

# Civil Liberties vs. Security in the Context of the Terrorist Attacks on America

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## Introduction

*We're likely to experience more restrictions on our personal freedom than has ever been the case in our country. . . . It will cause us to re-examine some of our laws pertaining to criminal surveillance, wiretapping, immigration and so on.* (Justice Sandra Day O'Connor, *New York Times*, September 29, 2001).

The September 11, 2001 terrorist attacks on America forced serious reflection about the institutional framework of civil society and the commitment to democratic principles. Although the balancing of the protection of citizens' rights and liberties against their peace and security is a continuous constitutional struggle (Sniderman *et al.* 1996), especially during war and national crises (Johnson 1963, Levy 1963, Linfield 1990, Neely 1991), the September 11 attack brought to the forefront the question whether people will tolerate limitations on their personal freedom for the sake of greater security and personal safety. As the above quote by Justice O'Connor reflects, the re-examination of civil liberties has challenged the democratic resolve of American citizens. Through a national survey conducted shortly after the terrorist attacks in the Fall of 2001, this paper explores the extent to which the climate of the terrorist attacks has led people to accept such a trade-off. We framed our questions and approach to reflect events surrounding the terrorist attacks and by drawing on the theoretical insights of previous research on political tolerance and democratic norms. After reviewing that literature we outline a set of hypotheses, describe the survey design, and present the analysis.

## The Importance of Context

One of the most important findings of research on mass beliefs about democracy and civil liberties is the importance of context. Although understanding the support for abstract principles of democracy is important, what matters more is the level of support for democratic norms when they conflict with other important values (Gibson 1987, Peffley, Knigge, and Hurwitz 2001, Sniderman *et al.* 1996). Context-specific events provide critical insight into the level of commitment to democratic principles. It is in real contexts that the support for democratic values conflicts with other values and that the support for democratic values has consequences for people's everyday lives. Democracy often requires a great deal of forbearance, but when individuals have to tolerate and live with the consequences of their democratic beliefs the strength of their commitment to democratic norms may be best understood. As Sniderman *et al.* (1996:62) observed, "arguments over rights are arguments embedded in a context."

Research on political tolerance and democratic norms has deep roots in the use of context to study individual commitment to civil liberties. In his now classic study *Communism, Conformity, and Civil Liberties* (1955), Stouffer examined the conflict between the support for civil liberties and the perceived threat to personal security posed by communists, socialists, and atheists during the height of the Cold War and the Red Scare. Stouffer found a large degree of mass intolerance, which, however, he viewed as less alarming because elites were better prepared to apply democratic norms.<sup>1</sup>

Subsequent efforts to build on Stouffer's approach, such as by Sullivan, Piereson, and Marcus (1982, 1981), contextualized the conflict between the support for democratic values and perceptions of threat differently by extending democratic norms to functionally equivalent threatening groups. Instead of focusing on specific threats, such as communists or atheists, these researchers let the respondents identify groups that they liked least and then sought to determine people's degree of tolerance toward their least-liked groups. By leveling the playing field across respondents – whether their least-liked groups were on the political right or left or belonged to certain racial or ethnic categories, the value

conflict between tolerance and threat would become grounded in equivalent contexts for different respondents.

Following Stouffer's contextualized approach to studying the commitment to democratic norms, more recent research attests to the real-life consequences of adhering to democratic beliefs. People's political and social environments shape how they respond when their democratic values conflict with other values, such as when the trade-offs between freedom of expression and the rights of Nazis compete with the fear and threat felt by Jews in Skokie (Gibson and Bingham 1985), when the suppression of dissent competes with the loyalty and patriotism of American citizens during the Vietnam War era protests (Gibson 1989), when freedom of speech for the Ku Klux Klan and the right to protest compete with the threat and fear perceived by the gay community (Gibson 1987), or when political freedom among African Americans competes with the tolerance and conformity of local communities (Gibson 1995).

Comparative contexts have also been used to illustrate the costs to individuals of adhering to democratic beliefs when they conflict with other values, such as when the trade-offs of uncertainty, economic discontent, and weak support for democratic institutions compete with the political tolerance among Russian citizens (Gibson 1993, 1996, 1998; Gibson, Duch, and Tedin 1992), and when the trade-offs of authoritarian beliefs and cultural norms, violence, and strong ethnic attachments compete with the extension of rights to political enemies in South Africa (Gibson and Gouws 2000). In a direct contestation of democratic values, Sniderman *et al.* (1996), taking a value pluralism approach stemming from the enactment of the Canadian Charter of Rights, show the inescapability of conflicts over rights, such as when freedom of expression conflicts with rights of others or when government surveillance of suspected terrorists competes with fear and threat of individual citizens.

The predominant theme of this literature is that, for ordinary citizens during ordinary times, civil liberties issues are likely to be remote from everyday experiences; but in certain contexts civil liberties issues assume an immediacy that has direct implications for people's sense of freedom and well-being.<sup>2</sup>

As the most horrific act of violence committed against innocent American citizens, the September 11, 2001 terrorist attacks created a phenomenal period for examining people's commitment to democratic norms. At the same time that democratic and personal freedoms have been threatened by the terrorist attacks, the government's efforts to provide for the safety and security of society has required Americans to accept certain restrictions on their freedom – more surveillance of their papers and communications, more searches of their belongings, possible detention without a writ of habeas corpus, and proceedings by military tribunals without the standard protections of due process of civil courts. To the extent that the trade-off between civil liberties and personal security rests on the notion that the very openness of American society contributed to the planning and execution of the terrorist attacks, it would seem that the desire to live in a peaceful and orderly society should favor greater acceptance of limitations on personal freedom and civil liberties.

We explore the willingness of American citizens to trade off civil liberties and personal freedom for a greater sense of security from the threat of terrorism. If the need for safety and security is truly a more basic need than self-actualization and freedom (Bay 1958, Maslow 1954), it stands to reason that individuals, in particular American citizens accustomed to freedom, broad civil liberties, and a safe and secure society, should be willing to sacrifice a great deal to maintain this comfortable aspect of the American way of life, even at the expense of greater limitations on their personal freedom and the civil rights of others.

We also seek to understand why some Americans are more willing to accept limitations on civil liberties than others. We assume *a priori* that few individuals approach civil liberties and personal freedoms as monolithic values that are impervious to compromise, regardless of the other values with which they conflict. However, we test specific hypotheses about the influence of three main sets of

factors on the willingness to trade off civil liberties for security: (1) fear of terrorism and trust in government, (2) political and social psychological attitudes (dogmatism, faith in people, national pride, and liberal-conservative ideology), and (3) demographic characteristics (race, gender, age, and education). We find on the whole that Americans give moderate support to civil liberties. More limited support for civil liberties is fed by the interaction of trust in the government and fear of terrorism. A high level of fear compels many people to adopt positions that they might otherwise find unacceptable. However, people's prior dispositions, such as their political ideology and their race and ethnicity must also be taken into account if we are to understand people's willingness to trade off civil liberties for security.

### **Conflict Over Values and Civil Liberties Trade-Offs**

America's response to the terrorist attack reveals a "contestability of rights" (Sniderman *et al.* 1996) in which the commitment to civil liberties collides with other cherished values. This issue of value conflict not only parallels how individuals make normal civil liberties judgments, but it accounts for why support for abstract democratic norms is difficult to apply in practice. We may sincerely believe in free speech and association, but we also believe in protecting our society from those who use these freedoms to plan or carry out criminal acts. Since assurance of liberty to some may be a bane for someone else or for government's provision of protection to its citizens, the support for civil liberties cannot be conceptualized in isolation from other values or goals.<sup>3</sup> A decision about civil liberties inherently involves a decision about other values.

As Gibson and Bingham (1985) have noted, support for civil liberties should not be regarded as an attitude itself or as an abstract concept, but instead it should be treated as a construct that characterizes the priorities assigned in cases of value conflict. "The exercise of rights generates costs, and these costs are sometimes so substantial that conflict ensues. Previous measures of political tolerance and the support for civil liberties become inadequate because they fail to provide the subjects with information about the type of value conflict created within the particular context" (108-109). A more useful approach is to separate out the various values involved in civil liberties conflicts and to attempt to measure each with a context-sensitive measure.

McClosky and Brill (1983) similarly suggest that the choice of liberty is bedeviled by the need to strike a proper balance between freedom and control. To the extent that the support for civil liberties is most reasonably understood as contingent on the relevance of other important values – as opposed to being unequivocal and absolute – measurement approaches need to consider the continual play of competing forces that impinge upon civil liberties judgments.

Sniderman *et al.* (1996) maintain that the exercise of liberty "unavoidably collides with other values." This research maintains that no right can be exercised without limitations before it clashes with the rights of others and the maintenance of order, and one cannot support both liberty and order at the same time. More precisely, as support for civil liberties increases, support for order and security decreases, and vice versa. In a similar vein, Peffley, Knigge, and Hurwitz (2001) argue that the way citizens rank competing values plays a major role in conditioning civil liberties judgments. Individuals who attach a greater importance to civil liberties over other important values (e.g., freedom of speech vs. flag burning) are more tolerant than individuals with weak civil liberties attachments. Value conflict in which different trade-offs are considered is presumed to lead to more thoughtful and careful political reasoning in favor of greater support for civil liberties. They assert that "one of the ironies of political tolerance research is that while analysts have often viewed tolerance as a trade-off between opposing values, there have been few attempts to formulate and test a multiple values model" (380).<sup>4</sup>

We adopt this value conflict conceptualization of civil liberties judgments to model the trade-offs between the support for civil liberties and personal security. We are mindful, however, of the research by Kuklinski *et al.* (1991) which suggests, somewhat counter-intuitively, that requiring respondents to

consider competing values and the implications of democratic values does not automatically lead to the endorsement of civil liberties. Our value conflict approach takes the form of counterposing the individual's support for civil liberties against governmental efforts to provide for the safety and security from terrorism – two important values. Although civil liberties and personal security are not necessarily at odds or zero-sum, the bases of conflict that we identify rest on the efforts of government and law enforcement agencies to maintain order or provide security in the post-9/11 era. It is not order *per se* that clashes with individual rights, but rather the government's methods of maintaining security that may conflict with individual civil rights or liberties.

In much of the research that adopts a value conflict approach in the study of civil liberties and tolerance, the struggle is between preserving individual security and tolerating the civil liberties of disliked or threatening groups. In the post-September 11 period, however, the civil liberties vs. security trade-off has mainly been framed as one of protecting individual rights or civil liberties *against the government* as the government seeks to defend the country against a largely external enemy – albeit one that has infiltrated American society and poses a domestic risk to public safety and security.

The competing values in the civil liberties vs. security trade-off are thus fundamental to the very idea of democracy as reflected in the Bill of Rights: that citizens' rights should be protected *from the government*. Because it is the government's actions that may come into conflict with individual rights, we expect popular perceptions of government – trust in government, as well as patriotism – to play an important role in determining people's willingness to trade off civil liberties for security.

Using the contextual issues surrounding the trade-offs and the Patriot Act legislation, we identify several dimensions of support for civil liberties. Each of these became an important public issue in the aftermath of the September 11 attacks. Specifically, we examine support for civil liberties in relation to the following issues:

**Habeas Corpus:** indefinite detention of noncitizens suspected of terrorism

**Racial Discrimination:** racial profiling

**Government Surveillance:** increased wire tapping and e-mail surveillance

**Freedom of Speech:** school teachers criticizing anti-terrorism policy

**Right to Privacy:** national identity cards

**Freedom of Association:** belonging to or supporting alleged terrorist organization

**Protection from Search and Seizure:** search on suspicion without court order

**Freedom of Assembly and Speech:** investigate nonviolent protestors

These issues are represented by items in the survey (see the Civil Liberties items in the Appendix). We extract a subset of the items to form a composite civil liberties scale that serves as the main dependent variable in the analysis.

## Hypotheses

The strong popular consensus in support of abstract norms or “democratic principles” that has been found throughout the literature is not likely to be found when people consider civil liberties in the context of the fight against terrorism. Now people can refer to real and accessible events to answer questions about general norms of democracy. Consistent with the literature, support for specific civil liberties in context can be expected to be lower than the support for civil liberties in the abstract (Prothro and Grigg 1960; McClosky 1964). However, people are also expected to differ from one another in their willingness to trade off civil liberties for greater safety and security. The following explanations of support for civil liberties are used to model the willingness to trade off civil liberties for security.

### Core Explanations

**Fear.** If any single dominant factor that is likely to drive people to sacrifice civil liberties for security it is fear. Feelings of threat and fear evoke intense defensive reactions. The September 11 terrorist attacks created a profound sense of threat and fear of possible future terrorist attacks. According to a national survey taken a few days after the terrorist attack reported (Schuster *et al.* 2002), 44 percent of adults reported two or more symptoms of stress from the terrorist attacks, while 90 percent reported at least one sign of stress. The likely influence of fear on civil liberties trade-offs, however, is somewhat counter-intuitive. According to the tolerance literature, threat, in particular *sociotropic* threat against society or cherished values and norms usually outweighs the sense of *personal* threat in leading people to act in anti-democratic or intolerant ways. Nonetheless, when a threat is personalized the response may become overwhelmingly intolerant toward perceived outgroups or threatening groups (Davis 1995). Because the September 11 attack evoked both sociotropic and personal fear among American citizens, it is important to investigate the relationships of both types of fear to the willingness to sacrifice civil liberties for security.

The threat and fear among American citizens were not experienced only vicariously or at a great distance; rather the attacks occurred on American soil and thousands of innocent citizens were killed. Subsequent anthrax deaths in Fall 2001 created widespread concern about bioterrorism and of risks associated with such normally mundane activities as opening the daily mail. Hence, unlike most other war-type situations Americans have faced, the context created a greater opportunity for fear to be personalized. Whereas sociotropic fear may continue to be an important explanation of the willingness to trade off civil liberties (i.e., concern that the nation will be attacked again), personalized fear is expected to be highly influential (i.e., concern that their own hometown or family might be attacked, or concern about being in skyscrapers, large crowds and stadiums).

**Trust in Government.** Support for civil liberties is typically connected to a larger set of beliefs about democratic institutions and processes. If the willingness to trade off civil liberties translates into a concession of greater power to government, then trust and confidence in government should take on great importance. Trust in government may be thought of as a resource upon which government can draw when it needs latitude from its citizens in tolerating greater restrictions on their civil liberties (Hetherington 1998; Weatherford 1987).<sup>5</sup> Hetherington (1998) shows that rather than just revealing dissatisfaction, low levels of trust make it more difficult for the government to succeed. In times of national crises, such as after the terrorist attacks, when the government needs the cooperation of its citizens, trust takes on added importance.

The U.S. government was not short on such a supply of political capital in Fall 2001. Some surveys showed that trust in government increased dramatically in the aftermath of the September 11 attack (e.g., NORC 2001). Whether this was a specific reaction to the performance of political leaders or a rallying around our leaders in a time of danger, it gave the government a lot more flexibility in conducting the anti-terrorist campaign.<sup>6</sup>

We expect citizens to make a distinction between the different levels of government when asked about their willingness to trade off rights. Led by the President, federal agencies such as the Department of Justice, the FBI, the INS, the CIA, and the Defense Department have played the most visible roles in the anti-terrorist fight. Congress played a significant role in passing the Patriot Act and authorizing funding. The activities of the federal government account for most of the national news stories in the anti-terrorism fight.

