

State of the First Amendment 2009

Commissioned by the First Amendment Center

The First Amendment Center has commissioned this annual national survey of American attitudes about the First Amendment since 1997. The State of the First Amendment 2009 is the 13th survey in this series. This year's survey repeats some of the questions that have been administered since 1997 and includes a new series of questions exploring perceptions and uses of new media sources, such as Twitter.

This report summarizes the findings from the 2009 survey and, where appropriate, depicts how attitudes have changed over time.

Key findings from the 2009 survey:

- More Americans relied on television as their primary news source to find out about the last major news event they followed. Specifically, 49% say they first went to television to find out about this news event. Far fewer relied on the Internet (15%) and radio (13%). Even further behind was the newspaper (10%). Twitter, social-networking sites and e-mail are each identified by 1% of Americans as their primary source of information for a recent major news event.

Television was the most popular news source for all age groups. However, it is a much more dominant source for older Americans: 64% of respondents over age 65 rely mainly on TV to get information on a major story, compared with 56% of those in the 50-64 age bracket, 48% of 36- 49-year-olds and 42% of those 18-35.

- Similarly, television is identified by 48% of Americans as the source they will use the next time they want to get news about a breaking event. The Internet is in clear second place (28%) as the place to turn for getting news, followed by the newspaper, which is mentioned by only 9%. Seven percent say radio, while e-mail, Twitter and social-networking sites are singled out by 1% each.

Fully 71% of seniors (65+) say TV is the source they will use the next time they want to get information about a breaking story, compared with 7% of seniors who will use the Internet. However, among younger adults (18-34), 41% say they will use TV and 34% will use the Internet.

- Americans are more trusting of information on Internet sources maintained by local news media than they are of information on social-networking sites. Only 4% say they trust social-networking sites more than sites maintained by their local newspaper, whereas 38% say they trust social-networking sites less. Thirty-six percent say they trust information on these sites about the same.
- Twitter is a service that has attracted a great deal of attention of late. The 2009 survey asked Americans about the reliability of Twitter as a news source. Only 3% say Twitter is a very

reliable news source, while 14% say it is somewhat reliable. Thirty-four percent regard Twitter as either not too or not at all reliable. However, fully 49% of Americans say they do not know enough about Twitter to have formed an opinion about it.

Whereas about four in 10 Americans under age 65 do not have an opinion about the reliability of Twitter as a news source, fully 67% of seniors report no opinion.

Both African-Americans (11%) and Hispanics (10%) are more likely than whites (1%) to say that Twitter is a very reliable news source.

- When asked to identify the specific freedoms guaranteed by the First Amendment, 55% named free speech, followed by 18% who mentioned freedom of religion and 16% who said freedom of the press. Fourteen percent mentioned freedom of assembly and only 4% named the right to petition the government. Thirty-nine percent of Americans could not name any of the freedoms in the First Amendment.
- Nineteen percent of Americans agreed that the First Amendment goes too far in the rights it guarantees, though the large majority of Americans (73%) continued to disagree, saying the First Amendment does not go too far.
- Though nearly half (48%) of Americans say the press has about the right amount of freedom, 39% say it has too much freedom to do what it wants while only 7% say it has too little freedom. Over the past few years, the percentage saying that the press has “too little” freedom has declined and the percentage saying it has “too much” freedom has increased slightly.
- Three in five respondents (60%) say Americans have just about the right amount of religious freedom, while 29% say Americans have too little religious freedom. Only one in 20 (5%) thinks Americans have too much religious freedom.
- Over the past five years there has been a modest shift in public opinion regarding who should be most responsible for keeping inappropriate television programming away from children. A majority (72%) continue to feel that parents should be primarily responsible. However, in 2004 fully 87% felt that controlling children’s access to inappropriate programs was mainly a parental responsibility. Twenty percent now say broadcasters should be primarily responsible for keeping inappropriate programs away from children (up from 10% in 2004), and 5% say government is mainly responsible (up from 1% five years ago).
- Six in 10 Americans say there should not be a constitutional amendment banning flag-burning as a form of political dissent. This sentiment has been expressed since 2005. In 1997, however, less than half of Americans rejected the idea of a constitutional amendment banning flag-burning.
- Two-thirds of Americans disagree that the news media try to report the news without bias. Only 27% agree that the media do try to report news without a bias. Five years ago in 2004, 58% disagreed with this statement and 39% agreed.

- About seven in 10 Americans say it is important for our democracy that the news media act as a watchdog on government. This result is down 5 percentage points from previous years, when about three-quarters of Americans felt this way.

