

# BELDEN RUSSONELLO & STEWART

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RESEARCH AND COMMUNICATIONS

Americans are ready for a change in national policy toward civil liberties and protecting the Constitution. Two main points highlight voters' attitudes on civil liberties.

1. Majorities of American voters want the next president to support all five of the ACLU's core initiatives to restore the Constitution - restoring habeas corpus, closing GITMO, not allowing the president alone to determine who is an enemy combatant, ending torture as U.S. policy, and outlawing eavesdropping on Americans without a court warrant.
2. A large number of voters are unhappy that Congress has not done enough to check the president and protect our constitutional rights. Many more voters believe that Congress has not done enough (49%) compared to only one in four (25%) who believe Congress has interfered too much with presidential power, and 24% who believe Congress has done a good job working with the president.

Belden Russonello & Stewart conducted telephone interviews with 800 likely presidential election voters nationally, including 279 Democrats, 275 Republicans, and 184 Independents, for the ACLU from August 21, through September 9, 2007. The margin of sampling error for the survey is  $\pm 3.5$  percentage points at the 95% level of tolerance.

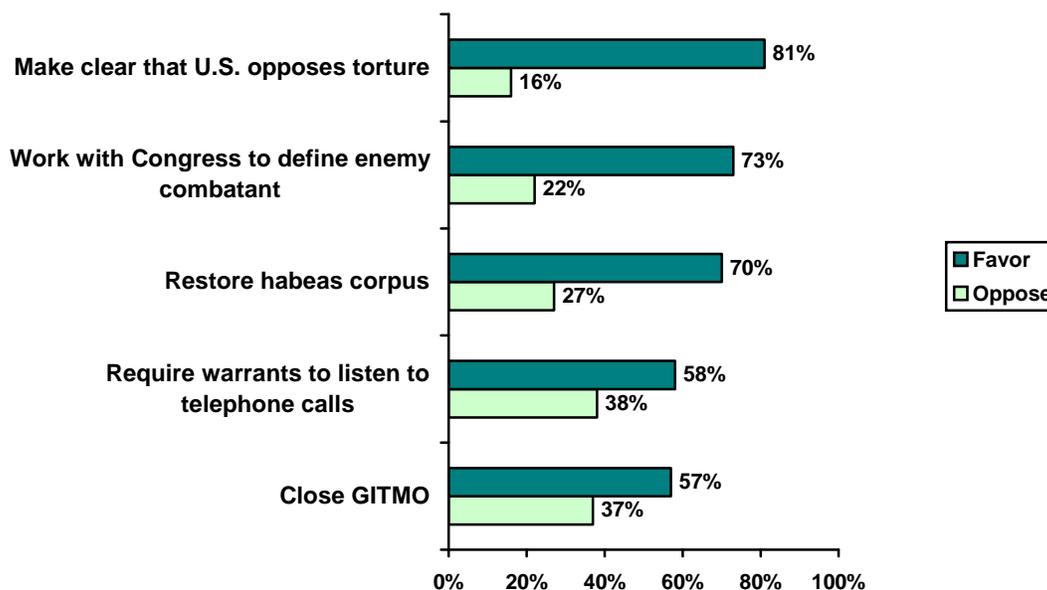
## FINDINGS

### 1. **American voters want the next president to move forward on all five of the ACLU's initiatives to restore the Constitution**

A clear majority of Americans favors each of five civil liberties initiatives. Majorities of Democrats and Independents are supportive of all five proposals, and the initiatives garner significant support among Republicans. Majorities of Republicans support four of the five proposals and a majority of Republicans is only opposed to one, closing the prison at GITMO.