Nonetheless, it is local government, including local law enforcement, that is most immediately responsible for the safety and protection of American citizens. As the campaign against terrorism evolved, local governments assumed a great financial burden for stepped-up surveillance and law enforcement, planning against bioterrorism, and other activities on the front line. As one news analysis reported,

Since Sept. 11, cities and counties have rapidly and somewhat awkwardly adapted. Police departments are behaving like intelligence agencies, interviewing foreigners and surveying the infrastructure for weaknesses that might be exploited by the enemy. Local governments are appointing liaisons to neighboring agencies – like diplomats who negotiate regional treaties in the event of an attack. Hazardous material teams have become front-line soldiers, responding to the smallest hints of bioterrorism (Mathews 2001).

To be sure, American citizens are usually more trusting of local government than federal government. However, for Americans generally, and especially for minority groups that have engaged in struggles for equality and civil rights, local governments and law enforcement have more often been objects of concern. So when asked whether they are willing to give up some rights to the government, many people, and especially members of certain minority groups such as African Americans and Hispanics, are likely to hinge their response on how much they trust law enforcement.

We suspect that the influence of trust in government on the support for civil liberties may be tempered by the level of fear. Not only were trust and fear contemporaneously impacted by the terrorist attacks, but they are integrally related. It seems reasonable to expect that high levels of fear among those who are the more trusting of government may create a greater willingness to adopt a pro-security and order position than what would be expected based on their level of trust alone. A similar condition may apply to people who are the least trusting in government but who have lower levels of fear. Because they may not be affected by the terrorist attacks like others, the least trusting-least fearful Americans may be even more concerned about protecting civil liberties when civil liberties are being threatened. We test this hypothesis with a series of interaction effects.

### **Other Social Psychological and Political Attitudes**

While we hypothesize that people's willingness to trade off civil liberties for security will be predictable from their levels of fear of terrorism and their trust in government, it is important to take into consideration other attitudes that might account for the willingness to make the trade-off.

**Dogmatism.** According to Rokeach (1960), anxiety produced by external threat is the underlying cause of dogmatism and, as a consequence, intolerance.<sup>7</sup> Psychological insecurity and inflexibility, in particular the level of dogmatism, is expected to influence people's willingness to trade civil liberties for personal security. Rokeach (1960) demonstrated early on that a rigid adherence to one's beliefs limits one's ability to adapt to new situations. Dogmatic people, according to Rokeach, often reject conflicting information and are more likely to be ideologically conservative in their political beliefs. Other research suggests that dogmatists are also less tolerant of differences and more apt to take an either-or approach in the face of complex or confusing information.

**Interpersonal Trust.** The terrorist attacks on America appear to have affected people's social connections and commitment. Stories of volunteerism, increased neighborliness and sense of community, and trust in other people well outnumbered the stories of ethnic chauvinism and attacks on people of Middle Eastern background. Indeed, some surveys showed a surge in interpersonal trust in the wake of the attacks (NORC 2001).

The study of interpersonal trust or faith-in-people has a long tradition within the literature on democracy and political culture (e.g., Almond and Verba 1963, Inglehart 1997, Putnam 2000, Newton 1999, Dowley and Silver 2002). High levels of trust are seen as important indicators of social capital and mark the ability of citizens to work in concert to influence what the government does. Furthermore, if people trust other people, they may feel that it is less necessary to grant the government additional powers to control misbehavior. If they trust their neighbors or other members of their communities, they may also have a stronger sense of personal security and be less in fear of terrorists in their midst.

Thus, we would expect to find people who have higher levels of interpersonal trust to be less willing to concede civil liberties to the government to counter the terrorist threat. In this sense, higher interpersonal trust might partly compensate for the effect of higher trust in government. As a counter hypothesis, we might also expect the level of interpersonal trust to be positively correlated with a willingness to concede civil liberties to the government, because more trusting individuals may tend to grant greater trust to the authorities as well, and to be less concerned, for example, that intrusive government surveillance will be misused against them.

**National Pride and Patriotism.** National pride may be thought of as an attachment to the nation and political community (Norris 1999). Because the terrorist attacks on innocent citizens were so heinous and dramatic, and the perpetrators were foreign, American citizens were forced to reflect on their feelings about the country and its values. Intense feelings of national pride, loyalty and love of the country were seen as positive by-products of the terrorist attacks.<sup>8</sup> Outward expressions of pride and patriotism – the American flag plastered on buildings, homes, cars, and clothing – revealed an underlying sense of unity and togetherness. The rush to donate to relief funds and to blood banks showed a strong sense of charity and commitment to the common cause. Early military successes in Afghanistan reinforced an image of national resolve, even as the war on terrorism on American soil led to less obvious results.

Taken to the extreme, however, patriotism may undermine democratic values and processes. Patriotism can take on chauvinistic tones and lead to a narrow definition of who and what may be considered “American” and the rejection of out-groups who may not fit traditional American characteristics. Echoing language from the 1950s, in the post-9/11 era people who voiced questions about government policies or practices were sometimes branded as “anti-American.” In such instances, a strong sense of patriotism and rallying people to support the common cause is associated with intolerance (Adorno *et al.* 1950, Gomberg 2002, O’Leary 1999) and social dominance (Sidanius *et al.* 1997). Research by Schatz and Staub (1996) and Schatz, Staub, and Lavine (1999) shows that blind patriotism is strongly associated with political conservatism and the belief that the U.S. national security is vulnerable to foreign threat. This result informs Peffley and Hurwitz’s (1987) and Sullivan *et al.*’s (1992) findings that patriotism is associated with aggressive views on national defense and security.

**Liberalism-Conservatism.** Political ideology is also likely to be related to the willingness to trade off civil liberties for national security. In the first six months after the September 11 attacks, it was difficult to discern liberal and conservative divisions regarding the appropriate response to the terrorist attacks. Both major political parties within Congress worked closely in support of the President’s legislative agenda to combat terrorism, and the usual ideological skepticism was virtually nonexistent in the mass media and the public at large. Reactions to the terrorist attacks muted much of the normal ideological divisions on governmental efforts to provide for safety and security. The discourse became more divided, however, after the President proposed using military tribunals to try terrorists or suspected terrorists who captured in Afghanistan and elsewhere, and after the U.S. set up a special camp at

Guantanamo Naval Base in Cuba to house military detainees. On the whole, however, criticism of the President's policies remained muted, as few political leaders wanted to risk being seen on the wrong side in the fight against terrorism.

Nonetheless, we can expect people's political ideology to come into play in their views on civil liberties and their willingness to concede greater powers to the government. Previous research shows strong ideological differences in the support for civil liberties and reactions to threat (McClosky 1964, McClosky and Brill 1983, McCutcheon 1985, Sullivan *et al.* 1982). Far more than liberals, conservatives have been associated with beliefs about duty, respect for authority, and the primacy of law and order. Liberals, on the other hand, are often seen as willing to risk a measure of social instability for the sake of promoting certain changes (McClosky and Brill 1983). According to McClosky and Brill (1983) liberals tend to think of rights as natural and inalienable that government cannot take away, while conservatives tend to view rights as more situational and contingent.

### **Demographic Factors**

Social background is expected to play an important role in determining the extent to which individuals are willing to trade off civil liberties for personal security. Social background explanations reflect broader historical, cultural, and economic contexts in which the trade-offs for civil liberties and the further empowerment of government may be evaluated. Although demographic differences can be expected in the response to the terrorist attacks, the particular trade-offs for civil liberties may collide with other important issues.

**Race and Ethnicity.** Race and ethnicity can be expected to influence the willingness to trade off civil liberties for personal security. Although African Americans tend to be strongly supportive of civil liberties (Davis 1995), African Americans bring a history of struggle for civil rights and a distrust of government to the context of the terrorist attacks. As a result, African Americans may be reluctant to concede rights that they have worked very hard to achieve and to empower a government in which they have little confidence, even for the sake of personal security. Hispanics may not have as profound a history of struggle for civil liberties and civil rights as African Americans, but they have also not been fully integrated into American society and show little faith in government (Abramson, Howell, and Fagan 1988). They are especially sensitive to policies related to the rights of immigrants.

**Education.** Education has been instrumental in shaping the support for civil liberties. But in the context of the terrorist attacks, the expected effects of education are not very clear. Taking the traditional view that greater education exposes people to the requirements of democracy, those who have higher education should be less willing to accept restrictions on civil liberties. At the same time, it is equally plausible that those who are more educated would understand that support for civil liberties cannot always be absolute, and that temporary restrictions are sometimes necessary to provide for the safety and security of American citizens as a whole.

**Age.** Younger individuals are generally found to be more committed to democratic norms than older individuals (Davis 1975, McClosky and Brill 1983, Nunn *et al.* 1978, Stouffer 1955). In the context of the terrorist attacks, the willingness to trade off support civil liberties for personal security is expected to increase with age. In addition to the conservatizing effects of aging, the terrorist attack may have created more an intense emotional reactions in which older people, especially the elderly, feel more vulnerable and personally threatened.

### **Data and Context of the Data Collection**

The "Civil Liberties Trade-Offs Survey" data come from a national random digit-dialing telephone survey of persons 18 years of age and older. The average interview lasted 26 minutes. The survey was

conducted between November 14, 2001 and January 15, 2002. With an over-sample of African Americans and Hispanics, we interviewed 1,448 respondents. The completion rate (RR4) was 52.3 percent; the refusal rate (REF3) was 19.0 percent.<sup>9</sup> The survey data are weighted to be representative of the adult population of the United States (Hembroff 2002).<sup>10</sup> The survey was conducted by the Office for Survey Research of the Institute for Public Policy and Social Research at Michigan State University.

Many of our survey questions reflect the salient issues involved in the governmental efforts against terrorism during the first two months after the September 11 attack. Because of the timing of the survey and to capitalize on the recency of the attacks and fear, we could not ask questions about other important civil liberties issues that would later become important, such as military tribunals, the rights of foreign prisoners (e.g., under the Geneva Conventions), and the rights of American citizens fighting for the enemy.

It is useful to keep in mind the time-line of events that preceded or coincided with the field period of our survey.<sup>11</sup> With any extended field period there is a risk that major events that occur in the middle of the field period will change the survey respondents' levels of concerns and perceptions of events, institutions, and people.

The major events concerning the terrorist attack occurred before the beginning of the field period of our survey on November 14<sup>th</sup>. From Tuesday, September 11<sup>th</sup> all commercial air traffic was halted for two days. On Friday, September 15<sup>th</sup>, President Bush declared to the American public, "We're at war," and named Osama Bin Laden as the "prime suspect" behind the terrorist attacks. Although air traffic had resumed, air travel dropped substantially from a year earlier, and partly to assure people on September 25<sup>th</sup> the President authorized the stationing of the National Guard to provide airport security.

The first of five anthrax deaths occurred on October 5<sup>th</sup>, raising the specter of bioterrorist and chemical attacks and evoking extensive public discussion of the possible risks of smallpox, contamination of water and food supplies, and other threats to public health and safety far away from the centers of the September 11<sup>th</sup> attacks on the World Trade Center and the Pentagon. Two days later, American and British missiles struck targets in Afghanistan, and on October 19<sup>th</sup> U.S. ground forces engaged in their first fight in Afghanistan.

On October 26<sup>th</sup>, the U.S.A. Patriot Act was signed by the President, after a speedy legislative process – one in which some of the initial proposals by Attorney General John Ashcroft, such as indefinite detention of noncitizens suspected of terrorism, had been rejected. The Chair of the Senate Judiciary Committee Patrick Leahy had asserted two weeks earlier, "We are trying to get that balance between liberty and security. Is this a perfect bill? No. But it is a far better bill than it was at the beginning of this process."<sup>12</sup>

On November 12<sup>th</sup> the Taliban were driven out of Kabul. On the same day, American Airlines 587 crashed shortly after take-off from JFK Airport, sparking concerns of another possible terrorist event (later attributed to a structural failure of the aircraft). As the domestic war against terrorism proceeded, in testimony before the Senate Judiciary Committee on December 7 the Attorney General was quoted as follows:

Since lives and liberties depend on clarity, not obfuscation, and upon reason, not hyperbole, let me take this opportunity to be clear. Each action taken by the Department of Justice, as well as the war crimes commissions considered by the president and the Department of Defense, is carefully drawn to target a narrow class of individuals – terrorists. Our legal powers are targeted at terrorists. Our investigation is focused on terrorists. Our prevention strategy targets the terrorist threat. . . . We need honest, reasoned debate, and not fear-mongering. To those who pit Americans against immigrants and citizens against noncitizens, to those who scare peace-loving people with

phantoms of lost liberty, my message is this: Your tactics only aid terrorists, for they erode our national unity and diminish our resolve. They give ammunition to America's enemies, and pause to America's friends. They encourage people of good will to remain silent in the face of evil.<sup>13</sup>

On December 22, the “shoe bomb” passenger tried to ignite his shoes on a flight from Paris to Miami.

In broad strokes, these were the major terrorism-related events that occurred before and during the field period of our survey. It is difficult to say how closely Americans attended to the details of the anti-terrorist campaign, and especially to debates and discussions about civil liberties and security. However, by the end of the 2001 (as the survey field period was also coming to a close), despite continued daily the coverage of events in Afghanistan as well as almost daily stories of breaches of airport security and lingering discussion of the anthrax investigation, there was a distinct sense that life was returning to a pre-9/11 status in many respects. The surprisingly quick routing of the Taliban in Afghanistan had brought an apparent, if partly illusory, end to the military dimension of the antiterrorist campaign.

Nonetheless, national polls well into 2002 showed substantial continuing public concern about the possibility of another terrorist attack on America.<sup>14</sup> This is reflected in the composite of polls taken from September 2001 through July 2002 (Figure 1).

[Figure 1 About Here]

In his first State of the Union Address on January 29, 2002, President Bush opened with the line, “As we gather tonight, our nation is at war, our economy is in recession, and the civilized world faces unprecedented dangers. Yet the state of our Union has never been stronger.”

## Measurement of Key Variables

### Civil Liberties vs. Security

Figure 2 reports the distributions of the nine items used initially to assess the public's willingness to trade off civil liberties for greater personal security (CL1 through CL10 in the Appendix).<sup>15</sup> Though these items represent the most highly contested civil liberties issues from the time of the terrorist attacks to the field date of our survey, they do not capture several important challenges to civil liberties and democratic values that arose later, such as the use of military tribunals, material witness statutes and deportations, neighborhood watch programs, fingerprinting of immigrants, and restrictions on weapons permits. Because of the continuing threat of terrorism, and because co-conspirators and unlawful combatants captured during the invasion of Afghanistan have not gone to trial (which will inevitably lead to further debates on civil liberties), many of these legal and civil liberties issues have yet to be resolved. The items presented in Figure 1 are a snapshot of the value trade-offs that were part of the public discourse in America in the first two months after the terrorist attacks.

