



2003

The USA Patriot Act: Civil Liberties, The Media, and Public Opinion

Lisa Finnegan Abdolian
Fordham University

Harold Takooshian
Fordham University

Follow this and additional works at: http://fordham.bepress.com/psych_facultypubs

 Part of the [Psychology Commons](#)

Recommended Citation

Abdolian, Lisa Finnegan and Takooshian, Harold, "The USA Patriot Act: Civil Liberties, The Media, and Public Opinion" (2003).
Psychology Faculty Publications. 20.
http://fordham.bepress.com/psych_facultypubs/20

This Article is brought to you for free and open access by the Psychology at DigitalResearch@Fordham. It has been accepted for inclusion in Psychology Faculty Publications by an authorized administrator of DigitalResearch@Fordham. For more information, please contact jwatson9@fordham.edu.

1 of 1 DOCUMENT

Copyright (c) 2003 Fordham University School of Law
Fordham Urban Law Journal

May, 2003

30 Fordham Urb. L.J. 1429

LENGTH: 10785 words

ESSAY: THE **USA PATRIOT ACT: CIVIL LIBERTIES, THE MEDIA, AND PUBLIC OPINION**

NAME: Lisa Finnegan Abdolian* and Harold Takooshian**

BIO: * Lisa Finnegan Abdolian, a journalist specializing in civil liberties issues, completed her Masters of Science in educational psychology at Fordham University in 2003, where she also served as Associate Director of Media Relations in Fordham University's Office of Public Affairs.

** Harold Takooshian has been on the psychology faculty of Fordham University since 1975, and is the Director of the Fordham Institute. The Authors express their gratitude to Erica L. Hicks, Kathleen Thompson, and Nancy Chang for their valued cooperation and feedback in preparing this Essay.

SUMMARY:

... The new millennium was not yet one year old when it was rocked by the terrorist attack of September 11, 2001. ... How does the public regard the continued protection of individual rights, after this greatest terrorist attack in U.S. history? This has naturally been a topic of intense and thorough media reporting in the United States, and worldwide. ... In the uneasy months following the WTC attack, an interdisciplinary team of researchers at Fordham University designed and conducted a survey of public opinions on terrorism, with several distinct objectives: 1) to question a representative sample of adults in Greater New York, including those in the vicinity of Ground Zero in New York; 2) to apply a previously standardized twenty point scale of general attitudes toward terrorism to compare with public opinions prior to 2001; and 3) to develop and use two new scales to precisely measure attitudes toward al-Qaeda terrorism in particular, and toward security versus individual liberties in the United States. ... Surprisingly, this terrorism mean of 6.8 after the 2001 terrorist attack was almost unchanged from the mean of 6.5 among ninety college students in 1993. ...

TEXT:

[*1429]

The new millennium was not yet one year old when it was rocked by the terrorist attack of September 11, 2001. The attack was unprecedented in many ways; it was immense, unexpected, cunning, ferocious, and devastating. For millions of Americans, it portended a grim new world order for the days ahead, where even the most secure society might be penetrated and devastated by a small band of determined zealots. ⁿ¹ The anthrax deaths later that September only added to people's feelings of vulnerability. ⁿ² It is no wonder that barely six weeks later, on October 26, 2001, President George W. Bush quickly signed into law ⁿ³ the USA PATRIOT Act ⁿ⁴ - by all measures one of the most sweeping and controversial acts in United States history, ⁿ⁵ intended to dramatically increase government powers of investigation and enforcement, many would argue at the expense of individual liberties. ⁿ⁶ The complex and daring 342-page Act had been hastily passed by overwhelming majorities in the U.S. Senate (98-1) ⁿ⁷ and House (357-66), ⁿ⁸ without public [*1430] hearings or debate, ⁿ⁹ even though the Act resembled portions of the Antiterrorism Act of

1996,ⁿ¹⁰ which had already been ruled unconstitutional by federal courts.ⁿ¹¹

More than a year-and-a-half later, how does the U.S. mass media and the public regard this federal anti-terrorism legislation and its abridgement of traditional liberties? This three-part Essay offers an interdisciplinary examination of: (I) the legal provisions of the USA PATRIOT Act;ⁿ¹² (II) the distinct shift in U.S. media reporting on this legislation over time;ⁿ¹³ and (III) in-depth public opinion findings on people's mixed views of post-9/11 civil liberties.ⁿ¹⁴

I. The USA PATRIOT Act

Under the pretense of enhancing national security, the USA PATRIOT Act concentrates increased new powers in the executive branch of government, while decreasing judicial oversight.ⁿ¹⁵ These measures included:

A. Creation of a New Crime

Section 802 of the Act creates a new federal crime of "domestic terrorism,"ⁿ¹⁶ which includes any dangerous acts that "appear to be intended ... to influence the policy of a government by intimidation or coercion."ⁿ¹⁷ Broadly applied, this could be used to silence any political dissent critical of government policies.ⁿ¹⁸

[*1431]

B. Diminished Due Process for Immigrants

Section 411 of the Act expands the term "engage in terrorist activity" to include any use of a weapon, as well as such nonviolent acts as fund-raising for suspect organizations.ⁿ¹⁹ Moreover, it allows for the detention or removal of non-citizens with little or no judicial review.ⁿ²⁰ The U.S. Attorney General and Secretary of State can claim a domestic group to be a terrorist organization,ⁿ²¹ and deport any non-citizen members.ⁿ²²

C. Diminished Privacy

The Act severely curtails the right to privacy at several turns, including broadening the grounds for increased surveillance and wiretap authority,ⁿ²³ sneak-and-peek searches,ⁿ²⁴ tracking Internet usage,ⁿ²⁵ and accessing private records.ⁿ²⁶

D. Lowering Standards of Probable Cause

Section 215 of the Act reduces the traditional Fourth Amendment requirements for probable cause,ⁿ²⁷ as previously interpreted by the Foreign Intelligence Surveillance Act of 1978 ("FISA").ⁿ²⁸

E. Sharing of Intelligence

Section 203 of the Act now permits unprecedented sharing of sensitive information across several independent agencies, including the FBI, CIA, INS, and other state and federal agencies.ⁿ²⁹

As a result of the USA PATRIOT Act, more than 1,200 immigrants in the United States were taken into custody and detained **[*1432]** for an extended period without being charged with committing a terrorist act.ⁿ³⁰ In response to criticisms of this policy, Attorney General John Ashcroft tersely replied: "Let the terrorists among us be warned ... if you overstay your visas even by one day, we will arrest you."ⁿ³¹ Moreover, because habeas proceedings are civil rather than criminal,ⁿ³² the government has no obligation under the Sixth Amendment to provide non-citizens with free counsel in such proceedings.ⁿ³³

The USA PATRIOT Act of 2001 goes far beyond the Antiterrorism Act of 1996, enacted in the wake of the 1995 Oklahoma bombing, which legal critics at that time termed "one of the worst assaults on the Constitution in decades."