- Over eight in ten voters (81%) want the next president to “make it clear that the policy of the United States is to oppose torture and follow the Geneva Conventions.” Eighty percent of Democrats, 87% of Independents, and 74% of Republicans agree.
- Over seven in ten voters (73%) want the next president to “work with Congress to establish a legal definition of ‘enemy combatant’ rather than leaving it up to each president to decide.” Eighty percent of Democrats, 70% of Independents, and 69% of Republicans agree.
- Seven in ten American voters (70%) support “restoring habeas corpus rights for people held at Guantanamo.” Eighty percent of Democrats, 77% of Independents, and 54% of Republicans agree. Forty-two percent of Republicans are opposed.
- Nearly six in ten voters (58%) want the next president to “require the government to get a court warrant to listen to the telephone calls of people in the U.S.” Sixty-five percent of Democrats, 59% of Independents and 50% of Republicans agree. Thirty-eight percent of all voters, 35% of Independents, and 47% of Republicans are opposed.
- Nearly six in ten voters (57%) support a proposal to “close the prison at Guantanamo and schedule trials in the U.S. courts for the terrorist suspects currently held there.” Sixty-nine percent of Democrats, 61% of Independents and 43% of Republicans agree. Thirty-seven percent of all voters and 52% of Republicans are opposed.

## Support for ACLU Initiatives



Here are some actions that the next President could support. Would you favor or oppose each of these actions? Is that strongly or somewhat? Q14. Make it clear that the policy of the United States is to oppose torture and follow the Geneva Conventions. Q13. Work with Congress to establish a legal definition of “enemy combatant” rather than leaving it up to each president to decide who is an enemy combatant and who is not. Q11. Restore habeas corpus rights for people held at Guantanamo – that is, instead of holding people indefinitely without charges, make the government show evidence in order to continue to hold them. Q15. Require the government to get a court warrant to listen to the telephone calls of people in the U.S. Q12. Close the prison at Guantanamo and schedule trials in U.S. courts for the terrorist suspects currently held there.

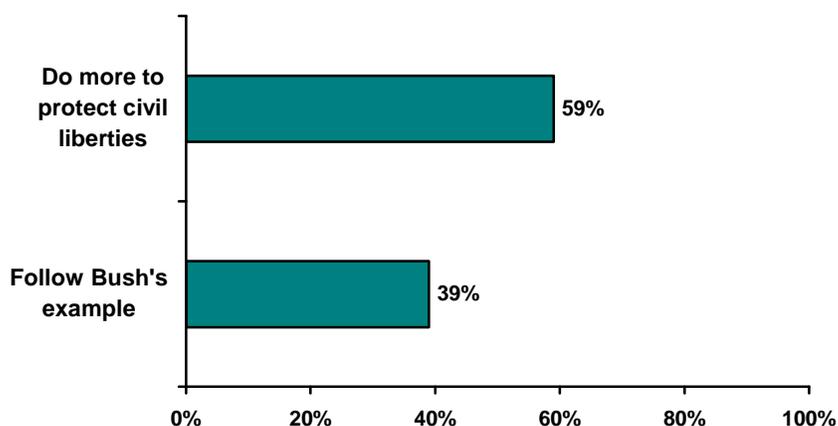
ACLU survey conducted by Belden Russonello & Stewart. August 21- September 9, 2007. N=800 likely presidential election voters nationally. MoE  $\pm$  3.5.

## Voters want the next president to do more to protect civil liberties

A majority of likely presidential voters (59%) says they would “like the next president to do more to protect civil liberties while fighting terrorism,” compared with 39% who say that they would “like the next president to follow the example of President Bush in fighting terrorism while protecting civil liberties.”

Six in ten Independents (62%) would prefer a candidate who did more to protect civil liberties; only 33% of Independents would prefer the next president to follow Bush’s example. Eight in ten Democrats (83%) would like the next president to do more to protect civil liberties, while 69% of Republicans say they would like the next president to follow the example of President Bush.

### The Next President’s Approach to Civil Liberties



Q10. Which of the following best describes your views: I would like the next president to follow the example of President Bush in fighting terrorism while protecting civil liberties? Or I would like the next president to do more to protect civil liberties while fighting terrorism? Do you feel that way strongly or somewhat?