[Figure 2 About Here]

As expected from the tolerance and civil liberties literature, American citizens are more in favor of protecting civil liberties over personal security in the abstract than in actual situations. In response to a general question of giving of some civil liberties in order to curb terrorism in this country, 54.6 percent favored protecting civil liberties. As Huddy, Khatib, and Capelos (2002) show in their analysis of public opinion polls conducted after the terrorist attacks, however, this level of support for civil liberties breaks down when applied to specific situations. In our Civil Liberty Trade-Offs Survey when the value trade-off is framed as a question of the need to be safe and secure as against judging people guilty by association – “people who belong to or associate with terrorist organizations should be considered a terrorist” – 71.1

percent support treating people as guilty based on their associations. Although people's willingness to judge people guilty by association reflects an extreme position, other applications of the value trade-offs reveal a similar but lesser willingness to concede civil liberties for personal security. In a trade-off of values involving support for freedom of speech, 59.6 percent think that school teachers should not criticize U.S. anti-terrorism policy but should promote loyalty to the country. In a trade-off involving the right to privacy, 54.1 percent support requiring national identity cards.

At the same time that a majority of Americans are willing to concede some civil liberties and freedoms, majorities favor safeguarding certain liberties. In a *habeas corpus* issue framed as the ability to detain noncitizens suspected of belonging to a terrorist organizations for a long time without being formally charged with a crime, 46.6 percent support the civil libertarian position.<sup>16</sup> In a trade-off of the right to privacy by allowing the monitoring of telephone conversations and e-mail communications, 33.9 percent take the pro-civil liberties position. In a trade-off of 4<sup>th</sup> Amendment rights by allowing law enforcement to conduct a warrantless search of a residence on suspicion that terrorist acts are being planned there, 76.7 percent give a pro-civil liberties response. When the right to privacy issue is framed as racial profiling – the ability to stop and detain people of certain racial or ethnic backgrounds because they are thought to be more like to commit crimes – 17.9 percent prefer security to civil liberties. The least support for security at the expense of civil liberties – 8.3 percent – is given when the trade-off involves freedom of speech and assembly, framed as whether non-violent protesters against the U.S. government should be investigated.

Following Weissberg's (1976) position that the level of consistency across survey items, as opposed to just their associational relationships, is an important element in determining attitude coherence, Figure 3 shows the consistency of pro-civil liberties responses across the eight value trade-off items. Approximating a normal distribution with a slight negative skew, Figure 2 shows an overall preference for civil liberties over security. Also, the preference for civil liberties over personal security is not a matter of individuals agreeing with only a few items, but rather a matter of supporting a wide range of elements of civil liberties. Fewer than 1 percent endorse a pro-personal security position across all of the items, and only 7.6 percent consistently prefer a civil liberties position. On average, 4.9 percent of the civil liberties position are chosen over the personal security position, which translates into 61 percent of American citizens supporting at least that many. Given the high level of consistency of pro-civil liberties responses, which is suggestive of a coherent measure tapping into democratic norms (Weissberg 1976), we put these items to a more rigorous test using factor analytical techniques.

[Figure 3 About Here]

**Selecting the Items.** We used an EFA model to investigate the initial structure and loadings of the eight value trade-off questions. Based on these results, the value trade-off approach appears to do quite well in producing a one dimensional structure of support for civil liberties, but one item – investigate protestors (CL10) – has a low correlation with the first factor. Excluding this one item, Table 1 reports the results of an exploratory factor analysis model (EFA) and a confirmatory factor model on the remaining seven items. With an eigenvalue of 1.97 and 33 percent explained variance, all of the items load higher than .46 on the first factor and there is no distinguishable pattern in the loadings on the other factors. All of the items appear to represent the first factor quite well.

Given the inability of the EFA to test specific hypotheses about the structure of the data and overall fit, we used Confirmatory Factor Analysis (CFA) to specify and test a first order structure of the data. Although the analysis indicates that the first order structure is not perfect ( $\chi^2_{15}=44.64$ ,  $p\leq.001$ ), the first-order structure adequately fits the data. The normed fit index (.94) and comparative fit index (.95) reflect a good fit. The average covariance residuals and average standardized residuals are low. The average off-diagonal standardized residual is .032, which also reflects a fairly good fit. A review of the frequency distribution (not reported) reveals that all residuals fall between -.10 and .10. Taken together, information from the EFA and CFA shows that the overall fit of the model is good.

While the use of factor scores would be appropriate to construct a civil liberties value trade-off scale, for ease of interpretation and to recapture missing cases our indicator of support for civil liberties is the percentage of responses to the seven items that favor civil liberties.<sup>17</sup> Correlated at .98, a factor score and our summary measure capture an essentially identical underlying civil liberties dimension.

**Overview of Demographic Differences in Support for Civil Liberties.** Although individuals do differ in the levels of support in predictable ways, what is most notable about demographic differences in support for civil liberties are their small magnitude (Table 2). Few groups differ much from the overall mean of 56.3 percent (s.d. 25.2). The exceptional categories with somewhat higher than average levels of support for civil liberties are African Americans (65.5 percent), those age 18-24 (69.3 percent), urban residents (62.4), and college graduates (61.8 percent) (but not persons with an advanced degree). One group with distinctively low support for civil liberties is persons age 60 and over (49.9 percent). Even regions of the country hardly differ from one another in the average level of support for civil liberties.

[Table 2 About Here]

### **Sociotropic and Personal Fear**

To reflect how fear is manifested in the context of the terrorist attacks, we rely on two classes of measures: sociotropic fear and personal fear. Whereas *sociotropic fear* is a generalized anxiety and sense of threat to society, the country as a whole, or the region where one lives, *personal fear* is a sense of threat to oneself or one's family.

After the terrorist attacks on the Pentagon and World Trade Center, more terrorist threats against the country were expected and the country was on continuous alert. The Civil Liberties Trade-Offs Survey asked about concern that the country might experience another terrorist attack, that the area in which people lived might suffer from a terrorist attack, and that someone in their family might become a victim of a bioterrorist attack.<sup>18</sup> To capture the internalized sense of fear, we asked about people's own concern about flying in an airplane, opening the mail, the safety of food and drinking water, going into tall buildings, and being in large crowds or stadiums.

Based on an exploratory factor analysis we found that the personal fear questions represented a coherent dimension as the first factor. Though distinct from the personalized fear dimension, the sociotropic fear items did not form a coherent second dimension. "Concern about the country experiencing another attack" (SEC4) loaded highly on the second factor, with the remaining two items loading lower (but still captured by the second dimension). As a result, we decided to use the single item that loaded most highly on this second dimension – "concern that the country will experience another attack" (SEC4) – as our indicator of sociotropic threat. To indicate personal threat, we use a scale based on the mean of the responses to the five personal fear items (F1, F2, F3, F4, and F6).<sup>19</sup> Scores on both the sociotropic fear and personal fear indicators range from 1 (lowest fear) to 4 (highest fear). The sociotropic and personal fear scales are correlated with one another (at  $r=.44$ ), but are expected to capture the effects of distinct aspects of the fear of terrorism on support for civil-liberties.

In the Civil Liberties Trade-Odds survey, 33.3 percent of the respondents indicated that they were "very concerned" that another terrorist attack might occur in the next few months, and 50.6 percent were "somewhat concerned." This is consistent with the evidence from other national surveys of a sustained concern by Americans that there might be another terrorist attack during the Fall of 2001 and Winter 2002 (see Figure 1). The mean of 3.1 (s.d. .77) on a 4-point scale reflects widespread sociotropic fear.

In addition to its breadth, sociotropic fear is notable for its lack of relationship to broad demographic differences in the population. Race and gender differences are negligible, and differences by levels of education show no clear pattern. Only the young – those age 18-24 – stand out. Although a

majority (70 percent) of this cohort states that it has “some concern” or is “very concerned” about another terrorist attack, the percentage “very concerned” (16 percent) is substantially less than that reported by any other cohort and less than half the percentage for the respondents as a whole (32 percent).

We find lower overall levels of personal fear than sociotropic fear. We also find more individual variation in the levels of personal fear than of sociotropic fear. The coefficient of variation at the individual level is .25 for sociotropic fear and .35 for personal fear.<sup>20</sup> In addition, in our initial review we find clear differences in levels of personal fear by race and ethnicity, as well as by gender. Blacks, Latinos, and women express greater personal fear than whites and men. Persons with the lowest levels of education express greater personal fear than persons with the highest levels. However, we do not find sharp geographic differences in personal fear.<sup>21</sup>

### **Political Trust**

We measure trust in government with two survey questions. The first has been widely used in the research literature: “How much of the time do you think you can trust the government in Washington to do what is right? Would you say just about always, most of the time, only some of the time, or none of the time?” Using a four-point scale, in which “always” is scored as 4 and “none of the time” is scored as a 1, we find an overall mean of 2.5 (s.d. .71).

The second trust item focuses on law enforcement agencies: “How much of the time do you think you can trust law enforcement to do what is right? (Would you say just about always, most of the time, only some of the time, or none of the time)?” We find an overall mean of 2.9 (s.d. .68), which indicates greater overall levels of trust in law enforcement than in the government in Washington.

The answers to the two questions are positively correlated, at  $r=.42$ ; however, on their face they seem to capture different aspects of people’s view of government, while both referring to salient aspects of the potential trade-off of civil liberties for greater security. It may also be the case that when asked about trust in “law enforcement,” people are more inclined to think of *local* law enforcement than national.

Despite substantial individual-level variation in political trust, which may be expected to affect how much individual are willing to sacrifice civil liberties to the authorities, we find little systematic relationship between demographic background and the level of trust in the government in Washington. Although whites, on average, tend to express greater trust than do Latinos/Hispanics or African Americans, the difference is small.

In contrast, we find much greater demographic variation in expressed levels of trust in law enforcement. In particular, whites are much more trusting of law enforcement than are African Americans; and people who have not completed high school are much less trusting of law enforcement than people who have more education.

## **Analysis**

### **Fear, Trust and Civil Liberties Trade-Offs**

Table 3 reports the results of three OLS regression models exploring the effects of fear and trust on the percent of pro-civil liberties responses. Model 1 establishes the independent and additive effects of fear and trust in government on support for civil liberties. While personal fear does not appear to play an independent role in the support for civil liberties, fear that the country will come under another terrorist attack does appear to have an effect. The higher the level of concern about another terrorist attack on the U.S., the more people prefer order and security over civil liberties. Each increase in the level of

concern about another attack is associated with a 4.7 percentage point decrease in support for civil liberties.

[Table 3 About Here]

Trust in the federal government and law enforcement are also associated with the level of support for civil liberties. The more people trust the federal government or law enforcement agencies, the more willing they are to allow the government leeway in fighting the domestic war on terrorism by conceding some civil liberties. Likewise, individuals more trusting of local law enforcement are more willing to concede certain civil liberties.

There is good reason to expect people's willingness to concede some civil liberties to be affected jointly by their level of fear and their trust in government, that is, the effects of fear will be contingent on how much people trust the government, and the effects of trust will be contingent on how fearful of terrorism people are. Model 2 presents the interaction effects between trust and fear. A joint F test supports the use of this model specification ( $F=4.26, p \leq .05$ ). These effects become clearer in Model 2, in which additional variables are taken into account. A joint F test supports the existence of interaction effects between the fear and the trust variables ( $F=5.15, p \leq .01$ ).

Because of these interaction effects, it is difficult just to read the individual regression coefficients in Models 2 or 3 to estimate the magnitude or direction of the joint effects of fear and trust on support for civil liberties. We will show later (Figures 5 and 6) that these effects are substantial and in the expected direction: the greater people's fear, and the more trust they have in the federal government and law enforcement, the less people's support for civil liberties. Before showing the magnitude of the effects of fear and trust, however, we need to attend to another matter – to test for and to rule out the role of alternative factors that might account for the relationships between trust, fear, and civil-liberties trade-offs.

Model 3 tests for effects of fear and trust in a fully specified model. With an explained variance of 20 percent, this model performs well. Controlling for other explanations of support for civil liberties, the story remains the same. Fear interacts with trust in its effect on civil-liberties trade-offs.

Many of our other hypotheses are also supported in this model. Among the attitudinal explanations, dogmatism performs as expected. High levels of dogmatism – closed-mindedness – lead to the acceptance of personal security and order over protecting civil liberties and personal freedom.<sup>22</sup>

Faith in people is a significant consideration in the civil liberties value trade-offs.<sup>23</sup> On average, net of the effects of other factors, individuals who think that people are basically trustworthy and helpful are more willing to sacrifice civil liberties for greater personal security. It appears that if a positive assessment of others makes one more trusting, less suspicious, and less willing to question the motives of others, citizens would have less to lose by conceding certain rights and freedoms. This result, however, runs counter to the common assumption that higher faith-in-people leads to greater faith in democracy (Putnam 1997, Newton and Norris 2000). It supports findings that the effects of faith-in-people might be contingent on other factors, and that higher faith-in-people can also be associated with support for nondemocratic regimes or forms of political order (Bahry and Silver 1987, 1990; Dowley and Silver 2002). In the context of a terrorist threat, interpersonal trust may well be valuable for maintaining social comity but it may also translate into tolerating social control over individual rights.<sup>24</sup>

Self-reported political ideology is also a determinant of civil liberties value trade-offs.<sup>25</sup> Even after adjusting for the effects of their trust in government, fear of terrorism, and other attitudinal and demographic differences, liberals are more likely than conservatives to favor maintaining civil liberties over personal security and order. Traditionally, political liberals possess great concern for the protection of individual rights while political conservatives have given greater priority to maintaining social order and

the interests of the community as a whole. Political beliefs remain important to how people react in the context of a terrorist threat.

National pride is another important attitudinal explanation. We surmised that a large component underlying national pride was a sense of authoritarianism, intolerance, and concern for order. Our results show that high levels of national pride may lead to a willingness to trade off civil liberties for greater security.<sup>26</sup> Even after adjusting for the effects of other factors, including fear and trust in government, a move of one rung up the national pride scale is associated on average with a decline of 5 percentage points in support for civil liberties.

Among the demographic explanations, age seems to matter. Persons age 18-24 score about 10 percentage points higher in support of civil liberties than older cohorts, even after adjusting for other factors.

The other important demographic predictors are race and ethnicity. African Americans score almost 10 percentage points higher than whites on the civil liberties trade-off scale. African Americans are less willing than whites to trade off civil liberties for personal security. Though this finding may have several explanations, we conjecture that the historical struggle to secure civil rights and liberties and a distrust of government may make giving up civil liberties especially difficult, even during a period of national crisis. Despite high levels of national pride (African Americans do not differ from whites on this measure), cultural and historical experience may be a powerful force for the defense of individual rights. Even after taking into account the effects of fear, trust in government and law enforcement, and political ideology, African Americans are more committed to civil liberties than are whites.

