## THE PIPA/KNOWLEDGE NETWORKS POLL

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# Americans on Detention, Torture, and the War on Terrorism

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A joint program of the Center on Policy Attitudes and the Center for International and Security Studies at the University of Maryland



A polling, social science, and market research firm based in Menlo Park, California

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**Knowledge Networks** is a polling, social science, and market research firm based in Menlo Park, California. Knowledge Networks uses a large-scale nationwide research panel which is randomly selected from the national population of households having telephones and is subsequently provided internet access for the completion of surveys (and thus is not limited to those who already have internet access).

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The Center on Policy Attitudes (COPA) is an independent non-profit organization of social science researchers devoted to increasing understanding of public and elite attitudes shaping contemporary public policy. Using innovative research methods, COPA seeks not only to examine overt policy opinions or positions, but to reveal the underlying values, assumptions, and feelings that sustain opinions.

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The search of existing poll data was done with the aid of the Roper iPOLL database.

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#### **INTRODUCTION**

The Abu Ghraib prison scandal has engendered widespread deliberation on the treatment of detainees and the use of coercive methods in interrogation. This was further stimulated by the revelation of Justice Department memos opining that, in the context of the war on terrorism, the US need not be fully constrained by international conventions regarding the treatment of detainees. While the Bush administration has insisted such memos were simply advisory opinions, not policy, they have nonetheless raised compelling questions about whether the US should be constrained from using coercive methods of interrogation when the US is dealing with terrorists, especially when faced with the possibility of a terrorist attack.

Just what the norms are in America is quite unclear. During a June 8<sup>th</sup> Senate Judiciary Committee hearing, Senator Charles Schumer noted what he called the "high dudgeon" of those who seemed to regard all torture as unacceptable and asserted that, "I think there are very few people in this room or in America who would say that torture should never, ever be used, particularly if thousands of lives are at stake."

Prior to the Abu Ghraib prison scandal, there was already controversy related to the question of detention. The Bush administration has taken the position that detainees that are not conventional combatants—in particular those captured in Afghanistan and Iraq, such as suspected al Qaeda members—are not to be afforded many of the protections of international conventions. Especially controversial was their decision to deny such detainees the right to a hearing in which they could contest their detention—a position that was subsequently overruled by the US Supreme Court. Nonetheless, broader questions about the treatment of detainees persist.

More broadly, all of these issues point to the general question of how much the US should be subject to the dictates of international law. Besides the moral question of how detainees should be treated, the benefits of being less constrained by international laws need to be weighed against the potential costs of weakening norms that could affect how Americans are treated when they are being detained.

To find out more about how Americans view these issues of detention and torture, especially in the context of the war on terrorism, PIPA and Knowledge Networks undertook a survey of a nationwide sample of 892 American adults July 9-15 (margin of error +/- 3.3%).

The poll was fielded by Knowledge Networks using its nationwide panel, which is randomly selected from the entire adult population and subsequently provided internet access. For more information about this methodology, go to <a href="https://www.knowledgenetworks.com/ganp">www.knowledgenetworks.com/ganp</a>.

Funding for this research was provided by the Rockefeller Brothers Fund and the Ford Foundation.

Key findings were:

#### 1. International Laws on Detention

#### 2. Detention of Non-conventional Combatants and Terrorists

## 3. International Laws on Torture and Abuse

## 4. Use of Torture and Abuse in Interrogations Related to Terrorism

## 5. Individual Responsibility for Torture and Abuse

## **6.** The Use of Positive Incentives

A large majority is persuaded by the argument that using positive incentives with detainees is a more effective method in interrogations than torture or abuse and very large majorities support using them.....10

#### 7. Views of Bush Administration and the Abu Ghraib Prison Scandal

## 8. The Role of Misperceptions

The political damage from the Abu Ghraib prison scandal for the Bush administration appears to have been mitigated by a number of misperceptions. Many Americans are unaware that Defense Secretary Rumsfeld approved of some of the coercive techniques used. Those that are aware are far more likely to 

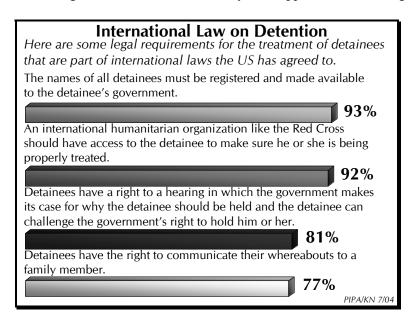
#### **FINDINGS**

#### $oldsymbol{1}.$ International Laws on Detention

Very large majorities support having international laws governing the treatment of detainees in principle and support specific requirements for detainee registration, the right to a hearing, access by the Red Cross, and the right to communicate with relatives.