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## **2. Voters are unhappy with weak congressional checks on the president**

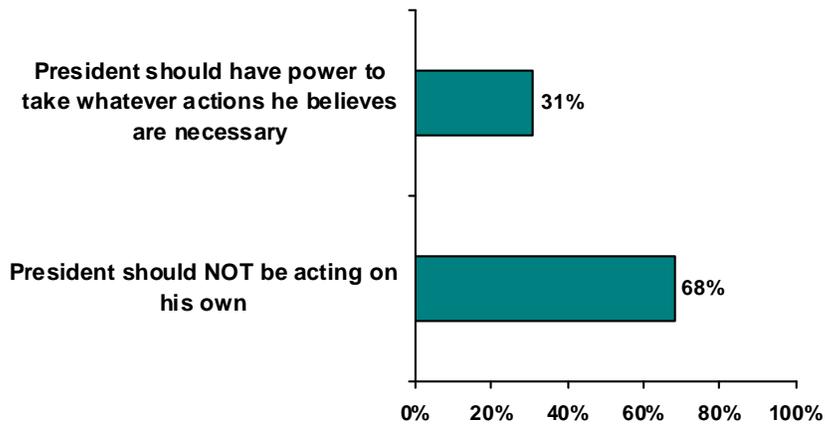
Two-thirds of all likely voters (68%) believe “the president should not be acting on his own in deciding how to fight terrorism without the checks and balances of the courts or Congress,” compared with one-third (31%) who think “the president should have the power to take whatever actions he believes are necessary to protect the country from terrorists.”

When asked how Congress is performing in relation to the president, nearly half of all voters (49%) believe that Congress has failed to provide adequate checks to the president’s power, while one-quarter (25%) believes that Congress has interfered with the president too much, and 24% believes that Congress has done a good job working with the president.

Independents closely mirror the attitudes of voters overall. Seven in ten (71%) believe that the president should not act on his own and half (50%) are dissatisfied with the job Congress has done checking the president’s power. Over eight in ten Democrats (86%) agree that the president should not be acting on his own and three-quarters of Democrats (74%) believe that Congress has not done enough to protect the Constitution.

Republicans are more evenly split on these issues. Just over half (54%) believe the president should have the power to act on his own, while 44% believe Congress and the courts should check the president’s power. Nearly half of Republicans believe that Congress has interfered with the president too much, however three in ten Republicans (29%) believe that Congress has worked well with the president and two in ten (22%) feel that Congress has not taken a strong enough stand to protect our constitutional rights.

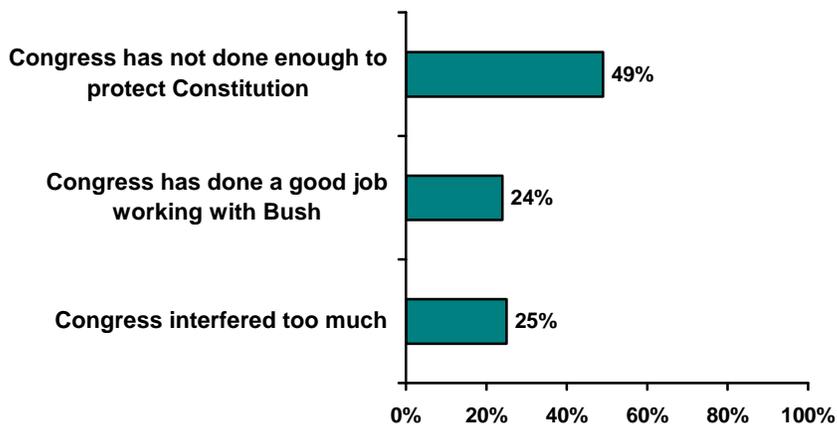
## Limits of Presidential Power



Q8. With whom do you agree more? Those who say: The president should have the power to take whatever actions he believes are necessary to protect the country from terrorists OR Those who say: The President should NOT be acting on his own in deciding how to fight terrorism without the checks and balances of the courts or Congress? Is that strongly or somewhat?

