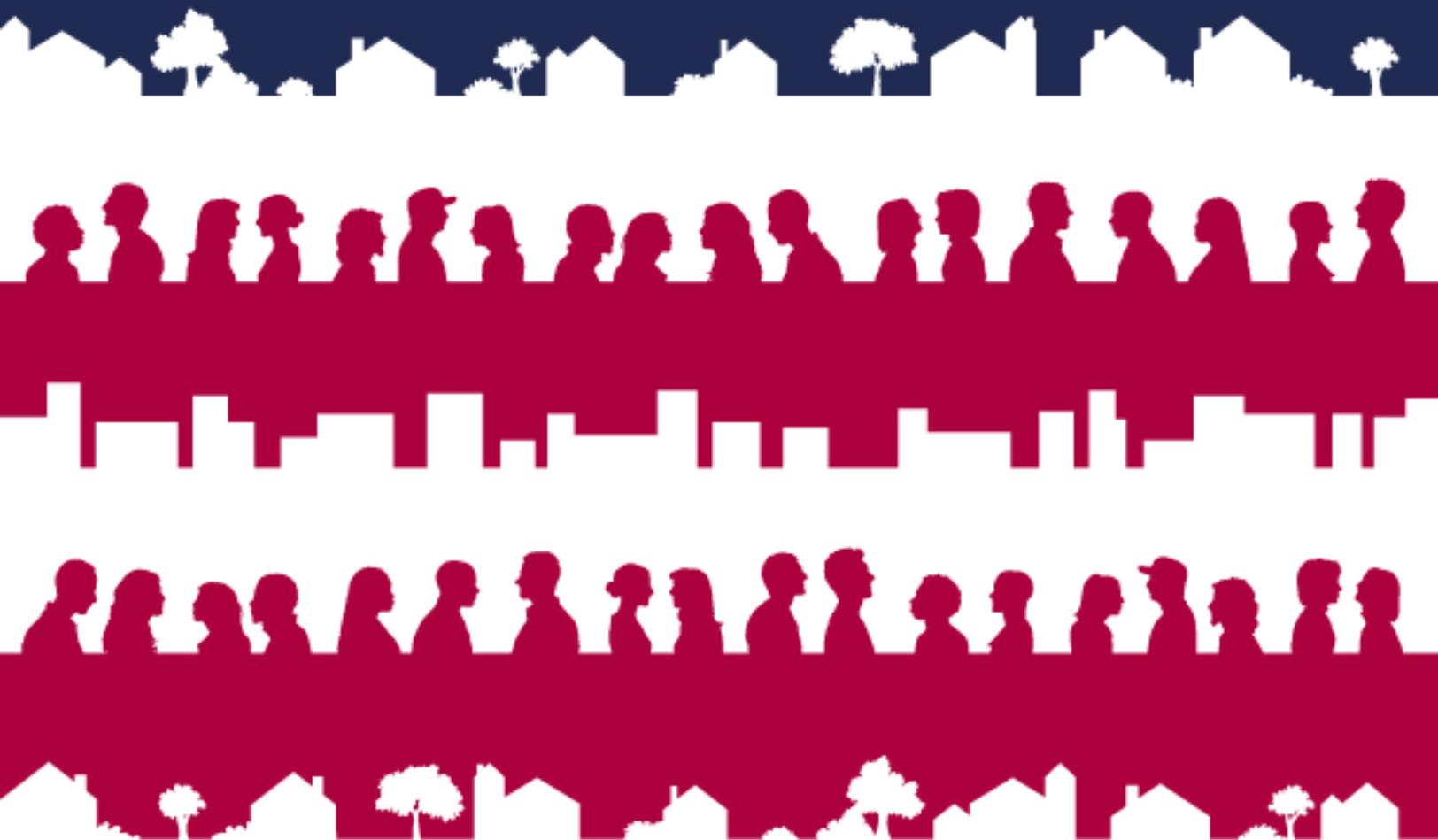


LOCAL★VOICES

CITIZEN CONVERSATIONS ON
CIVIL LIBERTIES & SECURE COMMUNITIES



LEAGUE OF WOMEN VOTERS®

PREFACE

For more than 85 years, the League of Women Voters has played a significant role in encouraging the informed and active participation of citizens in government. As a “trusted convener,” the League has been instrumental in creating forums where the public can learn about issues, share their perspectives and have an impact on decisions made at all levels of government. *Local Voices: Citizen Conversations on Civil Liberties and Secure Communities* is the League’s most recent example of this type of endeavor.

With the generous support of the John D. and Catherine T. MacArthur Foundation, the League of Women Voters Education Fund (LWVEF) conducted focus groups and convened a series of public dialogues across the country to explore the complex issue of balancing civil liberties and homeland security in a post-September 11 age. We have combined the outcomes of these events with an investigation of national polling data to create this report of citizen comment, concerns and values for policymakers.

For this effort, the League has coupled its experience and expertise with Lake Snell Perry Mermin/Decision Research (LSPM/DR) and Study Circles Resource Center (SCRC). Both contributed greatly to the success of the project and provided key components in its implementation. We would like to extend special thanks to Michael Perry and Tresa Udem of LSPM/DR, among whose contributions is the coauthoring of this report with the League. Our special thanks also go to Martha McCoy, Matt Leighninger, and the training associates at SCRC, whose expertise were important to the public deliberations. *Local Voices* also has benefited greatly from the dedication and commitment of hundreds of League members and volunteers from across the country. Their contributions are greatly appreciated. In addition, several LWVEF staff worked to ensure this project’s success and timely completion. They include Nancy E. Tate, Kelly McFarland Stratman, Lisa Ruben, Danielle Duffy and Shirley Tabata Ponomareff. The League also gratefully acknowledges the interest and participation of the many citizen participants in this project. Their willingness to share their ideas and opinions was vital to this project.

While the League is presenting this report to Congress and other policymakers as the review of the USA PATRIOT Act is underway, it is our intent to share the concerns and values of the public with policymakers at all levels of government. Issues of civil liberties and homeland security impact policy decisions at the local, state and national levels, and most importantly, they impact all of our daily lives. Just as it has with so many critical issues, the League will continue to work to ensure that citizens’ voices on these important and evolving topics are brought to the attention of policymakers.

Kay J. Maxwell, President
League of Women Voters
August 2005



LOCAL★VOICES

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LEAGUE OF WOMEN VOTERS





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THE POST 9/11 ENVIRONMENT

In the four years since enduring the tragedy of September 11, 2001, the United States has had to focus on new approaches to safety and security. Americans feel the country is vulnerable in ways never before envisioned, and realize that security needs to be defined and approached differently. Effective responses are still unclear. The 9/11 attacks affected all levels of our society—from the government creating new departments and laws, to schools creating new terrorism warning and emergency plans, to citizens becoming more alert and watchful in their communities. These and other changes will be with us for a very long time.

Federal, state and local governments have labored to find ways to protect the country, and they will continue to do so. But this work is vast and complex, and involves numerous decisions and trade-offs. Some of these involve shifting priorities and resources, and some involve difficult decisions about values. Fundamental questions have risen about the extent to which increased protections begin to undermine basic American freedoms and liberties. Can American society retain its openness and basic freedoms and remain safe at the same time? Can we feel secure and still preserve our democracy as we have known it?

This is not the first time our nation's leaders have faced such struggles. In our history, threats to national security under various circumstances have led the government to place limitations on the rights or freedoms of its citizens. In other cases, history shows times during which military conflicts and acts of terrorism increased protections of civil rights and liberties. The long-term effects of the changes our nation is making in the name of safety and security in the post-9/11 world remain to be seen. One of the

most significant actions taken by Congress is the USA PATRIOT Act, passed shortly after the 9/11 attacks. Because the Act was passed quickly with unanswered questions about how long policies would be needed, some provisions of the Act had “end dates” at which time they would expire or be renewed. Congress must take action on these “sunsetting” provisions in 2005.

Parts of the USA PATRIOT Act—both permanent and sunset provisions—have become lightning rods for debate around balancing civil liberties with homeland security. Civil liberties advocates assert that certain provisions in the Act that expand law enforcement's authority infringe on individuals' rights and liberties guaranteed by the Bill of Rights. Yet others contend that these provisions are necessary to untie the hands of law enforcement to conduct investigations and take actions that can ultimately keep us safe and prevent future attacks.

While our nation's leaders continue to debate the USA PATRIOT Act and other tools to fight terrorism, public involvement and input related to this Act and other aspects of homeland security have been limited. At times, debate at the Congressional level has been held behind closed doors, with limited information given to the public. In many ways, “homeland security” has not been treated as a public issue—to be discussed and considered by ordinary citizens—but more as an issue for our elected leaders and relevant agencies to debate and decide.

THE LEAGUE OF WOMEN VOTERS' LOCAL VOICES PROJECT

The informed and active involvement of citizens in government at all levels has long been a goal of the League of Women Voters.

The League has also been highly attentive to issues of civil rights and civil liberties throughout its history. As a result, the League of Women Voters Education Fund, the citizen education and research arm of the League, initiated a multi-faceted approach to enhancing both public and policymaker understanding of the issues involved in the complex interaction of civil liberties and homeland security.

In 2005, with generous funding from the John D. and Catherine T. MacArthur Foundation, the Education Fund launched a project entitled *Local Voices: Citizen Conversations on Civil Liberties and Secure Communities*. The project has three main components.

