

The State of the First Amendment: 2012

A Project 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: 2012” is the 16th survey in this series. This year’s annual survey repeats some of the questions that have been administered since 1997 and includes new questions on the role of religion in the presidential election, attitudes about government’s control of the Internet, and opinions about the use of copyrighted material on the Internet.

This report summarizes the findings from the 2012 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 2012 project. The final section presents the complete survey results including question wording and trend data.

Survey Methodology

The First Amendment Center conducted a general public survey of attitudes about the First Amendment once again in 2012. The questionnaire was administered to a national sample of 1,006 American adults by telephone. The questionnaire was developed by Dr. Ken Dautrich and First Amendment Center Director Gene Policinski. The survey was conducted in June 2012.

Interviews were conducted under the supervision of Dr. Dautrich. The interviews 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 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 the sample of 1,006 American adults is +/-3.2% at the 95% level of confidence. This means there is only one chance in 20 that the results of a survey this size would differ by more than 3.2 percentage points in either direction from the survey results.

Key Findings

- When asked to name the five specific freedoms in the First Amendment, 65% of respondents could name freedom of speech, followed by 28% who could name the freedom of religion, 13% the freedom of the press, 13% the right to assemble, and 4% the right to petition. Twenty-seven percent of respondents could not list any of the rights guaranteed by the First Amendment.

The percentage of Americans who can name these five First Amendment rights has generally increased over the years since the project began in 1997. In 2012, however, the percentage who could name freedom of the press and the right to assemble decreased.

Awareness of freedom of religion dramatically increased this year to 28%, the highest percentage ever recorded for that right. Also, the 65% naming freedom of speech is the highest recorded since 1997 when the survey began.

- The majority of poll respondents 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 not too far has increased over time. In 2012, 81% of respondents said the First Amendment does not go too far and 13% said 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. Today, 69% agree and 27% disagree. This is the highest recorded percentage of those who agree that musicians should be allowed to sing songs with lyrics that some people might find offensive.
- Only about one-third of Americans continue to believe that the news media attempt to report on news without bias.
- Over the years, Americans have overwhelmingly agreed that the news media should act as a government watchdog. In 2012, 75% of people agreed with this, while only 20% disagreed.
- The majority of Americans, 57%, continue to believe that public schools should not have the authority to discipline students who use their own computers at home to post material that administrators label as offensive. Thirty-four percent of Americans think that school officials should have this power.

This year a few new questions were introduced to the study:

- The majority of respondents, 59%, do not believe the government should be allowed to take control of the Internet and limit access to social media and Web outlets such as AOL and Yahoo in the event of a national emergency.

Americans feel very strongly about this, with fully 44% “strongly” disagreeing that government should have this power and another 15% “mildly” disagreeing.

- The majority of Americans, 59%, think that the government should be allowed to prosecute Internet users who illegally distribute copyrighted music and movies online.
- Eighty-five percent, an overwhelming majority of respondents, believe that people should be allowed to record or photograph the activities of the police in public as long as they do not interfere with what the police are doing. Those that agree felt very strongly, 66%, that people should have this right.
- The survey asked Americans about their feelings about posting copyrighted material on the Internet and social media. In the case when no money is being made, respondents were divided: 46% said people should be allowed to post copyrighted materials without paying rights fees while 42% disagreed.

However, in the case when money is being made, a majority of Americans, 64%, disagreed that someone should be able to post copyrighted material online or on social media without paying rights fees.

A few other new questions were introduced in relation to upcoming elections in November:

- Americans said they gather their most useful news about candidates from TV broadcast news (40%), newspapers and their websites (30%), and TV news organization websites (29%).
- The majority of Americans, 63%, believe that corporations or unions should not be able to spend as much money as they want in support or opposition to political candidates.
- Most Americans, 58%, said that the religious affiliation of a candidate is not important when considering who they will vote for in the upcoming presidential elections. Seventeen percent of respondents stated that the religious affiliation was very important, while 23% said it is somewhat important.

State of the First Amendment 2012: Questions, Answers and Trends

State of the First Amendment 2012:

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? [All years]

*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.’*

	Freedom of the Press	Freedom of Speech	Freedom of Religion	Right to Petition	Right of Assembly	Can't Name Any
1997	11%	49%	2%	2%	10%	
1999	12%	44%	13%	2%	8%	
2000	12%	60%	16%	2%	9%	37%
2001	14%	59%	16%	1%	10%	36%
2002	14%	58%	18%	2%	10%	35%
2003	16%	63%	22%	2%	11%	37%
2004	15%	58%	17%	2%	10%	35%
2005	16%	63%	20%	3%	14%	29%
2006	13%	56%	17%	3%	11%	36%
2007	16%	63%	19%	3%	17%	29%
2008	15%	56%	15%	3%	14%	40%
2009	16%	55%	18%	4%	14%	39%
2010	18%	61%	23%	6%	14%	33%
2011	17%	62%	19%	3%	14%	30%
2012	13%	65%	28%	4%	13%	27%

Q2. 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.