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## Views on the Role of Congress



Q10. Here are three points of view. Please tell me which one matches yours most closely.

\* Congress has NOT DONE ENOUGH to check the power of President Bush and protect our Constitutional rights \* Congress has DONE A GOOD JOB working with President Bush to balance civil liberties and the fight against terrorism \* Congress has INTERFERED TOO MUCH with President Bush's efforts to fight terrorism? Do you feel that way strongly or only somewhat?

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## **A majority of American voters opposes the government wiretapping without obtaining court warrants**

Over half of likely American voters (57%) say that the wiretapping program “can just as effectively combat terrorism by getting court warrants before eavesdropping on phone calls of U.S. residents” whereas 40% say that “in order to fight terrorism the government needs to be allowed to listen to telephone calls of U.S. residents the government believes may have ties to terrorists, without getting a court warrant.”

Six in ten Independents (62%) and seven in ten Democrats (72%) agree that the wiretapping program can be just as effective if the government must obtain court warrants. A majority of Republicans (61%) take the opposing view, believing that requiring the government to get warrants would make the program less effective.

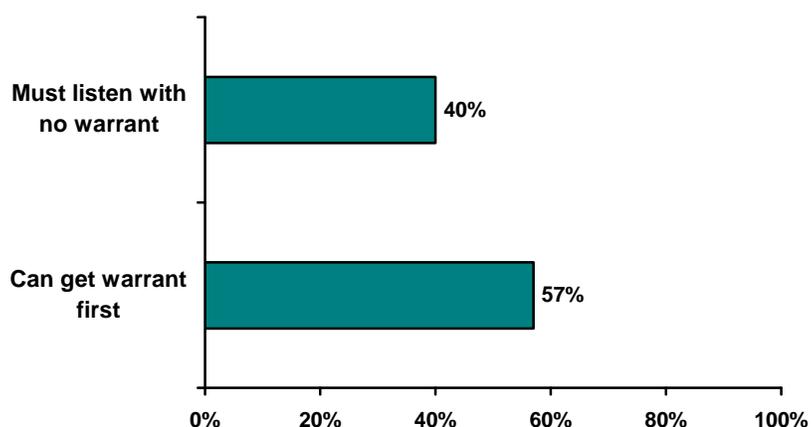
Americans are less clear about the role of Congress in the program. Just over half (51%) believe that Congress did the right thing by granting the president authority to wiretap without warrants compared with 46% who believe that Congress was wrong to authorize the program.

Majorities of Democrats (65%) and Independents (53%) say that Congress made the wrong decision on warrant-less wiretapping. Over three-quarters of Republicans (77%) believe that Congress made the right decision.

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### Necessity of Wiretapping without a Warrant

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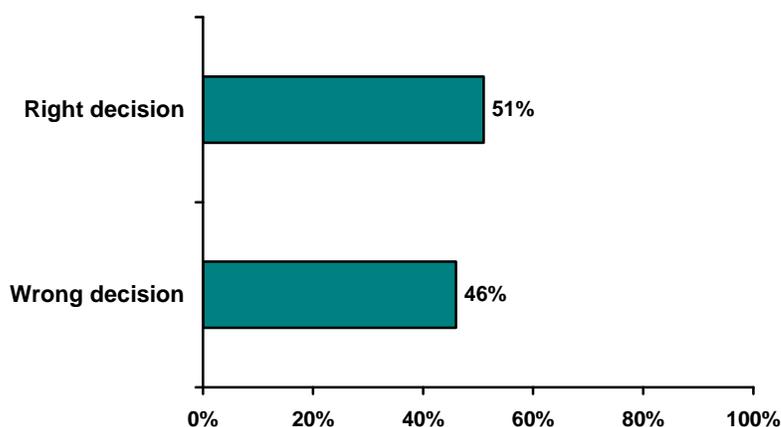
Q16. With whom do you agree more? Those who say that in order to fight terrorism the government needs to be allowed to listen to telephone calls of U.S. residents the government believes may have ties to terrorists, without getting a court warrant. Or those who say the government can just as effectively combat terrorism by getting court warrants before eavesdropping on phone calls of U.S. residents? Do you feel that way strongly or somewhat?

