

State of the First Amendment 2011

Sponsored by the First Amendment Center

The First Amendment Center has supported an annual national survey of American attitudes about the First Amendment since 1997. The “State of the First Amendment: 2011” is the 15th survey in this series. This year’s annual survey repeats some of the questions that have been administered since 1997 and includes a new series of questions, which examines the various categories and providers of news sources that Americans trust the most.

This report summarizes the findings from the 2011 survey, and where appropriate, depicts how attitudes have changed over time. The first section of this report presents the survey methodology used to conduct the State of the First Amendment research. The second section highlights the key findings from the 2011 project. The final section presents the complete survey results including question wording and the trend data.

Survey Methodology

The First Amendment Center conducted a general public survey of attitudes about the First Amendment once again in 2011. The questionnaire was administered to a national sample of 1,006 American adults by telephone. The questionnaire was developed by Dr. Ken Dautrich of The Pert Group and First Amendment Center Executive Director Gene Policinski. The survey was conducted in June 2011.

Interviews were conducted under the supervision of Dr. Dautrich. The interviewers were conducted by trained, professional interviewers through the use of a computer-assisted-telephone-interviewing system (CATI). The survey instrument and related survey protocols were field tested and refined prior to commencing the survey. Interviews were extensively monitored to ensure quality standards.

The national sample used in this survey included national phone numbers in the contiguous 48 states. The sample was stratified to ensure that broad geographic regions were represented in proportion to their share of the total adult population in the United States. Within each of these regions, telephone numbers were generated using a random-digit-dial process thus giving every phone number a chance of being selected. Once selected, each phone number was contacted a minimum of four times to attempt to reach an eligible respondent. Within each household, one eligible respondent was interviewed.

The sampling error for a sample size of 1,006 is +/-3.2% at the 95% level of confidence. This means that there is only one chance in twenty that the results of a survey this size would differ by more than 3.2 percentage points in either direction from the survey results. The sampling error for sub-groups is larger.

Key Findings

Americans are trending toward greater awareness and support for First Amendment rights on many of the core tracking questions:

- When asked to name the freedoms of the First Amendment 62% of Americans could name the freedom of speech, followed by 19% who could say the freedom of religion, 17% mention the freedom on press, then 14% say the right to assemble, and 3% named the right to petition. Thirty percent of Americans cannot list any of the rights guaranteed by the First Amendment.

The percent of Americans who can name these five First Amendment rights has generally increased over the years since the project began in 1997. In 2011, however the percent that could name the freedom of the press, the freedom of religion, and the right to petition decreased.

- The majority of Americans believe that the First Amendment does not go too far in the rights it guarantees. The gap between those who believe it goes too far and it does not go too far has increased overtime. In 2011, 79% state the First Amendment does not go too far and 18% think it does go too far.
- Since 1997 Americans increasingly agree that musicians should be allowed to sing potentially offensive songs. Originally, 51% agreed and 47% disagreed with allowing musicians to sing offensive lyrics and today 67% agree and 30% disagree.
- In 2004, 39% of Americans thought the media try to report without bias while 58% believed that there were biases in the media. Americans increasingly believe that the media are biased, as 33% still think the media report without a bias and 66% see a bias in the media.

Over the past few years Americans have come to more intensely agree that news media should act as a watchdog. Forty-eight percent strongly agreed with this statement in 2009 and this year 54% strongly agreed.

