

★ ★ THE 2016 STATE OF THE ★ ★
FIRST AMENDMENT



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The State of the First Amendment: 2016

A Project Sponsored by the Newseum Institute

The Newseum Institute has supported an annual national survey of American attitudes about the First Amendment since 1997. The “State of the First Amendment: 2016” is the nineteenth survey in this series. This year’s annual survey repeats some of the questions that have been asked since 1997 and includes some new questions, as well.

This report – conducted this year in partnership with USA TODAY – summarizes the findings from the 2016 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 2016 project. The final section presents the complete survey results including question wording and trend data.

Survey Methodology

The Newseum Institute conducted a general public survey of attitudes about the First Amendment once again in 2016. The questionnaire was administered in May to a national sample of 1,006 American adults by telephone. It was developed by Dr. Ken Dautrich and Gene Policinski, chief operating officer of the Newseum Institute.

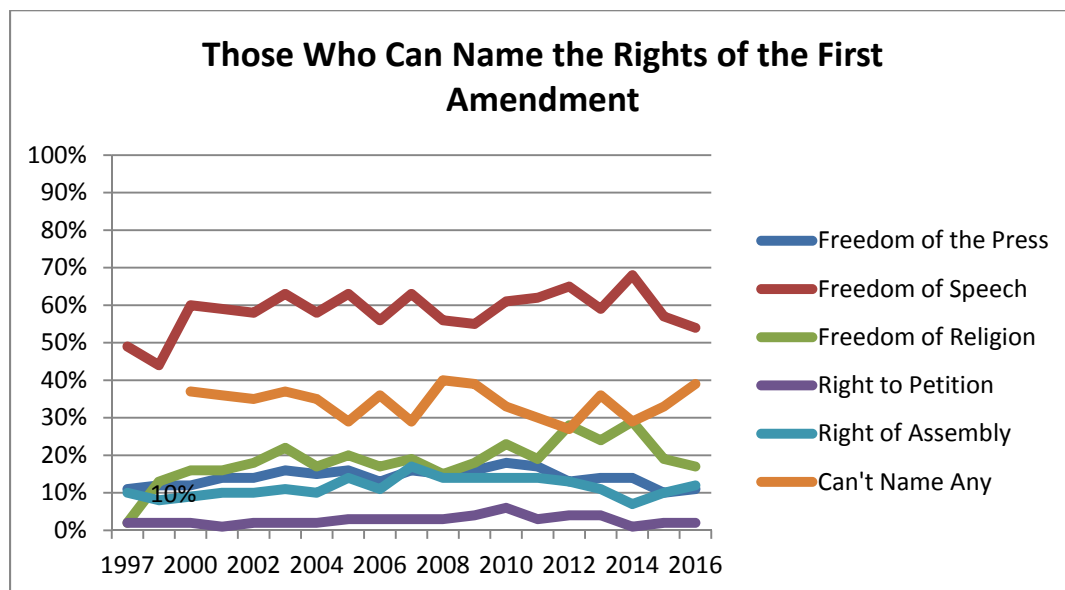
Interviews were conducted under the supervision of Dr. Dautrich. The trained, professional interviewers used a computer-assisted telephone-interviewing system (CATI). The survey instrument and related survey protocols were field tested and refined prior to commencing the survey. Interviews were extensively 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. Within each of these regions, telephone numbers were generated using a random digit-dial (RDD) process, which gave every phone number a chance of being selected. The sample was supplemented with a random selection of cell phone numbers. 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 RDD sample was supplemented with a random sample of cell phone numbers.

The sampling error in the survey of 1,006 Americans adults 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.