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### Congressional Approval for Wiretapping without a Warrant

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Q17. Congress recently gave the president the authority to listen to telephone calls of U.S. residents the government believes may have ties to terrorists without getting a court warrant. Do you believe that it was the right decision or the wrong decision for Congress to give President Bush that authority? Do you feel that way strongly or somewhat?

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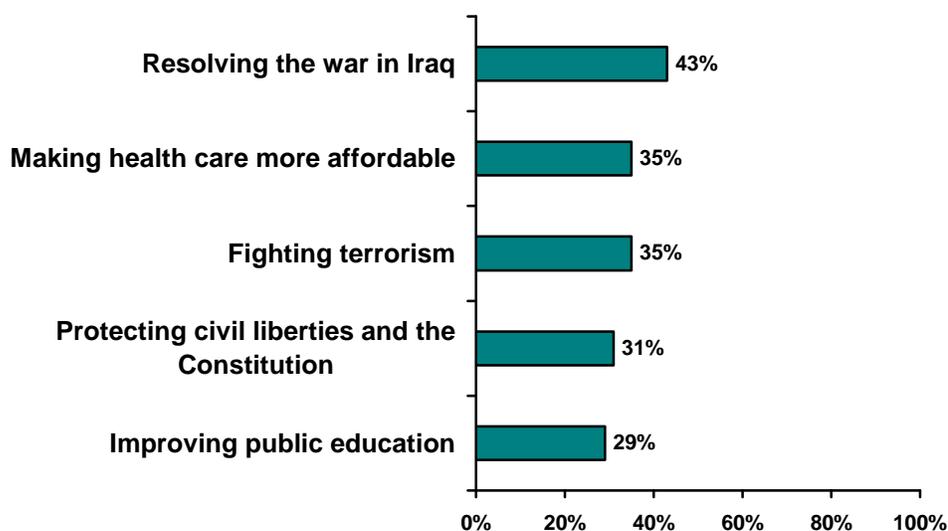
### 3. Voters prioritization of protecting civil liberties is on par with fighting terrorism and making health care affordable in vote for president

When asked to rate the priority of five issues in their vote for president, one-third of all likely voters (31%) consider protecting civil liberties and the Constitution a “top priority.” Resolving the war in Iraq is the top issue followed by making health care more affordable, fighting terrorism, and protecting civil liberties.

Independents prioritize issues the same way as voters overall with 29% saying protecting civil liberties is a top priority. Nearly four in ten Democrats (37%) consider protecting civil liberties a “top priority,” behind Iraq, health care, and education. Nearly three in ten Republicans (27%) agree, prioritizing civil liberties behind only fighting terrorism and resolving the war in Iraq.

#### Issue Priorities for Presidential Vote Choice

% saying “top priority”



For each item I name, please tell me if it will be a top priority, high priority, middle priority, or low priority in your vote for president next year. Q2. Resolving the war in Iraq. Q3. Making health care affordable. Q4. Fighting terrorism. Q6. Protecting civil liberties and the Constitution. Q5. Improving public education

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Here are some actions that the next President could support. Would you favor or oppose each of these actions? Is that strongly or somewhat? Q14. Make it clear that the policy of the United States is to oppose torture and follow the Geneva Conventions. Q13. Work with Congress to establish a legal definition of "enemy combatant" rather than leaving it up to each president to decide who is an enemy combatant and who is not. Q11. Restore habeas corpus rights for people held at Guantanamo - that is, instead of holding people indefinitely without charges, make the government show evidence in order to continue to hold them. Q15. Require the government to get a court warrant to listen to the telephone calls of people in the U.S. Q12. Close the prison at Guantanamo and schedule trials in U.S. courts for the terrorist suspects currently held there.

