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State of the First Amendment 2001



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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.



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# Foreword

## Good news, bad news in latest First Amendment survey

By *Kenneth A. Paulson*

*Senior Vice President/Freedom Forum and Executive Director/First Amendment Center*

There's some good news for the media in our annual State of the First Amendment survey: The American public continues to say that the media have a valuable watchdog role, keeping an eye on government.

But there's a flip side: A majority of Americans also say that the government needs to keep the media in check. That sentiment runs throughout our annual survey. Americans respect the principles of free speech and free press but are often troubled by their practice.

A total of 82% of respondents say they believe it is important for the media to hold the government in check. Conversely, 71% say they believe it is important for the government to hold the media in check.

In addition, when asked whether they have more

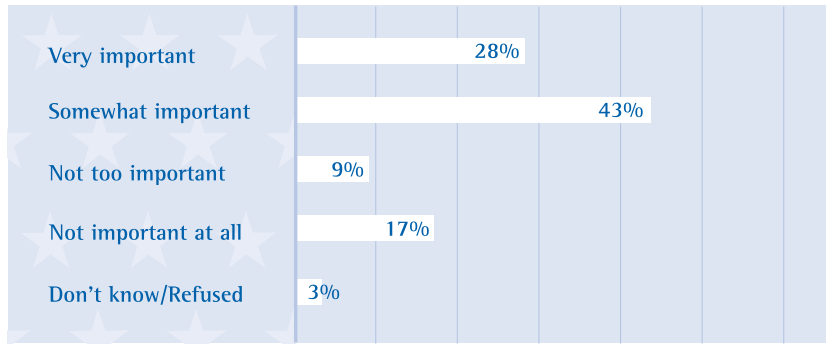
concern about the media having too much freedom or the government imposing too much censorship, 41% say their concern lies with the media and 36% say they are more concerned about government censorship.

Of course, the word "media" encompasses a broad spectrum of news, education and information providers. When asked specifically about the freedom of the news media, 46% of Americans say the press has too much freedom to do what it wants. This is down slightly from last year's figure of 51%, but certainly not a source of comfort for America's newspapers and broadcasters.

It also appears that the 2000 presidential election had an impact on how the public perceives both the press and the U.S. Supreme Court. The incorrect

How important, if at all, do you think it is for the government to hold the media in check?

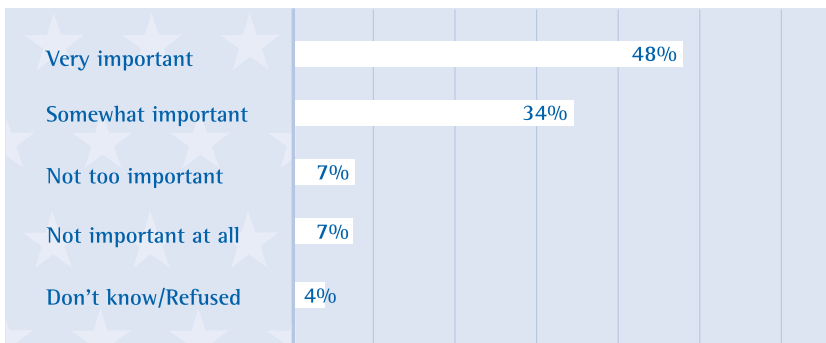
2001



Percentages may not always equal 100, due to rounding.

How important, if at all, do you think it is for the media to hold the government in check?

2001



Percentages may not always equal 100, due to rounding.

prediction that Al Gore had won the election, coupled with a Supreme Court hearing in which, as usual, television cameras were barred, may have had a lasting impact on public opinion.

For example, we've asked in our last two surveys whether a news report projecting the winner of an election would tend to discourage people from voting. In two successive years, 64% of respondents said they believe people would be less likely to vote.

But if the perception of a problem has remained steady,

the solution for that problem has shifted dramatically. Eighty percent of those polled this year said television networks should not be allowed to project winners of an election while people are still voting. This is up from 70% a year ago.

When asked whether they would favor a law to bar news organizations from projecting a winner of a presidential election while people are still voting, 53% say they would support such legislation.

For the first time in our polling, we had a majority of respondents say they

strongly believe that broadcasters should be allowed to televise the proceedings of the U.S. Supreme Court. Another 26% mildly agree with that proposition, making three out of four Americans in favor of television access to the most important court in the land.

The survey was based on telephone interviews with a random national sample of 1,012 adults, conducted between May 16 and June 6, 2001, by the Center for Survey Research & Analysis at the University of Connecticut.



Among other key findings:

- **Support for an amendment to the U.S. Constitution that would make it illegal to burn or desecrate the American flag appears to be waning.** Fifty-nine percent of Americans now say they are opposed to such an amendment, up from 48% just two years ago.
- **A slight majority of respondents say they are concerned that President George W. Bush's charitable-choice plan — which would provide public funding to religious groups for social services — may violate the separation of church and state.**
- **Nearly eight out of 10 respondents say there**

**should be a limit to the amount of money that political parties can spend during a federal election campaign.**

About 60% of those polled say they believe that limiting the amount of money that individuals or groups can contribute to the political parties would not violate the First Amendment.

