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## **VOTERS RULE ON GENES AND PATENTS**

Few American voters are aware that their court system is debating whether fragments of human genes can be patented and owned. But most think there's something not quite right with the idea.

In a national survey of registered voters, nearly two-thirds of registered voters (64%) are unaware that the case *Association for Molecular Pathology v. Myriad Genetics, Inc.* has been wending its way through the courts and will soon be decided by the Supreme Court. But three in five (59%) say you cannot "own the legal rights to the discovery of something that occurs in nature," while a quarter (27%) say you should be able to own the legal rights to a gene "because it's like any other discovery."

Equal proportions of Democrats and Republicans (3 in 5) agree that genetic material should not be patented, and equal proportions of men and women agree. But those with at least a college education are far more likely to oppose genetic patents (71%) than those with a high school education (44%).

"This is a complex and a seemingly obscure issue," said Bruce Peabody, professor of government at Fairleigh Dickinson University, "but it is of central importance in our new age of biomedical discovery and commerce." Peabody added, "A key question is whether rewarding this kind of discovery with a patent will promote or discourage additional research and investment."

The Fairleigh Dickinson University poll of 531 registered voters was conducted nationally by telephone with both landline and cell phones from April 22 through April 28, 2013, in which each voter was asked at random about two of three U.S. Supreme Court cases, 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.

**Supreme Court Series**

<b>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?</b>	
A lot	4%
Some	11%
Just a little	19%
Nothing at all	64%
Unsure VOL	2%

**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] [N=531]**

	All	Party			Gender		Education		
		Dem	Ind	Rep	Men	Women	HS	Some college	College grad
Can own	<b>27%</b>	27	30	26	29	25	36	27	18
Can't own	<b>59%</b>	59	55	59	61	58	44	60	71
Unsure VOL	<b>14%</b>	13	14	15	11	17	20	13	10

## 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