In principle a very large majority supports having international laws governing the treatment of detainees. Respondents were told the "US has signed a number of treaties establishing international laws governing how a country, in the context of armed conflict, must treat an individual it has detained." An overwhelming majority of 88% favored having such laws, with only 10% opposed.

The public also overwhelmingly supported specific legal requirements agreed to by the US for the treatment of detainees. Ninety-two percent favored laws that require that "the names of all detainees must be registered and made available to the detainee's government" and 77% said they should "have the right to communicate their whereabouts to a family member." Ninety-three percent favored providing "an international humanitarian organization like the Red Cross . . . access to the detainee to make sure he or she is being properly treated."\* A strong majority of 81% also favored giving detainees the "right to a hearing in which the government makes its case for why the detainee should be held and the detainee can challenge the government's right to hold him or her." Only 17% opposed such hearings.

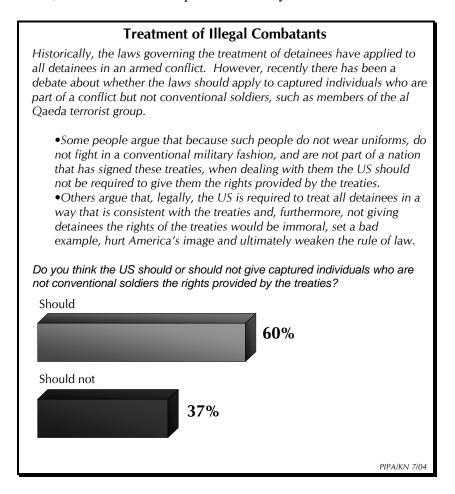


<sup>\*</sup>There is some controversy as to whether this is an absolute legal requirement.

### 2. Detention of Non-conventional Combatants and Terrorists

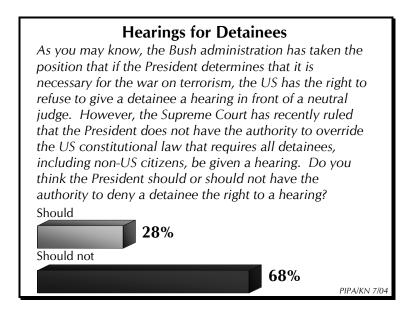
A majority believes that detainees that are not conventional combatants, including members of al Qaeda, should still have the rights conferred by international treaties governing detention. A large majority, consistent with the Supreme Court's decision, rejects the Bush administration's position that, if the President determines that it is necessary for the war on terrorism, the US has the right to refuse to give a detainee a hearing.

Americans were introduced to the current debate about detainee treatment with the following preamble: "Historically the laws governing the treatment of detainees have applied to all detainees in an armed conflict. However, recently there has been a debate about whether the laws should apply to captured individuals who are part of a conflict but not conventional soldiers, such as members of the al Qaeda terrorist group." They were then presented two positions in this debate (see box below) and asked for their position. Despite the explicit mention of al Qaeda terrorist as the prime example, 60% took the position that the US should "give captured individuals who are not conventional soldiers the rights provided by the treaties," while 37% took the position that they should not.



An even larger majority rejected the Bush administration's position that, in the context of the war on terrorism, the President should have the right to deny a detainee the right to a hearing. Respondents were told that "the Bush administration has taken the position that if the president determines that it is necessary for the war on terrorism, the US has the right to refuse to give a detainee a hearing in front of a neutral judge. However, the Supreme Court has recently ruled that the president does not have the authority to override the US constitutional law that requires all detainees, including non-US citizens, be

given a hearing." Asked for their position 68% said that "the president should... not have the authority to deny a detainee the right to a hearing." Only 28% said that he should have that authority.