ⁿ³⁴ Despite the mounting criticism from the American Civil Liberties Union and other pro-liberty lobbies, the federal momentum continues to move away from individual rights, with public discussions of a Terrorism Information and Prevention System ("TIPS") Program ⁿ³⁵ to encourage people to report each other's suspicious activities to the government, ⁿ³⁶ and even use torture to extract useful information from some detainees. ⁿ³⁷ Compared to most other nations today, America has certainly prided itself as a nation of laws, liberty, and due process, which have "made America the envy of the world, inspiring other nations' freedom movements for over 200 years." ⁿ³⁸ One must, therefore, wonder how the American public and its mass media are reacting to this current anti-liberty trend embodied in the USA PATRIOT Act and other U.S. anti-terrorism legislation.

[*1433]

II. The Mass Media

Historically, during troubled times, the American public has turned to the mass media for information and solace. ⁿ³⁹ Trusted reporters such as Edward R. Murrow and Walter Cronkite informed the nation that Nazi Germany had fallen to Allied troops, ⁿ⁴⁰ that President John F. Kennedy had been assassinated, ⁿ⁴¹ and that the Vietnam War was not as "winnable" as predicted. ⁿ⁴²

A. The Media's Coverage of September 11

On September 11, 2001, many Americans turned to TV news to learn about the largest terrorist attack on U.S. soil in history. On September 12, a CBS news survey showed that ninety-eight percent of those polled said they were following the news about the attacks. ⁿ⁴³ A few weeks later, attention to the news had not waned. A survey conducted the last week of September 2001, found that ninety-five percent of respondents were following news about the attacks; eighty-five percent of them very closely. ⁿ⁴⁴

Most of those polled said they were thrilled with the manner in which the press handled the coverage. ⁿ⁴⁵ The news in the days following the attacks was straightforward, with facts outnumbering opinions and few anonymous sources cited. ⁿ⁴⁶ A poll taken the week of the attacks revealed that eighty-nine percent rated the media's coverage as good or excellent. ⁿ⁴⁷ In November, polls showed [*1434] the public's opinion of the media had increased for the first time in sixteen years. ⁿ⁴⁸

But how did the American media handle the events that unfolded days and months after the crisis? It is difficult to maintain objectivity in the best of times. When the world we all knew came tumbling down with such well-known American symbols as the World Trade Center and the Pentagon, American reporters found it difficult to resist the chest-puffing patriotism that enveloped the nation. ⁿ⁴⁹

Many commentators, including members of the media itself, say the press has failed to do its job as the guardian of democracy. ⁿ⁵⁰ Very few news reports filled in the basic blanks - the who, what, where, when, and why - about U.S. policy, the USA PATRIOT Act, and the government's insistence on the need for secrecy and more power. Very few news reports discussed the dangers involved in pushing aside civil liberties during a national crisis. In fact, most stories about the country's response were positive. ⁿ⁵¹ The military strikes were reported as necessary and effective, and the USA PATRIOT Act was hailed as a unified nation's quick response to the terrorist strike. ⁿ⁵² Some of the more troubling aspects of the legislation received little or no scrutiny by the media until months after it became law. ⁿ⁵³

According to John MacArthur, publisher of Harper's Magazine and author of a book on censorship in the Gulf War, the September [*1435] 11 attacks had a depressing impact on the institution of the free press in the United States: ⁿ⁵⁴

There isn't even the spirit any more that was in Vietnam, of skepticism, and the sense that the patriotic thing to do is to

tell the American people the truth and to try to be impartial and not to be the cat's paw of the government. But when I say this on TV the reaction is overwhelming; there is tremendous hostility to the free press in this country. ⁿ⁵⁵

The bulk of the stories about the attacks and their aftermath had pro-American slants. A Project for Excellence in Journalism survey found eighty percent of coverage was pro-American in September, a figure that did not dip below seventy-one percent by the year's end. ⁿ⁵⁶ Those polled shortly after 9/11, however, said they did not believe the media should become a mouthpiece for the Bush Administration. ⁿ⁵⁷ A November poll revealed that fifty-two percent believed reporters should dig to get all the facts and seventy-three percent preferred news coverage that portrayed more than the pro-American point of view. ⁿ⁵⁸

The troubling element of the coverage was not the patriotic slant, however, but the media's decision to suppress debate over sensitive topics, like the "why's" behind the terrorist attacks, the history of U.S. policy in the Middle East, and the long-term impact of the government's new powers. Even newsman Dan Rather fell victim to the times, weeping with talk show host David Letterman a few days after the attacks and pledging: "George Bush is the President. ... Wherever he wants me to line up, just tell me where." ⁿ⁵⁹

Looking back, some veteran news people in the U.S. said they regret allowing their emotions to dictate their reports. Nearly a year after his Letterman appearance, Rather had a different perspective [*1436] about lining up behind the President. ⁿ⁶⁰ At a September 9, 2002 forum, he berated reporters for couching the news in patriotism. ⁿ⁶¹ Rather said, "The height of patriotism is asking the tough questions We haven't been patriotic enough It is our responsibility to knock on doors every day and ask what's going on in there even if it makes us unpopular." ⁿ⁶²

At the same forum, CNN's Aaron Brown said that reporters need to focus on protecting basic human and civil rights - the very ones that are highlighted in the USA PATRIOT Act. ⁿ⁶³ He recalled the internment camps that held Japanese Americans during World War II and worried that lack of oversight could lead to similar national embarrassments: ⁿ⁶⁴ "We need to raise questions about the [Afghan] detainees, how they are being treated and about due process, and we need to follow these stories This is the nature of our role in a free society." ⁿ⁶⁵

Not all agree, of course. William McGowan, author of *Coloring the News, How Crusading for Diversity has Corrupted American Journalism*, wrote a column in the right-leaning *National Review* bashing the press for being partially responsible for the attacks. ⁿ⁶⁶ He believes the media continues to protect would-be terrorists living in the U.S.: ⁿ⁶⁷

[A] reflexive, pro-diversity newsroom climate survives, especially with respect to post-9/11 coverage of Arab-and Muslim-Americans, who have become the objects du jure [sic] of journalistic piety and skittishness. Although many Muslim-Americans are appalled by the terrorist attack, a larger proportion than has been admitted have expressed approval. ⁿ⁶⁸

B. The Media's Coverage of the USA PATRIOT Act

In the climate of fear and jingoism that followed the September 11 attacks, the media deemed it best to provide the public with positive stories about the government and its strategies for opposing [*1437] terrorism. The deconstructing of a document titled the USA PATRIOT Act so soon after such a horrendous attack on American soil must have seemed unthinkable. Most mainstream media simply reported that the legislation had passed. ⁿ⁶⁹ There was little debate about

the PATRIOT Act's provisions during a time when even a member of Congress would provoke cries of heresyⁿ⁷⁰ by questioning the President's request for additional powers to catch the evil-doers.