Key Findings

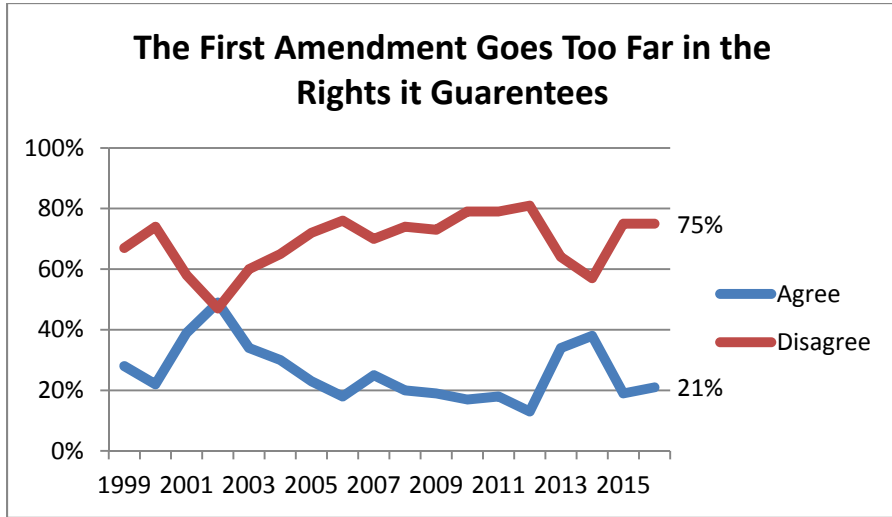
- When asked to name the five specific freedoms in the First Amendment, 54% of Americans named freedom of speech, followed by 17% who said freedom of religion, 11% mentioned freedom of the press, 12% mentioned the right to assemble, and 2% named the right to petition. Thirty-nine percent of Americans could not name any of the rights guaranteed by the First Amendment.
- In 2016, the percentage increases for those who could name freedom of the press and freedom of assembly were +1 percentage point and +2 percentage points, respectively. The increase for those who couldn't name any of the rights guaranteed by the First Amendment was +6 percentage points. Awareness for those who could name freedom of speech decreased -3 percentage points, while awareness of freedom of religion decreased -2 percentage points and awareness of the right to petition decreased -2 percentage points.
- Fifty percent of those without a college degree could not name any First Amendment freedom; 27% of those with a college degree could not name any.



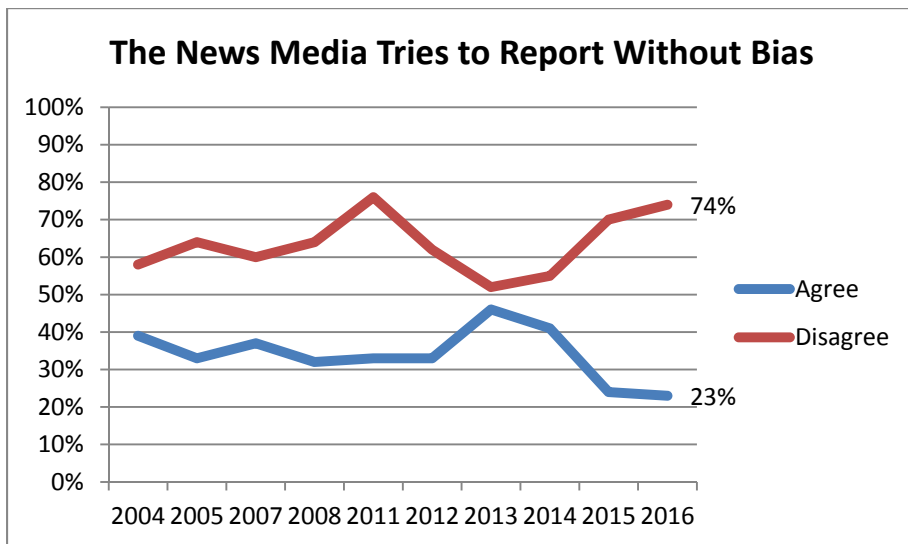
- In 2016, the sharp change seen in 2015 persists in the number of Americans who believe that the First Amendment does not overextend its boundaries in the rights it guarantees. This dramatic change returns to the trend of a widening gap between those who believe it goes too far and not too far.
- Similar to last year, 21% stated that the First Amendment does go too far in the rights it guarantees and 75% said it does not go too far. The two times we have seen the narrowing of responses in respect to this question of the First

Amendment going too far in the rights it guarantees have been around the terrorist attacks of September 11th and the Boston Marathon Bombings.

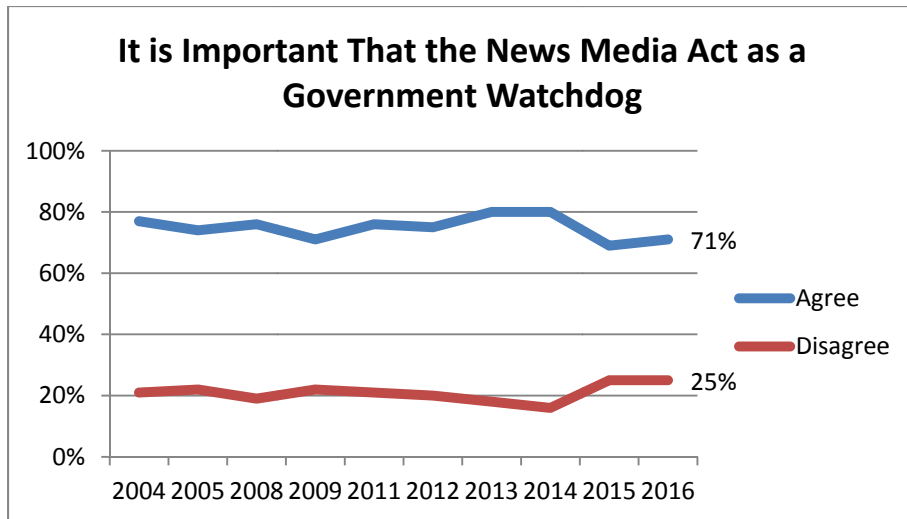
- Fourteen percent of those with a college degree said the First Amendment goes too far in the rights it guarantees. Twenty-seven percent of those without a college degree said it goes too far.