In contrast, Hispanics score almost 5 percentage points lower than whites on the civil liberties value trade-off scale.<sup>27</sup> That is, Hispanics are more willing than whites to give up civil liberties in favor of greater personal security. This result may be a function of sample selectivity and the fact that the interviews were conducted in English, which may well produce a more affluent and acculturated Latino subsample.<sup>28</sup>

That African Americans and Hispanics react differently from whites and from each other in the support for civil liberties requires further analysis. Although we expected racial and ethnic experiences to condition how individuals perceive the terrorist attacks and governmental efforts to provide for safety and security, it is important to examine whether our explanations transcend ethnic and racial experiences. In Table 4 we present results of separate OLS regression analyses by race and ethnicity. In these equations, because of the smaller sample sizes for Hispanics and African Americans, we treat the education and age variables more simply than in Table 3. Otherwise, the equations in Table 4 mimic Model 3 in Table 3. Our comparative discussion will focus on the effects of trust and fear on support for civil liberties, although there are some differences in the impact of attitudinal and demographic variables. For example, African American females are more likely than males to favor order and security over maintaining civil liberties. This differs from the findings for whites and Hispanics.

The results for whites and Hispanics separately are very similar to those for the respondents as a whole. Among whites and Hispanics, although we observe some differences, the effect of fear on support for civil liberties is conditioned by people's beliefs about the federal government. Whites who are concerned about another terrorist attack, either against the country or against them personally, and who are trusting of the federal government, are more willing to concede civil liberties for personal security than whites who are less fearful and less trusting of the federal government. However, unlike for whites, as trust in law enforcement increases among Hispanics they are more likely to concede certain civil liberties for the sake of security.

[Table 4 About Here]

We present two equations for African Americans in Table 4 to show that the effect of fear is not moderated by the level of trust. Instead, among African Americans sociotropic fear and trust in the federal government are additive functions. African Americans with higher levels of fear are more likely to favor a pro-order and security position, as are African Americans with higher levels of trust in the federal government.

### Illustrating the Effects of Fear and Trust on Support for Civil Liberties

Using the estimates of Model 3 in Table 3, we examine the predicted percentage of pro-civil liberties responses associated with different values of fear, trust in the federal government, and trust in law enforcement. This approach allows us to move beyond looking at the signs and magnitudes of individual regression coefficients. Substantively, it provides a simulation of pro-civil liberties responses under different conditions.

One overall inference from this analysis is that people who previously protected civil liberties and personal freedom may sacrifice these values for security and order in a different context, particularly when these people are fearful. Figure 4 shows the predicted mean percent of pro-civil liberties responses on the vertical axis, conditional on how much trust people have in the federal government on the horizontal axis.<sup>29</sup> Taking into account that the effect of trust on support for civil liberties is contingent on how fearful people are, each solid line represents a different level of sociotropic fear. At every level of trust in the federal government, increased fear (concern) about another terrorist attack leads to a trade-off of some civil liberties in favor of personal security and safety.

[Figure 4 About Here]

At almost every level of concern about another terrorist attack, increased trust in the government is associated with a greater trade-off of civil liberties for security. The slopes of the lines differ from one another due to the joint or interacting effects of sociotropic fear and trust in the government. However, all of the slopes are negative.<sup>30</sup> The slope is steepest and most negative for respondents who have the greatest fear of another terrorist attack. It is people who are *very* concerned about another attack who not only show low support for civil liberties but whose support for civil liberties drops to just 37 percent if they have high trust in the government. In other words, very scared people with high trust in the government show little support for civil liberties.

Figure 4 also shows substantial differences in support for civil liberties associated with different levels of sociotropic fear. If people always trust the federal government, for each increment in fear they are willing to concede more than 10 percent of their rights for security. On the other hand, if people never trust the government or trust it only some of the time, for each increment of fear they are willing to concede only about 5 percent of their rights.

Figure 5 reveals an analogous pattern for personal fear.<sup>31</sup> The greater people's trust in the government, the weaker people's support for civil liberties. But the fear factor and the trust factor in combination work differently for the two types of fear. For sociotropic fear (Figure 4), the magnitude of the trade-off of civil liberties for each increment in fear appears to increase with the level of trust in government – that is, the distance between the lines diverges from right to left on the graph. For personal fear (Figure 5), on the other hand, the magnitude of the trade-off in civil liberties for each unit increment in fear appears to decrease with each level of trust in government – the distance between the lines decreases from left to right on the graph.

[Figure 5 About Here]

In other words, if people never trust the government, their level of *personal* fear matters a great deal for their level of support for civil liberties, but their level of *sociotropic* fear matters much less. On the

other hand, if people always trust the government, their level of *personal* fear does not matter very much in determining their level of support for civil liberties, but their level of *sociotropic* fear matters much more. Therefore, the two types of fear differ substantially in how they bear on the willingness to trade off civil liberties for security.

A final conclusion from Figures 4 and 5 is that one should not speak of the effects of trust in government or fear on support for civil liberties without considering how the two factors work in conjunction with one another, that is, interactively. Furthermore, in combination the two factors can make a very large difference in the level of support for civil liberties. At one extreme, the personally completely “fearless” individuals who “never” trust the government support pro-civil liberties positions 70 percent of the time. At the other extreme, personally very “fearful” individuals who “always” trust the government support the pro-civil liberties positions only about 45 percent of the time. Thus, the simultaneous effects of fear and trust matter a great deal to the support for civil liberties. However, it is noteworthy that those who are the most personally fearful display a consistently low support for civil liberties; regardless of how much they trust the government, they endorse between 46 and 50 percent of the civil liberties positions.

### **Liberals, Conservatives – Fear and Civil Liberties**

In the face of the terrorist threat, an extreme defense of individual liberties has been deemed by some to be tantamount to constitutional suicide. By defending individual liberties to the hilt, we leave ourselves vulnerable to those who would exploit our open society to achieve evil ends and ultimately destroy democracy. On the other hand, others have deemed a willingness to sacrifice civil liberties to preserve democracy as self-contradictory – trying to saving democracy by giving up the very rights that we are trying to defend.

Our evidence suggests that few people are doctrinaire advocates of either extreme. More importantly, while people value democratic rights, they also value order and security. This means that those who in ordinary times would want to protect civil liberties more strongly are willing to concede some of these liberties in the context of a terrorist threat. To illustrate this effect, we can examine how people with different ideological predispositions have balanced support for civil liberties against safety. First it is important to keep in mind that perceptions of sociotropic or personal fear are not related to people’s ideology. For example, the percentages of liberals, moderates, and conservatives who are somewhat concerned or very concerned about the possibility of another terrorist attack on the U.S. (sociotropic fear) are virtually identical: 85 percent, 82 percent, and 85 percent, respectively. But people of different ideological persuasions respond differently to the civil liberties questions, and they also balance their support for civil liberties against considerations of fear and trust in government differently.

Figure 6 depicts the relationship between support for civil liberties (on the vertical axis) and sociotropic fear (on the vertical axis) separately for liberals, moderates, and conservatives. Like the previous two charts, this one is based on the final regression equation in Table 3. That is, the relationships between support for civil liberties, sociotropic fear, and political ideology are adjusted for the effects of other variables in the equation (e.g., personal fear, trust in government, national pride, faith in people, and demographic background).

[Figure 6 About Here]

Not surprisingly, on the whole liberals support the largest percentage of the pro-civil liberties positions; moderates support fewer; and conservatives, the fewest. But for each ideological group the level of support for civil liberties depends in the level of fear. For all three ideological groups, the greater the fear the lower their support for civil liberties. Liberals who are not concerned at all about the likelihood of another terrorist attack support 73 percent of the pro-civil liberties positions; liberals who are very concerned about another attack support only 56 percent of the pro-civil liberties positions. The analogous percentages for conservatives are 62 percent and 46 percent. Thus, far from wishing to

commit constitutional suicide, in the face of a terrorist threat both liberals and conservatives endorse granting greater authority to the state. Indeed, liberals who are very concerned about the possibility of a future terrorist attack on the U.S. support fewer civil liberties positions than do conservatives who are not at all concerned about such an attack.

We find a sharper set of relationships when we consider personal fear instead of sociotropic fear. In Figure 7 we observe that liberals, moderates, and conservatives who are not personally very afraid differ greatly in their support for civil liberties. But the more fear they profess, the more their levels of support for civil liberties converge, and the lower that support becomes. The support for civil liberties among conservatives declines by 9 percentage points, from 54 to 45 percent; in *relative* terms this is a decline of 17 percent (9/54). The support for civil liberties among liberals declines by 18 percentage points from 69 to 51 percent; in relative terms this is a decline of 26 percent. Thus, when in fear for their personal safety, liberals appear ready to move farther from their initial position than conservatives.

[Figure 7 About Here]

One question that the literature on civil liberties in the 1960s sought to answer is, Who are the carriers of the democratic creed? In the face of evidence that the masses would give up civil liberties when confronted with concrete threats to public order, Stouffer and McClosky provided comforting evidence that political elites were more likely to uphold democratic rights than the masses. Our study does not include an elite sample. Furthermore, we have formulated the question of support for civil liberties as one of a conflict in values between civil liberties and security in which the critical trade-off is the concession of rights *to the government* for the sake of greater security. Our evidence that those who in normal times are the strongest advocates of civil liberties are willing to make the greater concessions of rights under the threat of terrorism should provide comfort to those who are concerned about constitutional suicide. But it leaves open the question, Who are the defenders of the democratic creed?

### Conclusion

A year after the September 11<sup>th</sup> attack on America, the term “9-11” has come to symbolize a watershed in American history. How we regard one another, our government, our democratic freedoms, and the external world are all said to have changed fundamentally and irreversibly. The terrorist attack raised many important questions about the institutional framework of civil society and the commitment to democratic principles. Though much of the story about the consequences of the attack on America still has to be played out, many issues regarding civil liberties – electronic surveillance, immigration limitations, habeas corpus, rights of the accused, military tribunals, and material witness laws – are undetermined and will perhaps take years to understand well.

In this paper, we address just a few of the important questions about constitutional rights brought to the forefront by the terrorist attacks. What weight do American citizens attach to civil liberties in the context of fear and threat? Does the desire to live in a peaceful and orderly society outweigh the value of personal freedom? Because of the timing of our national survey, we were able to address these questions and capture an aspect of the initial reaction to the terrorist attacks. By using the “natural experiment” of the terrorist attacks on 9/11, our estimates of how people’s support for constitutional rights might hold up in a period of crisis are not just simulations. In addition, by studying civil liberties trade-offs in this context we are able to extend and inform existing literature on political tolerance and support for democratic norms. We find that on the whole fear makes for more reluctant defenders of constitutional rights, across the political spectrum.

Americans are not ready to concede all of their civil liberties and personal freedoms in order to feel secure from the terrorist threat. While many citizens are willing to trade off civil liberties for greater security, Americans as whole adopt a moderate position.<sup>32</sup>

Furthermore, our account of the underlying reasons why citizens are willing to trade off certain civil liberties for greater security is complex. Fear and trust do not uniformly lead to favoring one set of values over another, but instead they interactively determine the support for civil liberties over security. The effect of trust in the federal government on support for civil liberties is conditioned by a sense of sociotropic fear – concern that the country will come under another terrorist attack – as well as personal fear. However, at every level of trust in the federal government, increased fear leads to a greater willingness to trade off some civil liberties in favor of security and order.

Attitudinal measures, such as political ideology, pride in the country, and faith in people, influence how citizens react to the government's efforts to combat terrorism. These attitudes may either promote or weaken the support for civil liberties. Civil liberties may suffer, for example, when the emotional appeals of patriotism favor order and security over civil liberties. Similarly, faith in people appears to work in such a way that citizens who believe in the basic goodness of others become more supportive of order and security because they feel less threatened by other citizens and government.

The level of support for civil liberties in context is not entirely contemporaneously determined. In addition to feelings of national pride and trust in people, prior beliefs such as political ideology play a role. So does prior experience. Though they are just as patriotic as other Americans, African Americans' distrust of government and their history of struggle for civil rights leads to a greater support for civil liberties in the wake of the terrorist attacks. Whites, who are generally not as skeptical of government, are more willing than African Americans, but less willing than Hispanics, to concede some civil liberties for security. Hispanics are more concerned about maintaining order than African Americans and whites.

The relationships between fear, trust, and civil liberties that we observe in our survey reflect a picture taken shortly after the September 11<sup>th</sup> attack, at a time when the visual images of the events were played and replayed in the mass media and in people's minds. An overwhelming majority of Americans remained concerned that another terrorist attack could occur in the coming months. The federal government and the President benefitted from an upsurge in overt expressions of patriotism and trust. Of course, some of the reported initial public reactions that were noted at the time such as increased church attendance proved to be temporary; some others, such as increased volunteering for military service, never actually materialized.

While our study provides insight into some of the trade-offs that people are willing to make when they perceive an immediate threat to their safety and security, it cannot be used to forecast the future. A variety of future scenarios could produce a very different context for citizens to weigh the pay-offs and costs to conceding civil liberties. Based on our survey, individuals are willing to concede civil liberties in part because of their trust in government. But if high trust in government is not sustainable because of economic performance or other unexpected events (including, say, a bioterrorist attack), the rate of exchange of civil liberties for security may change. Furthermore, a *USA TODAY/CNN/Gallup* Poll in May 2002 found that a majority of Americans did not think we were winning the war against terrorism; these opinions may be colored, however, by revelations of missed signals and about the performance of law enforcement and intelligence agencies in the period prior to the September 11<sup>th</sup> attacks (Hall 2002).<sup>33</sup>

Unpredictable events will provide the empirical reality that will answer some of the following questions about people's willingness to trade off civil liberties for security. If public fear and anxiety about another terrorist attack wane over time, will political and social attitudes remain fixed because of the recency of the national trauma, or will they change as well? If another major attack were to occur, will there be further intensification of some of the changes that have already been observed – such as increased trust in government, patriotic fervor, or greater interpersonal trust – or might there be a reversal of directions if people lose confidence in the ability of the government to protect them from harm or if they begin to seek scapegoats among certain groups of people? If an economic downturn far more serious than the mini-recession of 2001-2002 were to occur, might people's sense of despair over their economic

well-being interact with concern about the government's ability to protect us against another terrorist attack and lead to civil disorder?

All of these are just hypothetical scenarios. The best way for us to monitor changes in people's beliefs and to assess the factors that account for them is to conduct follow-up interviews, preferably incorporating reinterviews of the same respondents a second and third time. We are currently planning second and third waves of the Civil Liberties Trade-Offs survey.

