



For immediate release... January 23, 2012 4 pp.

Contact: Peter Woolley 973.670.3239 or Bruce Peabody 617.869.4885

High Court Agrees with Public in US v Jones: Electronic Tails Need a Warrant

The overwhelming majority of American voters (73%) say police must have a proper warrant to put a GPS tracking device on a suspect's car, according to a nationwide poll by Fairleigh Dickinson University's PublicMind™. By contrast, just 22% say that in a car your movements are public anyway and using a tracking device saves the expense of following a car with detectives.

The results put the public in agreement with the Supreme Court of the United States. The Court ruled today in a 9-0 decision, that a warrant must be obtained in these situations.

In this case, police used a GPS device to track the movements of a suspected drug dealer, Antoine Jones, who was riding in his wife's car. Jones was convicted, but appealed on grounds that his due process rights were violated.

"When it comes to Mrs. Jones and electronic surveillance, voters have a thing going on with the Supreme Court," said [Bruce Peabody](#), a professor of political science at FDU, and editor of *The Politics of Judicial Independence*. "Unlike so many constitutional issues, the GPS case is one where the Court's preferences—and the public's—are unified and clear."

The public's own majority conclusion was handed down regardless of party, age or even race, though there were some differences in how widely they agreed. Democrats were 12 percentage points more likely than Republicans to say a warrant was needed. Republicans insisted on a warrant by 67%-26%; Democrats by 78%-17%.

"The consensus among the public and members of the Supreme Court suggests that even our bitterly divided Congress can find common ground on legislation that will further protect privacy rights in the 21st century," added Peabody.

It should be noted that voters expressed this opinion *before* the Supreme Court issued its 9-0 decision, agreeing with Mr. Jones that his Fourth Amendment rights to protection from unreasonable searches and seizures had been violated. The national poll was taken in early December of 2011 about a month after the case was argued before the nation's highest court (on Nov. 8, 2011), and most people (67%) said they had heard nothing about the case.

The [Fairleigh Dickinson University](#) poll of 855 registered voters nationwide was conducted by telephone using both landlines and cell phones from November 29, through December 5, 2011, and has a margin of error of +/-3.5 percentage points.

For more information, please call 201.692.7032

Note: Opinion for other US Supreme Court cases is found using [this search](#), including [Brown v. Entertainment Merchants](#), [Camreta v. Greene \(aka. Alford v. Greene\)](#), [Brown v. Plata](#), [Arizona Christian School Tuition Organization v. Winn](#)

Methodology, Questions, and Tables

The most recent survey by Fairleigh Dickinson University's PublicMind was conducted by telephone from Nov. 29 through Dec. 5, 2011, using a randomly selected national sample of 855 registered voters contacted on both landlines and cell phones to comprise all voters. The margin of error for a sample of 855 randomly selected respondents is +/- 3.5 percentage points. The margin of error for subgroups is larger and varies by the size of that subgroup. Survey results are also subject to non-sampling error. This kind of error, which cannot be measured, arises from a number of factors including, but not limited to, non-response (eligible individuals refusing to be interviewed), question wording, the order in which questions are asked, and variations among interviewers. PublicMind interviews are conducted by Opinion America of Cedar Knolls, NJ, with professionally trained interviewers using a CATI (Computer Assisted Telephone Interviewing) system. Random selection is achieved by computerized random-digit dialing. This technique gives every person with a land-line phone number (including those with unlisted numbers) an equal chance of being selected. Landline households are supplemented with a separate, randomly selected sample of cell-phone-only-households, interviewed in the same time frame. The total combined sample is mathematically weighted to match known demographics of age, race and gender among the voting population.

Now let me ask you about some cases that the US Supreme Court is considering... In one case, the question is whether police need a warrant – like a search warrant – in order to put a GPS tracking device on a suspect’s car... Have you heard or read about this case?

	All
Yes	32%
No	67%
Don't Know	1%

Some people argue that... ROTATE. Others argue that...ROTATE. Which comes closer to your view?