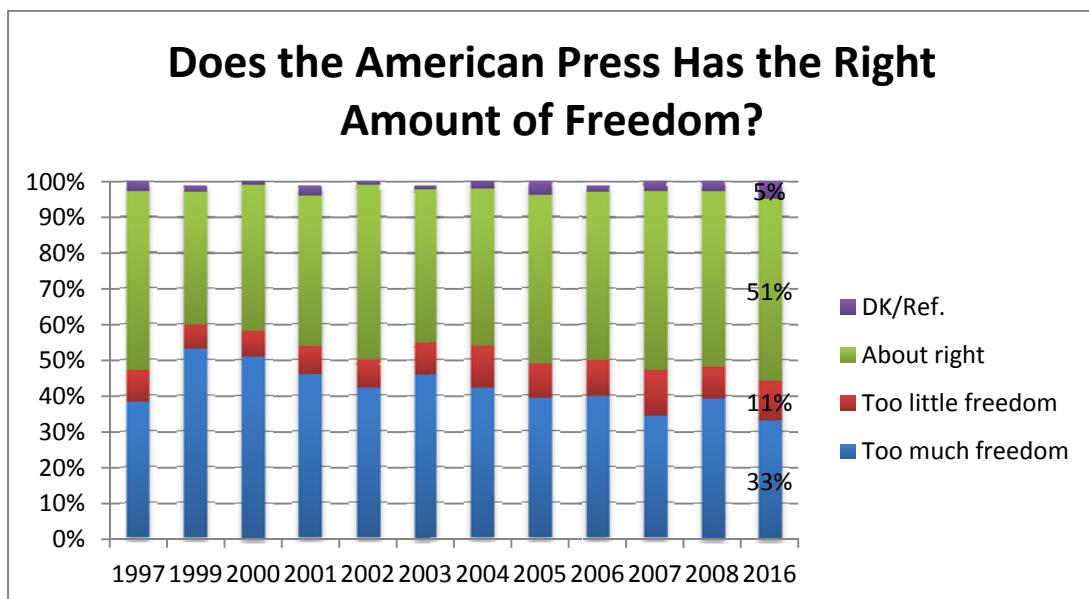
- Twenty-three percent of Americans believe that the news media attempts to report on news without bias, while fully 74% of Americans disagree. The four-year trend downward seen since the last presidential election has led to a record low percentage of Americans who agree that the media are unbiased.
- Conservatives were much more likely (85%) to disagree that the media is not biased in its reporting than liberals (68%) or moderates (71%).



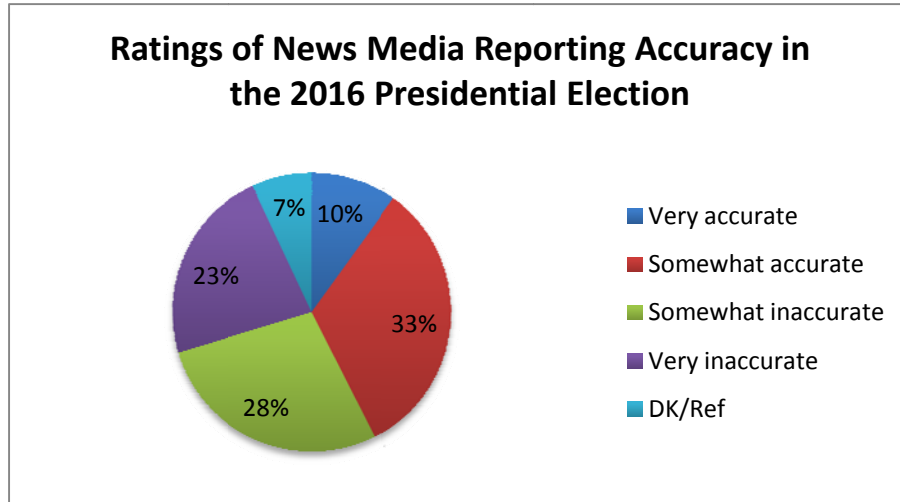
- Over the years, Americans have overwhelmingly agreed that the news media should act as a government watchdog, and the percentage of those who agree is up +2 percentage points to 71%, while one-fourth (25%) disagree with this statement.