**Appendix: Main Batteries of Questions Used<sup>34</sup>****Civil Liberties**

- CL1. Next I am going to read you a series of two statements. Please tell me which one you agree with most. The first is, in order to curb terrorism in this country, it will be necessary to give up some civil liberties.
- or-
- We should preserve our freedoms above all, even if there remains some risk of terrorism?
- CL2. Everyone should be required to carry a national identity card at all times to show to a police officer upon request.
- or-
- Being required to carry an identity card would violate people's freedom of association and right to privacy. (Which statement do you agree with most?)
- CL4. Some people say it should be a crime for anyone to belong to or contribute money to any organization that supports international terrorism. Others say that a person's guilt or innocence should not be determined only by who they associate with or the organizations to which they belong. Which of these opinions do you agree with most?
- CL5. Some people say the government should be able to arrest and detain a non-citizen indefinitely if that person is suspected of belonging to a terrorist organization. Others say nobody should be held for a long period of time without being formally charged with a crime. Which of these opinions do you agree with most?
- CL6. Some people say that law enforcement should be able to stop or detain people of certain racial or ethnic backgrounds if these groups are thought to be more likely to commit crimes. This is called racial profiling. Others think racial profiling should not be done because it harasses many innocent people just because of their race or ethnicity. Which of these opinions do you agree with most?
- CL7. Some people say high school teachers have the right to criticize America's policies toward terrorism. Others say that all high school teachers should defend America's policies in order to promote loyalty to our country. Which of these opinions do you agree with most?
- CL8. Some people say that law enforcement should be free to search a property without a warrant solely on the suspicion that a crime or a terrorist act is being planned there. Others say that protection against searches without a warrant is a basic right that should not be given up for any reason. Which of these opinions do you agree with most?
- CL9. Some people say that government should be allowed to record telephone calls and monitor e-mail in order to prevent people from planning terrorist or criminal acts. Others say that people's conversations and e-mail are private and should be protected by the constitution. Which of these opinions do you agree with most?
- CL10. Some say that people who participate in non-violent protests against the United States government should be investigated. Others say that people have the right to meet in public and express unpopular views as long as they are not violating the law. Which of these opinions do you agree with most?

**Dogmatism**

- DG1. Next, I would like to read you a series of statements and have you tell me to what extent you agree or disagree with each. The first is, there are two kinds of people in this world: those who

are for the truth and those who are against it. Would you say you strongly agree, somewhat agree, somewhat disagree, or strongly disagree with the statement?

- DG2. A group which tolerates too many differences of opinion among its members cannot exist for long. (Would you say you strongly agree, somewhat agree, somewhat disagree, or strongly disagree with the statement?)
- DG3. To compromise with our political opponents is dangerous because it usually leads to the betrayal of our own side. (Would you say you strongly agree, somewhat agree, somewhat disagree, or strongly disagree with the statement?)
- DG4. Of all the different philosophies that exist in the world there is probably only one that is correct. Would you say you strongly agree, somewhat agree, somewhat disagree, or strongly disagree with the statement?)
- DG5. In the long run the best way to live is to pick friends and associates whose tastes and beliefs are the same as one's own. (Would you say you strongly agree, somewhat agree, somewhat disagree, or strongly disagree with the statement?)
- DG6. Most of the ideas that get printed nowadays aren't worth the paper they are printed on. Would you say you strongly agree, somewhat agree, somewhat disagree, or strongly disagree with the statement?)

### **Fear**

- SEC4. I'd like to start by asking you some questions about your feelings since the terrorist attacks on September 11<sup>th</sup>. All in all, how concerned are you that the United States might suffer another terrorist attack in the next 3 months? Would you say you are very concerned, somewhat concerned, not very concerned, or not concerned at all?
- SEC5. How concerned are you that the area in which you live might suffer a terrorist attack in the next 3 months? (Would you say you are very concerned, somewhat concerned, not very concerned, or not concerned at all)
- SEC8. How concerned are you) that you or someone in your family might become a victim of a bio-terrorist attack, (such as anthrax or smallpox)? (Would you say you are very concerned, somewhat concerned, not very concerned, or not concerned at all)?
- F1. How concerned are you about flying on an airplane? (Would you say you are very concerned, somewhat concerned, not very concerned, or not concerned at all)?
- F2. (How concerned are you about) opening your mail? (Would you say you are very concerned, somewhat concerned, not very concerned, or not concerned at all)?
- F3. (How concerned are you about) the safety of food and drinking water? (Would you say you are very concerned, somewhat concerned, not very concerned, or not concerned at all)?
- F5. (How concerned are you about) going into tall buildings? (Would you say you are very concerned, somewhat concerned, not very concerned, or not concerned at all)?
- F6. (How concerned are you about) being in large crowds or stadiums? (Would you say you are very concerned, somewhat concerned, not very concerned, or not concerned at all)?

### **Faith in People**

FIP1. Some people say that most people can be trusted. Others say you can't be too careful in your dealings with people. Which of these opinions comes closest to your own?

FIP2. Would you say that most of the time people try to be helpful, or that they are mostly just looking out for themselves?

### **Liberalism-Conservatism**

P17a. Generally speaking, do you think of yourself as a conservative, a moderate, or a liberal?

P17b. (If liberal to P17a) Would you consider yourself very conservative or somewhat conservative?

P17c. (If conservative to P17a) Would you consider yourself to be very liberal or somewhat liberal?

P17d. (If moderate to P17a) Do you generally think of yourself as closer to the conservative side or the liberal side?

### **Pride**

P1. How proud are you to be an American? Would you say very proud, proud, somewhat proud, not very proud, or not proud at all?

### **Trust in Authorities**

GT1. The next set of questions are about trust. How much of the time do you think you can trust the government in Washington to do what is right? Would you say just about always, most of the time, only some of the time, or none of the time?

GT2. Would you say the government is pretty much run by a few big interests looking out for themselves, or that it is run for the benefit of all people?

GT3. How much of the time do you think you can trust law enforcement to do what is right? (Would you say just about always, most of the time, only some of the time, or none of the time)?

GT4. Since the terrorist attacks, has your confidence in law enforcement increased, decreased, or has stayed about the same?

## References

- Abramson, Paul. 1983. *Political Attitudes in America*. San Francisco: Freeman and Co.
- Almond, Gabriel A., and Sidney Verba. 1963. *The Civic Culture: Political Attitudes and Democracy in Five Nations*. Princeton: Princeton University Press.
- Bahry, Donna L., and Brian D. Silver. 1987. "Intimidation and the Symbolic Uses of Terror in the USSR," *American Political Science Review* 81 (December): 1065-1098.
- Bahry, Donna L., and Brian D. Silver. 1990. "Soviet Citizen Participation on the Eve of Democratization," *American Political Science Review* 84 (September): 821-848.
- Barrett, Jennifer. 2002. "Newsweek Poll: New Terror Jitters" (June 29), reported as a "Web Exclusive" story at [www.msnbc.com/news/774094.asp](http://www.msnbc.com/news/774094.asp).
- Bay, Christian. 1958. *The Structure of Freedom*. Stanford University Press.
- Citrin, Jack, Beth Reingold, and Donald P. Green. 1990. "American Identity and the Politics of Ethnic Change," *Journal of Politics* 52 (November): 1124-1154.
- Davis, Darren W. 1995. "Exploring Black Political Intolerance," *Political Behavior* 17: 1-22.
- Davis, James A. "Communism, Conformity, Cohorts, and Categories: American Tolerance in 1954 and 1972-73," *American Journal of Sociology* 81 (November): 491-513.
- Dowley, Kathleen M., and Brian D. Silver. 2000. "Subnational and National Loyalty: Cross-National Comparisons," *International Journal of Public Opinion Research* 12 (November): 357-371.
- Dowley, Kathleen M., and Brian D. Silver. 2002. "Social Capital, Ethnicity, and Support for Democracy in the Post-Communist States," *Europe-Asia Studies* 44 (June): 505-527.
- Easton, David. 1965. *A Systems Analysis of Political Life*. New York: Wiley.
- Feldman, Stanley, and Karen Stenner. 1997. "Perceived Threat and Authoritarianism," *Political Psychology* 18 (December): 741-770.
- Gibson, James L., and Richard D. Bingham. 1985. *Civil Liberties and Nazis: The Skokie Free Speech Controversy*. New York: Praeger.
- Gibson, James L. 1987. "Homosexuals and the Ku Klux Klan: A Contextual Analysis of Political Intolerance," *Western Political Quarterly* 40: 427-448.
- Gibson, James L. 1989. "The Policy Consequences of Political Intolerance: Political Repression During the Vietnam War Era," *Journal of Politics* 51 (February): 13-35.
- Gibson, James L. 1993. "Perceived Political Freedom in the Soviet Union," *Journal of Politics* 55 (November): 936-974.
- Gibson, James L. 1995. "The Political Freedom of African Americans: A Contextual Analysis of Racial Attitudes, Political Tolerance, and Individual Liberty," *Political Geography* 14: 571-599.
- Gibson, James L. 1998. "A Sober Second Thought: An Experiment in Persuading Russians to Tolerate," *American Journal of Political Science* 42 (July): 819-850.
- Gibson, James L. 1996. "A Mile Wide But an Inch Deep (?): The Structure of Democratic Commitments in the Former USSR," *American Journal of Political Science* 40 (May): 396-420.
- Gibson, James L., Raymond M. Duch, and Kent L. Tedin. 1992. "Democratic Values and the Transformation of the Soviet Union," *Journal of Politics* 54 (May) : 329-371.
- Gibson, James L., and Amanda Gouws. 2000. "Social Identities and Political Intolerance: Linkages Within the South African Mas Public," *American Journal of Political Science* 44 (April): 278-292.
- Gomberg, Paul. 2002. "Patriotism is Like Racism," in Igor Primoratz Ed. *Patriotism*. Amherst New York: Humanity Books.
- Hall, Mimi. 2002. "Poll: USA Less Optimistic on War," *USA TODAY* (May 31).
- Hembroff, Larry A. 2002. "The Civil Liberties Survey, 2001: Methodological Report," Institute for Public Policy and Social Research, Michigan State University.
- Inglehart, Ronald. 1997. *Modernization and Postmodernization: Cultural, Economic and Political Change in 43 Societies*. Princeton: Princeton University Press.
- Hetherington, Marc J. 1998. "The Political Relevance of Political Trust," *American Political Science Review* 92 (December): 791-808.
- Howell, Susan F., and Deborah Fagan. 1988. "Race and Trust in Government: Testing the Political Reality Model," *Public Opinion Quarterly* 52 (Autumn): 343-350.

- Huddy, Leonie, Nadia Khatib, and Theresa Capelos. 2002 "The Polls – Trends: Reactions to the Terrorist Attacks of September 11, 2001," *Public Opinion Quarterly* 56 (Autumn): forthcoming.
- Hurwitz, Jon, and Mark Peffley. 1987. "How Are Foreign Policy Attitudes Structured? A Hierarchical Model," *American Political Science Review*, Vol. 81 (December): 1099-1120.
- Jackman, Robert W. 1972. "Political Elites, Mass Publics, and Support for Democratic Principles," *Journal of Politics* 34 (August) : 753-773.
- Johnson, Donald. 1963. *The Challenge to American Freedoms: World War I and the Rise of the American Civil Liberties Union*. University of Kentucky Press.
- Kuklinski, James H., Ellen Riggie, Victor Ottai, Norbert Schwarz, and Robert S. Wyer, Jr. 1991. "The Cognitive and Affective Bases of Political Tolerance Judgments," *American Journal of Political Science* 35 (February): 1-27.
- Levy, Leonard W. 1963. *Jefferson and Civil Liberties: The Darker Side*. Cambridge, MA: Harvard University Press.
- Linfield, Michael. 1990. *Freedom Under Fire: U.S. Civil Liberties in Times of War*. Boston: South End Press.
- Maslow, Abraham. 1954. *Motivation and Personality*. New York: Harper and Row.
- Mathews, Joe. 2001 "Local Governments Pay the Price for a Nation's New Vigilance; Security," *Los Angeles Times*, 27 December 2001, Part A.
- McClosky, Herbert. 1964. "Consensus and Ideology in American Politics," *American Political Science Review* 58 (June): 361-382.
- McClosky, Herbert and Alida Brill. 1983. *Dimensions of Tolerance: What Americans Believe About Civil Liberties*. New York: Russell Sage.
- McCutcheon, Allan L. 1985. "A Latent Class Analysis of Tolerance for Nonconformity in the American Public," *Public Opinion Quarterly* 49 (Winter): 474-488.
- Neely, Mark E., Jr. 1991. *The Fate of Liberty: Abraham Lincoln and Civil Liberties*. New York: Oxford University Press.
- Newton, Kenneth. 1999. "Social and Political Trust in Established Democracies," in Norris: 169-187,
- Newton, Kenneth, and Pippa Norris. 2000. "Confidence in Public Institutions: Faith, Culture, or Performance?" in *Disaffected Democracies: What's Troubling the Trilateral Countries?*, Ed. Susan J. Pharr and Robert D. Putnam. Princeton: Princeton University Press.
- NORC. 2001. "America Rebounds: A National Study of Public Response to the September Terrorist Attacks: Preliminary Findings." NORC, University of Chicago (prepared by Tom W. Smith, Kenneth A. Rasinski, and Marianna Toce).
- Norris, Pippa. 1999. *Critical Citizens: Global Support for Democratic Governance*. New York: Oxford University Press.
- Nunn, Clyde A., Harry J. Crockett Jr., and Allen J. Williams Jr. 1978. *Tolerance for Nonconformity: A National Survey of Changing Commitment to Civil Liberties*. San Francisco: Jossey-Bass.
- Pharr, Susan J., and Robert D. Putnam, Eds. 2000. *Disaffected Democracies : What's Troubling the Trilateral Countries?* Princeton: Princeton University Press.
- Prothro, James W., and Charles W. Grigg. 1960. "Fundamental Principles of Democracy: Bases of Agreement and Disagreement," *Journal of Politics* 22 (May): 276-294.
- Putnam, Robert D. 2000. *Bowling Alone: The Collapse and Revival of American Community*. New York: Simon & Schuster.
- Rokeach, Milton. 1960. *The Open and Closed Mind: Investigations into the Nature of Belief Systems and Personality Systems*. New York: Basic Books.
- Rosenberg, Morris A. 1956. "Misanthropy and Political Ideology," *American Sociological Review* 21 (December): 690-695.
- Schatz, Robert T., and Ervin Staub. 1996. "Manifestations of Blind and Constructive Patriotism: Personality Correlates and Individual-Group Relations," In Daniel Bar-Tal and Ervin Stab Eds. *Patriotism: In the Lives of Individuals and Nations*. Chicago: Nelson-Hall Publishers.
- Schuster, Mark A. et al. 2001. "A National Survey of Stress Reactions After the September 11, 2001, Terrorist Attacks," *The New England Journal of Medicine* 345: 1507-1512.

- Sniderman, Paul M., Joseph F. Fletcher, Peter H. Russell, and Philip E. Tetlock. 1996. *The Clash of Rights: Liberty, Equality, and Legitimacy in Pluralist Democracy*. New Haven: Yale University Press.
- Sullivan, John L., Amy Fried, and Mary G. Dietz. 1992. "Patriotism, Politics, and the Presidential Election of 1988," *American Journal of Political Science* 36 (February): 200-234.
- Tetlock, Philip E. 1986. "A Value Pluralism Model of Ideological Reasoning," *Journal of Personality and Social Psychology* 50 (April): 819-827.
- Weissberg, Robert. 1976. "Consensual Attitudes and Attitude Structure," *Public Opinion Quarterly* 40 (Autumn, 1976): 349-359.
- Weissberg, Robert. 1998. *Political Tolerance: Balancing Community and Diversity*. Thousand Oaks: Sage Publications.