#### 3. International Laws on Torture and Abuse

In principle a large majority supports having international laws that completely prohibit *physical* torture. More modest majorities support international laws that completely prohibit *mental* torture and humiliating or degrading treatment, while the public divides on whether *threatening* torture should be fully prohibited. However, in every case, when asked whether it would be acceptable for each of these measures to be used against Americans, only very small minorities said it would be. This suggests that were American to think through the full implications of international laws on torture and abuse, a large majority would likely support all of the restrictions currently in place.

Respondents were asked to consider international laws on torture and abuse. First they were told: "The US and most countries in the world have signed a number of conventions—that is, treaties that create international laws--that prohibit certain methods for trying to get information from detainees." They were then presented a list of prohibitions and asked whether they favored each or if they found it "too restrictive"—the latter phrase offering a rationale for rejecting the prohibition.

In most cases a majority favored the prohibition. The largest majority (66%) endorsed the rule that "governments should never use *physical* torture," while 30% found that "too restrictive." Fifty-five percent also favored prohibitions that say "governments should never use *mental* torture—such as making someone think that they or their family members will be killed," with 41% finding this too restrictive. Fifty-two percent endorsed a complete prohibition on "humiliating or degrading treatment" with 44% opposed.

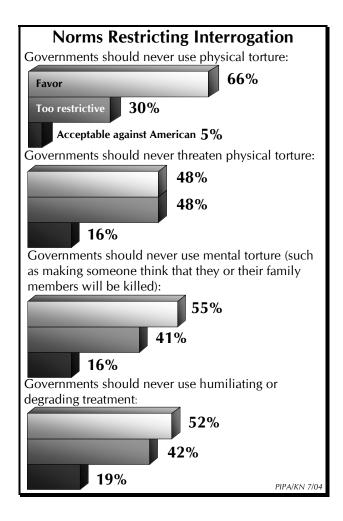
The one case where the response was divided was on the complete prohibition of government *threatening* physical torture. In this case the same percentage—48%-- favored it and found it too restrictive.

Naturally the focus of the question was on the restriction it imposed on one's government against an individual who is likely to be unfriendly. To more fully think through what the norms of international

behavior should be requires thinking in terms of another government taking such an action against one's fellow citizens.

To prompt this thinking, respondents who said that any of the prohibitions were too restrictive were then asked whether they would find it acceptable if such a method were applied against an American. Only quite small percentages found each method acceptable. Only 5% (of the total sample) found physical torture acceptable, 16% found mental torture acceptable, 19% found humiliating and degrading treatment acceptable, and only 16% found threatening physical torture acceptable.

This suggests that if Americans were given the task of thinking through the full implications of international norms related to torture and abuse, a large majority would likely favor all of the restrictions of international law.



## 4. Use of Torture and Abuse in Interrogations Related to Terrorism

On balance Americans lean toward the view that even when conducting interrogations as part of the war on terrorism, the US should not make exceptions to the laws governing the treatment of detainees. If the US is highly confident that a detainee is withholding information that could prove critical to stopping a terrorist attack on the US, majorities still reject using most forms of torture and abuse. However a majority would accept using sleep deprivation, hooding, loud noises, and,

for a bare majority, stress positions. Identifying the detainee as a member of a terrorist group does not increase the readiness to use coercive methods.

Americans show ambivalence about whether, when conducting interrogations in the context of the war on terrorism, the US should make exceptions to the laws governing the treatment of detainees, but they are more persuaded by arguments that the US should not. Respondents were told that "Currently there is a debate about whether, when it comes to interrogating detainees who are suspected of involvement in terrorism or who might have information that would be useful in the war on terrorism, the US should be able to make exceptions to the legal prohibitions on the treatment of detainees." They were then presented a series of arguments for and against making such exceptions.

All of the arguments in opposition to making such exceptions were found convincing by very large majorities. Seventy-five percent found convincing the argument that torture and abuse is "morally wrong" and that "the United States as a great nation, and as a moral leader in the world, should not set a bad example and lower itself by engaging in torture or cruel or degrading treatment." The same percentage found convincing the argument that "If the US makes exceptions to international laws against torture and abuse, other countries and groups will feel freer to make exceptions, thus making it more likely that when Americans are detained they will be tortured or abused."

The argument based on uncertainty about the guilt or information value of a detainee was also persuasive. Seventy percent found convincing the argument that "Because we often do not know for sure that someone actually has useful information or is in fact a terrorist, if torture or abuse is allowed, a significant number of innocent people will end up being tortured or abused."

