



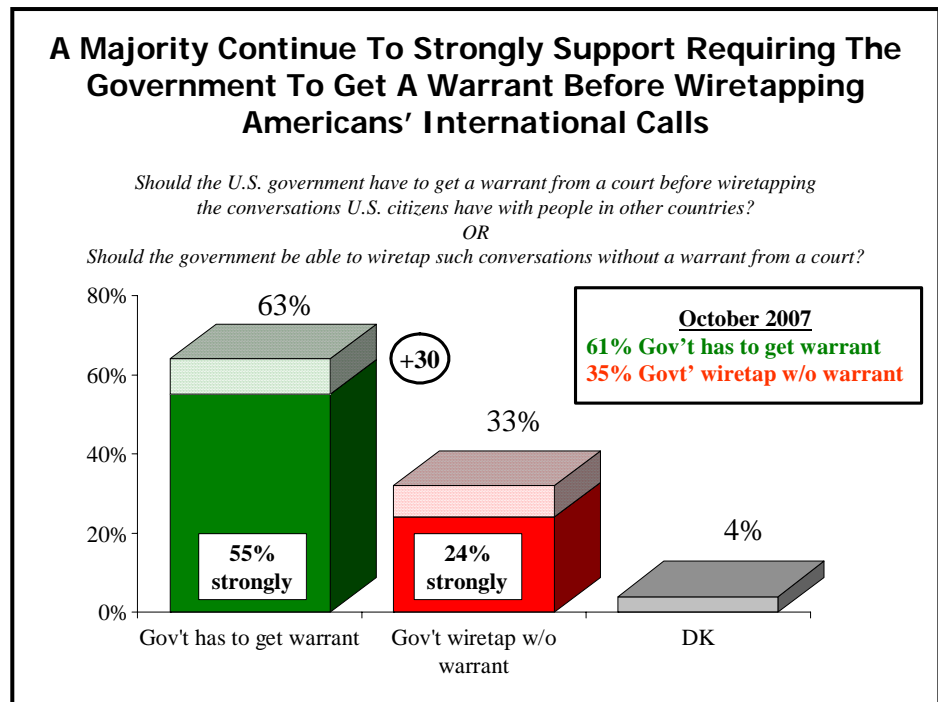
TO: American Civil Liberties Union
FROM: The Mellman Group
DATE: January 18, 2008
RE: Voters Vigorously Oppose Warrantless Wiretaps, Blanket Warrants, And Immunity For Telecom Companies

This analysis represents the findings of a national survey of 1000 likely 2008 general election voters. Interviews were conducted by telephone January 11 to January 15, 2008. To insure an unbiased sample, random-digit-dialing techniques were used and respondents screened for being likely voters. The margin of error for this survey is +/-3.1% at the 95% level of confidence. The margin of error is higher for subgroups.

While Americans surely want to protect the country from terrorism, they also insist on protecting our constitutional rights. Opposition to key elements of the Bush Administration's FISA agenda--warrantless wiretaps, blanket warrants, and immunity for telecommunication companies that may have broken the law--remains quite strong. In fact, large majorities across almost every demographic subgroup of voters oppose all three of these proposals. Opposition to the Administration's FISA agenda is as strong or stronger today than it was three months ago. As a result, Members of Congress who stand in defense of constitutional rights have little to fear from their constituents.

VOTERS STRONGLY SUPPORT REQUIRING THE GOVERNMENT TO GET WARRANTS BEFORE WIRETAPPING CONVERSATIONS U.S. CITIZENS HAVE WITH PEOPLE ABROAD

Sixty-three percent (63%) of voters favor requiring the government to obtain a warrant from a court before wiretapping the conversations U.S. citizens have with people in other countries—a figure quite consistent with the 61% opposition we found in October. An outright majority of voters (55%) “strongly” supports requiring warrants. Only one-third (33%) support warrantless wiretaps of Americans’ international conversations, with fewer than 1-in-4 (24%) strongly supporting warrantless wiretaps.