One component involved facilitating ten public deliberations in communities across the country in June 2005. The League asked the Study Circles Resource Center (SCRC), a national organization that works to advance deliberative democracy, to be a partner in this project. In collaboration with the League, SCRC developed a discussion guide, provided advice to local Leagues as they prepared for the public deliberations, and trained local discussion facilitators at the ten sites. The hosts were the Leagues in: Baltimore, Maryland; Black Hawk-Bremer counties, Iowa; Brookhaven, New York; Columbia, Missouri; Dallas, Texas; Lexington, Kentucky; Los Angeles, California; Miami, Florida; North Pinellas County, Florida; and Seattle, Washington. Each site hosted between 50 and 100 community members for four to six hours of conversation. Insights from these forums were collected in two forms: observations recorded by trained note takers in break-out discussions (approximately six to ten participants in each) at every site and a post-deliberation individual participant survey. Questionnaires, developed by Lake Snell Perry Mermin/Decision Research (LSPM/DR), were completed by more than 650 participants. The results are included in the report. (See Appendix A for more information.)

The other two components of the project involved qualitative and quantitative public opinion research to explore attitudes and values toward homeland security and civil liberties. The League hired LSPM/DR to conduct six focus groups in three cities: Bakersfield, California; Dallas, Texas; and Richmond, Virginia. In addition, LSPM/DR conducted an analysis of national polling data that provide reflections of Americans' opinions toward homeland security and civil liberties.

The findings from all components of the *Local Voices* project are chronicled in this report. Neither this report nor the ultimate Congressional action on the USA PATRIOT Act by any means signals the end of the issue or the need for conversation on this important topic.

The issues—and the decisions—involved in the intersection between civil liberties and homeland security will continue to evolve and manifest themselves in various ways. The consequences of the decisions this country makes will have lasting effects on every American, in their lives and communities, and on the nation as a whole.

This report presents a number of findings and insights gleaned from the range of public input obtained during the *Local Voices* project. These findings are identified and then described at length in the following pages. Some are focused on specific topics within the current debate, and some are more general and far-ranging.

At the conclusion of this report, the League presents a series of recommendations. These relate to the ways government at all levels, as well as community institutions, the media, and the public itself, can work to strengthen public understanding, public involvement and public confidence in the conversations, decisions and trade-offs that have been and will continue to be made about homeland security and civil liberties. ★



The League of Women Voters Education Fund, with generous support from the John D. and Catherine T. MacArthur Foundation, sponsored research and convened public deliberations with citizens across the country to discuss homeland security and civil liberties. Six focus groups were conducted in March 2005. A review of recent public opinion survey research was also conducted and provides quantitative findings reflecting the issues raised in the focus groups. In addition, the League designed and convened ten public deliberations in a diverse set of communities across the country. The public deliberations took place in June 2005 and more than 650 individuals participated.

A number of insights emerge from the combination of focus group data, national survey research findings, and the public deliberations about people's views on homeland security and civil liberties.

1. There is a lack of in-depth knowledge about "homeland security."

In terms of national priorities, Americans continue to rate fighting terrorism as a top issue for the government to address. However, in their day-to-day lives, other worries and concerns often take precedence. Most people in the focus groups say the personal impact of the September 11 attacks tends to manifest itself currently in somewhat limited ways, such as new security procedures at airports and office buildings and by the need to be more alert about occurrences in their surroundings.

Perhaps because other concerns often take priority on a day-to-day basis, many Americans are not very engaged in homeland security efforts, either locally or nationally. Few are very familiar

with state and local emergency plans, or with federal measures such as the USA PATRIOT Act.

2. Civil liberties are deeply valued.

Americans feel a strong commitment toward preserving civil liberties. Some, including freedom of speech, freedom of religion and due process, are highly valued by Americans not only as rights and freedoms, but as basic values. These civil liberties are deeply embedded in the country's national identity as well as in people's beliefs, and they feel that these core rights and freedoms must always be protected.

Polling indicates that a majority of Americans do not consider their civil liberties currently under threat. At the outset of the focus groups, most participants were unable to identify any ways in which their own rights and freedoms have changed since 9/11. However, there is a sense among a few that other people's rights have been challenged, such as cases of profiling individuals of Middle Eastern descent and a perceived lack of due process for detainees held in Guantanamo Bay. In general, however, participants feel these infringements point toward isolated incidents rather than indications of wide-scale abuses of rights and freedoms.

3. People struggle to balance security and liberty.

Several areas involving terrorism investigations were discussed in the focus groups and public deliberations: "secret searches," increasing law enforcement's ability to obtain personal records in terrorism investigations, and the use of racial or ethnic profiling. Many of these issues relate to provisions in

the USA PATRIOT Act. After discussing and weighing various principles and arguments surrounding these issues, the following insights emerge:

- **A majority opposes “secret searches.”** Survey research shows a majority of Americans oppose allowing federal agents to secretly search a person’s home without informing the person of that search for an unspecified period of time. In the focus groups and deliberations, participants voice their opposition to the concept of secret searches. Initial reactions tend to reflect strong feelings that secret searches clearly cross the line into invading a citizen’s right to privacy, particularly the idea that the person searched might never learn about that search. These searches evoke strong imagery and introduce an investigatory method perhaps never before considered. Discussions tend to move quickly from privacy arguments to potential abuses by law enforcement that would harm innocent people. Additionally, fears of a “slippery slope” are mentioned by many; if the government allows secret searches now, what is next?
- **The government needs justification and judicial oversight to obtain personal records.** People clearly value keeping their personal information and records private. Most people in the focus groups enter the discussion on allowing the government easier access to personal records cautiously: they are willing to give up a little privacy in order to prevent terrorism, yet they remain wary about intrusion into personal matters. After discussion and debate, people in the focus groups are decidedly against allowing the government to search records of ordinary, law-abiding citizens. However, they believe the government should be able to access records of terrorist suspects. As a result, while people articulate the need for justification to access records, the threshold of “probable cause” does not seem as high as what they would want for other types of investigatory measures. Nevertheless, people insist on having judicial or other oversight in place as a check on law enforcement’s authority.
- **People are struggling with racial, ethnic and religious profiling.** Regarding terrorism investigation measures, Americans seem to be struggling with profiling people of Middle Eastern descent (the group perceived most associated with terrorist attacks). While nearly all focus group participants agree profiling is inherently wrong, there is some acceptance of its use in certain scenarios, such as at airport security checkpoints. At the same time, many do not want innocent people harmed or harassed, and national polling data suggest considerable concern about the potential of broad profiling activities.

In discussing all of these terrorism investigation measures, three values tend to drive the debate: security, freedom and fairness. Security and freedom are two “foundation values” that underlie attitudes and opinions expressed in the focus

groups. People want to be secure and prevent the loss of life; and they want to protect core rights and freedoms. As they discuss and weigh changes in laws that may affect some of their freedoms, they become more concerned and they diligently work through the struggle between these two values. Both values constantly collide in the focus groups, and people resist pushing back or sacrificing either. By the end of the discussions, the tension between these two core values is at times broken by a third, “deciding” value: fairness. For example, many end up opposed to giving law enforcement greater legal authority because of the perception that potential abuses could occur. Fairness underlies their concern about abuses. Abuses, they say, would unfairly and unjustly harm innocent people. This fairness value, augmented by the value of freedom, ultimately drives some people against measures that expand law enforcement’s authority.

4. Systems of checks and balances are seen as vital.

People deeply value, in fact consider vital, the system of checks and balances among the executive, legislative and judicial branches of government. Participants in the focus groups and the deliberations believe no single body, person, or entity should have complete authority. Many understand, at least in the abstract, the way in which the three branches of government place checks on each other, and they articulate the unacceptable ramifications of a lack of such a system: abuse of control and authority. However, most participants in the focus groups are unaware of whether any change or erosion has occurred in the checks and balances system since 9/11.

The principles behind checks and balances are also deeply embedded in people’s beliefs and expectations about the way other government bodies function. People in the focus groups assume measures are in place to oversee and balance law enforcement’s authority. As discussions about increasing law enforcement’s authority in terrorism investigations evolve, most people in the focus groups move towards or eventually end up insisting that judges play a traditional oversight role. These checks on law enforcement are essential, they feel, to protect rights and prevent abuses.

5. Concern of a “slippery slope” often emerges in the context of the focus group discussions.

Throughout the focus groups discussions, the notion of a “slippery slope” surfaces frequently as people debate the consequences of loosening checks and balances and making other tradeoffs in the name of security. Several participants refer to McCarthyism, the Japanese internment camps, and even Nazi Germany as instances in which checks and balances were absent and individual rights were weakened. These references amplify concerns about the risks involved in the government’s responses to terrorism.

6. Many call for more openness in government regarding homeland security efforts and their effects on civil liberties.

Many participants in the focus groups and deliberations feel they know too little about how homeland security efforts may be affecting people's civil liberties. One solution, they say, is more openness and transparency in government so that they can assess whether people's rights and freedoms are being negatively affected.

7. As a result of discussion, people perceive the importance of personal involvement.

By the end of the focus groups and deliberations, most participants not only want more openness in government but they want a larger role for the public on issues relating to security and civil liberties. Based on their comments, this public role can take many forms. A number of participants in the public deliberations say they are willing to give their time and get involved locally in homeland security efforts, such as supporting funding for local police and fire departments and attending local government meetings. Some also express a willingness to weigh in on decisions through public forums, oversight committees that involve citizens, or other methods.

Many focus group participants also suggest actions citizens should take, such as voting, communicating with their elected officials, and learning more about antiterrorism efforts and legislation.