**Table 1. Exploratory Factor Analysis and Confirmatory Factor Analysis  
of the Civil Liberties Value Trade-Off Items**

	Exploratory Factor Model (Principal Factors)	Confirmatory Factor Model (Standardized Loadings)
Electronic surveillance	.63	.50
Search without warrant	.63	.32
Detain non-citizen suspects	.62	.49
National ID cards	.52	.40
Teachers criticize government	.47	.50
Freedom of Association	.43	.32
Racial profiling	.42	.53
Eigenvalue	2.04	
Explained Variance	.29	
$\chi^2$		54.22
df		19
Bentler-Bonnet Normed Fit Index (NFI)		.94
Bentler-Bonnet Nonnormed Fit Index (NNFI)		.91
Comparative Fit Index (CFI)		.95

**Table 2. Mean Pro-Civil Liberties Scores, by Demographic Characteristics<sup>a</sup>**

	Mean	Standard Deviation	N
<b>All Respondents</b>	56.3	25.2	1,386
<b>Race/Ethnicity</b>			
African American	65.5	22.9	28.5
Hispanic/Latino	52.8	25.0	95
White	55.4	25.3	894
<b>Sex</b>			
Female	55.7	23.5	789
Male	57.0	27.0	597
<b>Education</b>			
0-11 Years	56.4	22.7	111
High School Grad	51.3	23.7	388
Some College	56.9	24.8	374
College Grad	61.8	24.3	346
Advanced Degree	55.4	30.0	149
<b>Age</b>			
18-24	69.3	21.3	129
25-29	57.5	24.6	111
30-39	55.0	24.4	256
40-49	56.7	25.3	298
50-59	54.7	24.6	230
60-64	49.9	27.6	89
65+	49.9	24.7	245
<b>Type of Community</b>			
Urban	62.4	25.1	363
Suburban	54.2	25.1	255
Small City, Town	55.6	24.5	456
Rural	55.3	25.7	259
Other	54.6	24.7	21
<b>Census Region</b>			
New England	54.6	21.6	45
Mid-Atlantic	52.8	25.5	187
East North Central	56.1	25.0	224
West North Central	59.6	26.1	89
South Atlantic	54.8	24.7	274
East South Central	58.5	26.1	79
West South Central	59.2	27.0	265
Mountain	55.5	22.4	86
Pacific	57.9	25.3	137

<sup>a</sup> The Pro-Civil Liberties score is the *percentage* of the seven items that the respondent answered in a pro-civil liberties direction. Respondents had to answer at least five of the questions to be included. The items are listed in the Appendix as CL2, CL4, CL5, CL6, CL7, CL8, and CL9. Maximum possible score: 100; minimum 0.

**Table 3. Regression of Fear, Political Trust, Attitudinal and Demographic Factors on Percentage of Pro-Civil Liberties Responses**

	All Respondents		
	(1)	(2)	(3)
<b>Fear and Trust</b>			
Sociotropic Fear	<b>-4.68**</b> (.99)	<b>4.55</b> (3.36)	<b>5.09</b> (3.39)
Personal Fear	<b>-.84</b> (.97)	<b>-6.41*</b> (3.33)	<b>-6.15</b> (3.43)
Trust in Fed gov	<b>-3.56**</b> (1.04)	<b>3.12</b> (3.92)	<b>3.06</b> (4.05)
Trust in Law Enforcement	<b>-4.64**</b> (1.09)	<b>-4.76**</b> (1.10)	<b>-3.21**</b> (1.21)
Sociotropic * Trust in Fed Gov		<b>-3.72**</b> (1.30)	<b>-3.75**</b> (1.30)
Personal * Trust in Fed Gov		<b>2.14</b> (1.24)	<b>2.67*</b> (1.25)
<b>Attitudinal</b>			
Dogmatism		<b>-4.55**</b>	 (.78)
Faith in People			<b>2.22*</b> (1.01)
Liberalism			<b>1.81**</b> (.42)
Pride			<b>-4.59**</b> (1.06)
<b>Demographic</b>			
Black			<b>9.70**</b> (2.32)
Hispanic			<b>-4.61*</b> (2.22)
Age 25-59			<b>-9.27**</b> (2.22)
Age 60+			<b>-10.68**</b> (2.66)
High School Grad			<b>-6.79*</b> (3.02)
Some College			<b>-4.55</b> (3.04)
College Grad			<b>-3.36</b> (3.08)
Male			<b>1.85</b> (1.39)
Constant	<b>95.10**</b> (4.25)	<b>79.53**</b> (9.99)	<b>91.68**</b> (10.88)
R <sup>2</sup> /Adj. R <sup>2</sup>	<b>.06/.06</b>	<b>.07/.07</b>	<b>.22/.20</b>
Root MSE	<b>24.31</b>	<b>24.25</b>	<b>22.44</b>
N	<b>1309</b>	<b>1309</b>	<b>1142</b>

Note: Standard errors are in parentheses. \*\* Significant at p # .01. \* Significant at p # .05.

**Table 4. Regression of Fear, Political Trust, Attitudinal and Demographic Factors on Percentage of Pro-Civil Liberties Responses, by Race and Ethnic Group**

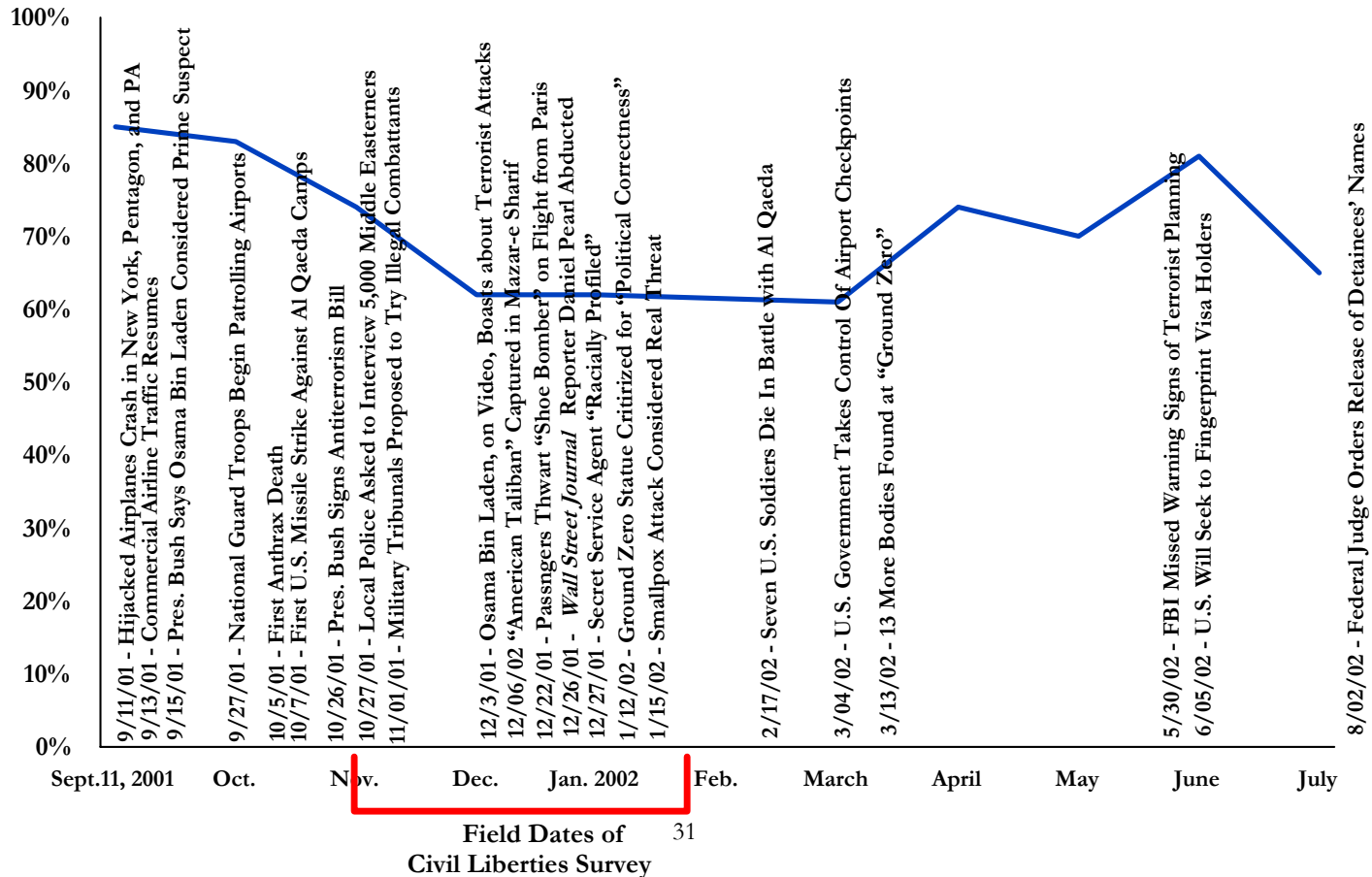
	WhitesLatinos		African Americans	
	(1)	(2)	(3)	(4)
<b>Fear and Trust</b>				
Sociotropic Fear	<b>9.53</b> (5.10)	<b>-26.50*</b> (11.60)	<b>- 5.28</b> (5.08)	<b>-6.06**</b> (1.96)
Personal Fear	<b>-13.02**</b> (4.28)	<b>-36.08**</b> (11.07)	<b>-7.12</b> (6.72)	<b>-.43</b> (2.02)
Trust in Fed gov	<b>3.06</b> (5.70)	<b>15.64</b> (13.89)	<b>-10.13</b> (5.74)	<b>-5.05*</b> (2.05)
Trust in Law Enforcement	<b>-2.23</b> (1.52)	<b>-13.77**</b> (3.07)	<b>-.93</b> (2.20)	<b>-1.11</b> (2.18)
Sociotropic * Trust in Fed Gov	<b>-5.30**</b> (1.86)	<b>7.33</b> (5.17)	<b>-.30</b> (1.88)	
Personal * Trust in Fed Gov	<b>4.74**</b> (1.54)	<b>-16.91**</b> (4.47)	<b>2.56</b> (2.48)	
<b>Attitudinal</b>				
Dogmatism	<b>-5.60**</b> (.97)	<b>-8.55**</b> (2.50)	<b>3.79*</b> (1.53)	<b>3.53**</b> (1.50)
Faith in People	<b>.90</b> (1.27)	<b>2.32</b> (3.02)	<b>-6.37**</b> (2.05)	<b>-6.52**</b> (2.04)
Liberalism	<b>1.28*</b> (.56)	<b>5.65**</b> (1.15)	<b>2.02*</b> (.79)	<b>1.77*</b> (.76)
Pride	<b>-6.80**</b> (1.47)	<b>-1.03</b> (2.13)	<b>-2.84</b> (2.18)	<b>-3.01</b> (2.17)
<b>Demographic</b>				
Age	<b>-.09</b> (.05)	<b>-.09</b> (.15)	<b>-.35**</b> (.10)	<b>-.34**</b> (.10)
Years of Education	<b>-.70</b> (.38)	<b>-2.12*</b> (.88)	<b>2.64**</b> (.60)	<b>2.78**</b> (.58)
Male	<b>.65</b> (1.73)	<b>-6.76</b> (4.20)	<b>8.29**</b> (3.11)	<b>8.56**</b> (3.09)
Constant	<b>107.71**</b> (17.31)	<b>118.10**</b> (32.99)	<b>83.19**</b> (19.68)	<b>69.09**</b> (14.04)
R <sup>2</sup> /Adj. R <sup>2</sup>	<b>.21/ .20</b>	<b>.44/ .38</b>	<b>.36/ .32</b>	<b>.36/ .33</b>
Root MSE	<b>22.64</b>	<b>19.66</b>	<b>19.62</b>	<b>19.75</b>
N	<b>752</b>	<b>228</b>	<b>163</b>	<b>222</b>

Note: Standard errors are in parentheses.

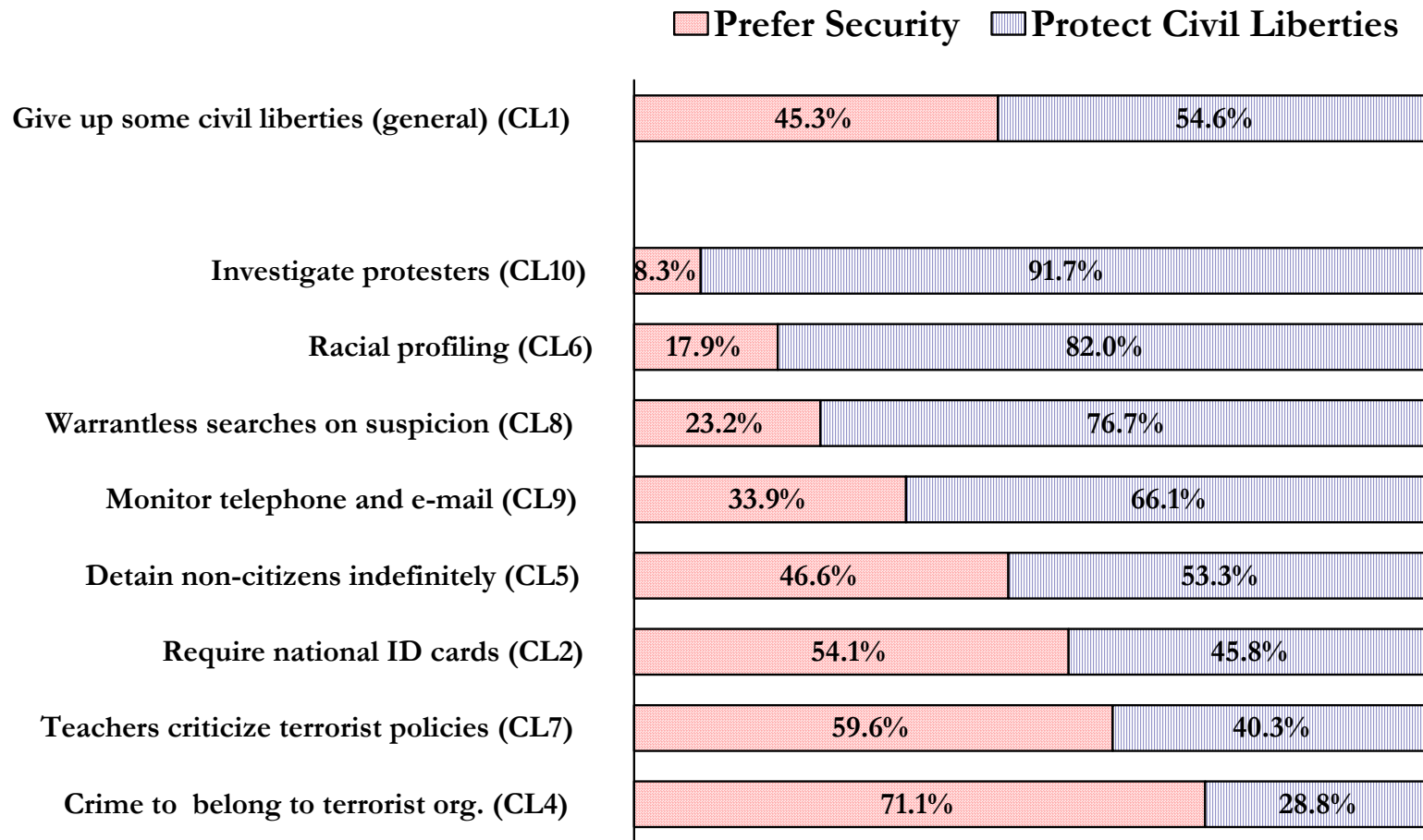
\*\* Significant at p # .01. \* Significant at p # .05.