Stories about the PATRIOT Act's progress in the House and Senate made it to page one in large media outlets, including The New York Timesⁿ⁷¹ and The Washington Post.ⁿ⁷² The three major news networks barely mentioned the new law. When the legislation was signed by the President, most stories in major newspapers focused on the positive aspects of the bill.ⁿ⁷³

In fact, shortly after its passage, some members of the press questioned whether the legislation went far enough to protect Americans.ⁿ⁷⁴ On November 25, 2001 National Public Radio ("NPR"), a well-known liberal-leaning media outlet, broadcast a program debating "whether the USA PATRIOT Act will be enough for law enforcement officials to protect against future terrorist activity."ⁿ⁷⁵

During the NPR program, broadcaster Barbara Bradley listed some of the new powers granted to the FBI, including the ability to implement roving wiretaps and perform nationwide searches for terrorists, and explained that the program's guest "national security expert" believed many of the new powers given to the FBI were "long overdue."ⁿ⁷⁶ Without mentioning the PATRIOT Act's potential [*1438] problems, NPR reported that security experts believed that while the Act is flawed because its usage is still partially tied to the courts, the "current climate of anxiety" the Act creates might be even more effective than the legislation itself.ⁿ⁷⁷

It wasn't until months after its passage that reporters took a hard look at the new law and began to question what its provisions meant.ⁿ⁷⁸ It did so after organizations, such as banks, libraries, and universities began to complain about the law.ⁿ⁷⁹ The media proliferated coverage of breaches in civil liberties based on these complaints.ⁿ⁸⁰ These stories also provided insight into how Americans were guarding against the prospect of too much governmental infringement.ⁿ⁸¹

An NPR story that aired on November 8, 2002 - more than a year after the attacks - focused on how the FBI confiscated computers in a library in Patterson, New Jersey, shortly after September 2001.ⁿ⁸² The story was straightforward with several highlighted opinions about racial profiling.ⁿ⁸³ The most telling aspect was the librarian's response to the FBI's visit: "They had partitioned a hard drive, and you can do that and sort of, like track things more easily, but we undid that. I mean we have people who have the expertise who could say, 'Well, wait a second. What did they do to this hard drive?'"ⁿ⁸⁴

As the press turned its attention to civil liberties and the USA PATRIOT Act, it tended to return to its left-or right-leaning slants. The Miami Herald reported that the PATRIOT Act "remained shrouded in mystery."ⁿ⁸⁵ Newsday wrote a series of articles called "Taking Liberties" about the government's new policy of secrecy and how immigrants were suffering under provisions of the PATRIOT Act.ⁿ⁸⁶ A column in the Los Angeles Times noted that the "new anti-terrorism legislation fosters a sense of insecurity."ⁿ⁸⁷ [*1439] The San Jose Mercury News wrote about how the new law "tarnishes American ideals."ⁿ⁸⁸ And The New York Times observed that the Bush administration has been "exhibiting a penchant for secrecy that has been striking to historians, legal experts and lawmakers of both parties."ⁿ⁸⁹

Cautioning that the government was abusing its powers without enhancing protection, The Nation wrote:

The War on terror must be aggressive, but it must be smart. The government needs to adopt measures that reflect our core values and that meaningfully promote security. It needs to explain how its tactics achieve both goals. It should not squander its own credibility with measures that undermine our nation's guiding principals but do little to make us safer.ⁿ⁹⁰

At the same time, conservatives charged that questioning the government's motives as it wages a war against terrorism

is akin to asking for another strike on American soil. ⁿ⁹¹

In the summer of 2002, city councils throughout the country began to boycott the PATRIOT Act claiming they would not comply with its provisions and would not assist the federal government in enforcing the Act. ⁿ⁹²

Several conservative media outlets clung to the patriotism theme when discussing municipalities' rejection of the Act. The O'Reilly Factor's Bill O'Reilly told Cambridge City Council member Brian Murphy that the city's decision not to cooperate with the PATRIOT Act was unpatriotic and dangerous. ⁿ⁹³ Murphy explained that citizens of Cambridge were concerned because "this was passed in the wake of the heinous attacks of September 11 ... and was done without a lot of debate, without a lot of discussion." ⁿ⁹⁴ O'Reilly's response was: "So it looks to me like you're hysterical in Cambridge, not an uncommon thing for that town ... and you may be seditious, that you may be undermining this government." ⁿ⁹⁵ O'Reilly added, "You're basically taking steps that could lead to [*1440] anarchy if every municipality did the same thing. And you're leaving all Americans vulnerable to this. ... You're protesting and you're undermining the government." ⁿ⁹⁶ Murphy responded:

We are absolutely patriotic. But our patriotism doesn't derive from a law that tries to cram the word "patriot" into its title so that it can wrap itself in the flag, but rather a patriotism ... that derives from the Constitution and the Bill of Rights and the civil liberties that have really made this country ... the greatest nation there is. ⁿ⁹⁷

O'Reilly answered, "You're protesting and you're undermining the government and you don't even know if anybody's rights are being violated." ⁿ⁹⁸

A similar interchange occurred on another conservative television program, Hannity & Colmes, this time with Hope Marston, a member of the Eugene, Oregon City Council, the fifteenth city to reject the PATRIOT Act. ⁿ⁹⁹ After Marston explained why her municipality voted against the PATRIOT Act ("people ...are concerned about liberty and protecting our Bill of Rights"), ⁿ¹⁰⁰ Sean Hannity berated her and the city council for passing a resolution that is "meaningless." ⁿ¹⁰¹ "Hope, you know, you may have forgotten, but America got attacked on Sept. 11. You may have forgotten all of this. There are people plotting and planning and scheming right now in America ... And you're creating hysteria where there need not be hysteria." ⁿ¹⁰²

An article in the conservative National Review Online hailed the success of the PATRIOT Act and complained that other Western nations had not followed suit. ⁿ¹⁰³

Reeling off the success of the discovery of Al-Qaeda cells in New York, Michigan, and Oregon, the United States has put the emboldening PATRIOT Act to excellent use. ... Though the U.S. has enacted new laws such as the PATRIOT Act to combat terrorism, the other nations of the West have not followed our necessary lead. ⁿ¹⁰⁴

[*1441]

III. Public Opinion

How does the public regard the continued protection of individual rights, after this greatest terrorist attack in U.S. history? This has naturally been a topic of intense and thorough media reporting in the United States, ⁿ¹⁰⁵ and worldwide. ⁿ¹⁰⁶ Yet media coverage, even at its very best, ⁿ¹⁰⁷ is no substitute for a systematic and objective survey of the public's opinion on this issue.

In the uneasy months following the WTC attack, an interdisciplinary team of researchers at Fordham Universityⁿ¹⁰⁸ designed and conducted a survey of public opinions on terrorism, with several distinct objectives: 1) to question a representative sample of adults in Greater New York, including those in the vicinity of Ground Zero in New York; 2) to apply a previously standardized twenty point scale of general attitudes toward terrorismⁿ¹⁰⁹ to compare with public opinions prior to 2001; and 3) to develop and use two new scales to precisely measure attitudes toward al-Qaeda terrorism in particular, and toward security versus individual liberties in the United States.