8. Public deliberation matters on this topic.

Policymakers, the media and others who look to public opinion polling data on homeland security or the USA PATRIOT Act may

not be seeing the whole story. People's opinions *move* during the process of thoughtful, in-depth discussions on homeland security and civil liberties. Most participants in the focus groups start from a position of unfamiliarity with the topic and a lack of personal relevance and move to one of caring about these issues and seeing a personal connection. The opportunity in the focus groups and public deliberations for participants to talk about these issues, hear from others, weigh information and begin to make decisions prompts them to question earlier assumptions. In addition, they begin to see that people's civil liberties could be affected by homeland security efforts. They are also much more engaged in the issues and openly appreciative of the chance to deliberate about issues that had previously been vague and unclear.

Recommendations

These findings are discussed in more depth in the pages that follow. In addition, the report concludes with a series of recommendations and challenges that the League is making to policymakers at all levels of government, to the media, to community organizations and to the general public regarding ways to strengthen public understanding, involvement, and confidence in the range of conversations, decisions and trade-offs still ahead concerning the interplay between civil liberties and homeland security. Of course there are many aspects of our nation's security that, by their very nature, are not and should not become public knowledge. However, when it comes to the critically important relationship between our civil liberties and our nation's security, it is the League's firm belief that public input and involvement are not just desirable—they are essential to the health and vitality of this country. ★



PUBLIC VIEWS: LACK OF IN-DEPTH KNOWLEDGE ABOUT HOMELAND SECURITY

Since 9/11, the American public has rated terrorism as an issue of top concern facing the country. There is little doubt among Americans that acts of terrorism will take place on our soil again in the future. However, the level of concern may exist more on the national level than locally or personally. In the focus groups there was a very clear sentiment that the federal government needs to work to protect us and keep us safe. However, many have not internalized terrorism in their daily lives, aside, perhaps, from being more aware of their surroundings. Indeed, participants in both focus groups and deliberations say other needs and issues at the community level, such as crime and school violence, tend to supersede concern about terrorism on a daily basis.

Additionally, polling indicates that less than one in ten Americans (9 percent) worries a great deal that they might become a victim of an attack; 22 percent feel somewhat worried, and the majority (68 percent) is not too or not at all worried. These numbers

★ FROM THE FOCUS GROUPS

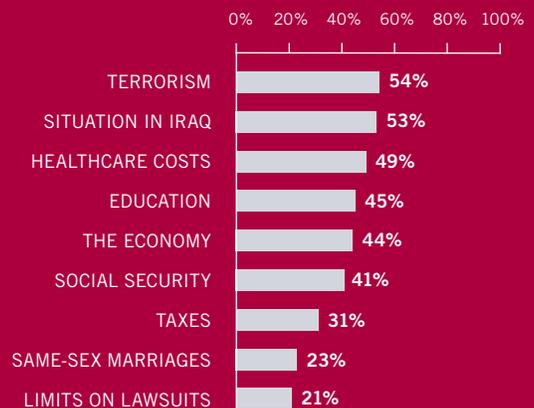
[The change since 9/11] is just awareness. You kind of watch...what is going on around [you] a little bit more and you familiarize yourself and you try to have an emergency plan for your own family put together. I worry more about the gangs here than I do other threats. –CALIFORNIA WOMAN

have remained essentially unchanged since 2004, despite the July 2005 terrorist attacks in London.

Perhaps because terrorism hits home less than other issues, most Americans lack in-depth knowledge of homeland security efforts. In the focus groups, the most top-of-mind efforts mentioned are airport security changes. The creation of the Department of Homeland Security and the color codes are also identified as new federal government efforts to combat terrorism. While many

★ FROM NATIONAL POLLS

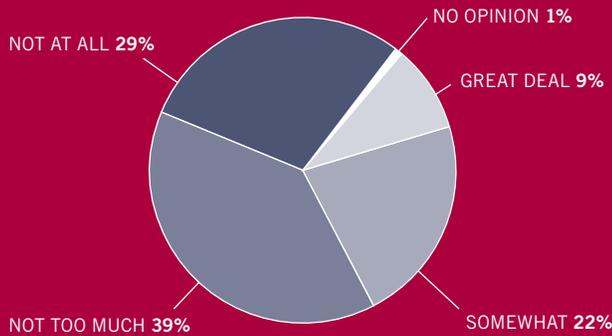
Where Terrorism Ranks on the National Agenda: Percentage of national adults saying each issue is “extremely important.”



Source: CNN/Gallup/USA Today Survey, February 2004

★ FROM NATIONAL POLLS

How concerned are you about the chance that you personally might be the victim of a terrorist attack—do you worry a great deal, somewhat, not too much, or not at all?



Source: ABC News/Washington Post, July 2005

★ FROM THE PUBLIC DELIBERATIONS

Most do not feel safer, but [they] go on with their daily lives. —BALTIMORE, MD

[Since 9/11 there is] more of a presence of government forces at airports, events, and public venues.

—SEATTLE, WA

people have heard of the USA PATRIOT Act, only one or two in each focus group could say anything about its purpose or content. Many admit to only “hearing the name” or not remembering what they had heard. A June 2005 CNN/Gallup/USA Today survey reflects this lack of awareness, with just twelve percent of Americans saying they are “very familiar” with the USA PATRIOT Act.

Most people in the groups struggle to identify functions or implementation of homeland security measures at the state or local level that are beyond increased security in schools, local government buildings, offices and entertainment venues.

Survey data exemplify these findings. A 2004 Hart-Teeter survey shows that most Americans are not familiar with emergency response plans established by their local (76 percent not familiar) or state (78 percent not familiar) governments.

PUBLIC VIEWS: CIVIL LIBERTIES DEEPLY VALUED

Civil Liberties Deeply Valued

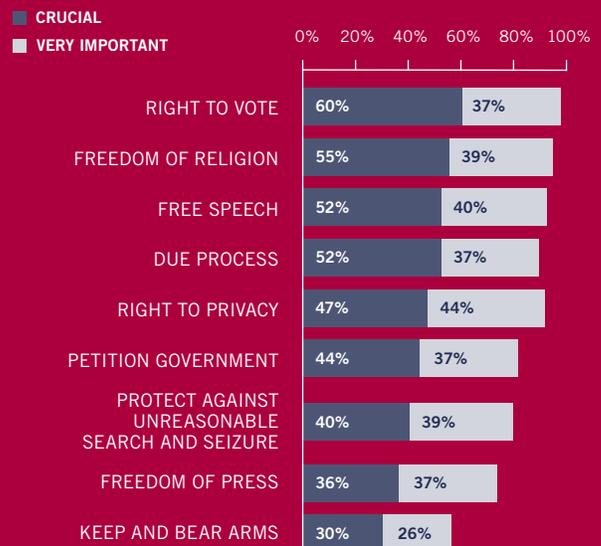
Americans feel a strong commitment toward a number of civil liberties and freedoms. Particular rights and freedoms are embedded in our national identity, and people in the focus groups and deliberations extol the importance of such rights and freedoms. Freedom of speech and freedom of religion come to the top of the list as most important to people personally. Freedom of the press, the importance of due process, the right to assemble, the right to bear arms, and protections from unreasonable search and seizure are also mentioned and deeply valued.

In addition, people say they value other freedoms and perceived rights. These include the right to privacy, the right to vote, the right to pursue happiness, the right to move about as one chooses, the right to equal treatment and equal opportunity.

People in the focus groups and deliberations believe these core rights and freedoms must be protected. These rights and freedoms are expressed as personal values, and are perceived as integral to our national heritage and to what makes America unique.

★ FROM NATIONAL POLLS

Crucial or very important to own sense of freedom:



Source: Gallup, November 2003

★ FROM THE PUBLIC DELIBERATIONS

After the public deliberations, large majorities of participants feel it is “extremely important to protect...”

	%
Freedom of speech	91
Systems of checks and balances	90
Freedom of religion	87
Right to a fair and speedy trial	86
Freedom of the press	85
Right not to be searched or have things taken by police without being told	83
Right to privacy	81

*Results are taken from questionnaires completed by participants after the public deliberations (n=666 total). (See Appendix A)

★ FROM THE FOCUS GROUPS

[The right to privacy] is part of what our country is founded on. You have a right to make decisions, do what you want in your home, have your own religious practices, whatever you want to do...I think it is sort of...one of the core values of our country.

—VIRGINIA MAN

Civil Liberties Not Currently Perceived as Under Threat

According to a 2004 Gallup survey, a majority (63 percent) of Americans do not think the federal government poses an immediate threat to the rights and freedoms of ordinary citizens. The focus group data echo this survey finding. Most participants say they have not had personal experiences in which their own rights have been challenged since 9/11. Additionally, most say they have not heard from the media or elsewhere that Americans’ civil liberties in general may be under threat.

However, a minority of people in the focus groups mention incidents since 9/11 that have challenged *other people’s* rights, such as racial/ethnic profiling at airports and the treatment of detainees at Guantanamo Bay. While these examples raised by a few participants cause concern for many, the general sense is that they are somewhat isolated incidents and large-scale abuses of rights and freedoms in the name of fighting terrorism are not occurring.

PUBLIC VIEWS: THE STRUGGLE TO BALANCE SECURITY AND LIBERTY

To explore how and where Americans may draw lines between protecting the U.S. from terrorism and preserving civil liberties, participants in the focus groups and public deliberations considered a number of ways terrorism investigation measures may or may not be perceived to erode civil liberties. Some of the issues considered refer to provisions in the USA PATRIOT Act, including Section 213 of the Act that allows for law enforcement officials to execute a search warrant and delay giving notice to the owner of the property or the subject of the search (also commonly called “sneak and peek searches” or “secret searches”). Another topic discussed refers to Section 215 of the Act, which allows government agents the ability to obtain personal records on people, without traditional judicial oversight. That is, a judge cannot deny access to records under certain circumstances. Racial/ethnic profiling was also discussed as a way in which terrorism may be prevented.