### Figure 1. Monthly Average Percentage of U.S. Population Who Express “Concern About Another Terrorist Attack”

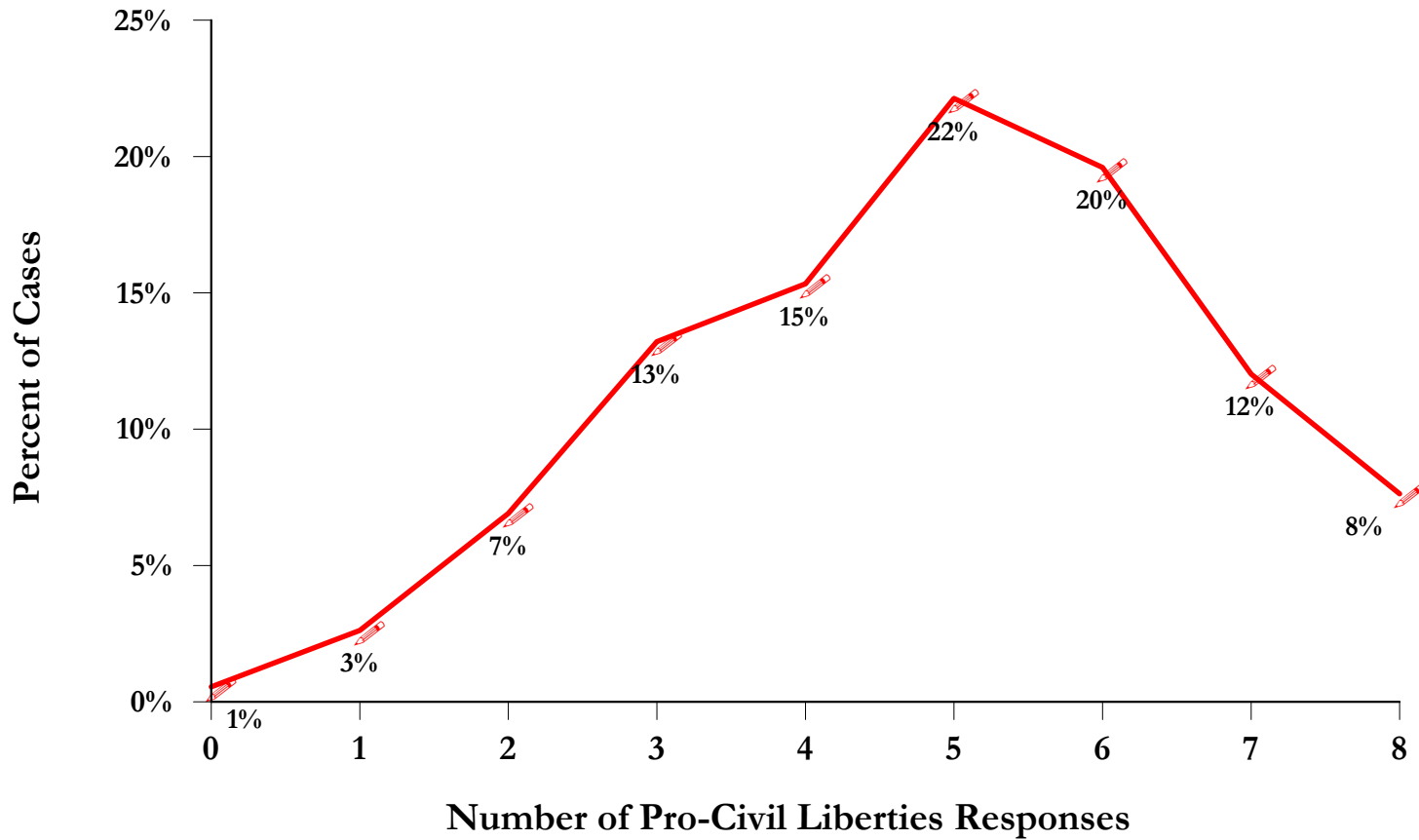
(Composite from Gallup, CBS News, CNN/USA Today)



**Figure 2. Civil Liberties vs. Security**

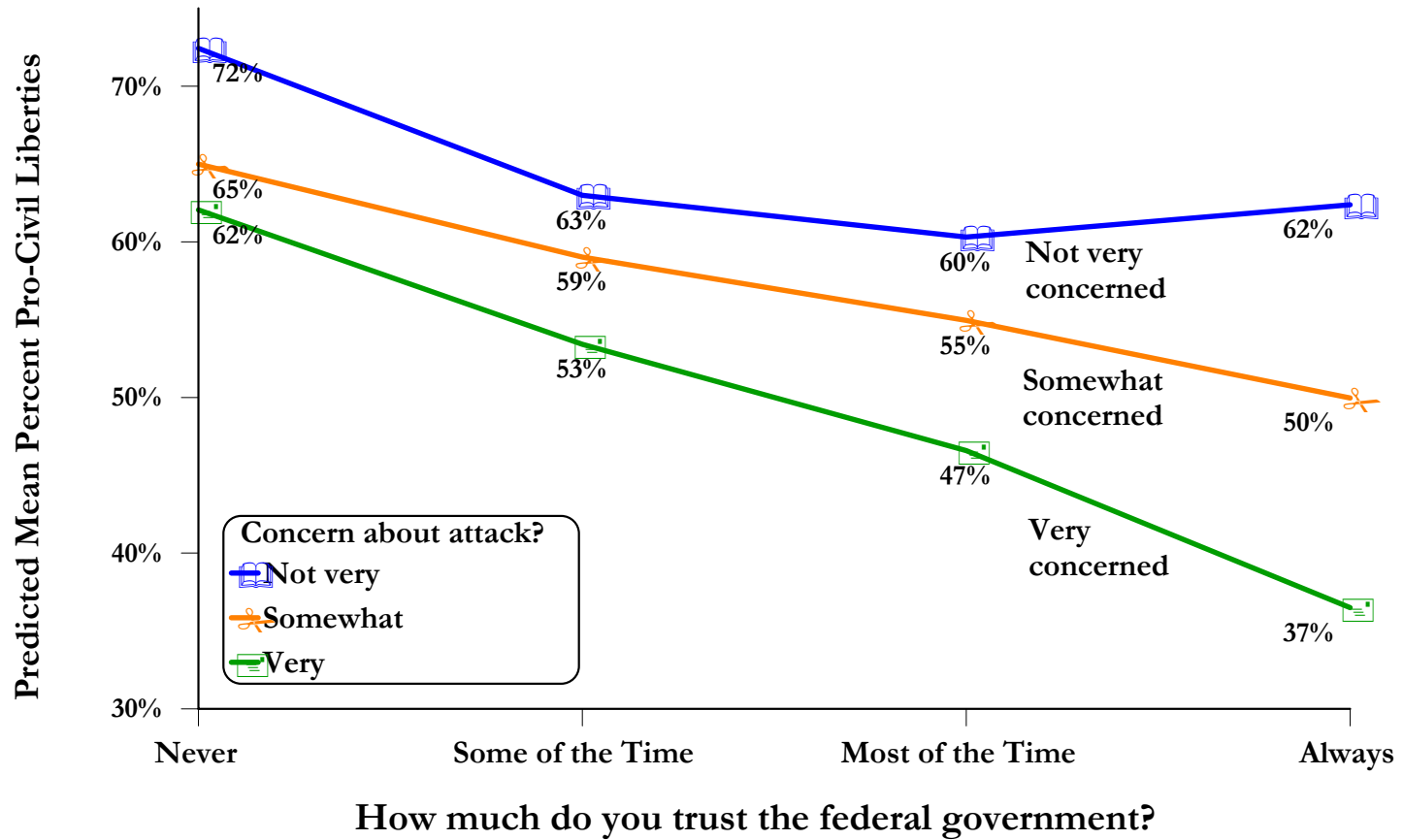


**Figure 3. Distribution of Pro-Civil Liberties Responses  
(Maximum possible: 8)**



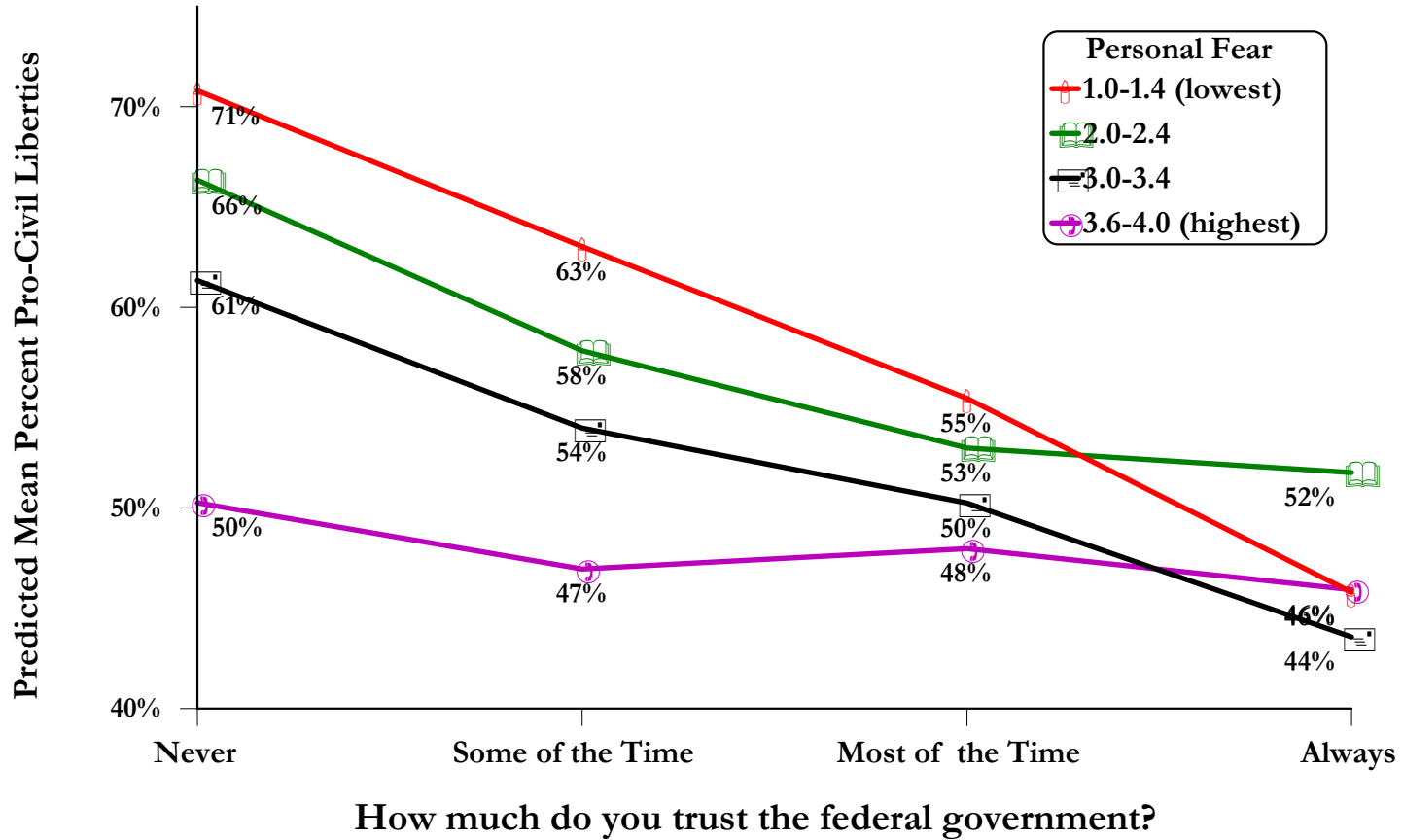
NOTE: Based on CL2, CL4, CL5, CL6, CL7, CL8, CL9, and CL10.

**Figure 4. Effects of Trust in Federal Government and Sociotropic Fear on Support for Civil Liberties**



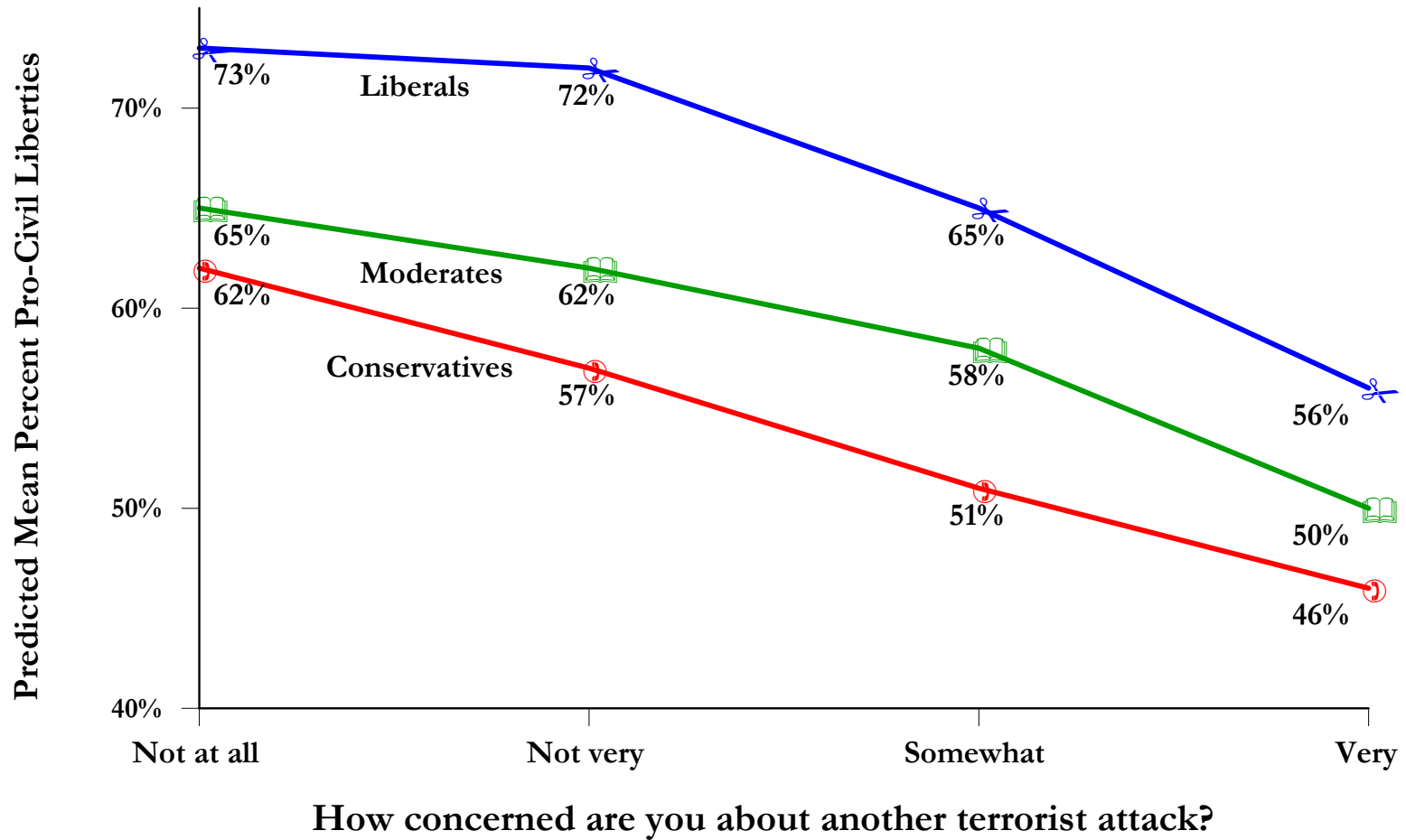
NOTE: Estimates are derived from Equation 3 in Table 3. They are the mean percentage of pro-civil liberties responses associated with the stated levels of trust in federal government and concern about another terrorist attack, adjusted for the effects of other factors in the equation.