	Agree	Disagree
1999	28%	67%
2000	22%	74%

2001	39%	58%
2002	49%	47%
2003	34%	60%
2004	30%	65%
2005	23%	72%
2006	18%	76%
2007	25%	70%
2008	20%	74%
2009	19%	73%
2010	17%	79%
2011	18%	79%
2012	13%	81%

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.

	Agree	Disagree
1997	51%	47%
1999	54%	41%
2000	59%	40%
2001	61%	37%
2002	57%	41%
2003	61%	36%
2004	59%	38%
2005	56%	38%
2006	63%	34%
2007	55%	42%
2008	65%	33%
2009	61%	31%
2010	68%	27%
2011	67%	30%
2012	69%	27%

Q4. Overall, the news media try to report the news without bias.

	Agree	Disagree
2004	39%	58%
2005	33%	64%
2007	37%	60%
2008	32%	64%
2011	33%	76%
2012	33%	62%

Q5. It is important for our democracy that the news media act as a watchdog on government.

	Agree	Disagree
2004	77%	21%
2005	74%	22%
2008	76%	19%
2009	71%	22%

2011	76%	21%
2012	75%	20%

Q6. 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.

	Agree	Disagree
2010	32%	62%
2011	35%	62%
2012	34%	57%

Q7. In the event of a national emergency, the government should be allowed to take control of the Internet and limit access to social media and to Web outlets such as AOL and Yahoo.

	Strongly Agree	Mildly Agree	Mildly Disagree	Strongly Disagree	Don't Know
2012	17%	16%	15%	44%	9%

Q8. The government should be allowed to prosecute Internet users who illegally distribute copyrighted music and movies online.

	Strongly Agree	Mildly Agree	Mildly Disagree	Strongly Disagree	Don't Know
2012	32%	27%	15%	18%	9%

Q9. People should be allowed to record or photograph the activities of the police in public as long as they do not interfere with what the police are doing.

	Strongly Agree	Mildly Agree	Mildly Disagree	Strongly Disagree	Don't Know
2012	66%	19%	7%	5%	3%

Q10. As long as no money is being made, someone should be able to post copyrighted material online or on social media without paying rights fees.

	Strongly Agree	Mildly Agree	Mildly Disagree	Strongly Disagree	Don't Know
2012	24%	22%	19%	23%	12%

Q11. Even if money is being made, someone should be able to post copyrighted material online or on social media without paying rights fees.

	Strongly Agree	Mildly Agree	Mildly Disagree	Strongly Disagree	Don't Know
2012	10%	13%	23%	41%	13%

Looking toward November elections at the local, state and national levels:

Q12. Where do you get your most useful news about candidates in preparing to vote this November? (open ended)

Coding Frame:

- a. Newspapers and their websites
- b. Broadcast television news
- c. TV news organization websites such as MSNBC, Fox News, and CNN
- d. General news websites such as AOL, Yahoo and The Huffington Post
- e. Political news sites such as Politico, Drudge Report and Salon
- f. Radio
- g. Social media sites such as Twitter and Facebook
- h. Wikipedia
- i. Other (record verbatim response)

	Newspapers and Their Websites	TV Broadcast News	TV News Organization Websites	General News Websites	Political News Sites
2012	30%	40%	29%	10%	4%

Radio	Social Media Sites	Wikipedia	Internet/Online	Printed Material	Other
10%	3%	1%	14%	2%	7%

Q13. Should corporations or unions be able to spend as much money as they want in support or opposition to political candidates?

	Yes	No	Don't Know
2012	30%	63%	7%

Q14. In thinking about which candidate you will vote for in the November presidential election, how important is the religious affiliation of the candidate – very important, somewhat important, not too important, or not at all important?

	Very Important	Somewhat Important	Not too Important	Not at all Important	Don't Know
2012	17%	23%	21%	37%	2%

DEMOGRAPHICS:

Q15. In what year were you born?

- 18-30
- 30-45
- 46-60
- over 60

Q. 16: Are you white, black, Hispanic or something else?

- Hispanic
- White
- Black
- Asian
- Other
- Don't Know