The purpose of discussing these investigatory measures in the focus groups was not to gauge opinion or discuss specifics about the USA PATRIOT Act itself. Rather, these measures were used to explore ingrained principles and unearth values that lead people to draw lines between security and liberty. The nature of every focus group discussion and public deliberation was impassioned and engaged, yet balanced. The trained moderator asked probing questions to elicit people’s opinions and deeply-held values.

While Americans hold strong opinions about both security and civil liberties, considering the intersection of the two issues appears to be fairly new. Most people in the focus groups had not previously wrestled with where their values connect or conflict on security and freedom. Further, few are very familiar with the provisions in the USA PATRIOT Act, including the so-called secret searches provision and Section 215 that gives law enforcement more authority to access personal records. The lens through which most people approach discussion on these measures is not that of rights or freedoms, but security and terrorism: catching people before they commit acts of terrorism. Many participants initially view laws that expand the authority of law enforcement as appropriate because there is a sense they will only affect would-be terrorists, not law-abiding citizens like themselves.

The focus group discussions quickly evolve, however, and opinions become fluid and swayed by the introduction of new ideas, and debate among peers. People become uncomfortable with expanding authority. The sentiments inevitably rise: “It is okay if the person is guilty, but not if the person is innocent.” and “It is okay if a person is caught, but I don’t want that happening to me.” Values of security and freedom constantly collide, and at times a fairness value acts as a “deciding value.” Many people end up wanting to place limits and checks on investigatory

measures because of the potential abuses that may occur and unfairly harm innocent people.

In the end, most people in the focus groups and deliberations worry about permanent, large-scale changes affecting individual rights and freedoms. They also worry about loosening checks and balances, particularly the role of judges in issuing warrants. Yet, there are specific cases in which some feel law enforcement may need greater flexibility to keep the public safe.

The following subsections provide insights from four areas discussed in the focus groups and deliberations: secret searches; access to personal records; racial, ethnic, and religious profiling; and checks and balances.

Secret Searches

National polling reveals a majority of Americans disapprove of so-called secret searches. Additionally, people in the focus groups and public deliberations express opposition to the concept and voice several concerns.

A majority opposes “secret searches” because of invasion of privacy and fear of abuses

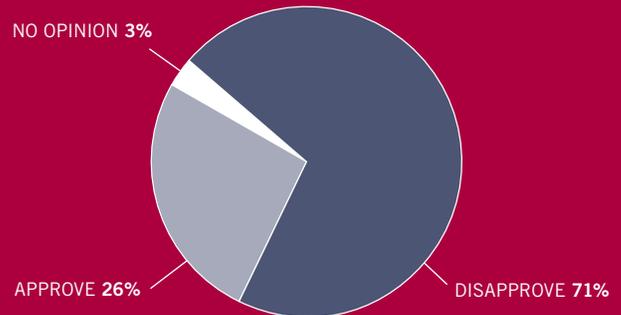
Most Americans (71 percent) disapprove of the provision of the USA PATRIOT Act that allows federal agents to search a home without informing the person of that search for an unspecified period of time. Additionally, a July 2005 Gallup survey shows 93 percent of the public opposes “allowing police to enter a person’s home at any time without a search warrant.”

While there is a shared sense that times have changed and Americans may need to give up something to prevent terrorism, many people in the focus groups and public deliberations express a strong sentiment that delayed notification of searches goes too far. They feel such a search undermines their sense of privacy and freedom. As one focus group participant says, “That is an absolute invasion of privacy.” Another explains, “It is not right because you have a right to have your own home and live your own life in your own home as long as you are not hurting somebody.”

The imagery of a home being secretly searched is vivid in people’s minds. Many in the focus groups experience strong

★ FROM NATIONAL POLLS

One provision in the USA PATRIOT Act allows federal agents to secretly search a U.S. citizen’s home without informing the person of that search for an unspecified period of time. Do you approve or disapprove of this provision?



Source: CNN/Gallup/USA Today, February 2004

reactions as they picture secret searches of their own homes, perhaps never before imagined. A nuance emerges among a few women in the groups, who voice particular concern that they would feel violated if their personal belongings were searched without their knowledge. A California focus group participant explains, “Not even my husband [goes through my personal drawers], not even my boys. My daughter does but that is different. They are girls...I would feel totally violated through my whole home.” While this was raised by only a few women across the six focus groups, it may suggest stronger fears about secret searches felt specifically by women.

In addition to invasion of privacy, fears of abuses underlie opposition to these searches. As discussions evolve, focus group participants raise the notion of a “slippery slope.” If the government starts loosening restrictions and rules for terrorism investigations, where will it stop? Several people mention possible consequences, such as a dictatorship, and refer to historical events and tragedies such as the use of Japanese internment camps, McCarthyism and even Nazi Germany. None of the people in the focus groups flatly reject these comparisons, nor the possibility of these outcomes.

★ FROM THE FOCUS GROUPS

I don't have a lot of secrets. I don't have an awful lot in my house that would be horrible if anyone saw. But it's none of your damn business. It is my life, my privacy. It is my right; I want to keep it.
—TEXAS MAN

★ FROM THE FOCUS GROUPS

I am worried that we could go [to the McCarthy era] again. What is to stop us? Panic is what caused it then. —CALIFORNIA WOMAN

★ FROM THE PUBLIC DELIBERATIONS

After the deliberations, a large majority of participants agree that “our government should not intrude into the private lives of law-abiding citizens.”

	%
Strongly agree	79
Somewhat agree	12
In the middle	4
Somewhat disagree	2
Strongly disagree	2

A small minority says secret searches are acceptable to prevent loss of life in the post-9/11 world

In almost all focus groups, one or two people maintain their initial position that they are willing to give up some of their privacy to prevent terrorism. These people explain that “we are in a whole new ballgame” in which the rules have to change. Vigilance is required and every suspicion needs to be taken seriously in order to prevent another 9/11, they say. They feel innocent people would have nothing to hide and thus, should not oppose having their home secretly searched. Additionally, they emphasize that loosening restrictions does not mean removing restrictions.

★ FROM THE FOCUS GROUPS

We’re talking 1,000 or maybe 100,000 people dying because people are trying to kill us. It’s not like the way the world used to be. —TEXAS MAN

A few people in the focus groups raise particular scenarios in which giving law enforcement more leeway may prevent terrorism and thus save lives. These specific examples tend to give the most pause to others in the group. For instance, one man in a Texas focus group offers a fictitious illustration in which a person knows a neighbor is making anthrax in his basement:

Let’s say I knew someone who is making anthrax in their basement. I just knew it. And I said, “Hey man they’re making anthrax in their basement.” Well, okay, let’s see. Let’s tell a judge. Someone tells a judge, someone tells other people. [Then they will stop making] the anthrax or they’ll hide it. If this is real and they’re making anthrax in their basement and...we don’t capture the criminals, we could have a major catastrophe. —Texas man

These individuals are comfortable in their position because they believe some amount of oversight would remain to ensure that searches do not get out of hand or harm many innocent people. These people are most comfortable when they think that new laws that grant more authority in terrorist investigations undergo Congressional and public review. Additionally, they express more support if the government or another entity discloses the positive outcomes (such as the number of terrorist acts prevented) and the negative consequences (such as the number and extent of abuses) of the new laws.

Accessing Personal Records

A 2003 Gallup survey shows that a large majority of Americans (91 percent) feel their right to privacy is either crucial or very important to their own sense of freedom. At the same time, however, people feel more vulnerable now than ever to organizations, corporations and people who can access their personal information. Concerns about the Internet, computers, credit card companies, grocery store discount cards, the wide use of Social Security numbers, cell phones, and identity theft are top-of-mind issues to people in the focus groups. Many could list countless examples of how companies and other people have access to their personal information, without their permission.

★ FROM THE FOCUS GROUPS

I do think that our Social Security numbers are given out too freely, and that’s been going on for probably 10 years. Now [with] the Internet it’s even worse. So I’m very concerned about that.

—TEXAS WOMAN

The private sector’s access to personal information has essentially become a fact of life. Although people vehemently resist this trend intellectually, there is a sense that there is only so much one can do to prevent it. In fact, a Public Agenda survey shows 24 percent of the public feels the right to privacy has already been lost.

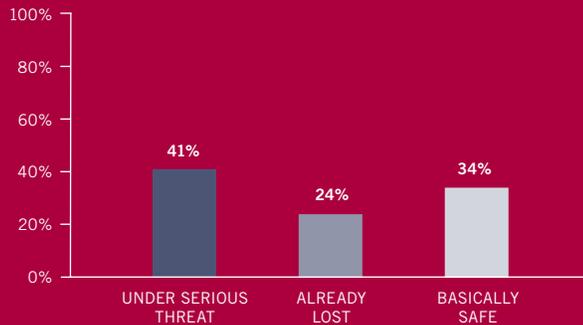
Some people initially support expanding law enforcement’s access to personal records in the name of homeland security

National polling reflects public support for granting law enforcement additional authority in terrorism investigations in areas like surveillance, wiretaps and obtaining records. Nearly six in ten (59 percent) Americans say this additional FBI authority should be continued, according to a recent ABC News/Washington Post survey.