Survey methodology

The questionnaire was administered to a national sample of 1,003 American adults by telephone. The survey was conducted between July 25 and Aug. 3, 2009. The questionnaire was developed by University of Connecticut Professor Kenneth Dautrich, First Amendment Center Executive Director Gene Policinski and Freedom Forum and First Amendment Center President Ken Paulson.

Interviews were conducted under Dautrich's supervision 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 before the survey was conducted. Interviews were extensively monitored to ensure high standards.

The national sample used in this survey included phone numbers in the 48 contiguous 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 if necessary to attempt to reach an eligible respondent. Within each household, one eligible respondent was interviewed.

The sampling error for a sample size of 1,003 is +/-3.2% at the 95% level of confidence. This means that 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. The sampling error for sub-groups is larger.

The survey was conducted by the PERT Group (formerly New England Survey Associates), headquartered in Bloomfield, Conn., with offices in Pittsburgh and Kansas City, and personnel in Stamford, Conn., Caldwell, N.J., and Philadelphia. The PERT Group is a member of the Council for American Survey Research Organizations and of the European Society of Marketing and Research.

(See tables below.)

State of the First Amendment 2009: Questions, Answers and Trends

(Note: Due to rounding, percentages will not always add up to 100.)

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
Freedom of the press	11%	12%	12%	14%	14%	16%	15%	16%	13%	16%	15%	16%
Freedom of speech	49%	44%	60%	59%	58%	63%	58%	63%	56%	63%	56%	55%
Freedom of religion	21%	13%	16%	16%	18%	22%	17%	20%	17%	19%	15%	18%
Right to petition	2%	2%	2%	1%	2%	2%	1%	3%	3%	3%	3%	4%
Right of assembly/association	10%	8%	9%	10%	10%	11%	10%	14%	11%	17%	14%	14%
Don't Know/Refused (to all questions/follow-ups)	N/A	N/A	37%	36%	35%	37%	35%	29%	36%	29%	40%	39%

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
Strongly agree	16%	10%	29%	41%	19%	19%	13%	8%	14%	10%	11%
Mildly agree	12%	12%	10%	8%	15%	11%	10%	10%	11%	10%	8%
Mildly disagree	22%	26%	19%	15%	18%	21%	16%	22%	15%	15%	16%
Strongly disagree	45%	48%	39%	32%	42%	44%	56%	54%	55%	59%	57%
DK/Ref.	5%	5%	3%	3%	7%	5%	5%	6%	4%	4%	8%

Q3. 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	1999f	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Too much freedom	38%	53%	42%	51%	46%	42%	46%	42%	39%	40%	34%	39%	39%
Too little freedom	9%	7%	8%	7%	8%	8%	9%	12%	10%	10%	13%	9%	7%
About right	50%	37%	48%	41%	42%	49%	43%	44%	47%	47%	50%	49%	48%
DK/Ref.	3%	2%	3%	2%	3%	1%	1%	3%	4%	2%	3%	3%	6%

Q4. Even though the U.S. Constitution guarantees freedom of RELIGION, government has placed some restrictions on it. 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	2009
Too much freedom	6%	8%	5%	4%	6%	8%	7%	6%	6%	6%	5%
Too little freedom	21%	26%	29%	32%	20%	24%	27%	26%	24%	28%	29%
About right	71%	63%	63%	62%	70%	66%	64%	65%	66%	62%	60%
DK/Ref.	2%	3%	3%	2%	4%	3%	3%	4%	4%	4%	6%

Q5. In your view, who should be primarily responsible for keeping inappropriate material on television away from children: Parents, Government officials or Broadcasters?

	2004	2005	2007	2008	2009
Parents	87%	82%	74%	76%	72%
Government officials	1%	2%	6%	4%	5%
Broadcasters	10%	15%	19%	17%	20%
DK/Ref.	2%	1%	1%	2%	4%

Q6. 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
Should not → Go to IQ8	49%	48%	51%	59%	51%	55%	53%	63%	59%	57%	60%
Should → Go to Q7	49%	51%	46%	39%	46%	44%	45%	35%	38%	40%	35%
DK/Ref. → Go to IQ8	2%	1%	3%	2%	2%	2%	3%	3%	3%	3%	5%

Q7. [If Yes to Q6] If an amendment prohibiting burning or desecrating the American flag were approved, it would be the first time any of the freedoms in the First Amendment have been amended in over 200 years. Knowing this, would you still support an amendment to prohibit burning or desecrating the flag?