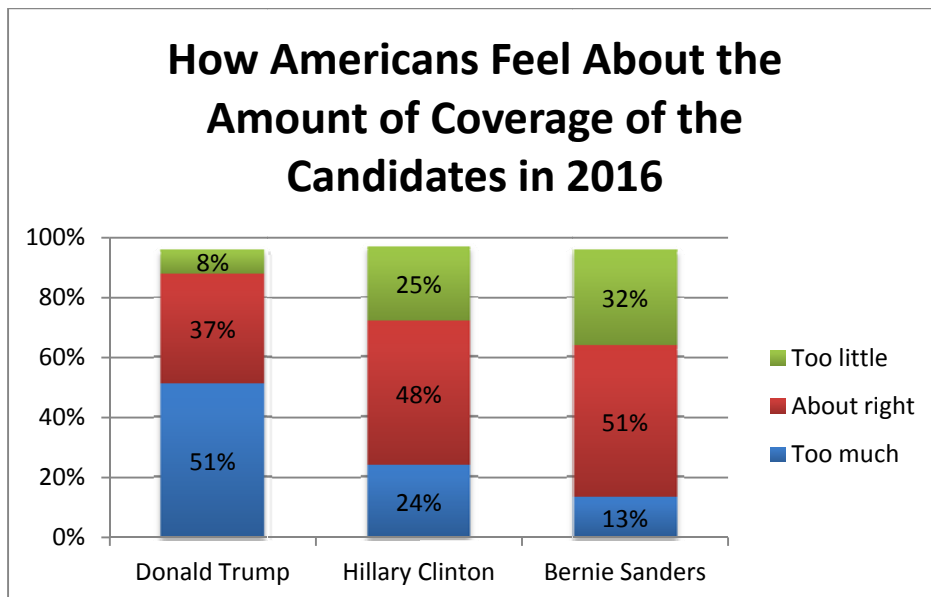
- In 2016, a record low percentage of respondents (33%) since the question was first asked in 1997 stated that the press has too much freedom to do what it wants. A record high percentage of respondents (51%) stated that the freedom the American press has is “about right.”



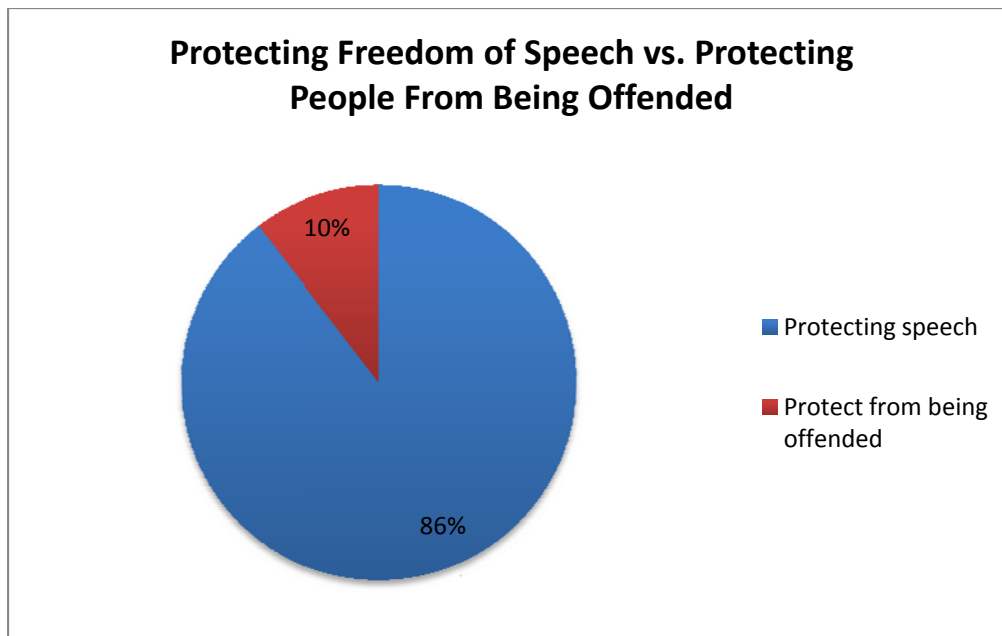
- The majority of Americans, 51%, stated that the news media has been very (23%) or somewhat (28%) inaccurate in reporting on the 2016 presidential campaign. Conversely, 43% of Americans believed that the coverage is very (10%) or somewhat (33%) accurate, and 7% don't know.



- In thinking about coverage of the 2016 presidential campaign and the level of coverage for each individual candidate, Americans said that Republican candidate Donald Trump is covered too much (51%), while Democratic candidates Hillary Clinton and Bernie Sanders are covered about the right amount, 48% and 51%, respectively.