Participants in the focus groups initially say nothing to contradict the poll finding. Many voice little opposition to the government

★ FROM NATIONAL POLLS

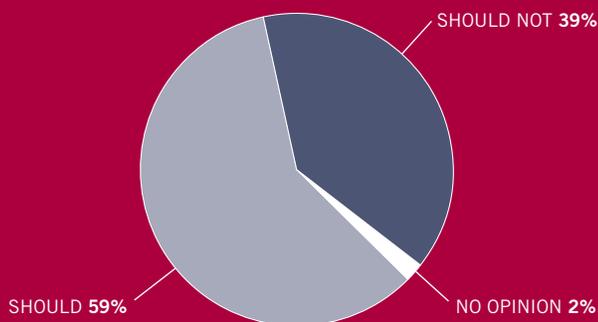
Right to privacy is currently:



Source: Public Agenda Foundation, July 2002

★ FROM NATIONAL POLLS

Do you think additional FBI authority [in areas like surveillance, wiretaps, and obtaining records in terrorism investigations] should or should not be continued?



Source: ABC News/Washington Post, June 2005

accessing personal information during terrorism investigations. They raise examples of the government already having access to records: investigations of criminals or suspected criminals as well as the reviewing of applicants for government jobs. Beyond these examples, however, there is a degree of unfamiliarity about other situations in which the government accesses personal information.

When the conversation touches on what kinds of records and information the government should have access to post-9/11, people in the focus groups agree that if a person is doing some-

thing illegal or is suspected of a crime, the government should undoubtedly access that person's information. Additionally, they want the government to have access to personal records if someone is a suspected terrorist. People want the government to prevent attacks, and many in the focus groups believe travel records, library books and other records could provide fruitful leads in this effort.

As the discussion evolves, several concerns are raised about government access to records

Concerns about right to privacy: As the focus group discussions evolve, participants raise strong beliefs about a right to privacy. When participants think about the government accessing their own personal records, such as library books, medical records and purchases, they become strongly opposed on the grounds that law-abiding citizens have a right to privacy. Nearly all participants in the focus groups agree the government should not be allowed to access records of ordinary, law-abiding citizens. Even when the argument is raised that future terrorists may be law-abiding and seem like ordinary citizens, people in the focus groups insist that the government demonstrate justification before accessing records.

★ FROM THE FOCUS GROUPS

If you are a bad person and you are doing something totally illegal [they should access records]...but if you are a normal citizen that goes by the laws... there should be no reason why [the government should] have any of your financial information, your medical information, none of it.

—CALIFORNIA WOMAN

While participants in the focus groups believe the government should not access records of law-abiding citizens, some insights from the groups suggest a degree of flexibility about whom the government should be allowed to investigate. People clearly demand justification. However, the focus group discussions on accessing records do not summon broad agreement about the requirement for "probable cause" and considerable corroborating evidence that debate about secret searches does. One reason this may be the case is the prism through which people view each issue. Secret searches, on the one hand, appears to be an entirely new issue that most people in the focus groups have never had to consider before—the government coming into a home secretly and going through personal belongings. People are disturbed by this imagery and infringement on privacy. Having personal information accessed, however, is a very familiar experience. They deal with this on a daily basis from the private sector, and thus, it may seem less surprising and less invasive if the government does the same thing.

Participants in the public deliberations also express strong opposition toward making it easier for the government to access personal information. In several deliberations, they raise concern and apprehension about recent changes allowing the government to access library records. For some, the opportunity to discuss invasion of privacy was one reason they chose to come to the deliberation.

★ FROM THE PUBLIC DELIBERATIONS

After the deliberations, most participants oppose “making it easier for the government to access people’s personal records like financial records, medical records, and video rentals, if police or the FBI believes it may help a terrorist investigation.”

	%
Strongly support	3
Somewhat support	10
Somewhat oppose	20
Strongly oppose	67

Concerns about abuse and slippery slope: Participants in the focus groups and deliberations raise strong concerns about potential abuses of information. Many mention the “power of information” and the fear of it getting into the wrong hands. A Texas focus group participant explains: “You have this information that’s floating and it has its own life. When you write something down...it has its own life.” They worry about government officials and law enforcement using information that might unjustly or incorrectly incriminate innocent people. An image of “overzealous law enforcement” is easily evoked; many people in the focus groups point to stories and examples of police officers using their power inappropriately.

In every focus group, people raise concern about a “slippery slope” on privacy issues. Monitoring, collecting, or even accessing information may be the area that most strongly evokes the concept of “Big Brother” and historical instances in which the government went too far.

Concerns about checks and balances: People in the focus groups and public deliberations agree there should be oversight in place on law enforcement’s ability to obtain and use personal information. Several people mention they would want government officials to seek permission from judges before accessing an individual’s private records. A June 2005 ABC News/Washington Post survey shows similar concern among the public at large: 68 percent of Americans oppose “further expanding the FBI’s authority [in terrorism investigations] by allowing it to demand records without first getting a judge or prosecutor’s approval.”

★ FROM THE FOCUS GROUPS

I like the idea of having somebody with some oversight, so if it’s the judge that’s great.... [There] needs to be some oversight. It can’t be carte blanche.

–VIRGINIA MAN

Racial, Ethnic, Religious Profiling

Prior to 9/11, public discourse on racial profiling was largely in the context of law enforcement’s treatment of African-American and Latino populations. In 1999, Gallup found that 81 percent of Americans disapproved of “the use of ‘racial profiling’ by police.” September 11 changed the issue of profiling as a new group of people—those of Middle Eastern descent—emerged as a perceived threat.

The focus groups, in particular, reveal several insights into this issue. Participants believe profiling is inherently wrong, yet they struggle with the perceived threat of terrorist acts committed by Muslim extremists. Some reluctantly accept limited profiling in certain environments, such as in airports. National survey data also reflect this struggle, showing mixed public views toward the use of profiling after 9/11.

Targeting a specific racial, ethnic, or religious group is inherently wrong

Most people in the focus groups suspect that profiling is directed towards people of Middle Eastern descent. Profiling at airports is mentioned, and the detention of immigrants following 9/11 is raised by a few. People agree that those of Middle Eastern descent are more likely than others to face scrutiny and perhaps experience a loss of some rights, and this concerns them.

All participants in the focus groups say racial, ethnic or religious profiling—regardless of population—is unjust. Treating one person differently from others on the basis of skin color or religion simply goes against a moral sense of what is right. People in the focus groups worry about discrimination and harming the lives of innocent people. Additionally, people express concern about instances in which Muslim or Middle Eastern children are harassed in local schools.

★ FROM THE FOCUS GROUPS

I don’t think that’s right at all to say that just because you’re a [certain] race that you’re more likely to do anything.

–TEXAS MAN

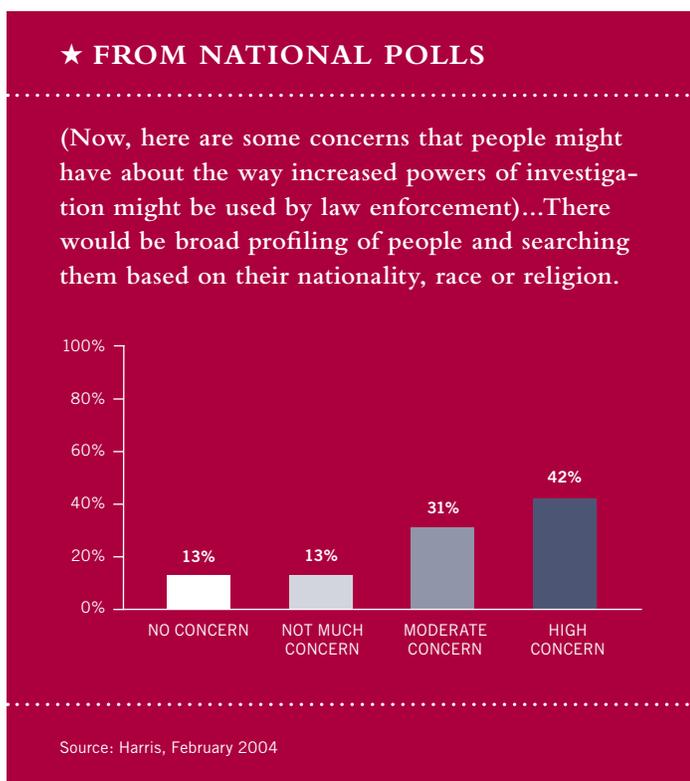
In a Texas focus group, a Muslim woman voiced her own experience, which seemed to have a sobering effect on the other group members:

I was born here, I was raised here... Just because of my religion or just because of where I'm from or my background, to be more of a suspect or for people to look at me and say "Oh, she's a Muslim," I don't think it is right... Before 9/11 I don't think anyone even paid attention. After 9/11, they're either more open or look at [Muslims] up and down.
—Texas woman

A small proportion of people in all of the focus groups maintains their initial opposition to profiling through the entire discussion. They feel it is wrong and unfair under any circumstance. While less frequently mentioned than in discussion of other issues, the fear of a “slippery slope” is articulated by some:

I think that [profiling is] appropriate to the times. But it does make me feel icky the fact that... which group is going to be under which microscope which day? Today the Muslims, tomorrow they're back to Christianity and the separation of religion and state. I guess I'm too much of a yellow caution light person. I'm always thinking about that slippery slope. —Virginia man

Additionally, national polling shows concern about the potential use of broad profiling in terrorism investigations. A 2004 survey indicates that nearly three quarters (73%) of Americans say they are concerned about the potential of broad profiling based on nationality, race or religion by law enforcement.