Sixty-six percent found convincing the pragmatic argument that "Research says that torture and abuse is not an effective way to get information out of people, because people will lie just to get the torture to stop. Rather, it is better to use positive incentives."

However, though all of the arguments against making exceptions did better than all of the arguments in favor, all of the arguments in favor of exceptions received a divided response or even a majority—a strong indication that many people feel ambivalent about the question. Interestingly, one of the most widely cited arguments did the least well. Only 47% found convincing the argument that "Because getting information from suspected terrorists could save many innocent people's lives, it would be immoral to limit ourselves from using whatever method may be useful for getting that information."

The broader argument that the post-September 11<sup>th</sup> environment creates new and special conditions—an argument implicit in some controversial Justice Department memos--was found convincing by a bare majority of 52%: "Given what we learned from the September 11 attacks, we cannot afford to tie our hands by declaring off limits any method for getting information that could be useful in the war on terrorism."

The same bare majority found convincing the argument that "Terrorist groups obviously do not feel obliged to abide by international laws against torture and abuse. So the US should not feel obliged to always be limited by these laws when dealing with terrorists."

However, one argument was found convincing by a more robust 63%. This argument first affirmed the value of maintaining the norm against torture, and stressed that in limited circumstances exceptions may be necessary: "Whenever possible, military interrogators should limit themselves to methods that are humane and consistent with international conventions. However, at times, military necessity may call for making exceptions to these rules."

#### Scenarios Where Torture or Abuse Might Be Approved

Going beyond the general formulations of principles, respondents were presented a number of scenarios in which a detainee is believed to have information that could be useful in fighting terrorism. Respondents then had to decide whether they would be favor using various techniques to extract that information.

The scenarios were varied according to two factors. One was the degree of certainty that the detainee had information. Half were told that "intelligence sources say that there is a modest chance" that the detainee has crucial information and the other half were told that there is a "strong chance."

The other factor was the magnitude of consequences related to the information sought from the detainee. Half the sample was told that the detainee is suspected of having "some information about a suspected member of a terrorist group," thus the consequences of acquiring the information might be modest. The other half sample was told that the consequences of acquiring the information could be very great: that the detainee has "information about a possible terrorist attack on the US that may prove critical to stopping the attack."

These two sets of variables then produced four different scenarios: modest certainty-modest consequences, high certainty-modest consequences, modest certainty-high consequences, and high certainty-high consequences. Naturally, the high certainty-high consequences scenario was of special interest, as it is presumably the one most likely to elicit willingness to use torture or abuse and is similar to what has been called the "ticking-bomb" scenario.

After respondents were given a scenario, they were then told, "Please select whether you would favor or oppose using each of the following methods as a way of trying to get the prisoner to reveal the information he may have," and presented 14 different coercive methods.

For all but the high certainty-high consequences scenario, there was only one method that was endorsed by a majority, which was "Not allowing the detainee to sleep." This ranged from 55-56% support in the lesser scenarios to 65% for the high certainty-high consequences scenario.

For the high certainty-high consequence scenario there were three other techniques that received majority approval—"keeping a hood over the detainee's head for long periods of time" (56% approve) "bombarding the detainee with loud noise for long periods of time" (56% approve) and "forcing detainees to remain in a physically stressful position for an extended period" (52% approve).

Of the ten other methods, none received majority support and most were roundly rejected. The most widely rejected was sexual humiliation, which was approved by just 7-11%.

Support for Coercive Methods in 4 Scenarios					
	Modest consequences		High consequences		
Coercive Method	Modest confidence	High confidence	Modest confidence	High confidence	
Sleep deprivation	55	55	56	65	
Hooding	47	49	50	56	
Loud noise	43	47	48	56	
Stress positions	39	40	44	52	
Threatening dogs	36	30	37	41	
Deny food or water	33	30	34	44	
Threaten to shoot	27	30	36	34	
Expose to extreme hot & cold	28	23	31	34	
Make go naked	21	19	28	25	
Threaten to harm family	20	18	24	28	
Electric shocks	14	11	20	19	
Punch or Kick	17	9	18	18	
Water boarding	12	8	16	17	
Sexual humiliation	10	7	11	10	

#### **Varying the Description of the Detainee**

The study also varied the description of the detainee in three different scenarios, each presented to one third of the sample. "US military forces have detained an individual in Iraq who they believe ...