	<b>Make clear U.S. opposes torture</b>		<b>Define enemy combatant</b>		<b>Restore habeas corpus</b>		<b>Warrants for wiretapping</b>		<b>Close GITMO</b>	
	Favor	Oppose	Favor	Oppose	Favor	Oppose	Favor	Oppose	Favor	Oppose
<b>Total</b>	<b>81%</b>	<b>16</b>	<b>73%</b>	<b>22</b>	<b>70%</b>	<b>27</b>	<b>58%</b>	<b>38</b>	<b>57%</b>	<b>37</b>
Democrat	80%	15	80%	18	80%	17	65%	35	69%	24
Republican	74%	21	69%	26	54%	42	50%	47	43%	52
Independent	87%	10	70%	22	77%	20	59%	35	61%	34

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## The Next President's Approach to Civil Liberties

Q18. Which of the following best describes your views: I would like the next president to follow the example of President Bush in fighting terrorism while protecting civil liberties? Or I would like the next president to do more to protect civil liberties while fighting terrorism? Do you feel that way strongly or somewhat?

	<b>More protection of civil liberties</b>	<b>Follow President Bush</b>
<b>Total</b>	<b>59%</b>	<b>39</b>
Democrat	83%	15
Republican	31%	69
Independent	62%	33

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### Limits of Presidential Power

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Q8. With whom do you agree more? Those who say: The president should have the power to take whatever actions he believes are necessary to protect the country from terrorists OR Those who say: The President should NOT be acting on his own in deciding how to fight terrorism without the checks and balances of the courts or Congress? Is that strongly or somewhat?

	President should not act on own	President should take whatever actions
<b>Total</b>	<b>68%</b>	<b>31</b>
Democrat	86%	14
Republican	44%	54
Independent	71%	25

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\* Congress has NOT DONE ENOUGH to check the power of President Bush and protect our Constitutional rights \* Congress has DONE A GOOD JOB working with President Bush to balance civil liberties and the fight against terrorism \* Congress has INTERFERED TOO MUCH with President Bush's efforts to fight terrorism? Do you feel that way strongly or only somewhat?

	Not done enough	Done a good job	Interfered too much
<b>Total</b>	<b>49%</b>	<b>24</b>	<b>25</b>
Democrat	74%	19	5
Republican	22%	29	48
Independent	50%	26	20

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	Right decision	Wrong decision
<b>Total</b>	<b>51%</b>	<b>46</b>
Democrat	32%	65
Republican	77%	20
Independent	44%	53

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Q16. With whom do you agree more? Those who say that in order to fight terrorism the government needs to be allowed to listen to telephone calls of U.S. residents the government believes may have ties to terrorists, without getting a court warrant. Or those who say the government can just as effectively combat terrorism by getting court warrants before eavesdropping on phone calls of U.S. residents? Do you feel that way strongly or somewhat?

	Can get warrant first	Must listen with no warrant
<b>Total</b>	<b>57%</b>	<b>40</b>
Democrat	72%	25
Republican	36%	61
Independent	62%	34

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For each item I name, please tell me if it will be a top priority, high priority, middle priority, or low priority in your vote for President next year. Q2. Resolving the war in Iraq. Q3. Making health care affordable. Q4. Fighting terrorism. Q6. Protecting civil liberties and the Constitution. Q5. Improving public education

% saying "top priority"	Resolving war in Iraq	Affordable health care	Fighting terrorism	Protecting civil liberties	Improving education
<b>Total</b>	<b>43%</b>	<b>35%</b>	<b>35%</b>	<b>31%</b>	<b>29%</b>
Democrat	53%	47%	32%	37%	39%
Republican	34%	23%	43%	27%	24%
Independent	42%	34%	33%	29%	26%

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