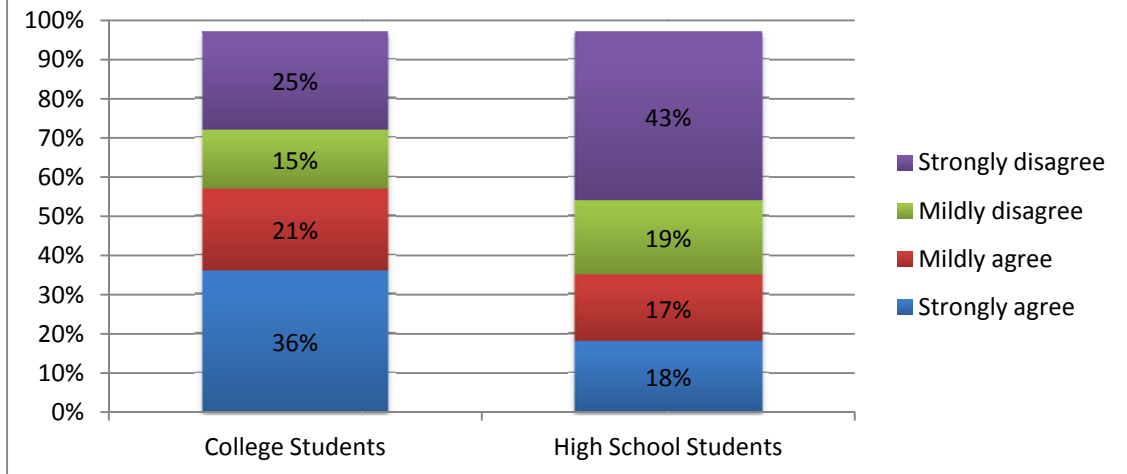


- When given the choice between “protecting people’s ability to say what they want” or “protecting people from hearing things that offend them,” the vast majority of Americans (86%) stated that they believe protecting speech is more important. One-tenth of respondents (10%) stated that protecting people from being offended is more important.



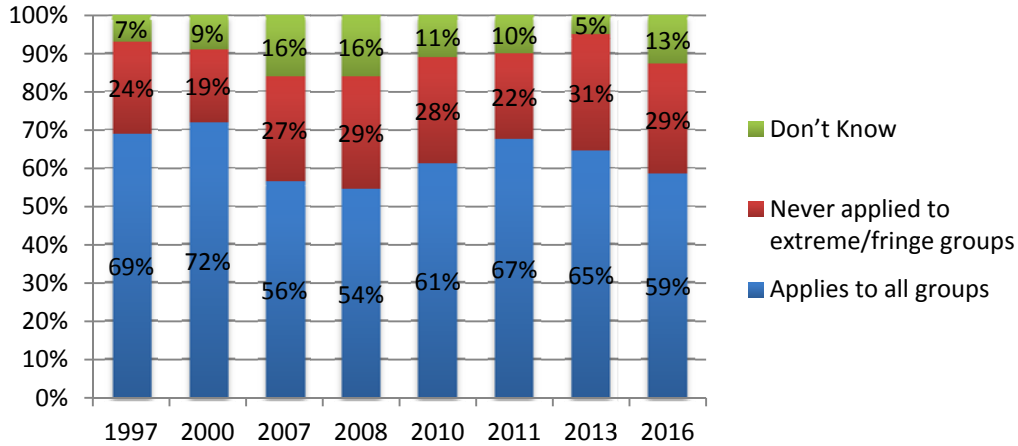
- When Americans were asked about whether students should be allowed to say whatever they want on school grounds even if what they say is offensive to others, the results differed depending on whether it was in a college or high school setting. When asked about college students, respondents tended to agree with the sentiment of free speech on campuses as 57% agreed and 40% disagreed. The distribution was relatively spread as 36% strongly agreed, 21% mildly agreed, 15% mildly disagreed and 25% strongly disagreed.
- About two-thirds of conservatives (66%) and liberals (62%) agree college students should be able to say what they want on campuses; moderates (52%) were about evenly divided.
- When asked the same question about high school students, however, the results flip as 35% agreed and 62% disagreed that students should have the right to say what they want regardless of how it will offend others. A large proportion of respondents (43%) strongly disagreed with this statement about high schools, while 19% mildly disagreed, 17% mildly agreed and 18% strongly agreed.