A. Assessing Attitudes Toward Terrorism

Traditional media polls are often faulted for reporting inconsistent, rapidly shifting, or labile findings - in part because they are typically report simple percentages of response to single questions. In contrast, this survey was designed to be a psychometric-quality [*1442] survey, assessing people's attitudes by statistically combining items into total scores on more stable multi-item scales.ⁿ¹¹⁰ Such scales aim to be more valid and reliableⁿ¹¹¹ than single items, thus better able to chart public views across times and across places.ⁿ¹¹²

The survey form consisted of thirty-six self-report items yielding biodata on each respondent, and scores on four twenty-point scales, in which a high score indicated one's high (a) authoritarianism; (b) acceptance of terrorism in general; (c) acceptance of al-Qaeda in particular; and (d) preference for individual liberties over security needs.

This was an intercept survey, in which respondents were stopped in person during their daily activities, and asked them to give their frank opinions on the anonymous one-sheet survey form.ⁿ¹¹³ Most of these 309 respondents were approached in the streets or parks around Ground Zero, and others in office buildings, train stations, or public areas in Greater New York. Despite the rapid pace and incivility of the New York City streets,ⁿ¹¹⁴ almost half of all those approached agreed to complete the survey. Demographically, these 309 proved to be a diverse and representative group across most categories.ⁿ¹¹⁵

[*1443] In the course of charting public opinion, an objective survey can occasionally reveal some unexpected patterns in public sentiment. This was certainly the case here, as a few surprises emerged from our findings.

B. Findings

Terrorism? How do people regard the use of terrorism in general?ⁿ¹¹⁶ When asked in a single item if the killing of innocent civilians to achieve a political goal is ever a "morally acceptable" tactic, a clear ninety percent majority said "No" (never, or rarely), and virtually zero percent said "often." Yet this clarity blurs when the moral acceptance is gauged by a more detailed five-item scale.ⁿ¹¹⁷ On this zero to twenty-point scale, the mean score of 309 people was not zero, but 6.8 on the 0-20 terrorism scale, indicating some acceptance of terrorism as a political tactic. Moreover, individuals' scores on the 0-20 scale ranged widely, from zero (eleven percent) up to nineteen or twenty (three percent), revealing a spectrum of attitudes toward terrorism, from abhorrence through acceptance, and even advocacy among a few of us.ⁿ¹¹⁸ Surprisingly, this terrorism mean of 6.8 after the 2001 terrorist attack was almost unchanged from the mean of 6.5 among ninety college students in 1993.ⁿ¹¹⁹ People in 2002, however, were far more willing to complete a survey of their views on terrorism, compared with people in the early 1990s, who often recoiled upon simple mention of the violent topic.ⁿ¹²⁰ Overall, we found people were not uniformly opposed [*1444] to terrorism,ⁿ¹²¹ and some Americans were accepting or even supportive of it.ⁿ¹²² Their views of terrorism as a political tactic are best described as mixed, leaning toward nonacceptance.

Al-Qaeda? How do people regard al-Qaeda in particular? On a zero to twenty-point scale measuring "support for al-Qaeda," people's views again averaged not zero, but 5.4, with another wide spectrum of views from total abhorrence of al-Qaeda (twelve percent scored zero points, or zero tolerance of al-Qaeda) through acceptance of al-Qaeda (three percent scores 15-16 points), though no clear support for al-Qaeda (zero percent scored 17-20 points. Twenty points would signify complete acceptance).ⁿ¹²³ Surprisingly, inspection of the scale's five items finds one where a fifty-three percent majority of people agree that al-Qaeda terrorists "have some legitimate basis for their anger at the U.S. and its

citizens." ⁿ¹²⁴ People's overall attitudes toward al-Qaeda terrorism are again best described as mixed, leaning toward non-acceptance. ⁿ¹²⁵

Individual Liberties? Where do people stand when asked to sacrifice individual liberties for greater national security? People again varied widely, from totally pro-security (four percent scored zero points, signifying the reluctance to give up any civil liberties) up to totally pro-liberty (three percent scored twenty points, signaling they would sacrifice it all for a feeling of safety). People's overall views averaged 9.5 on the individual liberties scale, very near the mid-point of ten on this zero to twenty-point scale, indicating that public views could not be more mixed. ⁿ¹²⁶ A closer examination of the distribution of views in Figure 1 shows over fifty percent of people clustered in the mid-range of seven to thirteen points, indicating mixed feelings for most respondents. ⁿ¹²⁷ Sizable minorities strongly favored individual liberties (twelve percent scored sixteen or more), ⁿ¹²⁸ or favored security at the expense of liberties (sixteen percent scored four or less). Inspection of the five items also indicates variations among them. In favor of liberties, over fifty percent of respondents opposed the torture of terrorist suspects, and supported suspects' right to an attorney. ⁿ¹²⁹ But in favor [*1445] of increased security, over fifty percent preferred profiling at airports, increased use of wiretaps, and the probing of suspects' private files. ⁿ¹³⁰

Patterns? What sort of person is most likely to prefer individual liberties, as opposed to increased security? This is adumbrated by a detailed correlational analysis presented in Table 2. ⁿ¹³¹ In their attitudes, people who are more supportive of individual liberties tend to be significantly less authoritarian in personality, more accepting of terrorism in general, and al-Qaeda in particular. In contrast, individual liberties were largely unrelated with one's demographic categories - age, gender, educational level, being raised in the U.S. or overseas, number of grandparents born in the U.S., or comparing the ninety percent living in Greater New York with the ten percent visiting New York City or Ground Zero.

Put another way, those most supportive of tightened national security at the expense of individual liberties were significantly more authoritarian in personality, less sympathetic with terrorism in general, and al-Qaeda in particular. Interestingly, one's higher self-reported degree of religiosity from zero (none) to nine (high) was a modest, but significant predictor of her desire for security above liberty, but not at all of her attitude toward terrorism or al-Qaeda. In line with past research, it seems that these sharp variations in views within the population are not so much "demographic" segments (such as age, gender, and education) as they are "psychographic" segments (based on life style, personality, and personal experiences). ⁿ¹³²

