

The State of Surveillance

Our last two presidents have massively expanded surveillance of American citizens, while at the same time, rapidly changing technology has allowed surveillance tools once only available to the highest ranks of government to trickle down to local police. Just weeks before the beginning of the new administration, Cato gathered experts to survey the privacy landscape and what may lie ahead. Wade Henderson, president of the Leadership Conference on Civil Rights, delivered the keynote address, where he discussed the impact of surveillance on people of color, immigrants, and other minorities. Facial recognition technology, for example, is 5–10 percent less accurate when seeking to identify African-American, female, or young faces, as opposed to white, male, or older faces. Thus, this technology is less accurate for the demographic it is most likely to be used on. Other talks throughout the day addressed how best to counter violent extremism while protecting individual and religious liberty, and ways that local police are abusing surveillance technology. The day closed with a discussion on the state of surveillance between civil liberties advocate Jennifer Granick of Stanford University and Alexander Joel of the Office of the Director of National Intelligence, moderated by Charlie Savage of the *New York Times*. Granick critiqued the intelligence community’s lack of transparency, saying that the public deserves to understand what kind of surveillance they may be subjected to.



Top, left to right: MICHAEL GERMAN, ELLEN NAKASHIMA, and WADE HENDERSON. Bottom: PATRICK EDDINGTON, LUTHER REYNOLDS, ARJUN SINGH SETHI, and SHARIA MAYFIELD.

Looking for Justice

From police shootings that have torn apart communities, to unjust sentencing schemes and court proceedings, the American criminal justice system is in need of extensive reform, even as much of the country remains sharply divided over what those reforms should be. At a Cato conference, “The State of American Criminal Justice,” experts from courtrooms, universities, prisons, and police departments gathered to discuss these questions. The morning opened with a panel on the human toll of incarceration, where Keeda Haynes, a Nashville public defender, and Kevin Ring, the vice president of Families against Mandatory Minimums, discussed their personal encounters with the unjust justice system (see page 9). Heather Ann Thompson, the author of *Blood in the Water: The Attica Prison Uprising of 1971 and Its Legacy*, detailed how widespread obfuscation of what really happened during the infamous Attica prison uprising forever changed how many Americans viewed the prison system. In a final panel, Shira Scheindlin, a retired United States District Judge; attorney Harvey Silverglate; Ken White of *Popehat*; and Cato’s Trevor Burrus tried to “pull aside the veil” of what really goes on in the courtroom in criminal cases. “People don’t understand the extent to which the die has already been cast when you enter the courtroom,” said White, explaining that where someone is charged, their resources, the charges brought against them, and the nature of the prosecutorial agency going after them can all pre-determine someone’s fate.



Attorney KEN WHITE of *Popehat* (above) and HEATHER ANN THOMPSON, the author of *Blood in the Water: The Attica Prison Uprising of 1971 and Its Legacy*, speak at Cato’s conference, “The State of American Criminal Justice.”