1. May have information about a terrorist group. However, when asked, he denies having such information.

OR

2. May have information about a terrorist group. However, when asked, he refuses to give this information because he says that if he does the terrorists will hurt him or his family.

OR

3. Is a member of a terrorist group. However, when asked for information about the terrorist group, he repeatedly refuses to answer."

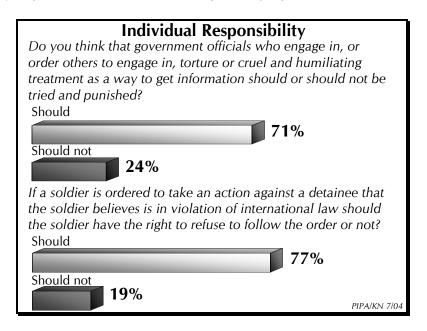
For each scenario, respondents tended to be evenly divided -47 to 54% across the three detainee descriptions saying that they favored "putting pressure on him by forcing him into a physically stressful position for an extended period of time." Differences between scenarios were not statistically significant, though once again the "stressful position" interrogation technique seems to be acceptable to about half of the public.

## 5. Individual Responsibility for Torture and Abuse

Large majorities hold individuals responsible for their actions in regard to torture and abuse. A large majority says that government officials who engage in, or order others to engage in, torture or cruel and humiliating treatment as a way to get information should be tried and punished. An even larger majority says that if a soldier is ordered to take an action against a detainee that the soldier believes is in violation of international law, the soldier has the right to refuse to follow the order.

Large majorities support holding individuals responsible for their actions in regard to torture and abuse. Asked whether "government officials who engage in, or order others to engage in, torture or cruel and humiliating treatment as a way to get information should be tried and punished," 71% said they should, with just 24% saying they should not.

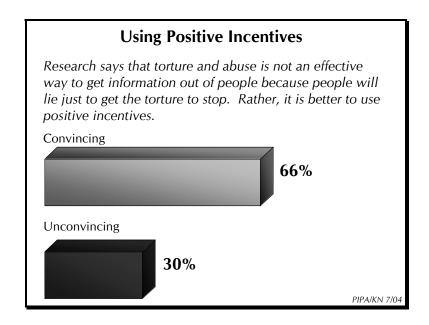
Consistent with this view of personal responsibility, a large majority says that even soldiers should have the right to disobey an order to engage in such action. Asked whether a soldier "ordered to take an action against a detainee that the soldier believes is in violation of international law should or should not have the right to refuse to follow the order," a remarkable 77% said that the soldier should have the right, with only 19% saying a soldier should not. It is important to note that the question did not specify that the action was in fact in violation of international law—only that the soldier believed that it was. Thus the public seems ready to give soldiers latitude in making such a judgment.



## **6.** The Use of Positive Incentives

A large majority is persuaded by the argument that using positive incentives with detainees is a more effective method in interrogations than torture or abuse and very large majorities support using them.

Two out of three respondents found convincing the argument that positive incentives are more effective than torture and abuse for eliciting information during interrogations (see box below).

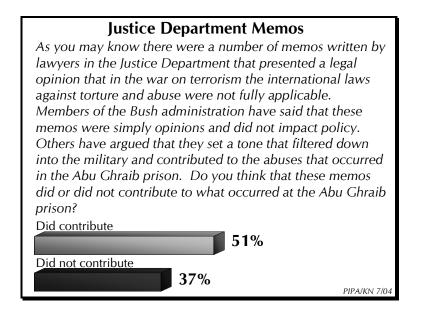


When respondents were presented the four scenarios, discussed above, in which a detainee was being interrogated, in addition to various coercive methods, respondents were given the option of "offering detainees a positive incentive for giving information." For every scenario overwhelming majorities favored such an approach, ranging from 82 to 87%. This was a far higher level of support than for any of the coercive methods.