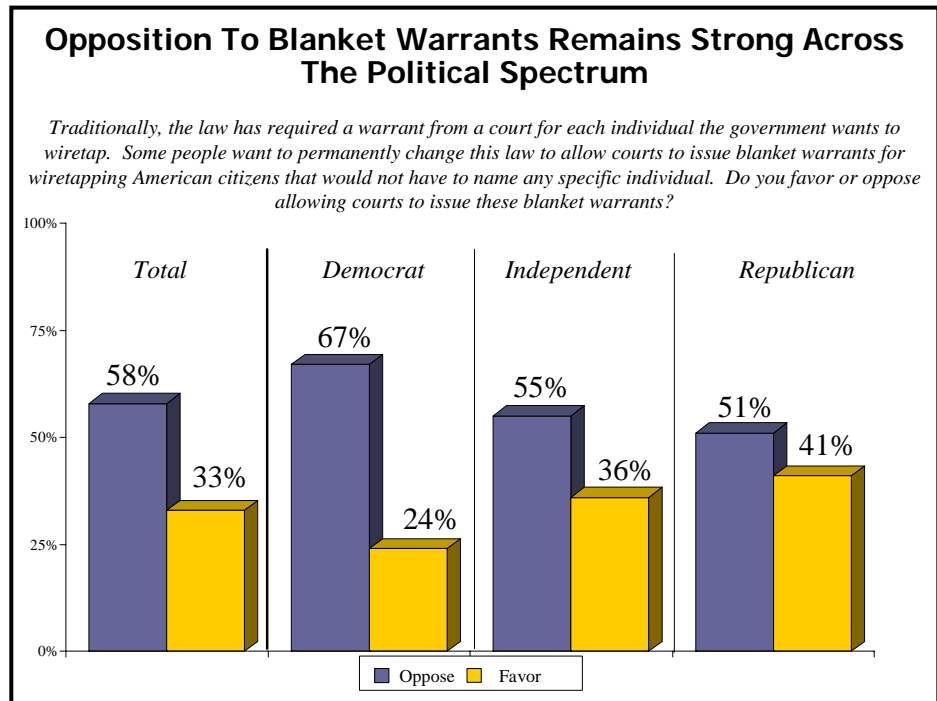
Support for this constitutional right is both deep and wide, cutting across every demographic segment. Whether they are old or young (age 60+ 61% warrants required, age 50-59 61%, age 40-49 66%, age 18-39 66%), more or less educated (college grads 67%, some college 65%, high school or less 57%), black or white (black 83% warrants required, whites 60%), upper class or lower (upper/upper-middle 63% warrants required, middle 66%, working/lower 57%) overwhelming majorities favor requiring warrants for government wiretaps of Americans’ international conversations. Eight-in-ten percent (80%) of Democrats, 56% of independents, and even half (50%) of the President’s own Republicans oppose tapping Americans’ international conversations without a warrant.

Public demand for requiring warrants for wiretaps of Americans’ international conversations also cuts across geography. Large majorities in every part of the country favor requiring warrants: 72% in the Northeast, 64% in the South, 62% in the West, and 57% in the Midwest. Both less religious voters (68% warrants required) and those who are very religious (59% warrants required) oppose wiretapping Americans’ international conversations without a warrant. The same is true of both households with veterans (58%) and non-veteran households (65%).

OPPOSITION TO BLANKET WARRANTS IS STRONG AND ROBUST

Fifty-eight percent (58%) of voters oppose allowing courts to issue blanket warrants for wiretapping American citizens that would not have to name any specific individual, with a near majority (48%) “strongly” opposing blanket warrants. Just 1-in-3 (33%) support blanket warrants.

Strikingly, majorities across partisan and ideological lines oppose blanket warrants. Sixty-seven percent (67%) of Democrats, 55% of independents and 51% of Republicans join 62% of liberals, 59% of moderates and 55% of conservatives in opposing blanket warrants (also known as “basket warrants”), demanding instead that warrants be individual. Majorities in every region of the country concur : (West: 57% oppose, 33% favor; Midwest: 56% oppose, 33% favor; Northeast: 68% oppose, 25% favor; South: 55% oppose, 37% favor). A large majority (63%) of voters in households with veterans oppose blanket warrants—even higher than the proportion (56%) in non-veteran households.

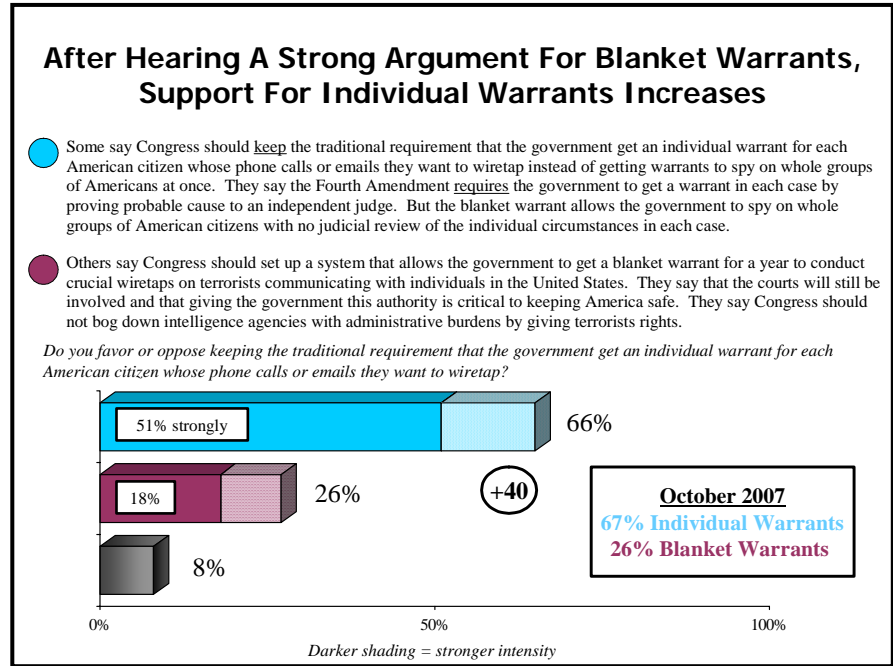


Voters’ views on this issue are quite robust, impervious to even a strong argument in favor of blanket warrants. Voters were given the argument against blanket warrants and also heard a strong statement from supporters, using the administration’s language, arguing that they are critical to keeping Americans safe, that courts would still be involved, and that intelligence agencies should not be bogged