The end of the survey invited respondents to add their written comments on a few items, and many did. Is terrorism a morally acceptable or effective tactic? What was the impact of September 11 on New York City? What is the impact of personally viewing Ground Zero? Any other comments? A global analysis of respondents' written statements revealed further surprises. For one thing, some people exposed to terrorism while living outside the U.S. did [*1446] not necessarily abhor terrorism, but occasionally came to see it as a natural part of modern life, or even an acceptable "tit-for-tat" tactic for retribution. As an extreme example, two avowed Christians from the Middle East whose families had suffered at the hands of terrorists were among the six percent who scored above fifteen on the twenty-point terrorism scale; both described terrorism as an inevitable and sometimes effective tactic, which originated in people's hearts, and was likely out of control by any government policies. Another notable trend: only a minority of respondents described the 9/11 attack as purely negative in its impact on the United States or New York. A seventy-five percent majority said its impact was also positive in some ways - creating greater solidarity among Americans, strengthening Americans' fiber, or serving as an abrupt "wake-up call" for the nation. ⁿ¹³³ Another revelation was the ferocity of about ten percent of respondents' comments on individual liberties. ⁿ¹³⁴ At one extreme, some people voiced fears that the 9/11 attacks will succeed in turning the U.S. into an armed camp full of fear, anger, and suspicion. ⁿ¹³⁵ At the other extreme, people felt it was time to close tight the U.S. borders to immigration, to better empower investigators, or crack down on the intolerant enemies living among us, as well as overseas. ⁿ¹³⁶

Conclusion

Historically, during times of crisis, it has been natural for democratic nations, including the United States, to temporarily abridge individual liberties in ways that would never be considered in more halcyon times. Is the USA PATRIOT Act a temporary measure, or the signal for a lasting new world order to combat a faceless enemy in this new millennium? U.S. public policies continue to unfold with international events, such as the War in Iraq, tumult in the Far and Middle East, and potential "wars and rumors of war" with other unfriendly nations. The U.S. mass media have reported intense, mixed, volatile feelings going in many directions within the U.S. public today. In such times, public opinion polls have a special value in a democratic society, to precisely gauge and analyze [*1447] citizens' views. Such polls are best seen as a snapshot in time, as views continue to shift in tandem with world events.ⁿ¹³⁷ As of 2002, the public clearly is deeply divided in their views of terrorism, liberty, and related issues. This seemed the case on U.S. Election Day 2002, when the main story was not so much a Republican or Democratic victory so close to fifty percent, but rather the fifty percent itself - the clear split within the nation.ⁿ¹³⁸ When it comes to U.S. policy on terrorism, survey respondents of all sorts seem to expect "the other shoe to drop - be that a bio/chemical or nuclear attack"ⁿ¹³⁹ - but this shoe will almost surely have dramatically different impacts on those pro-liberty or pro-security people among us. Media coverage of events is best accompanied by tracking polls, to chart how much and why the U.S. public is coalescing or further dividing on this important issue of individual liberties during crisis.

[*1448]

Table 1
Public Attitudes Toward Terrorism, al-Qaeda, Individual Liberties

[SEE TABLE 1 IN ORIGINAL]

[*1449]

Table 2
Intercorrelations of People's Views and Biodata

[SEE TABLE 2 IN ORIGINAL]

[*1450]

Appendix A
Political Opinions Survey

Please give us your frank opinions in this anonymous survey. Answer each item by circling A (Agree strongly), a (agree), d (disagree), or D (Disagree strongly). There are no right or wrong answers, only your personal opinions. Save any comments for the end of the survey. For your free summary of the survey's results next month, contact Fordham University at takoosh<at>aol.com. THANK YOU.

1.A a d D Human nature being what it is, there will always be war and conflict. 2.A a d D A few strong leaders could make this country better than all the laws and talk. 3.A a d D People cannot be trusted. 4.A a d D Most people who don't get ahead just don't have enough will power. 5.A a d D An insult to your honor should not be forgotten. In recent history, all sorts of groups have used terrorism, "the use of violence against civilians to achieve a political goal." These include religious groups, such as Christians in Ireland, Moslems, Jews, and Hindus in the East; national groups, such as Latins, Armenians, and Africans; and ideological groups, such as communists and fascists. Is terrorism "freedom-fighting?" Please answer these questions on terrorism in general:

1.A a d D Terrorists must be considered the enemy of civilized society, regardless of their motives. 7.A a d D It is sometimes understandable if people resort to terrorism as their only way to be heard. 8.A a d D Only a cruel, cowardly group would resort to terrorism to achieve its goals. 9.A a d D Most terrorists seem like disturbed people who would act violent even in an ideal society. 10.A a d D Terrorism is sometimes morally justified. 11.[tn2,2]If terrorism involves

"killing innocent civilians to achieve a political goal," I feel this tactic:

a. is a morally acceptable tactic:

@ never @ rarely @ occasionally @ sometimes @ often.

b. has been an effective tactic:

@ never @ rarely @ occasionally @ sometimes @ often.

Add any comments on back.

In particular, about the 9/11 terrorists and their world-wide al-Qaeda network, I feel:

12.A a d D they would have exploded nuclear weapons in New York City if they had the chance. 13.A a d D they have some legitimate basis for their anger at the United States and its citizens. 14.A a d D they are the enemy of all civilized people, including moderate Moslems. 15.A a d D outside the U.S., the government should be aggressive to eliminate their network. [*1451] 16.A a d D inside the U.S., the government should be aggressive to eliminate their network. About the treatment of suspects in the United States, I feel the government should:

17.A a d D "profile" people at U.S. airports and elsewhere if this can increase public safety. 18.A a d D probe the otherwise private files of U.S. students and workers from suspect nations. 19.A a d D torture U.S. detainees linked with al-Qaeda if their information could save lives. 20.A a d D expand its wiretaps of suspects in the U.S. 21.A a d D ensure the right to an attorney and other legal rights of suspects in U.S. custody. 22. Since 9-11-01, I have felt more:

a. A a d D fearful or anxious

b. A a d D angry

c. A a d D suspicious of strangers

d. A a d D spiritual

e. A a d D proud to be an American

23. Since 9-11-01, I have:

a. A a d D reduced my air travel

b. A a d D acted more alert in public

c. A a d D stayed at home more

d. A a d D gone out more to support the economy

e. A a d D displayed the U.S. flag more

24. About the 9-11-01 attack, I would say its impact on New York City really has been:

@ none

@ mainly negative

@ both negative and positive

@ mainly positive.

Any comments on back.

25. I have personally visited and seen Ground Zero. @ no @ yes, time(s).

If yes, what was its immediate or long-term impact on you?

Add any comments on back.

26. My age: .

27. My gender: @ M @ F.

28. The country where I was raised: .

29. Of my four grandparents, the number born in the U.S. is (circle one):

0 1 2 3 4

30. My education:

@ Grammar school

@ High school

@ Some college

@ College graduate

@ Graduate school

[*1452] 31. My ethnicity:

@ Hispanic

@ White

@ African-American

@ Asian

@ Other: .

32. My religion:

@ Moslem

@ Christian

@ Jewish

@ None

@ Other: .

33. I would say my degree of religiosity is (circle #):

(less) 0 1 2 3 4 5 6 7 8 9 (more)

34. I live in the New York area:

@ Yes @ No, in: .