Some say limited profiling of Middle Eastern people may be a necessary evil to prevent terrorist acts

There is a sense among some people in the focus groups that profiling in terrorism cases, while inherently wrong, may be a necessary evil. They seem somewhat tolerant of profiling Muslims or those of Middle Eastern descent because the perceived threats come from those of a specific ethnic and religious background; e.g., all of the terrorists who attacked America on 9/11 were Muslim extremists. Thus, for some, it seems logical that Middle Eastern people or Muslims should undergo more scrutiny and may be affected by terrorism policies more than others. The goal of preventing terrorism and saving lives changes the standard for what some believe the country needs to do to be safe. Yet no one in the focus groups likes it.

In one group, a conversation developed around people’s perceptions and reactions toward a relatively large, local Muslim community. That conversation provides some insight into why people may reluctantly support profiling of Middle Eastern or Muslim people. While all of these participants feel profiling is wrong, they regretfully admit that they themselves are guilty of a type of profiling in their own communities. With an increased alertness since 9/11, many describe their own subconscious responses of caution and fear toward Muslim members of their own community.

★ FROM NATIONAL POLLS

A 2004 Gallup survey shows that 45 percent of Americans feel there are times when racial or ethnic profiling is justified at airport security checkpoints.

Source: Gallup, June 2004

Checks and Balances

Throughout all of the public deliberations and focus group discussions on investigatory measures, the theme of checks and balances surfaces repeatedly. People regard the system of checks and balances among the three branches of government as critical. In terrorism investigations, they firmly believe in the importance of judicial and other checks on law enforcement.

System of checks and balances is valued

People in the focus groups and deliberations deeply value, in fact consider vital, the system of checks and balances among the executive, legislative and judicial branches of government. They understand, at least in the abstract, that these branches of government place checks on each other, and they articulate

the unacceptable ramifications of a lack of such a system. The balance of powers is considered critical from their perspective to prevent abuse of control and authority. However, in the focus groups, most do not raise concern or cite examples of any changes or threats to the system.

★ FROM THE PUBLIC DELIBERATIONS

After the deliberations, a large majority of participants agree that “our government works best when we preserve the ‘checks and balances’ within it.”

	%
Strongly agree	87
Somewhat agree	5
In the middle	4
Somewhat disagree	1
Strongly disagree	2

The system of checks and balances was also discussed at length in the public deliberations across the country. Results from the participant surveys indicate broad and strong agreement about preserving checks and balances in the government. Many participants express distrust in one branch having more control than another. Additionally, participants in several deliberation groups share concern that erosion currently is occurring in the system of checks and balances.

★ FROM THE PUBLIC DELIBERATIONS

The founding fathers didn’t trust government, so they formed three branches. We should not trust any one branch of government either. –MIAMI, FL

Who is watching the watchers? –SEATTLE, WA

Checks and balances in terrorism investigations

In all of the focus group discussions on terrorism investigation measures, the theme of checks and balances emerges as a deeply-held belief that drives people’s ideas and expectations about how law enforcement works. They believe no single body, person, or entity has complete authority and “checks” always exist to prevent abuse of control.

Participants in the focus groups express the most support and comfort with terrorism investigation measures when the judiciary retains its traditional oversight role with respect to law enforcement. Specifically, they are reassured when the

★ FROM THE FOCUS GROUPS

When they did the USA PATRIOT Act I was all for it. And then my hand went down as more questions came up. And I think...for the time it had its usefulness, but at the same time I think without the pendulum swinging back and creating those checks and balances, it does leave the door open for corruption. –VIRGINIA MAN

thoughtful review of an impartial judge serves as a check on law enforcement’s authority. When discussing loosening judicial review or oversight, people in the focus groups quickly become suspicious and worried. Nearly all people in the focus groups have suspicions and stories about police officers who overstep their authority, and these become examples of what could happen in terrorist investigations. While people are willing to make some sacrifices to keep the country safe, they express great concern if a threshold of checks and balances is not in place. Their reasons are several: loosening checks usurps rights and freedoms in the Constitutional sense; a “slippery slope” begins in terms of government and law enforcement control; and fairness is breached if innocent people are harmed by aggressive and overzealous law enforcement.

★ FROM THE FOCUS GROUPS

I have friends who are in the FBI and they are wonderful people and they care about other people. But the adrenaline level is really high in those kinds of people...I would worry about that if the wrong person was sent out to do that job. –VIRGINIA WOMAN

★ FROM THE PUBLIC DELIBERATIONS

After the deliberations, two thirds of participants feel it is a very bad idea to loosen checks and balances. Do you think it is a good idea or bad idea to loosen some of the checks and balances in our law enforcement system when doing terrorist investigations?

	%
Very good idea	2
Somewhat good idea	9
Somewhat bad idea	21
Very bad idea	66

While the focus group discussions often begin with a majority of participants supporting increased authority for law enforcement, nearly all participants are ultimately very uncomfortable with changes to the system of checks and balances.

Similar sentiments are expressed by people at the end of the public deliberations. Most participants feel it is a bad idea to loosen checks and balances in the law enforcement system when conducting terrorist investigations.

PUBLIC VIEWS: MORE OPENNESS AND A ROLE FOR THE PUBLIC DESIRED

As people interact in the focus groups and public deliberations, many feel they know too little about the issues to evaluate what government is doing to strike a balance between security and civil liberties. It occurs to many that they have not received much information from the government or seen much coverage in the media of these issues. Most in the focus groups are unclear about what kind of oversight exists for government antiterrorism efforts, and some express concern about closed-door meetings and government secrecy on these issues. What emerges from these deliberations is a sense that the public should have a role in weighing issues of security and liberty. Specifically, many participants, particularly those in the public deliberations, believe the government should become more open when dealing with issues of security and civil liberties, and that the public should play a more active role in the debate around these vital matters.

More Openness in Government and Information to the Public

Many participants in the focus groups and deliberations feel they know too little about how homeland security efforts may be affecting people's civil liberties. One solution, they say, is more openness and transparency in government so that they can assess whether people's rights and freedoms are being negatively affected.

★ FROM THE PUBLIC DELIBERATIONS

It is scary that we don't know how Homeland Security can affect us. –LOS ANGELES, CA

We don't know what is going on in the government. –LEXINGTON, KY

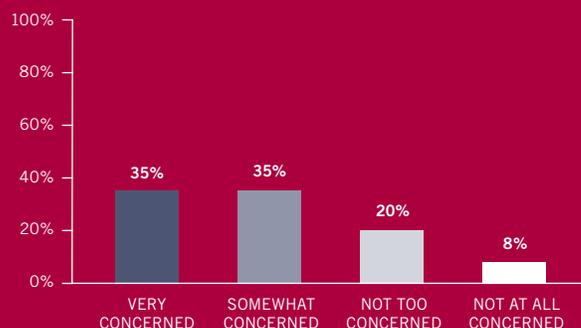
[There is a] need for oversight and transparency, for a bipartisan commission for Homeland Security, and the need for reports on what is actually resulting from steps being taken. –BROOKHAVEN, NY

During the focus groups, many participants express some trust in government and the belief that the government usually works on behalf of the public's best interest. Much of this trust centers on their belief in a strong system of checks and balances. However, some do worry about secrecy in government and feel they do not have enough access to government meetings and records. These sentiments are mirrored in national survey results.

Participants in both the focus groups and deliberations say they want unbiased information about the successes and abuses of antiterrorism efforts. They recognize their own lack of knowledge,

★ FROM NATIONAL POLLS

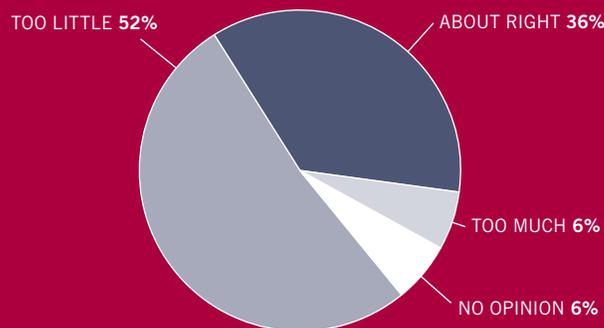
Are you very concerned, somewhat concerned, not too concerned, or not at all concerned about the issue of government secrecy?



Source: Ipsos-Public Affairs, March 2005

★ FROM NATIONAL POLLS

Do Americans have too much, too little, or the right amount of access to government records?



Source: Ipsos-Public Affairs, March 2005

★ FROM THE FOCUS GROUPS

We just need to be informed. We don't need to be in the dark about what's going on. –TEXAS WOMAN

and say they need to learn more about the USA PATRIOT Act and other measures that may impact civil liberties.

Role for the Public

After the focus groups and deliberations, most participants not only want more openness in government but they want a larger role for the public on issues relating to security and civil liberties. Based on their comments, this public role can take many forms. A number of participants in the public deliberations say they are willing to give their time and get involved locally in homeland security efforts, such as supporting funding for local police and fire departments and attending local government meetings. Some also express a willingness to weigh in on decisions through public forums, oversight committees that involve citizens, or other methods.

★ FROM THE PUBLIC DELIBERATIONS

After the deliberations, participants express their willingness to get involved locally on homeland security issues:

	%
Volunteer for or donate money to non-profit human rights groups or orgs	84
Promote discussion in your community about racial and religious differences	83
Support sufficient funding and training for local police and fire departments	82
Learn about disaster preparedness in your community	76
Attend local government meetings about homeland security, police, or budgetary issues	74
Create a court watcher or other projects which monitor the justice system	63

Many focus group participants also suggest actions citizens should take, such as voting, communicating with their elected officials, and learning more about antiterrorism efforts and legislation.