#### 7. Views of Bush Administration and the Abu Ghraib Prison Scandal

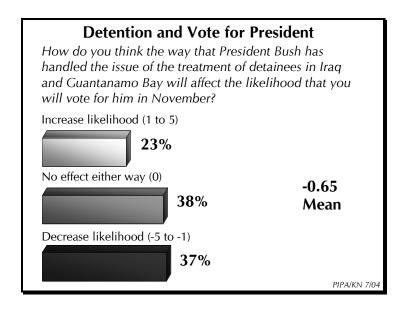
A modest majority believes the Justice Department memos, saying that in the war on terrorism prohibitions on the use of coercive techniques in interrogations were not fully applicable, contributed to the Abu Ghraib abuses. A very large majority also believes more detainees have been improperly held in secret than has so far been revealed. At the same time, the Bush administration appears to be suffering only modest political damage as the result of the Abu Ghraib prison scandal.

A controversial issue surrounding the Abu Ghraib prison scandal centers on a series of Justice Department memos that made the case that in the context of the war on terrorism international laws against torture and abuse, such as the Geneva Conventions, were no longer fully applicable. Some have argued that these memos contributed to the Abu Ghraib prison abuses, while Bush administration figures have argued the contrary. When respondents were presented this debate, 51% took the position that the memos "set a tone that filtered down into the military and contributed to the abuses that occurred in the Abu Ghraib prison." Only 37% agreed with the Bush administration's assertion that "these memos were simply opinions and did not impact policy" and "did not contribute to what occurred at the Abu Ghraib prison." A fairly sizable 12% declined to answer.



A surprisingly large majority expressed doubts about the administrations' adherence to laws requiring the registration of detainees—a requirement 92% of respondents said they endorse. Respondents were told "it was recently revealed that the Defense Department, in response to a request from the CIA, did not register a detainee and held him in secret for seven months. The Defense Department has since said that this should not have been done and has registered that detainee." However, only 13% believed that this was "a one-time occurrence," while 83% believed that "others have been held secretly without being registered."

Despite these perceptions, it appears that the Bush administration is only suffering modest political damage as a result. Asked, "How do you think the way that President Bush has handled the issue of the treatment of detainees in Iraq and Guantanamo Bay will affect the likelihood that you will vote for him in November?" 37% said that it would them less likely to vote for him, while 22% said that it would make them more likely to vote for him—a net negative of 15%. When asked, "Who do you think would do a better job of dealing with an issue like the treatment of detainees in Iraq and Guantanamo Bay?" President Bush only scored two points behind Senator Kerry (43% to 45%).

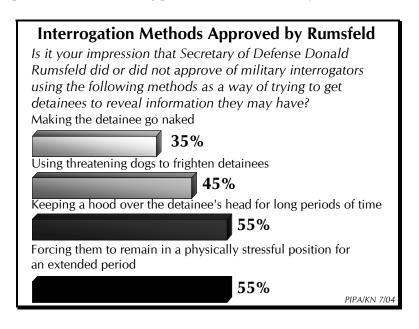


Asked whether "Donald Rumsfeld should resign or be removed from his job as Secretary of Defense as a result of the Iraqi prisoner scandal," only 35% said that he should, while 59% said that he should not. This is virtually unchanged from the 30% that favored his resigning in response to the same question in a Newsweek poll in May 2004, just after the scandal broke: 57% then said he should not.

#### 8. The Role of Misperceptions

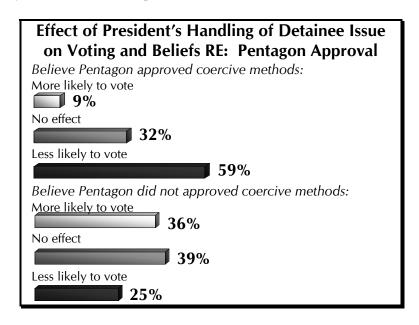
The political damage from the Abu Ghraib prison scandal for the Bush administration appears to have been mitigated by a number of misperceptions. Many Americans are unaware that Defense Secretary Rumsfeld approved of some of the coercive techniques used. Those that are aware are far more likely to say that Rumsfeld should be removed from office and that the President's handling of the situation will decrease their likelihood to vote for him. Also, the majority of Americans overestimate the extent to which the prisoners at Abu Ghraib prison were terrorists or insurgents who had attacked US troops or Iraqi civilians. Here again, those that do not have this misperception are more likely to take the administration to task for the incidents.