35. (Optional) Which words would you use to describe individual terrorists today? Put an N beside words you feel are never true, an A beside those you think are always true of terrorists. Leave blank all the other words you think might apply to some terrorists but not others:

Rational

Dedicated

Cruel

Idealistic

Strong

Clever

Fanatic

Sensible

Calculating

Cowardly

Misguided

Effective Mature

Immature

Sincere

Mentally disturbed

Self-sacrificing

Malcontent

Selfish

Selfless

Thrill-seeking

Sadistic

Brainwashed Any additional comments (optional):

[*1453] ...11. An acceptable or effective tactic?

...24. 9-11 impact on New York City?

...25. Impact of seeing Ground Zero?

36. Any further comments on terrorism, 9-11, its impact, this survey...?

Legal Topics:

For related research and practice materials, see the following legal topics:

Criminal Law & Procedure Criminal Offenses Crimes Against Persons Terrorism Terroristic

ActsElementsGovernmentsFederal GovernmentDomestic SecurityInternational LawSovereign States &
IndividualsHuman RightsTerrorism

FOOTNOTES:

n1. See, e.g., Dean E. Murphy, Threats and Responses: The Jitters; The Nation Carries on, Jumpy But Still Resolute, N.Y. Times, Sept. 11, 2002, at A14.

n2. See, e.g., Nicole Bode & Emily Guest, Rudy Bats Away Germ Fears, N.Y. Daily News, Oct. 15, 2001, at 3.

n3. Adam Clymer, Bush Quickly Signs Measure Aiding Antiterrorism Effort, N.Y. Times, Oct. 27, 2001, at B5.

n4. Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001, Pub. L. No. 107-56, 115 Stat. 272 (2001).

n5. Jennifer C. Evans, Note, Hijacking Civil Liberties: The USA Patriot Act of 2001, 33 Loy. U. Chi. L.J. 933, 974-76 (2002).

n6. Id.

n7. U.S. Senate, U.S. Senate Roll Call Votes, 107th Congress-1st Session, (2001), available at http://www.senate.gov/legislative/LIS/rollcall_lists/rollcall_vote.cfm?congress=107&session=1&vote=00313 (last visited May 15, 2003).

n8. U.S. House of Representatives, Role Call Votes, 107th Congress-1st Session, (2001), available at <http://clerkweb.house.gov/cgi-bin/vote.exe?year=2001&rollnumber=398> (last visited May 15, 2003).

n9. Seth Rosenfeld, *Looking Back, Looking Ahead; A Nation Remembers, Patriot Act's Scope, Secrecy Ensare Innocent, Critics Say*, S.F. Chron., Sept. 8, 2002, at A1.

n10. Antiterrorism and Effective Death Penalty Act of 1996, 28 U.S.C. 2241-2255 (1996); see Evans, *supra* note 5, at 967.

n11. See, e.g., *Felker v. Turpin*, 518 U.S. 651, 664-65 (1996).

n12. See *infra* Part I.

n13. See *infra* Part II.

n14. See *infra* Part III.

n15. See Evans, *supra* note 5, at 976.

n16. *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001*, Pub. L. No. 107-56, 802, 115 Stat. 272, 376 (2001).

n17. *Id.*

n18. See Evans, *supra* note 5, at 965-67; see also Nancy Chang, Ctr. for Constitutional Rights, *The U.S.A. Patriot Act: What's So Patriotic About Trampling on the Bill of Rights?* 3 (2001), available at [http://www.ccr-ny.org/v2/reports/docs/USA PATRIOT ACT.pdf](http://www.ccr-ny.org/v2/reports/docs/USA_PATRIOT_ACT.pdf) (last visited May 15, 2003).

n19. 411(a), 115 Stat. at 345; see Chang, *supra* note 18, at 3.

n20. 411(a), 115 Stat. at 345; see Chang, *supra* note 18, at 7.

n21. 411(a), 115 Stat. at 347; see Susan Herman, *The USA PATRIOT Act and the U.S. Department of Justice: Losing Our Balances?*, *Jurist*, Dec. 3, 2001, at 11, available at <http://jurist.law.pitt.edu/forum/forumnew40.htm> (last visited May 15, 2003).

n22. 411(a), 115 Stat. at 347; see Herman, *supra* note 21, at 1.

n23. 201-202, 115 Stat. at 278.

n24. 213, 115 Stat. at 286.

n25. 216, 115 Stat. at 291.

n26. 215, 115 Stat. at 287.

n27. *Id.* (allowing the FBI, under 215 to now obtain personal records by certifying that they are sought for an investigation to prevent terrorism; the FBI need not suspect the person holding the records of any wrongdoing). See Chang, *supra* note 18, at 4-5.

n28. 50 U.S.C. 1801 (2003). FISA had required that the government specify in its court order that "there are specific and articulable facts giving reason to believe that the person to whom the records pertain is a foreign power or agent of a foreign power." Chang, *supra* note 18, at 4.

n29. 203 (a), (b), (d), 115 Stat. at 278-81.

n30. Ctr. for Constitutional Rights, *The State of Civil Liberties, One Year Later 3* (2002).

n31. Dan Eggen, *Tough Anti-Terror Campaign Pledged*, Wash. Post, Oct. 26, 2001, at A1.

n32. See, e.g., *Browder v. Dir., Ill. Dep't of Corr.*, 434 U.S. 257, 269 (1978).

n33. See *I.N.S. v. Lopez-Mendoza*, 468 U.S. 1032, 1038-39 (1984).

n34. James X. Dempsey & David Cole, *Terrorism and the Constitution: Sacrificing Civil Liberties in the Name of National Security 2* (2002).

n35. See Adam Chapter, *Surveillance Rules Are Needed to Save Privacy, Senators Say*, N.Y. Times, Aug. 2, 2002, at A18.

n36. *Id.*

n37. *Is Torture Ever Justified in the Fight Against Terrorism?*, Economist, Jan. 11, 2003, at 9; Nat Hentoff, *The American Way of Torture*, Vill. Voice, Feb. 11, 2003, at 27. American intelligence agents have been accused of torturing captured suspected terrorists. Accusations of torture include: forcing suspects to kneel or stand for hours wearing black hoods or painted goggles, sometimes in awkward or painful

positions; depriving suspects of medication or sleep through the constant bombardment of bright lights; and the transfer of prisoners to countries with a history of brutality, such as Egypt. Id.

n38. Harold Takooshian & Robert Rieber, Introduction: Political Correctness and Social Distress in Academe, 5 J. Soc. Distress & Homeless 99, 99 (1996).

n39. See infra notes 40-42 and accompanying text.

n40. See generally Herbert W. Hobler, *And Now the News*, 1945 (1994).

n41. See All Things Considered: Walter Cronkite Remembers the Day President Kennedy Was Assassinated (NPR radio broadcast, Nov. 22, 2002).

n42. See generally Neil Sheehan, *The Pentagon Papers* (1971).

n43. CBS News: 98% Have Been Closely Following News of Attacks, Hotline, Sept. 12, 2001.

