.necessaryandproportionate.org/LegalAnalysis/scope-extra-territorial-application-human-rights-treaties.

20. The United Nations Regional Groups of Member States are listed in full at: http://www.un.org/depts/DGACM/RegionalGroups.shtml.

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