Students Should be Allowed to Say Whatever They Want on Campus Even When it Offends Others



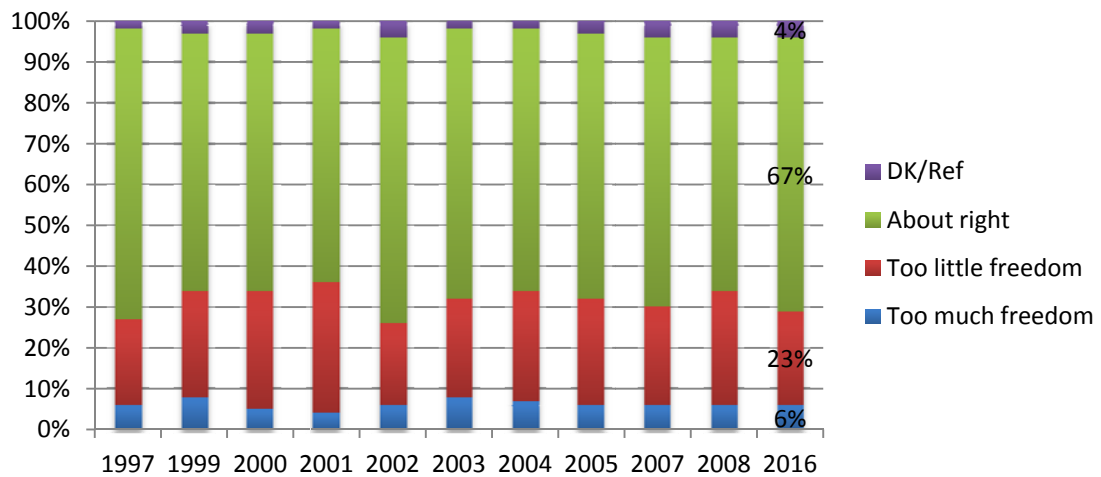
- Those who believe that the freedom to worship as one chooses applies to all religious groups regardless of how extreme or on the fringe their views are decreased again to 59% since the question was asked in 2011 (67%) and 2013 (65%). The percentage of those who believe this right never applied to extreme or fringe groups also decreased two percentage points to 29% from 2013 to 2016, which has led to an increase (13%, +8 percentage points) in respondents saying they “Don’t Know.”
- Liberals (62%), men (63%) and those living in the Midwest (64%) and Western states (62%) were most likely to say freedom to worship applies to all groups.

Does Freedom to Worship Applies to Religious Groups Regardless of Their Views?



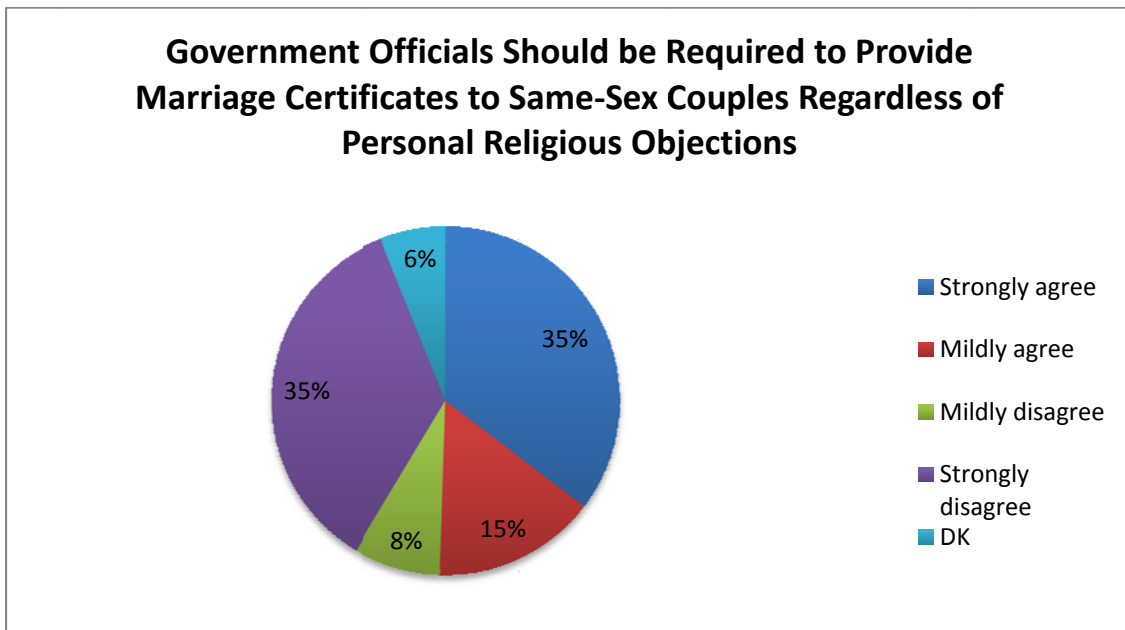
- Two thirds (67%) of Americans believe that Americans have the right amount of religious freedom, up 5 percentage points since the questions was last asked in 2008. Over this time, we also saw an equal drop in percentage points to 23% who believe Americans have too little religious freedom; while those stating Americans have too much religious freedom remained constant at 6%. Since this question was first asked in 1997, the responses have remained fairly consistent even surrounding 2001 and the events of September 11.