n44. Katherine Guckenberger, *Rising to the Occasion*, Pub. Persp., July/Aug. 2002, at 31 (discussing the results of a survey conducted by the Kaiser Family Foundation/Harvard School of Public Health between September 28-October 1, 2001).

n45. See infra note 47 and accompanying text.

n46. See Guckenberger, supra note 44, at 31. The Project for Excellence in Journalism ("PEJ"), a think tank affiliated with the Columbia University Graduate School of Journalism, found that major news organizations devoted seventy-five percent of their coverage to factual

reporting; forty-five percent of the coverage cited four or more sources, seventy-six percent of whom were named. Opinion accounted for just nine percent of coverage. *Id.*

n47. See *id.* (discussing a survey conducted by the Pew Research Center that found that eighty-nine percent of people who participated in a poll taken September 13-17, 2001 rated the media's coverage of terrorism as good (thirty-three percent) or excellent (fifty-six percent)).

n48. See *id.* (citing findings from a Pew Research Center Survey conducted November 13-19, 2001).

n49. Bob Hackett, *Covering (Up) the War on Terrorism: The Master Frame and the Media Chill*, Campaign for Press & Broadcasting Freedom, Oct. 2001, available at <http://www.presscampaign.org/articles/15.html> (last visited May 15, 2003); see Paul D. Boin, *Truth in Terror and in War*, Real News Network, Sept. 19, 2001; Press Release, Steve Hill, University of Washington, *Newsmagazines Downplayed Opposition Voices After Sept. 11, Researchers Find* (Aug. 19, 2002), available at <http://www.washington.edu/newsroom/news/2002archive/08-02archive/k081902a.html> (last visited May 15, 2003).

n50. See generally Press Release, Fordham University Panel, *Anchors Dissect 9/11 Coverage* (Sept. 9, 2002), available at http://www.fordham.edu/general/whats_new/archive232.html (last visited May 15, 2003).

n51. See Guckenberger, *supra* note 44, at 34 (citing a Project for Excellence in Journalism study that found that eighty percent of news stories in September 2001, were all or mostly pro-American).

n52. See, e.g., Justin Smith, *Patriot Act Doesn't Create Police State*, Auburn Plainsman Online, available at <http://www.theplainsman.com/vnews/display.v/ART/2003/03/06/3e66d019e3290> (last visited May 15, 2003).

n53. See *infra* Part II.B.

n54. Interview by Gerti Schoen with John MacArthur, Publisher, Harper's Magazine, *Censorship and the War on Terrorism* (Sept. 27, 2001), at <http://www.mediachannel.org/views/interviews/macarthur.shtml> (last visited May 15, 2003). Media coverage of the 1991 Gulf War was more highly managed, compared with later "embedding" of journalists within military units in the 2003 invasion of Iraq.

n55. Id.

n56. Guckenberger, *supra* note 44, at 34 (citing the Project for Excellence in Journalism study).

n57. Id.

n58. Id.

n59. Tom Jica, Rather, Regis Join a Solemn Letterman, Sun-Sentinel, Sept. 19, 2001, available at <http://www.sun-sentinel.com/entertainment/tv/sfl-tjdave919.column?coll=sfla-entertainment-tv> (last visited May 15, 2003).

n60. Press Release, *supra* note 50.

n61. Id.

n62. Id.

n63. Id.

n64. Id.

n65. Id.

n66. William McGowan, *Covering Terrorism, The Press and 9/11*, Nat'l Rev. Online, Nov. 8, 2001, available at <http://www.nationalreview.com/comment/comment-mcgowan110801.shtml> (last visited May 15, 2003).

n67. Id.

n68. Id.

n69. See, e.g., Neil A. Lewis & Robert Pear, *A Nation Challenged: Congress; Negotiators Back Scaled-Down Bill to Battle Terror*, N.Y. Times, Oct. 2, 2001, at A1.

n70. Stephen Brill, *How America Confronted the Sept. 12 Era*, Newsweek, Mar. 10, 2003, at A32; Nat Hentoff, *The USA Un-Patriotic Act; On Capitol Hill, Disturbing Silence Follows Assault on Liberties*, Wash. Times, June 17, 2002, at A17; The Rush Limbaugh Show (Premiere Radio Networks, radio broadcast July 20, 2001).

n71. See, e.g., Matthew Purdy, *A Nation Challenged: The Law; Bush's New Rules to Fight Terror Transform the Legal Landscape*, N.Y. Times, Nov. 25, 2001, at A1.

n72. See, e.g., Dana Milbank, *In War, It's Power to the President*, Wash. Post, Nov. 20, 2001, at A1.

n73. See, e.g., Frank James, *Visa Process to Allow More Time For Background Checks*, Chi. Trib., Nov. 1, 2001, at 8N.

n74. See *infra* text accompanying note 75.

n75. Weekend All Things Considered (NPR radio broadcast, Nov. 25, 2001). On October 30, 2001, however, NPR did broadcast a show where a Justice Department official described provisions of the PATRIOT Act and a civil liberties advocate explained his concerns. All Things Considered (NPR radio broadcast, Oct. 20, 2001).

n76. All Things Considered, *supra* note 75.

n77. *Id.*

n78. See *infra* notes 86-89 and accompanying text.

n79. See, e.g., *infra* note 82 and accompanying text.

n80. See, e.g., *infra* note 82 and accompanying text.

n81. See, e.g., *infra* note 82 and accompanying text.

n82. Weekend All Things Considered: Patterson, N.J. Library Receives Visit From the FBI Post-Sept. 11 (NPR radio broadcast, Nov. 8, 2002).

n83. Id.

n84. Id.

n85. Frank Davies, USA Patriot Act Remains Shrouded in Mystery, Miami Herald, Sept. 10, 2002, at 13A.

n86. See, e.g., John Riley, Taking Liberties, Part 4: Held Without Charge, Newsday, Sept. 18, 2002, at 6.

n87. Patt Morrison, New Anti-Terrorism Legislation Fosters a Sense of Insecurity, L.A. Times, Nov. 26, 2002, at B3.

n88. Editorial, INS' Iron Fist Tarnishes American Ideals, San Jose Mercury News, Dec. 29, 2002, at 6P.

n89. Adam Clymer, Government Openness at Issue as Bush Holds onto Records, N.Y. Times, Jan. 3, 2003, at A1.

n90. Donald Kerwin, National Security and Immigrant Rights, Nation, Dec. 19, 2002, available at <http://www.thenation.com/doc.mhtml?i=20030106&s=kerwin> (last visited May 15, 2003).

n91. See, e.g., infra note 96 and accompanying text.

n92. See, e.g., infra text accompanying notes 94 & 99 and accompanying text.

n93. The O'Reilly Factor (FOX News television broadcast, July 1, 2002).

n94. Id.

n95. Id.

n96. Id.

n97. Id.

n98. Id.

n99. Hannity & Colmes (FOX News television broadcast, Dec. 2, 2002).

n100. Id.

n101. Id.

n102. Id.