The feeling that emerges from the focus groups and deliberations is that homeland security needs to become more of a public issue, with more opportunities for people to learn and give their opinions about it. People want to participate in the debate about

★ FROM THE FOCUS GROUPS

Since we voted in our Senators and our Representatives, if there's something that's going to come up that's going to affect our freedoms, then those guys have the responsibility [to] come back [and] tell us before the vote happens. –TEXAS WOMAN

We should be watching [elected officials] making sure that there are these checks and balances and there are these oversights and things like that. We elect these people. It is our job to watch them.
–VIRGINIA WOMAN

★ FROM NATIONAL POLLS

A 2004 Hart-Teeter survey shows that 60% of the public says there is a role for citizens in promoting homeland security, while 36% do not see a role. Additionally, 62% say they would be willing to volunteer time in homeland security planning, training, and practice drills.

Source: Hart-Teeter, February 2004

security and civil liberties just as they do with other public issues, such as health care and education. Essentially, they call for more of a public presence on an issue they feel has been handled primarily behind closed doors.

PUBLIC VIEWS: PUBLIC DELIBERATION MATTERS

The insights from the focus groups and public deliberations suggest that national surveys may not tell the whole story of public opinion when it comes to homeland security and civil liberties issues. What emerges at the end of thoughtful discussion is a much more nuanced, conflicted set of attitudes and concerns that cannot be captured through polls. These concerns are particularly important for elected officials in understanding the public's views. Additionally, many participants in the deliberations express gratitude for the opportunity to discuss these issues and help sort out their opinions.

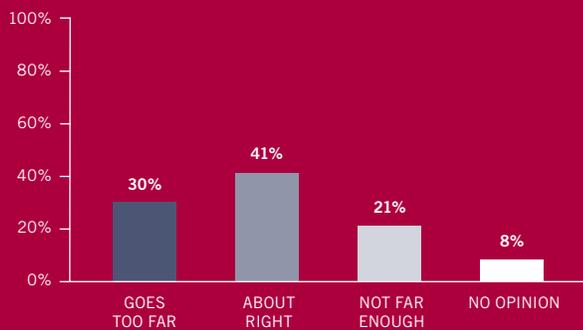
Polling May Not Tell the Whole Story

An example of the limitations of national polls on homeland security issues can be found specifically in surveys conducted about the USA PATRIOT Act. A fairly consistent finding in the

past two years is that a majority (between 60 and 70 percent) of Americans do not believe the Act goes too far in restricting civil liberties. A June 2005 Gallup survey shows a majority of the public says the USA PATRIOT Act is “about right” (41 percent) or does not go far enough (21 percent) in restricting civil liberties to investigate suspected terrorists. Three in ten (30 percent) of those surveyed say it goes too far.

★ FROM NATIONAL POLLS

Does the Patriot Act go too far? Based on what you have read or heard, do you think the Patriot Act—goes too far, is about right, or does not go far enough—in restricting people’s civil liberties in order to investigate suspected terrorism?



Source: Gallup, June 2005

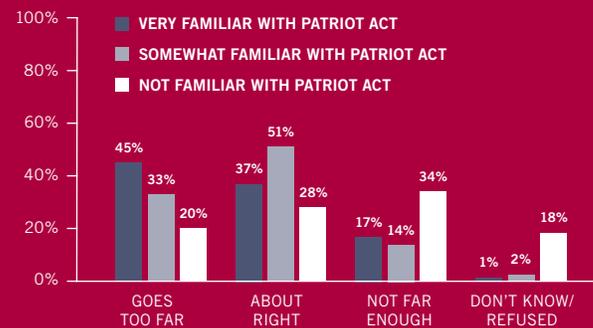
This poll finding is not incorrect; it does portray the impressions Americans have of the USA PATRIOT Act and its impact on civil liberties. However, the focus groups show and other polling results indicate, the large majority of the public is not very familiar with the Act. Many people in the focus groups say they had heard of the Act, but few could name anything specific about its contents. Additionally, only 12 percent of the public say they are “very familiar” with it. In a February 2004 survey, Gallup probed knowledge levels of Americans, where up to six in ten Americans had an inaccurate understanding of the Act.

The focus groups reveal that most participants approach the issue from the perspective that law enforcement needs more flexibility in conducting terrorism investigations. Many express tentative support for government efforts, although they are largely unaware of any specifics of these efforts. By the end of the discussions, however, many end up very wary of making the entire USA PATRIOT Act permanent and they express concern about what exactly is in the Act and how it may affect their civil liberties.

Further analysis of Gallup’s data supports the suggestion that the more Americans learn about the Act, the more likely they are to become concerned about civil liberties. The following chart shows that those who say they are very familiar with the Act are the most likely to say it goes too far in restricting civil liberties, and those who are not familiar say the Act does not go far enough. Americans who say they are somewhat familiar with the USA PATRIOT Act are most likely to take the middle position that the Act is about right.

★ FROM NATIONAL POLLS

Based on what you have read or heard, do you think the Patriot Act...



Source: Gallup, June 2005

Hence, policymakers, the media and others should be cautious about relying on polling data as their only or main source of understanding the public’s views toward the USA PATRIOT Act.

★ FROM THE PUBLIC DELIBERATIONS

People are polarized on issues, [there is] no real discussion of ideas. –SEATTLE, WA

Spaces of public discourse are being evaporated. –DALLAS, TX

Process of Discussion and Debate Is Valued

By the end of the focus groups and public deliberations, many participants comment on the value of the thoughtful, give-and-take discussion they experienced. Most participants at the end of these discussions are more engaged in the topic. Many see a link between public deliberation and a more informed, engaged public on both homeland security and civil liberties, and they express concern about the absence of public discussion on this issue. ★



Our research underscores the need for public involvement and a voice in the ongoing debate on the proper balance between increased security measures and protection of basic rights and freedoms. This debate is likely to remain a prominent issue for the foreseeable future. Proposed changes to the USA PATRIOT Act may alter the landscape, but will not minimize the importance of continuing the dialogue. The implications of the USA PATRIOT Act and similar legislation are significant and have the potential to impact our country in fundamental ways.

The *Local Voices* project has clarified a number of issues that we at the League believe deserve particular concern. Based upon our recent forums, focus groups, and polling data and guided by our history and experience translating citizens' concerns and voices into policy guidance, the League of Women Voters makes the following recommendations.

A CHALLENGE TO POLICYMAKERS

The League of Women Voters calls on policymakers at all levels of government to keep the public informed of important deliberations and decisions about liberty and security. Policymakers should make more information available to the public about how policies are changing, how they are being implemented, and what impact those changes are having or will have on citizens. In some cases, this may involve sharing information on budgetary implications and allocation of resources.

We also call upon the executive branch at the federal, state and local levels to keep the public informed on the basic facts regarding what they have undertaken and accomplished each year. This may include the number of warrants issued, successful

cases prosecuted and other key pieces of “non-secure” information related to implementation of the USA PATRIOT Act.

To Accomplish These Goals, We Recommend at the Federal Level:

That the Executive Branch:

- i. Review and strengthen the reporting mechanisms to Congress on activities of relevant federal agencies related to the intersection of homeland security and civil liberties, with specific attention to how these reports (or portions of them) can be shared more widely with the media and the public.
- ii. Comply with, and prevent any erosion of, open government or “sunshine laws” that allow public access to information.
- iii. And that the new Privacy and Civil Liberties Oversight Board specifically, define and establish its role vis-à-vis the public and how it can contribute to public understanding and involvement about these complex issues.

That the Members of Congress:

- iv. Hold, to the greatest extent possible, open hearings on issues, concerns and legislation related to both civil liberties and homeland security matters.
- v. Each hold periodic town hall meetings or other forums in their districts and states on these topics, to share information and to invite public input and involvement.

We Recommend that State and Local Policymakers:

- i. Issue annual reports on various homeland security policies and their implementation, and on the intersection of any of those with civil liberties.
- ii. Utilize traditional and emerging technologies to share information (such as local government meetings, report findings and calls for public comment) with the public.
- iii. Hold more public sessions and town hall meetings to discuss these issues and hear the public's views.

A CHALLENGE TO THE PUBLIC

The League of Women Voters calls upon the public to become more involved in these issues that are or will be impacting their families, their communities and their country. There is a critical need for citizens' voices in this ongoing public discourse and an equally critical need for citizens to act as watchdogs to ensure that the integrity of our democracy is preserved.

We Recommend that Citizens:

- i. Call for and participate in public forums and deliberations.
- ii. Act as individual monitors/watchdogs at city council and other meetings.
- iii. Vote in every election.
- iv. Learn about the Bill of Rights, civil liberties and how our democratic system of government works.
- v. Speak out by submitting letters to the press, members of Congress and others.
- vi. Participate in community building activities such as joint programs with first responders, neighborhood associations and others.
- vii. Join and participate in civic organizations, such as the League, to make their voices heard.

A CHALLENGE TO OTHER COMMUNITY INSTITUTIONS

The League of Women Voters sees a critical role for the media, educational institutions and community organizations. We call upon each of these groups to focus more attention on the issues of civil liberties and homeland security, to engage more members of the community and to provide more opportunities for vigorous debate and discussion.

We Recommend that the Media:

- i. Include more coverage of homeland security issues and how such measures affect civil liberties, as well as coverage on ways the public can get information or get involved, especially at the local level.
- ii. Provide more educational material or feature pieces on what civil liberties are and current and historic challenges to them.
- iii. Provide sponsorship and coverage of public forums and deliberations.

We Recommend that Educational Institutions, Including Adult Education Programs:

- i. Offer more "practical" information and examples of civil liberties, the Bill of Rights, checks and balances, and how all of these manifest themselves in daily life.
- ii. Sponsor public forums and deliberations.

