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4 pp.

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DON'T SHUSH, YOUR SILENCE MAY BE USED AGAINST YOU

Four in five American voters (82%) have not heard of the Supreme Court case which will decide if shutting up in the middle of police questioning can be used later to help prove your guilt. Just 15 percent say they've heard anything about the case involving the right to remain silent, also known as *Salinas v Texas*.

Two-thirds of voters (65%) say your sudden silence in an investigation cannot be used against you. Democrats and Republicans agree by similar margins, as do men and women. Just a quarter (23%) say your refusal to answer a police question should be used against you.

The case arose in Texas after a man named Genovevo Salinas, who was not in custody and was not read his *Miranda* rights, cooperated with police -- to a point. At that crucial point, Salinas was asked about something that would link him directly to a double murder, and he went silent. This untimely silence was one of many things used to convict him of murder and send him to prison for 20 years. The Supreme Court will issue its ruling in the case shortly.

"The question here," said Bruce Peabody, professor of political science, "is whether Miranda rights should cover not only those under arrest or custodial interrogation, but those who come under sudden suspicion. In other words," said Peabody, "do police essentially have to tell you about the right to remain silent before they ask you a potentially incriminating question about your behavior such as 'Were you speeding?'"

The Fairleigh Dickinson University poll of 536 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.

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?

A lot	1%
Some	3%
Just a little	11%
Nothing at all	82%
Unsure VOL	3%

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]

	All	Party			Gender		Education		
		Dem	Ind	Rep	Men	Women	HS	Some college	College grad
Silence cannot be used against you	65%	63	77	62	71	61	62	64	70
Silence can be used against you	23%	26	17	24	20	25	22	26	21
Unsure	12%	11	6	15	9	14	16	10	9

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