...once you drive your car, your movements are public anyway. Using a tracking device just saves police the expense and difficulty of following the car with detectives.

...the car is private property. Police need permission from the owner, or from a judge, to put a tracking device on personal property.

Rotate order	All	Party ID			age				race		
		D	I	R	18-29	30-44	45-60	60+	white	Non-white	Afr. Am.
No warrant	22%	17	27	26	20	17	23	26	24	16	12
Warrant	73%	78	68	67	74	79	73	66	70	80	83
Don't know	6%	5	5	7	6	4	4	8	7	4	4

Exact Question Wording and Order for this US Supreme Court Series

US1-4, D1, USP1a-b released 12.7.11.

USP2. Released 12.14.11.

Now let me ask you about some cases that the US Supreme Court is considering...

SC1a. In one case, the question is whether police need a warrant—like a search warrant—in order to put a GPS tracking device on a suspect’s car... Have you heard or read about this case...?

- YES
- NO
- DK

SC1b. Some people argue ... Other people argue... Which comes closer to your view?

...once you drive your car, your movements are public anyway. Using a tracking device just saves police the expense and difficulty of following the car with detectives.

...the car is private property. Police need permission from the owner, or from a judge, to put a tracking device on personal property.

[Lafler v. Cooper, 10-209, orals Oct. 31, 2011, linked with Missouri v. Frye 10-444]

SC2. Are you aware or not aware that the US Constitution gives people the right to a lawyer in criminal cases....

Aware
Not aware
Dk

ROTATE 2a and 2b with 2aa and 2bb

SC2a. In one case, a defendant turned down a plea bargain with the prosecutor because his lawyer told him to hold off for a better deal. But instead of getting a better deal, he got a long jail term. Have you heard about this case...?

Yes/no/dk

SC2b. Some people argue ... Other people argue... Which comes closer to your view?

ROTATE

...the defendant has a right to good advice from his lawyer and this was a case of unfair legal procedure and should be a do-over.

...You can't jam up the legal system with re-trials just because lawyers sometimes give bad advice.

SC2aa. In one case, the defendant found out after he pleaded guilty in court and was sentenced, that the prosecutor had offered him a deal –a reduced sentence in return for a guilty plea. But the defendant's lawyer didn't tell him about the deal. Have you heard about this case...?

Yes/no/dk

SC2bb. Some people argue ... Other people argue... Which comes closer to your view?

ROTATE

...the defendant's sentence should be overturned because he never got a chance to consider a lesser sentence.

...the defendant doesn't have a right to a plea bargaining, only a right to a fair trial.

[Hosanna-Tabor Church v. EEOC 10-760 Orals Oct 5, 2011.]

SC3a. Are you aware or not that there are a lot of court cases about the Constitution's First Amendment and the separation of church and state....?

Yes/no/dk

SC3b. Some people argue ... Other people argue... Which comes closer to your view?

[ROTATE]

...to protect religious freedom, churches have the right to hire and fire employees for religious reasons without interference from government rules.

...to protect individual rights, churches have to follow the same rules as government and business when it comes to hiring and firing.

[Florence v. Board of Freeholders]

SC4a. In this case, the Supreme Court is being asked about strip searching everyone sent to jail. Have you heard or read about this case...?

Yes/no/dk

SC4b. Some people argue ... Other people argue... Which comes closer to your view?

...prison officials can automatically strip search any person admitted to a jail, even if it is for a minor offense like failing to pay a traffic ticket.

...prison officials need to have a reasonable suspicion before they strip search any person admitted to a jail, especially if it is for a minor offense like failing to pay a traffic ticket.

Sample Characteristics %

Gender

Male	48
Female	52

Party ID

Democrat	34
Ind. Lean Dem.	14
Independent	12
Ind. Lean Rep.	13
Republican	23
Other/ref.	3

Age

18-29	12
30-44	26
45-59	32
60+	28
ref.	2

In addition to being American, would you say you are...?

White	67
Black	13
Hispanic or Latino	11
Asian	5
Other/ref.	4

Census regions

Northeast	19
North central	22
South	34
West	25

###