The political damage from the Abu Ghraib prison scandal for the Bush administration appears to have been mitigated by a number of misperceptions. Many Americans appear to be unaware that Defense Secretary Rumsfeld approved of some of the controversial interrogation techniques used at Abu Ghraib. Only 35% were aware that he had approved of making detainees "go naked," while 50% thought he had not approved and 15% did not know. Only 45% were aware that he approved of "using threatening dogs to frighten detainees," while 40% thought he had not approved and 14% did not know. Fifty-five percent knew that he had approved of "keeping a hood over the detainee's head" and "forcing them to remain in a physically stressful position" (55%) for long periods of time, but nearly half were not aware.



Perceptions of whether Rumsfeld approved of these techniques were related to how the president's handling of the detainee issue impacted respondent's likelihood to vote for the president. Among those who thought Rumsfeld had approved of nakedness, 57% said they were less likely to vote for the President, while only 12% said they were more likely (a net of minus 45%). For those who knew that Rumsfeld had approved of threatening dogs, 53% were less likely (net minus 38%); of those who knew Rumsfeld had approved of stress positions, 49% were less likely (net minus 31%); and of those who knew he had approved of hooding, 48% were less likely (net minus 31%).

Among those who knew that Rumsfeld had approved all of these measures, 59% said they were less likely to vote for the president (net minus 50%). Conversely, among those who believed that Rumsfeld had not approved any of these techniques only 25% said they were less likely to vote for the president, while 36% said they more likely to vote for him (net plus 11%).



These responses were not simply a result of people affirming their partisan positions on the issue. Among Republicans, those who knew that Rumsfeld had approved of all of the positions were 13% higher on being less likely to vote for the president than those who thought Rumsfeld had not approved of any. The spread for Democrats was similar at 14%. For independents, though, the spread was 33%, suggesting that they were considerably more responsive to this information.

Perceptions of whether Rumsfeld approved of these techniques were also highly related to attitudes about his removal from office. Support for his removal was much higher among those who knew that he had approved of nakedness (58%), threatening dogs (54%), stress positions (48%) and hooding (49%), than among those who thought he had not approved of them. In all cases, among those who believed that he had not approved of them, only 26-28% favored his removal.

Another misperception that appears to have mitigated the political consequences for the Bush administration was in regard to how many of the prisoners at Abu Ghraib "were terrorists or insurgents who had attacked US troops or Iraqi civilians." While ICRC estimates are that no more than 30% fell in this category (and possibly many fewer), the mean estimate among respondents was 59%. Only 25% of respondents gave estimates under 40%, while 40% gave estimates above 60%, and 21% gave estimates of 40-60%.

Those who perceived this situation more correctly were also more apt to say that the president's handling of the situation would decrease their likelihood to vote for the president. Among those who gave estimates that were approximately correct (under 40%), 53% said they were less likely to vote for the president (net minus 35%). Among those who gave estimates of 40-60%, 40% were less likely (net minus 23%). Among those who have estimates of more than 60%, only 25% were less likely to vote for the president (net plus 8%).

Those who perceived this situation more correctly were more apt to say that Rumsfeld should be removed. Among those who gave estimates that were approximately correct (under 40%), 50% thought he should be removed. Among those who gave estimates of 40-60%, 43% thought he should be removed. Among those who have estimates of more than 60%, just 21% thought he should be removed.

#### METHODOLOGY

The poll was fielded by Knowledge Networks, a polling, social science, and market research firm in Menlo Park, California, with a randomly selected sample of its large-scale nationwide research panel. This panel is itself randomly selected from the national population of households having telephones and subsequently provided internet access for the completion of surveys (and thus is not limited to those who already have internet access). The distribution of the sample in the web-enabled panel closely tracks the distribution of United States Census counts for the US population on age, race, Hispanic ethnicity, geographical region, employment status, income, education, etc.

The panel is recruited using stratified random-digit-dial (RDD) telephone sampling. RDD provides a non-zero probability of selection for every US household having a telephone. Households that agree to participate in the panel are provided with free Web access and an Internet appliance, which uses a telephone line to connect to the Internet and uses the television as a monitor. In return, panel members participate in surveys three to four times a month. Survey responses are confidential, with identifying information never revealed without respondent approval. When a survey is fielded to a panel member, he or she receives an e-mail indicating that the survey is available for completion. Surveys are self-administered.

For more information about the methodology, please go to: www.knowledgenetworks.com/ganp.