down with burdens by giving terrorists rights. Yet, even in the face of these powerful arguments, two-thirds (66%) still oppose eliminating the requirement that wiretap warrants be sought on an individual basis. In fact, a majority (51%) continue to strongly support the requirement for individual warrants. Only about one-quarter (26%) support blanket warrants, even after exposure to the Bush Administration's strongest arguments. Thus, exposing voters to the arguments on both sides increases opposition to the Administration's position by a net of 8-points.

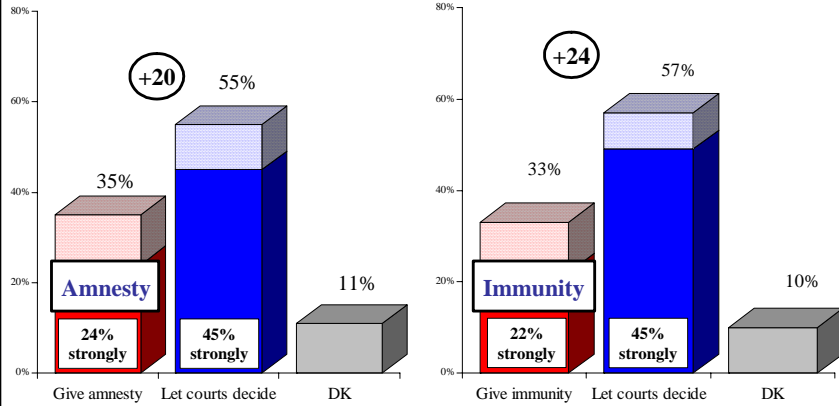
A LARGE MAJORITY OPPOSE AMNESTY FOR THE TELECOM INDUSTRY

Fifty-seven percent (57%) of voters reject immunity for phone companies that may have violated the law by selling customers' private information to the government, preferring to let courts decide the outcome of any cases. Again intensity favors opponents of immunity, with 45% "strongly" opposed. Just one-third (33%) support immunity for the phone companies, with only about 1-in-5 (22%) strongly supporting immunity¹.



A Clear Majority Of Voters Reject Immunity For Phone Companies

*Do you think Congress should give the phone companies amnesty/immunity from legal action against the companies?
Or
Should citizens who believe their rights have been violated be free to take legal action against those phone companies and let the courts decide the outcome?*



In our previous survey we used the term "amnesty" instead of immunity. Some maintained that the word was charged as a result of the immigration debate and that use of the word "immunity" might produce different results. It did not. In fact, 57% opposed giving the phone companies "immunity" (33% give immunity), compared to 55% who rejected "amnesty" for the phone companies (35% give amnesty). Intensity was the same regardless of

¹ Full question wording: "U.S. phone companies recently gave the private records of millions of their customers to the government because the government said it needed the private records to investigate terrorism. Some people say the telephone companies' release of customers' private records is against the law. Congress is considering a bill that gives phone companies immunity, preventing any legal action against them for releasing those private records to the government. Do you think Congress should give the phone companies immunity from legal action against the companies or should citizens who believe their rights have been violated be free to take legal action against those phone companies and let the courts decide the outcome?"

whether voters were asked about “amnesty” or “immunity”: in each case, 45% felt strongly that the courts should be left to decide.

Opposition to immunity is widespread, cutting across ideology and geography. Majorities of liberals, moderates, and conservatives agree that courts should decide the outcomes of these legal actions (liberals: 64% let courts decide, 26% give immunity; moderates: 58% let courts decide, 34% give immunity; conservatives: 50% let courts decide, 38% give immunity). Rejection of immunity similarly cuts across race and class. Over three-quarters (76%) of Hispanics prefer to let the courts decide (17% give immunity), as do 74% of blacks (21% give immunity), and 54% of whites (36% give immunity). Immunity is opposed by over half (55%) of working/lower class voters (32% give immunity), 61% of those in the middle-class (30% give immunity), and 50% of middle/upper-middle class Americans (41% give immunity)). Seventy-one percent (71%) of Democrats and nearly half (49%) of independents say let the courts decide (give immunity: 22% and 35%, respectively). Republicans are evenly split (45% give immunity, 46% let the courts decide) with greater intensity in support of letting the courts decide (38% strongly) than giving immunity (30% strongly).

AMERICANS BELIEVE THESE ISSUES ARE IMPORTANT

These issues are of critical import to Americans, with 78% saying it is important for Congress to take action now to require the government to obtain a warrant before wiretapping the international phone calls and emails of American citizens, up slightly from 75% in October. Furthermore, a majority of voters (52%) deem such congressional action “very important,” compared to 48% three months ago. Only a fifth (20%) say it is either “not too” or “not at all” important for Congress to take such action (22% in October).