Do Americans Have the Right Amount of Religious Freedom?



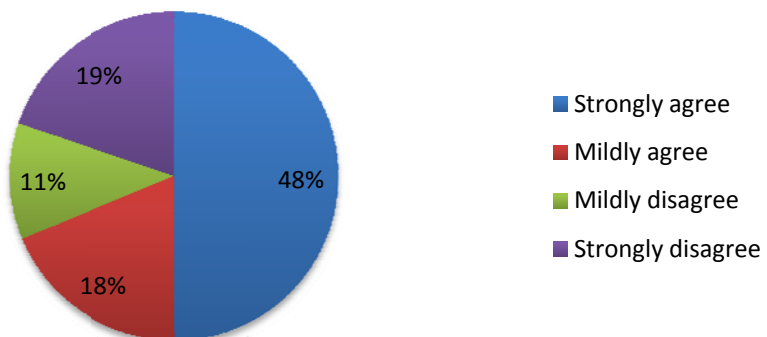
- Americans are almost evenly divided on the idea that a government official should be required to provide marriage certificates to same sex couples even if that official objects to same sex marriage on religious grounds, as 50% agreed and 43% disagreed with this statement. Interestingly, a closer look at the data shows that respondents tend to have a strong opinion on this topic. Of those who agreed with the statement, 35% strongly agreed while 15% mildly agreed. Similarly, among those who disagreed, 35% strongly disagree while 8% mildly disagreed.
- Respondents in Southern states (41%) agreed a government official should be required to provide marriage certificates to same-sex couples, compared to 61% from the West, 58% from the Northeast and 53% from the Midwest.

Also, 55% of those with a college degree agreed, compared to 43% of those without a college degree; 78% of liberals agreed compared to 30% of conservatives.



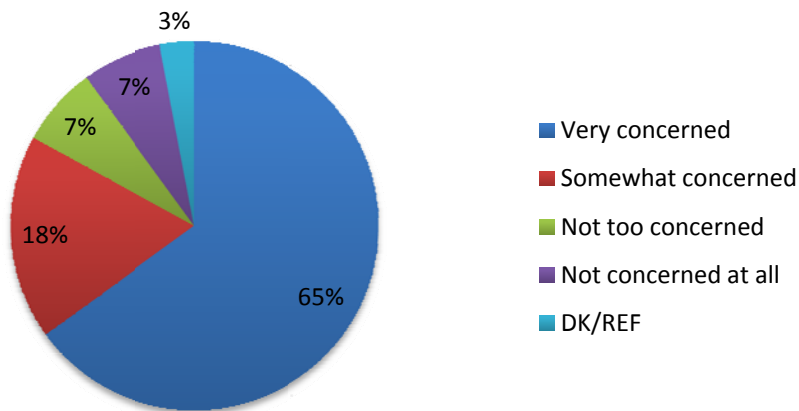
- In 2016, the majority of respondents agreed (66%) that the government should have the right to force companies to unlock the data saved on smartphones of customers who are accused of terrorist acts. An overwhelming percentage of respondents (48%) strongly agreed with this statement, while 18% mildly agreed, 11% mildly disagreed, and 19% strongly disagreed.

Government Should be Able to Unlock the Data on Smartphones of Accused Terrorists



- Two thirds of Americans (65%) said they are very concerned about the privacy of personal information on the internet, followed by 18% who are somewhat concerned and 7% for both not too concerned and not concerned at all. This equates to an aggregate of 83% who have at least some degree of concern regarding their personal information entered on the web.

Level of Concern About Privacy of Personal Information on the Internet



State of the First Amendment 2016

Q.1 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?

	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%
2013	14%	59%	24%	4%	11%	36%
2014	14%	68%	29%	1%	7%	29%
2015	10%	57%	19%	2%	10%	33%
2016	11%	54%	17%	2%	12%	39%

Q.2 *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.

	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%
2013	34%	64%
2014	38%	57%
2015	19%	75%
2016	21%	75%

Please tell us if you agree or disagree with the following statements:

Q.3 Overall, the news media tries 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%
2013	46%	52%
2014	41%	55%
2015	24%	70%
2016	23%	74%

Q.4 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%
2013	80%	18%
2014	80%	16%
2015	69%	25%
2016	71%	25%

Q.5 Do you feel that the freedom to worship as one chooses applies to all religious groups regardless of how extreme or on-the-fringe their views are, or was it never meant to apply to religious groups that most people would consider extreme or fringe?

