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## NPR/Kaiser/Kennedy School Poll 2002 Civil Liberties Update

### Americans More Concerned about Liberties, but Still Support War on Terrorism

According to a new poll by NPR, the Kaiser Family Foundation, and Harvard's Kennedy School of Government, the nation is evenly divided on the question of tradeoffs between civil liberties and security. However, a small but statistically significant number of Americans have shifted toward the civil liberties side of the issue since last year, although majorities still support some government actions that could be seen as curtailing such liberties.

Asked whether "it's more important to ensure people's constitutional rights, even if it means that some suspected terrorists are never found," or "it's more important to find every potential terrorist, even if some innocent people are seriously hurt," 44% say it is more important to ensure people's constitutional rights, and 47% say it is more important to find every potential terrorist. Despite that statistical tie, in questions that were also asked in an NPR/Kaiser/Kennedy School Poll in November 2001, there has been a small shift toward concern about civil liberties:

- In November, 64% of Americans said that the basic rights of people who have been detained by the FBI and police in connection with terrorism had been protected. That percentage fell to 56% in the latest survey.
- In November, 66% of Americans approved of stopping and searching people who are Arab or of Middle Eastern descent to see if they might be involved in potential terrorist activities. In the latest survey 59% approve of this profiling.

Concern about civil liberties grows as questions become more detailed, especially where American citizens are concerned. For example, asked about the case of someone like Jose Padilla, the American citizen who is being held incommunicado as an enemy combatant after being arrested in Chicago, 58% of Americans say even people like him should be given access to a lawyer and the courts. Only 35% agree with the government's contention that holding such a person in isolation is necessary to pursue the war on terrorism.

Very few Americans have experienced any personal deprivation of civil liberties, although they believe many others have. Only 21% say they've had to give up some rights and liberties; a third of those people (36%) say that the rights and liberties they had to give up are very important to them, but that amounts to only 7% of all Americans. Although few people say they've personally had to give up some rights, most Americans believe that many others have had to: 56% say it has been necessary for the average person to give up some rights and liberties in order to curb terrorism.

There are also indications that Americans trust the government less when it comes to the war on terrorism than they did in the aftermath of the September 11 terrorist attacks. Although 65% say they are satisfied with the way the government's anti-terrorism program is going, only 20% say they are very satisfied. Forty-four percent say they have a great deal (19%) or quite a lot (25%) of confidence in the government's protecting them from future terrorist attacks, but this is down from 58% last November. In addition, 73% say the government is *not* telling them everything they need to know about the war on terrorism; this is up from 65% in November. (Sixty-two percent of those who say the government is not telling them everything they need to know say that this is something concerns them; that is 45% of all Americans.)

### **The importance of citizenship**

The first NPR/Kaiser/Kennedy School Civil Liberties Poll was conducted in November 2001, shortly after the events of September 11, and contained a number of questions about Americans' perceptions of Arabs and Muslims. The NPR/Kaiser/Kennedy School Civil Liberties Update also asks about Arabs and Muslims, but aims to examine the larger issue of citizenship. A key finding of this survey concerns the huge importance that Americans attach to citizenship. Generally, as a matter of law, citizens and non-citizens have the same legal rights if they are arrested for a crime. The NPR/Kaiser/Kennedy School Poll found that many Americans do not believe that's the way it should be, especially when it comes to terrorism. Interestingly, these beliefs are about *citizenship*, not immigration. Overwhelming majorities of Americans believe that naturalized citizens should have the same legal rights as the native-born, whether the issue is terrorism or mere theft.

The poll set out to measure both the importance of citizenship and the importance of the seriousness of the crime in people's attitudes about legal rights. Thus, the Civil Liberties Update was actually two surveys, conducted several days apart. In one survey, half of the respondents were asked whether an Arab or Muslim who is not a U.S. citizen should be given the same rights as a citizen if he is arrested as a suspected terrorist; the other half of the respondents were asked the same question about an Arab or Muslim who has become a U.S. citizen. In the other survey, the same set of questions was asked about an Arab or Muslim who is arrested for stealing a car.

On the matter of the seriousness of the crime, the country divides fairly evenly over whether citizens and non-citizens should have the same legal rights if they are arrested for stealing a car; 45% say they should, and 46% say they should not. If the charge is terrorism, a majority (54%) believes that non-citizens should have fewer legal rights than citizens arrested for the same thing. Americans feel even more strongly about people in the country illegally. Three out of four people (73%) say that an Arab or Muslim who is in the country illegally and is arrested as a suspected terrorist should have fewer rights than an American citizen.

However, an overwhelming number of Americans say that all citizens, whether they were born in the United States or not, should be given the same legal rights — regardless of the seriousness of the crime. Nearly nine out of 10 (89%) believe that if an Arab or Muslim who is a naturalized citizen is arrested for stealing a car, he should have the same rights as a native-born citizen. The percentage drops when the charge is terrorism, but still three-quarters of Americans (75%) believe that equal rights are in order even if the naturalized immigrant is a suspected terrorist.

## 2002 Civil Liberties Update

### Methodology

**The NPR/Kaiser/Kennedy School 2002 Civil Liberties Update is part of an ongoing project of National Public Radio, the Henry J. Kaiser Family Foundation, and Harvard University's Kennedy School of Government. Representatives of the three sponsors worked together to develop the survey questionnaires and to analyze the results, with NPR maintaining sole editorial control over its broadcast reports on the surveys. The project team includes:**

**From NPR:** Marcus D. Rosenbaum, Senior Editor/Special Projects; and Jeanne Naujeck, Assistant Editor.

**From the Kaiser Family Foundation:** Drew Altman, President and Chief Executive Officer; Matt James, Senior Vice President of Media and Public Education and Executive Director of kaisernetwork.org; Mollyann Brodie, Vice President, Director of Public Opinion and Media Research; and Jaime A. Valdez, Research Assistant.

**From the Kennedy School:** Robert J. Blendon, a Harvard University professor who holds joint appointments in the School of Public Health and the Kennedy School of Government; Stephen R. Pelletier, Research Coordinator for the Harvard Opinion Research Program; and John M. Benson, Managing Director of the Harvard Opinion Research Program.

The results of this project are based on two nationwide telephone surveys conducted in English and Spanish. The first, Series A, was conducted between August 7 and 11, 2002 among a random representative sample of 1,006 respondents 18 years of age or older. The second, Series B, was conducted between August 9 and 13 among a random representative sample of 1,002 respondents 18 years of age or older. Data analysis is based mainly on a sample of approximately 1,000 adult Americans. However, four questions were asked as part of both surveys, and analysis of these items is based on a total sample of 2,008. ICR/International Communications Research conducted the fieldwork for both surveys. The margin of sampling error for each survey is plus or minus 3 percentage points for total respondents. For results based on subsets of respondents the margin of error is higher.

*An asterisk (\*) indicates a response of less than 1%.*