n103. Rita Katz & Josh Devon, *The Weakness of the West*, Nat'l Rev. Online, Sept. 17, 2002, at <http://www.nationalreview.com/comment/comment-katz091802.asp> (last visited May 15, 2003).

n104. *Id.*

n105. Tom Pyszynski et al., *In the Wake of 9/11: The Psychology of Terrorism* 98-100 (2002). See generally *Terrorism, Organized Crime, and Social Distress: The New World Order* (Robert J. Kelly & Robert W. Rieber eds., 2003); *Colloquium, Terrorism and Its Consequences*, 2 *Analyses Soc. Issues & Pub. Pol'y* 1 (2002).

n106. Hina Gilani, *Antiterrorism Strategies and Protecting Human Rights*, *Amnesty Now*, Summer 2002, at 1, 16, 17.

n107. See generally Herbert J. Gans, *Deciding What's News* (1979). Most sociologists of the mass media, like Gans, describe all mass media as inherently selective, and all journalists heavily, if unconsciously, affected by dominant cultural values in their selection and description of facts they report. For a post-9-11 extension of this view, see generally Herbert J. Gans, *Democracy and the News* (2003) [hereinafter *Democracy and the News*].

n108. The Authors thank several researchers who cooperated in carefully collecting surveys: Farhad Abdolian, Monica E. Beck, Ciara Bergman, Houri Geudelekian, Despina Kolokithias, Angel Lopez, Elizabeth Lopez-Yang, Meghan L. Stone, Zina Trost, and Meagan E. Winn.

n109. Harold Takooshian & William M. Verdi, *U.S. Attitudes Toward the Terrorism Problem*, 7 *J. Psychol. & Behav. Sci.* 83, 83-87 (1993) [hereinafter *U.S. Attitudes*]; see Harold Takooshian, & William M. Verdi, *Assessment of Attitudes Toward Terrorism, in Violence and the Prevention of Violence* 33, 34 (Lenore Loeb Adler & Florence L. Denmark eds., 1995).

n110. See Anne Anastasi & Susana Urbina, *Psychological Testing* 49-54 (1997).

n111. Valid or accurate in assessing what they intend to assess. Reliable or stable in their assessment of an attitude. Indeed, a psychometric analysis of the data in this survey found all three brief scales proved internally reliable measures, based on their Cronbach's alpha scores:

Terrorism alpha = .75; al-Qaeda alpha = .69; and Liberties alpha = .76. Alpha values can vary from 0 up to 1.0, with higher values indicating more reliable scales.

n112. Though U.S. researchers have devised many scales to assess political attitudes (such as alienation, leadership, and values), few are on the topic of political violence, and none on the topic of terrorism. See generally John P. Robinson et al., *Measures of Political Attitudes* (1999); see also W.F. Velicer et al., *A Measurement Model for Measuring Attitudes Toward Violence*, 15 *Personality & Soc. Psych. Bull.* 349, 349-64 (1989).

n113. See *infra* App. A.

n114. Ray Gindroz, *City Life and the New Urbanism*, 29 *Fordham Urb. L.J.* 1419, 1423-24 (2002); see Stanley Milgram, *The Experience of Living in Cities*, *Sci.*, Mar. 1970, at 1461, 1461-68.

n115. The 309 respondents were a demographically diverse group. They were fifty-four percent women, and varied in age from fourteen to seventy-five, with a mean of 33.5 years. In ethnicity, fourteen percent described themselves as Hispanic, fourteen percent as African-American, four percent as Asian, sixty-two percent as non-Hispanic Whites, and six percent as other. In religion, seventy-seven percent described themselves as Christian, eleven percent as Jewish, eleven percent as none, zero percent were Moslems, and one percent were other. In rating their degree of religiosity from "none" to "highly religious," survey respondents ranged from eight percent "none" to ten percent "highly religious"; the mean fell right in the middle, at 4.5 on the 0-9 scale. In education, their highest level was one percent elementary school, fifteen percent high school, forty-three percent some college, thirty-five percent college graduate, six percent graduate degrees. In nationality, ninety percent were raised in the United States. In ancestry, thirty percent had four grandparents born in the U.S., five percent had three grandparents born in the U.S., eleven percent had two grandparents born in the U.S., six percent had one grandparent born in the U.S., and forty-eight percent had zero grandparents born in the U.S. In residence, twenty percent were visiting from outside the greater New York area.

n116. The survey concisely defined terrorism as "the use of violence against civilians to achieve a political goal," a definition adapted from Burton Leiser, *Liberty, Justice and Morals* 393 (1986).

n117. See *infra* Tbl. 1.

n118. See *infra* Tbl. 1.

n119. U.S. Attitudes, *supra* note 109, at 83-87. The identical twenty point terrorism scale used here was used by in 1993. *Id.*

n120. *Id.* at 86. The 1993 survey by Takooshian and Verdi found the topic of terrorism to be so abhorrent that it repelled many people, making "this survey especially challenging: respondents seem uncomfortable with questions on terrorism, despite the anonymity of the survey. This sampling has been a problem, and more representative data must be collected." *Id.* In contrast, in 2002, people were far more willing, even eager, to express their own views on terrorism.

n121. See *infra* Tbl. 1.

n122. See *infra* Tbl. 1.

n123. See *infra* Tbl. 1.

n124. See *infra* Tbl. 1.

n125. See *infra* Tbl. 1.

n126. See *infra* Tbl. 1.

n127. See *infra* Tbl. 1.

n128. Survey data on file with Authors.

n129. See *infra* Tbl. 1.

n130. See *infra* Tbl. 1.

n131. The Pearson product-moment correlation is calculated by a formula that precisely gauges the degree of relationship between two measures - from zero (none at all), .25 (low), .50 (moderate), .75 (high), to 1.00 (perfect). A negative correlation indicates a reverse relationship, in which a higher score on one factor means a lower score on the other. Low correlations are considered negligible unless " $p < .05$," or there is less than a five percent probability that the correlation is due to pure chance, rather than a genuine connection between the two measures.

n132. Richard Christie, *Authoritarianism and Related Constructs*, in 1 *Measures of Personality and Social Psychological Attitudes* 501-22 (John P. Robinson et al. eds., 1991).

n133. These phrases were extracted from the verbatim comments that some respondents wrote at the end of their surveys.

n134. Fortunately, this split opinion among Americans is not "bimodal," with two groups clustered at the extremes; rather, this is still a relatively flat normal distribution with most respondents clustered toward the center.

n135. See *supra* note 133 and accompanying text.

n136. See *supra* note 133 and accompanying text.

n137. Norman M. Bradburn & Seymour Sudman, *Polls and Surveys: Understanding What They Tell Us* 229 (1986).

n138. Norman J. Orenstein, *Has the Nail-Biter Election Become a Way of Life?*, *N.Y. Times*, Nov. 4, 2002, at A23.

n139. See *Democracy and the News*, *supra* note 107, at 16-18.