	Applies to all groups	Never applied to extreme/fringe groups	Don't Know
1997	69%	24%	7%
2000	72%	19%	9%
2007	56%	27%	16%
2008	54%	29%	16%
2010	61%	28%	11%
2011	67%	22%	10%
2013	65%	31%	5%
2016	59%	29%	13%

Q. 6 Overall, do you think the PRESS in America has too much freedom to do what it wants, too little freedom to do what it wants, or is the amount of freedom the press has about right?

	1997	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2016
Too much freedom	38%	53%	51%	46%	42%	46%	42%	39%	40%	34%	39%	33%
Too little freedom	9%	7%	7%	8%	8%	9%	12%	10%	10%	13%	9%	11%
About right	50%	37%	41%	42%	49%	43%	44%	47%	47%	50%	49%	51%
DK/Ref.	3%	2%	2%	3%	1%	1%	3%	4%	2%	3%	3%	5%

Q. 7 Overall, do you think Americans have too much RELIGIOUS freedom, too little religious freedom, or is the amount of religious freedom about right?

	1997	1999	2000	2001	2002	2003	2004	2005	2007	2008	2016
Too much freedom	6%	8%	5%	4%	6%	8%	7%	6%	6%	6%	6%
Too little freedom	21%	26%	29%	32%	20%	24%	27%	26%	24%	28%	23%
About right	71%	63%	63%	62%	70%	66%	64%	65%	66%	62%	67%
DK/Ref	2%	3%	3%	2%	4%	3%	3%	4%	4%	4%	4%

Q. 8 How would you rate the accuracy of news media reporting on the 2016 presidential campaigns this year?

	2016
Very accurate	10%
Somewhat accurate	33%
Somewhat inaccurate	28%
Very inaccurate	23%
DK/Ref	7%

Q. 9 A government official should be required to provide marriage certificates to same sex couples even if that official objects to same sex marriage on religious grounds.

	2016
Strongly agree	35%
Mildly agree	15%
Mildly disagree	8%
Strongly disagree	35%
DK	6%

Q. 10 Do you agree or disagree: Government should be able to force companies to unlock the data saved on smartphones of customers who are accused of terrorist acts?

	2016
Strongly agree	48%
Mildly agree	18%
Mildly disagree	11%
Strongly disagree	19%

Q.11 If you have to choose, which do you think is more important? Protecting people's ability to say what they want, or protecting people from hearing things that offend them?

	2016
Protecting speech	86%
Protect from being offended	10%

Q. 12 College students should be allowed to say whatever they want on college campuses even if what they say is offensive to others

	2016
Strongly agree	36%
Mildly agree	21%
Mildly disagree	15%
Strongly disagree	25%

Q. 13 High school students should be allowed to say whatever they want in high schools even if what they say is offensive to others.

	2016
Strongly agree	18%
Mildly agree	17%
Mildly disagree	19%
Strongly disagree	43%

Q. 14 How concerned are you about the privacy of personal information that you give out on the Internet?

	2016
Very concerned	65%
Somewhat concerned	18%
Not too concerned	7%
Not concerned at all	7%
DK/REF	3%

Q. 15 In thinking about coverage of the 2016 presidential campaign, do you think the media have provided too much coverage of Donald Trump, about the right amount of coverage of Trump, or too little coverage?

	2016
Too much	51%
About right	37%
Too little	8%

Q. 16. In thinking about coverage of the 2016 presidential campaign, do you think the media have provided too much coverage of Hillary Clinton, about the right amount of coverage of Clinton, or too little coverage?

	2016
Too much	24%
About right	48%
Too little	25%

Q. 17. In thinking about coverage of the 2016 presidential campaign, do you think the media have provided too much coverage of Bernie Sanders, about the right amount of coverage of Sanders, or too little coverage?

	2016
Too much	13%
About right	51%
Too little	32%

Q.18. In what year were you born?

19 _____

Q.19. Are you white, black, Hispanic or something else?

	2016
White	66%
Black	15%
Hispanic	4%
Something Else	10%

Q.20. What is the highest level of education that you completed?

	2016
Less than HS	6%
HS grad	24%
Some college	24%
College grad	25%
Graduate degree	19%

Q21. Are you Catholic, Protestant, Jewish, Muslim or something else?

	2016
Catholic	21%
Protestant	28%
Jewish	1%
Muslim	1%
Other	43%
No Religion	3%

Q22. Politically, do you consider yourself a liberal, a conservative, or are you somewhere in between?

	2016
liberal	14%
conservative	29%
In-between/moderate	46%
other	6%
DK/REF	4%

Q23. Record Gender:

	2016
Male	50%
Female	50%