- The number of Americans who believe that the First Amendment requires a clear separation of church and state remains about the same as last year, with 67% agreeing there is a clear separation and 28% disagreeing with the statement.
- In 1997, a question was asked about students being allowed to report on controversial issues in student newspapers without the approval of school authorities. Originally 45% of Americans disagreed while 52% of Americans agreed with this statement. Over the years Americans have come to agree more with this statement and this year the majority (51%) agree that students should be allowed to report without permission while 45% disagree with the statement.
- The majority of Americans, 62%, believe that public schools should not have the authority to discipline students who use their own computers at home to post material that the officials label as offensive. Thirty-five percent of Americans think that school officials should have this power.
- Americans were first asked in 1997 if journalists should be allowed to keep a news source confidential and the vast majority (85%) agreed. The smaller number that did not believe that sources should be allowed to remain confidential was 23%. The opinion has been shifting over the past 14 years and today only 75% agree while 23% now think that journalists should not be allowed to keep a news source confidential.
- There has been a small change in the percentage of Americans who think broadcasters and others should be allowed to televise the proceedings of the United States Supreme Court since the question was introduced in 1997. The number that agree with this is now at 78% the highest it has been over the years, and the percent who disagree is the second lowest it has been at 19%.
- The number of Americans who believe that the freedom to worship as one chooses applies to all religious groups has returned to similar levels as in 1997 and 2000. The percentage of Americans who believed that the freedom to worship does not apply to extreme religious groups drastically increased post-2001 but respondents have slowly returned to the original opinions with 67% of Americans believing this right applies to all groups and 22% believing it does not apply to extreme groups.
- In 1997 Americans were split when asked if the United States Constitution should be amended to prohibit flag burning or desecration as a form of political dissent. Each year since more have come to believe that the Constitution should not be amended and now the majority 58% state that the Constitution should not be amended while 39% still think it should be amended.

- This year a new question was introduced inquiring as to which sources of news Americans trust the most. Most, 40%, trust television, followed by the 21% who chose newspapers. Sixteen percent of people trust online news sites the most, while 12% stated they trust the radio and 9% said they do not trust any source of news.

When those who chose newspaper and television were asked whether they trusted national or local providers of news, they were evenly split, however both leaned slightly toward national newspapers and television. Radio listeners were dead even each at 48% between national and local, and 48% of online news seekers chose new kinds of websites over the 45% who chose traditional websites.

State of the First Amendment 2011: Questions, Answers and Trends

Q1. As you may know, the First Amendment is part of the U.S. Constitution. Can you name any of the specific rights that are guaranteed by the First Amendment?

	1997	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Freedom of the press	11%	12%	12%	14%	14%	16%	15%	16%	13%	16%	15%	16%	18%	17%
Freedom of speech	49%	44%	60%	59%	58%	63%	58%	63%	56%	63%	56%	55%	61%	62%
Freedom of religion	21%	13%	16%	16%	18%	22%	17%	20%	17%	19%	15%	18%	23%	19%
Right to petition	2%	2%	2%	1%	2%	2%	2%	3%	3%	3%	3%	4%	6%	3%
Right of assembly	10%	8%	9%	10%	10%	11%	10%	14%	11%	17%	14%	14%	14%	14%
Don't Know	N/A	N/A	37%	36%	35%	37%	35%	29%	36%	29%	40%	39%	33%	30%

Q2. The First Amendment became part of the U.S. Constitution more than 200 years ago. This is what it says:

'Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.'

Based on your own feelings about the First Amendment, please tell me whether you agree or disagree with the following statement: The First Amendment goes too far in the rights it guarantees.

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Agree	28%	22%	39%	49%	34%	30%	23%	18%	25%	20%	19%	17%	18%
Disagree	67%	74%	58%	47%	60%	65%	72%	76%	70%	74%	73%	79%	79%
Don't Know	5%	5%	3%	3%	7%	5%	5%	6%	4%	4%	8%	4%	4%

Q3-Q9: Now please tell me whether you agree or disagree with the following statements:

Q3. Musicians should be allowed to sing songs with lyrics that others might find offensive.

	1997	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Strongly Agree	23%	25%	32%	34%	31%	35%	34%	31%	41%	32%	42%	37%	46%	42%
Mildly Agree	28%	29%	27%	27%	26%	26%	25%	25%	22%	23%	23%	24%	22%	25%
Mildly	16%	15%	12%	9%	14%	10%	12%	14%	11%	13%	9%	9%	10%	12%

Disagree														
Strongly Disagree	31%	26%	28%	28%	27%	26%	26%	24%	23%	29%	24%	22%	17%	18%
Don't Know	3%	4%	2%	2%	2%	3%	3%	7%	3%	2%	3%	8%	5%	2%

Q4. Overall, the news media tries to report the news without bias. [2004, 2005, 2007, 2008, 2011]

	2004	2005	2007	2008	2011
Strongly Agree	15%	13%	16%	14%	17%
Mildly Agree	24%	20%	21%	18%	16%
Mildly Disagree	19%	22%	21%	21%	19%
Strongly Disagree	39%	42%	39%	43%	47%
Don't Know	3%	3%	3%	4%	3%

Q5. It is important for our democracy that the news media act as a watchdog on government. [2004, 2005, 2008, 2009, 2011]

	2004	2005	2008	2009	2011
Strongly Agree	49%	50%	51%	48%	54%
Mildly Agree	28%	24%	25%	23%	22%
Mildly Disagree	11%	11%	8%	9%	9%
Strongly Disagree	10%	11%	11%	13%	12%
Don't Know	3%	3%	5%	7%	3%

Q6. The First Amendment requires a clear separation of church and state.