We Recommend that Community Organizations:

- i. Sponsor public forums and deliberations, such as outlined in the League's booklet, *Citizens Building Communities: The ABCs of Public Dialogue* (2005).
- ii. Operate "observer corps" programs, following the example of a number of Leagues, to enable people to attend, monitor, observe and report on the meetings of local decision makers.
- iii. Meet with policymakers to convey views.
- iv. Educate their members on their basic rights and the critical issues facing their communities.
- v. Work with state and local Leagues on these and other activities.

This list of recommendations is neither exhaustive nor particularly new. Other approaches can be taken as well. However, the underlying reality is that the post 9/11 world does pose new challenges for the United States—not only in terms of ensuring our national security and safety, but also in terms of protecting the fundamental rights and liberties that are essential to the American system and way of life. There now needs to be renewed diligence by all facets of our society to work towards both those goals. Government needs to share information with and listen to the public, the public needs to make efforts to keep informed and to make their voices known, and the media and other organizations need to facilitate and monitor activities which achieve these ends. The League of Women Voters is committed to these goals, and to these recommendations, and will continue to work with all to ensure their accomplishment. ★

APPENDIX A: DETAILED METHODOLOGY

Information throughout this report is cited from one of three sources:

- *Public deliberations*, involving more than 650 participants, held by Leagues in June 2005 in ten communities across the country.
- *Focus groups* sponsored by the League of Women Voters and conducted by Lake Snell Perry Mermin/Decision Research (LSPM/DR) in March 2005.
- A review of recent *national survey* research (polling data) on homeland security and civil liberties.

The report draws heavily from the focus group and national survey data. The survey data provide a quantitative snapshot of how the public perceives homeland security efforts and civil liberties. The focus group data provide frameworks through which to consider the polling data. The groups explore the complexity of values and opinions Americans hold. Most importantly, the focus groups show how people engage in the difficult “values struggles” between security and liberty, how they work through the issues, and where they end up after weighing others’ opinions over a two-hour period. Unlike the focus groups, the public deliberations were not research discussions but open public deliberations for people to engage in structured conversations about homeland security and civil liberties.

Public Deliberations

Using a competitive process, the League of Women Voters Education Fund selected ten local Leagues (or groups of Leagues) to host public deliberations during June 2005. The selection criteria focused on the quality of the individual local League proposals, as well as considerations of geographic, ethnic and economic diversity of communities. The sites included a mix

of Leagues around the country, in both large cities and smaller communities. (See Appendix C for the list of locations and dates of the events.)

The local Leagues actively recruited members of their communities to participate in the discussions. Each League used a number of ways to notify the public about the forums, such as placing advertisements in newspapers, delivering flyers to community businesses and organizations, networking with other organizations and community groups, and posting signs in the community. Many advertised to (and prepared materials for) non-English-speaking communities.

The public deliberations were structured discussions, designed in partnership with the Study Circles Resource Center (SCRC). The deliberations lasted four to six hours, and consisted of full group and break-out sessions. Each break-out session consisted of six to ten individuals and was facilitated by a volunteer who had been trained by an SCRC professional. The facilitator of each group followed a detailed, timed guide that covered three main areas: 1) how homeland security and civil liberties affect the lives of citizens in the community; 2) what values the country should uphold to be safe and protect civil liberties; and 3) how to promote security and liberty at the community level. All participants received a guide, containing detailed discussion materials and an in-depth glossary of terms.

Every break-out group also included a trained note taker, who made written observations and summaries of the group’s discussion. These note takers captured the main themes of the discussions, and areas of agreement and disagreement. After each deliberation, participants completed individual questionnaires to record their final opinions about homeland security and civil liberties.



Highlights in this report from the public deliberations are based on these two sources: the survey taken by participants at the end of each deliberation (results are presented in tables throughout the report), and observations recorded by trained note takers in each group (highlighted in text boxes in the report). A total of 666 participants across the ten sites completed the survey. The survey results cannot be generalized to the communities involved nor the public as a whole. Participants in the public deliberations were self-selected (i.e., they chose to attend and participate) which likely indicates a greater interest in the topic. The demographics of the deliberations reflect this self-selection: most are women (70 percent); the participants tend to be older (33 percent are 65 or older); and half has a postgraduate education (54 percent).

Focus Groups

LSPM/DR conducted six focus groups between March 16 and 21, 2005, among voters in the following communities: Dallas, Texas; Bakersfield, California; and Richmond, Virginia. Each group involved seven to eleven voters, and included diverse participants in terms of gender, age, income, education, political party identification, and political ideology. Additionally, one or two first- or second-generation immigrants participated in each group. The focus groups were audio- and videotaped; the tapes were analyzed to prepare this report.

Focus groups are a methodological tool to conduct qualitative research. Unlike survey data, findings from qualitative data cannot be generalized to the public at large. Instead, they permit the exploration of thought processes and values; they show how attitudes and values conflict, as well as how these tensions get resolved or why they remain unresolved after a two-hour discussion. Focus groups are a particularly valuable research tool when an issue is not fully formulated in the public's mind, such as the topic of homeland security and its effects on civil liberties. In such cases, responses to surveys are more susceptible to differences in question wording and order. Thus, discussion and debate in a research setting unearth values and attitudes behind the survey data that may help inform leaders and others interested in public opinion.

National Polling Data

LSPM/DR also conducted a search and analysis of recent public opinion data on homeland security and civil liberties that reflect the topics and areas discussed in both the focus groups and public deliberations. Multiple sources were used to gather the data, including the Roper Center for Public Opinion Research at the University of Connecticut, the most comprehensive, up-to-date source for U.S. nationwide public opinion data available. The survey data represent snapshots of public opinion of the country at large. Most findings presented in this report are based on surveys conducted in the past two years. A list of surveys cited can be found in Appendix B. ★



APPENDIX B: LIST OF CITED PUBLIC OPINION SURVEYS

ABC News/Washington Post survey, conducted 7/21/05 among 500 adults nationwide; margin of error +/-4%

ABC News/Washington Post survey, conducted 6/2–5/05 among 1,002 adults nationwide; margin of error +/-3%

CNN/Gallup/USA Today survey, conducted 6/24–26/05 among 1,009 adults nationwide; margin of error +/-3%

CNN/Gallup/USA Today survey, conducted 2/4–6/05 among 1,010 adults nationwide; margin of error +/-3%

CNN/Gallup/USA Today survey, conducted 2/16–17/04 among 1,006 adults nationwide; margin of error +/-3%

Gallup survey, conducted 7/22–24/05 among 1,006 adults nationwide; margin of error +/-3%

Gallup survey, conducted 6/24–26/05 among 1,009 adults nationwide; margin of error +/-3%

Gallup survey, conducted 9/13–15/04 among 1,022 adults nationwide; margin of error +/-3%

Gallup survey, conducted 6/9–30/04 among 2,250 adults nationwide (including oversamples of blacks and Hispanics); margin of error +/-5%

Gallup survey, conducted 11/10–12/03 among 1,004 adults nationwide; margin of error +/-3%

Gallup survey, conducted 9/24/99–11/16/99 among 2,006 adults nationwide; margin of error +/-2%

Harris survey, conducted 6/7–12/05 among 1,105 adults nationwide; margin of error +/-3%

Harris survey, conducted 2/9–16/04 among 1,020 adults nationwide; margin of error +/-3%

Hart-Teeter survey, conducted 2/5–8/04 among n=1633 adults nationwide (including oversamples of New York and California adults); margin of error +/-3%

Ipsos-Public Affairs survey, conducted 3/4–6/05 among 1,003 adults nationwide; margin of error +/-3%

Public Agenda Foundation survey, conducted 7/10–24/02 among 1,520 adults nationwide; +/-3%

APPENDIX C: PUBLIC DELIBERATION SITES

Host League	Forum Location	Venue	Date (all in 2005)	Coordinator
LWV of Dallas	Dallas , TX	Dallas Public Library	June 4	Susybelles Gosslee and Linda Wassenich
LWVs of North Pinellas County, St. Petersburg Area, Hillsborough County, and Manatee County	St. Petersburg, FL	St. Petersburg College Digitorium	June 4	Susan Guise, Ann McDowell and Kathy Glenn
LWV of Seattle	Seattle, WA and Bellevue, WA	Seattle Town Hall and Bellevue Community College	June 4 and 5	Victoria Bennett and Nancy Eitrem
LWV of Lexington	Lexington, KY	Second Presbyterian Church	June 9	Cynthia Heine and Sally Sue Brown
LWV of Brookhaven	Selden, NY	Suffolk County Community College, Ammerman Campus	June 18	Edith Gordon and Nancy Marr
LWV of Columbia-Boone County	Columbia, MO	Holiday Inn Expo Center in Columbia	June 18	Bertrice Bartlett and Jo Sapp
LWV of Miami-Dade County	Miami, FL	Miami Dade College, Wolfson Campus	June 18	Courtenay Strickland and Jennifer Goodman
LWVs of Baltimore and Baltimore County	Baltimore, MD	University of Baltimore School of Law	June 25	Betsy Sexton
LWV of Black Hawk-Bremer Counties	Cedar Falls, IA	Area Education Agency 267	June 25	Patricia Harper
LWV of Los Angeles	Los Angeles, CA	Los Angeles City College	June 25	Lynn Lowry



The League of Women Voters, a nonpartisan political organization, encourages the informed and active participation of citizens in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy. Membership in the League is open to men and women of all ages. With more than 85 years of experience and 900 local and state League affiliates, the LWV is one of America's most trusted grassroots organizations.

For additional information or to make a contribution, please visit www.lwv.org or contact: **League of Women Voters Education Fund**



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