



For immediate release... **Tuesday, June 11, 2013** 4 pp.

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U.S. VOTERS, LIKE JUSTICES, CONFLICTED ON WARRANTS FOR BLOOD SAMPLES

Seven in ten American voters (71%) don't know about a recent Supreme Court case about whether a warrant is needed to take blood from an -- allegedly -- drunk driver. But voters have definite, and conflicting, ideas of how the Court should have ruled in the case of *Missouri v. McNeely* where an -- allegedly -- drunk driver refused to take a breathalyzer test and so was taken to a hospital where a blood sample was drawn from him without the benefit of a court order. "In fact, the public's conflicting notions reflect the Court's own conflicting answers to this question," said Bruce Peabody, professor of political science at Fairleigh Dickinson University.

A bare majority of voters (52%) agree that police "cannot wait for a warrant to be issued because the alcohol in a person's blood will disappear if police wait too long," while 42 percent say "police need a warrant to take a blood sample just as they'd need a warrant to search your house."

By a decisive margin (58%-34%), women voters say no warrant is needed to get blood from the drunk driver. But men split in favor of requiring a warrant (49%-45%). Meanwhile, Republican voters decisively award the benefit of the doubt to police, with 60 percent who say they should be allowed to take a blood sample before the evidence of intoxication disappears, with only 35 percent who say police do indeed need a warrant to take blood.

Democrats split evenly on the question, with 46 percent saying no warrant is needed in such a case, but 47 who believe a warrant should be obtained first.

"We know partisanship influences where you live, what TV shows you watch and what sports interest you," said Peabody. "So it's not surprising that party differences also explain different attitudes about enforcement of drunk driving laws."

In April, the U.S. Supreme Court decided the outcome narrowly by a 5 to 4 vote, ruling that police *sometimes* need a warrant to require a blood test against the suspect's wishes. The five justices in the majority wrote three different opinions and could only agree that police can't say they *never* need a warrant for a blood alcohol test. The majority of five on the Court consisted of two Republican-appointed justices, Kennedy and Scalia, and three Democrat-appointed justices, Ginsburg, Kagan, and Sotomayor.

The Court's four dissenters agreed with the majority of the public that police do not need a warrant for the blood sample if the destruction of evidence (through the reduction of alcohol in a person's body) does not allow enough time to get a warrant. The four dissenters consisted of three Republican-appointed justices, Roberts, Alito, and Thomas, and one Democrat-appointed Justice, Breyer.

The Fairleigh Dickinson University poll of 523 registered voters was conducted nationally by telephone with both landline and cell phones from April 22 through April 28, 2013, and has a margin of error of +/-4.3 percentage points.

*Methodology, questions, and tables on the web at: <http://publicmind.fdu.edu>
For more information, please call 201.692.7032*

Methodology

The most recent survey by Fairleigh Dickinson University's PublicMind was conducted by telephone from April 22 through April 28, 2013 using a randomly selected sample of 863 registered voters nationwide in which each voter was asked at random about two of three US Supreme Court cases, producing a three subsets from 523 to 536 voters. One can be 95 percent confident that the error attributable to sampling has a range of +/- 4.3 percentage points. 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 landline 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 respondents interviewed in the same time frame. The total combined sample is mathematically weighted to match known demographics of age, race and gender.

One case involves a man who was pulled over for drunk driving and refused to take a breathalyzer test and was made to give a blood sample. How much have you heard or read about this case?

A lot	3%
Some	9%
Just a little	15%
Nothing at all	71%
Unsure VOL	1%

Some argue that police need a warrant to take a blood sample just as they'd need a warrant to search your house, while others say police cannot wait for a warrant because the alcohol in a person's blood will disappear if police wait too long. Which comes closest to your view? [rotate choices]

	All	Party			Gender		Age			
		Dem	Ind	Rep	Men	Women	18-29	30-44	45-59	60+
Police need a warrant	42%	47	41	35	49	34	47	49	41	34
Police do not need a warrant	52%	46	55	60	45	58	51	44	52	58
Unsure VOL	6%	7	3	5	6	7	2	7	7	7

Exact Question Wording and Order

US1 and US2 released Tuesday, April 30

[Note: Two questions chosen at random for SC series and read to respondents]

SC1. *The Supreme Court recently considered a case involving someone who stopped talking during a police interview. How much have you heard or read about this case?*

- 1 A lot
- 2 Some
- 3 Just a little
- 4 Nothing at all
- 8 DK (vol)
- 9 Refused (vol)

SC1A *Some argue that if you stop talking during a police interview, your silence cannot be used against you. Others say if you volunteer to speak with the police and then stop, your silence can be used against you. Which comes closest to your view? [Rotate choices]*

- 1 Silence CANNOT be used against you
- 2 Silence CAN be used against you
- 8 DK (vol)
- 9 Refused (vol)

SC2 *One case is about genetics and whether someone can own a patent for discovering a gene. How much have you heard or read about the question of whether you can patent a gene?*

- 1 A lot
- 2 Some
- 3 Just a little
- 4 Nothing at all
- 8 DK (vol)
- 9 Refused (vol)

SC2A *Some argue if you discover a gene you should be able to own the legal rights to that gene because it's like any other discovery, while others say you can't own the legal rights to the discovery of a something that occurs in nature. Which comes closest to your view? [rotate choices]*

- 1 Should be able to own
- 2 Should NOT be able to own
- 8 DK (vol)
- 9 Refused (vol)

SC3 *One case involves a man who was pulled over for drunk driving and refused to take a breathalyzer test and was made to give a blood sample. How much have you heard or read about this case?*

- 1 A lot
- 2 Some
- 3 Just a little
- 4 Nothing at all
- 8 DK (vol)
- 9 Refused (vol)

SC3a *Some argue that police need a warrant to take a blood sample just as they'd need a warrant to search your house, while others say police cannot wait for a warrant because the alcohol in a person's blood will disappear if police wait too long. Which comes closest to your view? [rotate choices]*

- 1 Police need a warrant
- 2 Police DO NOT need a warrant
- 8 DK (vol)
- 9 Refused (vol)

Rent1 through Rent7 released Friday, May 10

Rent8 through Rent 13 released Wednesday, June 12

Sample characteristics – Registered voters

Gender

Male	47%
Female	53%

Age

18-29	14
30-44	24
45-59	30
60+	30
Refused	2

Race/Ethnicity

White	71
Black/African-American	13
Latino or Hispanic	8
Asian	2
Other/refused	6

Census region

Northeast	20
Midwest	21
South	32
West	27

Education

HS or less	31
Some college	33
College graduate	35

Party identification (with leaners)

Democrat	45
Independent	15
Republican	35
Other	2
DK/Refused	4