	2010	2011
Strongly Agree	48%	48%
Mildly Agree	18%	19%
Mildly Disagree	13%	11%
Strongly Disagree	15%	17%
Don't Know	7%	5%

Q7. Public high school students should be allowed to report on controversial issues in their student newspapers without approval of school authorities. [1997, 1999, 2000, 2011]

	1997	1999	2000	2011
Strongly Agree	24%	19%	26%	27%
Mildly Agree	21%	18%	17%	24%
Mildly Disagree	23%	27%	22%	21%
Strongly Disagree	29%	33%	33%	24%
Don't Know	3%	3%	3%	3%

Q8. Public schools should be allowed to discipline students who use their own personal computers at home to post material that school officials say is offensive.

	2010	2011
Strongly Agree	20%	21%
Mildly Agree	12%	14%
Mildly Disagree	18%	23%
Strongly Disagree	43%	39%
Don't Know	8%	5%

Q9. Journalists should be allowed to keep a news source confidential. [1997, 1999, 2000, 2004, 2007, 2008, 2011]

	1997	1999	2000	2004	2007	2008	2011
Strongly Agree	58%	48%	52%	42%	43%	45%	48%
Mildly Agree	27%	31%	25%	28%	32%	25%	27%
Mildly Disagree	6%	10%	8%	13%	10%	11%	11%
Strongly Disagree	6%	9%	10%	12%	11%	11%	12%
Don't Know	2%	3%	5%	5%	4%	7%	3%

Q10. Broadcasters and others should be allowed to televise the proceedings of the United States Supreme Court. [1997, 2000, 2001, 2005, 2011]

	1997	2000	2001	2005	2011
Strongly Agree	44%	48%	51%	54%	54%
Mildly Agree	29%	25%	26%	24%	24%
Mildly Disagree	11%	10%	9%	9%	10%
Strongly Disagree	12%	13%	12%	9%	9%
Don't Know	3%	4%	1%	3%	3%

Q11. Do you feel that the freedom to worship as one chooses applies to all religious groups regardless of how extreme their views are, or was it never meant to apply to religious groups that most people would consider extreme or fringe?

	1997	2000	2007	2008	2010	2011
Applies to all groups	69%	72%	56%	54%	61%	67%
Does not apply to extreme groups	24%	19%	27%	29%	28%	22%
Don't Know	7%	9%	16%	16%	11%	10%

Q12. Some people feel that the U.S. Constitution should be amended to make it illegal to burn or desecrate the American flag as a form of political dissent. Others say that the U.S. Constitution should not be amended to specifically prohibit flag burning or desecration. Do you think the U.S. Constitution should or should not be amended to prohibit burning or desecrating the American flag?

	1997	1999	2000	2001	2002	2003	2004	2005	2007	2008	2009	2010	2011
Should Not	49%	48%	51%	59%	51%	55%	53%	63%	59%	57%	60%	58%	58%
Should	49%	51%	46%	39%	46%	46%	45%	35%	38%	40%	35%	38%	39%
Don't Know	2%	1%	3%	2%	2%	2%	3%	3%	3%	3%	5%	4%	3%

Q13. Which of the following do you most trust as a source of news?

	2011
Newspaper	21%
TV	40%
Online News Sites	16%
Radio	12%
None	9%
Don't Know	2%

a. IF NEWSPAPERS: Which do you trust more?

	2011
National Newspaper	51%
Local Newspaper	45%
Don't Know	4%

b. IF TELEVISION: Which do you trust more?

	2011
National Television	49%
Local Television	46%
Don't Know	5%

c. IF RADIO: Which do you trust more?

	2011
National Radio	48%
Local Radio	48%
Don't Know	3%

d. IF ONLINE NEWS: Which do you trust more?

	2011
Traditional Websites	45%
New Kinds of Websites	48%
Don't Know	7%