	1997	1999	2000	2001	2002	2003	2004	2005	2007	2008	2009
Yes	88%	90%	87%	81%	83%	87%	82%	86%	83%	86%	79%
No	9%	8%	12%	15%	15%	12%	16%	11%	15%	12%	15%
DK/Ref.	3%	2%	1%	4%	2%	1%	3%	3%	2%	2%	5%

IQ8. Now please tell me whether you agree or disagree with the following statements:

Q8. 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
Strongly agree	23%	27%	32%	34%	31%	35%	34%	31%	41%	32%	42%	37%
Mildly agree	28%	29%	27%	27%	26%	26%	25%	25%	22%	23%	23%	24%
Mildly disagree	16%	15%	12%	9%	14%	10%	12%	14%	11%	13%	9%	9%
Strongly disagree	31%	26%	28%	28%	27%	26%	26%	24%	23%	29%	24%	22%
DK/Ref.	3%	4%	2%	2%	2%	3%	3%	7%	3%	2%	3%	8%

Q9. Overall, the news media tries to report the news without bias.

	2004	2005	2007	2008	2009
Strongly agree	15%	13%	16%	14%	11%
Mildly agree	24%	20%	21%	18%	16%
Mildly disagree	19%	22%	21%	21%	17%
Strongly disagree	39%	42%	39%	43%	49%
DK/Ref.	3%	3%	3%	4%	7%

Q10. It is important for our democracy that the news media act as a watchdog on government.

	2004	2005	2008	2009
Strongly agree	49%	50%	51%	48%
Mildly agree	28%	24%	25%	23%
Mildly disagree	11%	11%	8%	9%
Strongly disagree	10%	11%	11%	13%
DK/Ref.	3%	3%	5%	7%

Q11. How reliable a news source is Twitter -- would you say it is very reliable, somewhat reliable, not too reliable, or not reliable at all?

	2009
Very reliable	3%
Somewhat reliable	14%
Not too Reliable	13%
Not reliable at all	21%
DK/Ref.	49%

Q12a: Based on the last major news event you can recall, did you FIRST learn of it from ...

	2009
A social networking site	1%
Twitter	1%
An e-mail from a friend	1%
A report on television	49%
A report on the radio	13%
An internet site like Google or AOL	15%
In conversation	5%
By reading a newspaper	10%
DK/Ref.	4%

Q12b: The next time that you want to get news about some event that is happening – where will you FIRST go to get that news?

	2009
A social networking site	1%
Twitter	1%
An e-mail from a friend	1%
A report on television	48%
A report on the radio	7%
An internet site like Google or AOL	28%
In conversation	3%
By reading a newspaper	9%
DK/Ref.	3%

Q13. How would you compare news on social-networking sites to news on Web sites operated by your local newspaper – do you trust news on social-networking sites more, less or about the same?

	2009
More	4%
Less	38%
About the same	36%
DK/Ref.	22%

ID1. Now, I'd like to ask you some questions for classification purposes only ...

D1. In what year were you born? (Age)

	2008	2009
18-35	33%	47%
36-49	26%	19%
50-64	23%	20%
65+	15%	12%
DK/Ref.	1%	2%

D2a. For classification purposes only, is the total yearly income of all the members of your family now living at home \$40,000 or more, or would it be less than \$40,000?

	2008	2009
Less than \$40,000 → Go to D2b	31%	37%
\$40,000 or more → Go to D2c	60%	49%
DK/Ref. → Go to D3	9%	14%

D2b. [If Less than \$40,000 from D2a.] And is that...

	2008	2009
Under \$10,000 → Go to D3	13%	18%
\$10,000 to less than \$20,000 → Go to D3	27%	26%
\$20,000 to less than \$30,000 → Go to D3	20%	23%
\$30,000 to less than \$40,000 → Go to D3	30%	26%
DK/Ref. → Go to D3	9%	7%

D2b. [If \$40,000 or more from D2a] And is that...

	2008	2009
\$40,000 to less than \$50,000	17%	17%
\$50,000 to less than \$75,000	28%	31%
\$75,000 to less than \$100,000	21%	19%
\$100,000 or more	27%	22%
DK/Ref.	7%	11%

D3. Are you White, Black, Hispanic, Asian, or something else?

	2008	2009
White	79%	76%
Black	10%	10%
Hispanic	5%	5%
Asian	1%	1%
Bi-racial (vol.)	1%	1%
Something else	2%	1%
DK/Ref.	2%	6%

D4. RECORD ONLY. RESPONDENT'S SEX:

	2008	2009
Male	48%	48%
Female	52%	52%