**Figure 5. Effects of Trust in Federal Government and Personal Fear on Support for Civil Liberties**



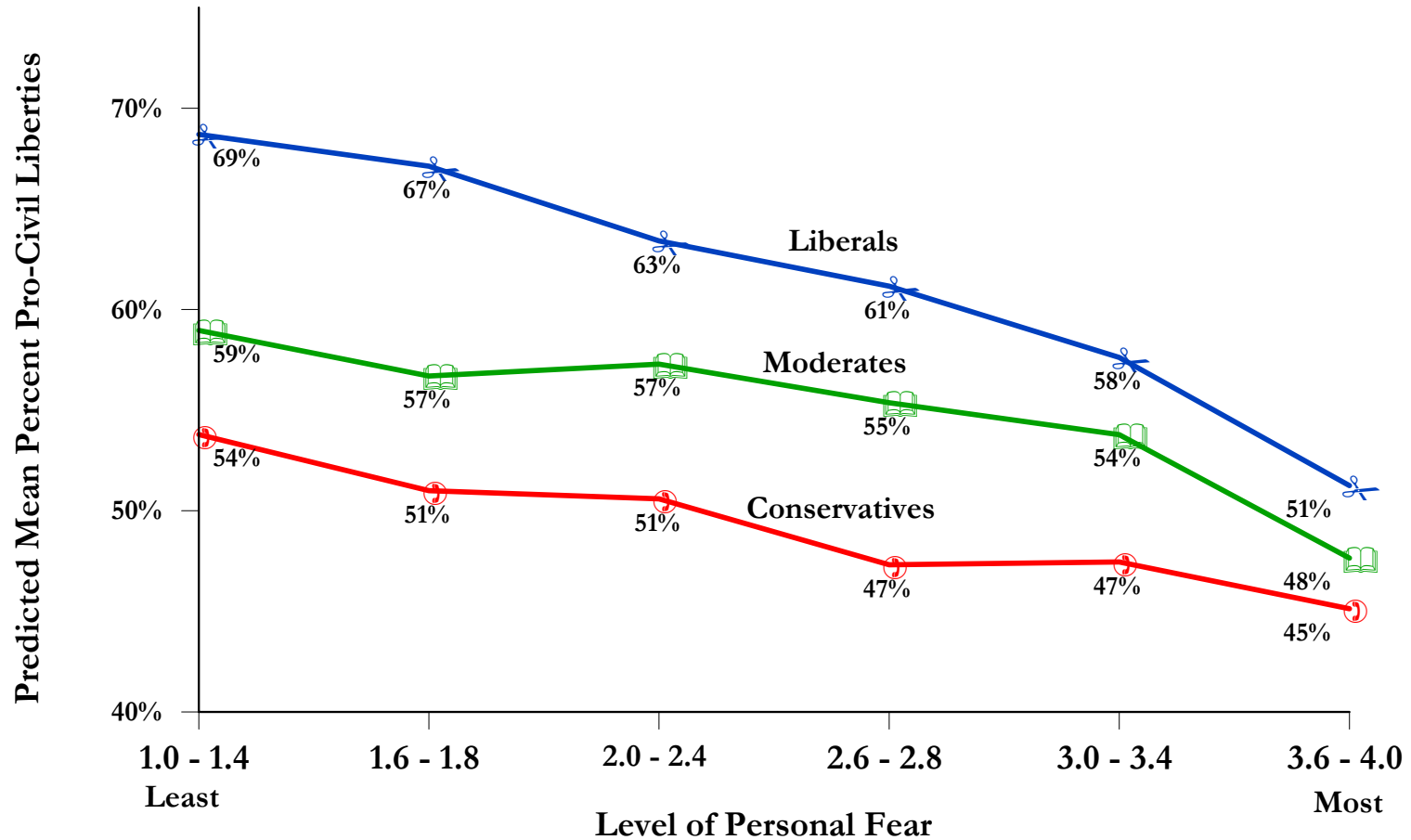
NOTE: Estimates are derived from Equation 3 in Table 3. They are the mean percentage of pro-civil liberties responses associated with the stated levels of trust in federal government and personal fear of a terrorist attack, adjusted for the effects of other factors in the equation.

### Figure 6. Effects of Liberalism-Conservatism and Sociotropic Fear on Support for Civil Liberties



NOTE: Estimates are derived from Equation 3 in Table 3.

**Figure 7. Effects of Liberalism-Conservatism and Personal Fear on Support for Civil Liberties**



NOTE: Estimates are derived from Equation 3 in Table 5.



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<sup>1</sup> The role of elites as the carriers of the democratic creed in the presence of a largely intolerant mass public became an important theme in later research (Prothro and Grigg 1960, McClosky 1964, Jackman 1972).

<sup>2</sup> According to Gibson (1987), there are at least three major advantages of being able to examine support for democratic norms within an actual civil liberties context. First, because most of the time civil liberty issues are not on the minds of most ordinary citizens, responses to tolerance questions may be randomly generated at the point of the interview. Absent a contextual specification of relevant constraints on political tolerance, there is a strong tendency for respondents to give socially desirable responses. The threat and conflict so commonly a part of actual civil liberties disputes are not easily created in the surveys. Second, examining civil liberties in hypothetical contexts does not provide an understanding of the role of context. Third, there is an opportunity to investigate the linkages between attitudes and behaviors.

<sup>3</sup> Our argument here parallels Weissberg's (1998) emphasis on the need for balance between tolerating differences and the need for intolerance toward some kinds of behavior.

<sup>4</sup> According to Tetlock (1986), individuals tend to think about an issue in an integratively complex fashion to the extent that it activates values with conflicting implications for their attitude on the issue.

<sup>5</sup> This argument, of course, echoes Easton's (1965) idea of diffuse support as providing a reservoir upon which the system or political leaders can draw.

<sup>6</sup> An ABC News/*Washington Post* poll conducted January 9-13, 2002, concluded that the high level of trust in the federal government after September 11 was narrowly focused on the government's handling of national security and did not extend to its handling of social issues. [abcnews.go.com/sections/politics/DailyNews/poll010115.html](http://abcnews.go.com/sections/politics/DailyNews/poll010115.html). A series of ABCNews/*Washington Post* polls between Sept. 11, 2001, and March 10, 2002 revealed that a majority of Americans (between 55 and 66 percent at different dates) were confident in the U.S. government's ability to prevent further terrorist attacks against Americans in this country; but polls in May and June 2002 showed that this confidence had slipped to less than a majority (about 45 percent). This decline may reflect revelations during Spring and Summer 2002 about the performance of federal law enforcement and security agencies prior to the September 11 attacks.

[washingtonpost.com/wp-srv/politics/polls/vault/stories/data061102.htm](http://washingtonpost.com/wp-srv/politics/polls/vault/stories/data061102.htm).

<sup>7</sup> Feldman and Stenner (1997), however, did not find a direct relationship between perceived threat and authoritarianism. Instead, they found that the manifestations of authoritarianism – dogmatism, intolerance, prejudice, punitiveness – are greater under conditions of threat.

<sup>8</sup> For example, an ABC News/*Washington Post* poll from March 7-10, 2002, reported, "Another sign of today's climate is the level of expressed patriotism. Seventy-four percent of adults say they're 'extremely' proud to be an American – up from 55 percent in January 2001. (Another 18 percent are "very proud," for a total of 92 percent expressing high levels of pride in the country.)"

[abcnews.go.com/sections/us/DailyNews/poll\\_sixmonths020311.html](http://abcnews.go.com/sections/us/DailyNews/poll_sixmonths020311.html).

<sup>9</sup> Based on AAPOR formula RR4. See "Standard Definitions" at [www.aapor.org/ethics/stddef.html](http://www.aapor.org/ethics/stddef.html).

<sup>10</sup> One weight (USAWT) is to be used when the entire sample is included in the analysis. Others are designed for analysis of the African American subsample (RACEWT) and the Hispanic/Latino subsample (HISPWT). All analyses reported in this paper are based on weighted data.

<sup>11</sup> This time-line draws on "9/11 Timeline," *The Christian Science Monitor*, March 11, 2002.

<sup>12</sup> Quoted in *The Baltimore Sun*, October 10, 2001.

<sup>13</sup> Quoted in *The New York Times*, December 7, 2001.

<sup>14</sup> For example, an ABCNews/*Washington Post* poll indicated that as late as March 10, 2002, 70 percent of Americans were concerned about the possibility of another major terrorist attack in the next few

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months (*Washington Post*, March 11, 2002). This level of concern was virtually unchanged from December 19, 2001, and barely lower than it was on October 15, 2001.

<sup>15</sup> Several of the questions had a follow-up probe for respondents who at first could not decide. That probe led to most initially undecided respondents to indicate which of the alternatives offered was closer to their own.

<sup>16</sup> It is our understanding almost all of the detainees (other than those captured abroad) were held under material witness statutes or as illegal immigrants and hence not accused of terrorism. In the public discourse after the September 11 attacks, including discussion of issues such as providing access to legal counsel and the government's surveillance of communications between the detainees and their lawyers, there was considerable uncertainty and dispute over the rights of those being held, even whether the names of those persons would be publicly disclosed. Thus, we framed the survey question as referring to people suspected of belonging to terrorist organizations rather than trying to specify precisely the legal status of those who are actually detained or the rationale for their being held. The basic issue of whether people should be held indefinitely based on suspicion of belonging to a dangerous organization without specific charges being filed against them is something to which the average American can respond in a survey. Unlimited length of detention of those suspected of terrorism was an original proposal by the U.S. Attorney General for the U.S.A. Patriot Act; but it was not incorporated into the final law.

<sup>17</sup> Using list-wise deletion, a number of cases would have dropped out due to the number of missing cases across the civil liberties items. In order to maximize the number of respondents in the analysis, respondents had to give at least five valid responses to the seven civil liberties value trade-off questions to be included in the scale.

<sup>18</sup> We deliberately chose the word "concern" rather than "fear" because of our own concern that some respondents, especially males, might be reluctant to admit to "fear" or "anxiety."

<sup>19</sup> This mean score correlates .99 with a factor score based on the same items.

<sup>20</sup> Coefficient of (relative) variation: standard deviation divided by the mean.

<sup>21</sup> One reason for this is that our personal fear measure is a composite – concern about flying in an airplane, the safety of food and drinking water, opening the mail, and being in tall buildings or large crowds. If we examine the responses to specific questions, we do find a geography of fear. We intend to explore this in a separate paper.

<sup>22</sup> The dogmatism measure used in the equations is a factor score based on the six 4-point items listed in the Appendix. The higher the score, the greater the dogmatism.

<sup>23</sup> We use two of the original items from Rosenberg's (1956) faith-in-people scale to assess the level of international trust (see Appendix). Previous research suggests that these two balanced items are less subject to acquiescence response-set bias than the three agree-disagree items (Bahry and Silver 1987). The faith-in-people measure is based on the mean score of the two balanced items listed in the Appendix. Respondents who volunteered that "neither" position was close to their own opinion were coded in a middle position. The scores range from 3 (highest faith-in-people) to 1 (lowest faith-in-people).

<sup>24</sup> Thus, government efforts to mobilize people to serve as watchdogs against terrorists in their neighborhoods may well draw more easily on people with high levels of interpersonal trust than on people who are suspicious and uncooperative in their social relations. We should note, however, that the zero-order correlation between the faith-in-people scale and pro-civil liberties responses is .06 – positive but not statistically significant. We find the same positive but not statistically significant effect when we limit the analysis to white respondents (Model 1 in Table 4). These results again suggest that the effects of interpersonal trust are equivocal or contingent on other factors.

<sup>25</sup> In the analysis we rely on a three-part question on ideological self-classification that places people on a 7-point scale ranging from Strong Conservative to Strong Liberal (see the Appendix).

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<sup>26</sup> In this study, we rely on a five-point national pride question that has been widely used in the comparative literature (e.g., Inglehart 1997).

<sup>27</sup> The survey determines Latino/Hispanic identification in the same way as the 2000 U.S. Census short form, by asking respondents whether they are Latino or Hispanic. It does not attempt to differentiate among Latino or Hispanic origins or identities.

<sup>28</sup> Although among Latinos we find no difference in support for civil liberties between those who were born in the U.S. and those who were not, we find that those who speak a language other than English at home are somewhat *less* supportive of making civil liberties trade-offs than those who do not speak another language at home. In planned future re-interviews, we will offer all respondents the option of conducting the interview in either Spanish or English.

<sup>29</sup> Because these estimates are derived from Equation 3, they also take into account the effects of the other variables in the equation, namely the attitudinal and demographic factors. Figure 4 omits the estimates for people who are “not concerned at all” about a terrorist attack. The number of such persons in the survey is very small (56 – less than 4 percent of the total), so that including them in Figure 4 would lead to very unreliable estimates, especially when this small number is further broken down by levels of trust in the government.

<sup>30</sup> The one apparently exceptional combination – for respondents who are “not very concerned” about another terrorist attack and “always trust the government” – includes only 10 respondents. So we do not regard their 62 percent pro-civil liberties score as anomalously high or contradicting the generally observed pattern of negative slopes.

<sup>31</sup> To make the chart easier to read, we have suppressed the estimates for some conditions – when the mean fear is between 1.6 or 1.8 or between 2.6 and 2.8.

<sup>32</sup> When the question of trade-offs was framed in the abstract (CL1), 55 percent chose the pro-civil liberties position in our survey. The distribution was similar in a *Newsweek* poll in June 2002, which reported: “When it comes to giving up civil liberties to fight terrorism, opinion is evenly split, with 46 percent saying the average person should give up some liberties and the same amount saying they should not” (Barrett 2002).

<sup>33</sup> An ABCNews/*Washington Post* poll conducted May 18-19, 2002, showed that majority of Americans found the FBI “negligent” for not following up on a proposal by one of its agents in July 2002 that the Bureau investigate Arabs taking flight-school training in the United States <http://www.msnbc.com/news/774094.asp> ([www.msnbc.com/news/774094.asp](http://www.msnbc.com/news/774094.asp)).

<sup>34</sup> The question numbers correspond to those in the survey instrument. Under each heading the questions appear in the same order as in the questionnaire.