- **There's increasing support for First Amendment protection for the Internet.**

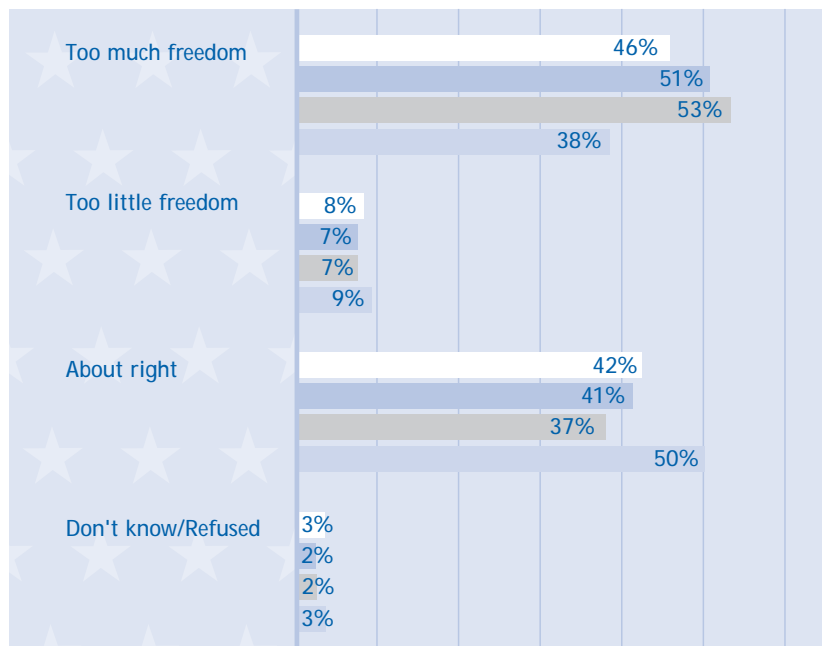
Seventy-six percent of those surveyed say the Internet should have the same First Amendment status as books and newspapers, up from just 56% four years ago. It appears that as more Americans see the information and communication benefits of the Internet, they are

more supportive of free expression online.

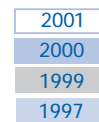
The most startling result of the survey is also the one that may be the most difficult to explain.

Each year, we ask Americans to agree or disagree with this statement: "The First Amendment goes too far in the rights it guarantees."

In 2001, 29% strongly agreed with that statement, with another 10% mildly agreeing. This suggests that almost four in 10 Americans believe the First Amendment provides too much freedom, up dramatically from slightly more than two in 10 last year.

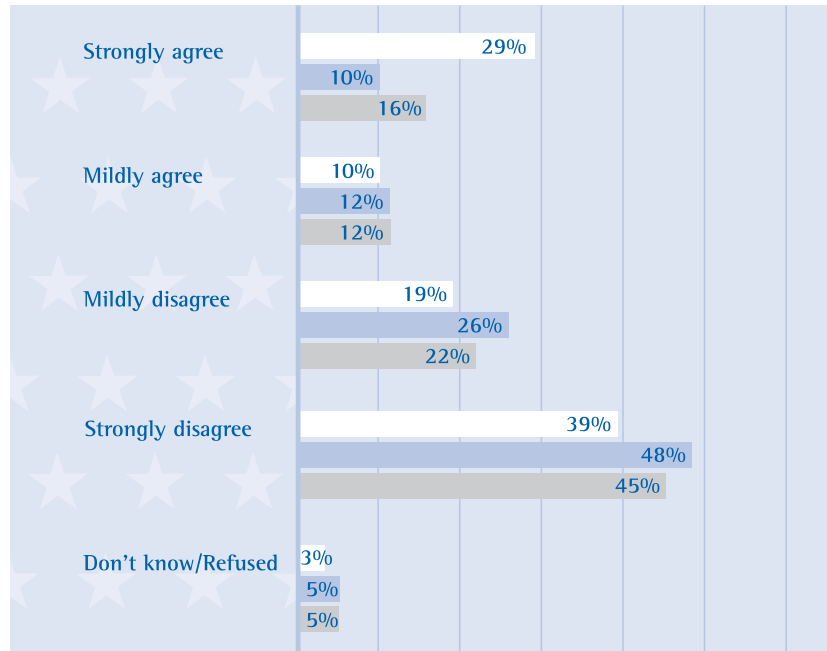


Overall, do you think the press in America has too much freedom to do what it wants, too little freedom to do what it wants, or is the amount of freedom the press has about right?



Percentages may not always equal 100, due to rounding.

Do you agree or disagree with the following statement: The First Amendment goes too far in the rights it guarantees.



Percentages may not always equal 100, due to rounding.

The polling experts at the University of Connecticut say this sense of too much freedom is particularly strong among those who believe there should be a law to prevent broadcasters from predicting election winners before the polls are closed.

If there is indeed that kind of cause and effect, there's a clear message for the news media here. A highly visible and reckless

error — such as predicting the wrong winner in a presidential election — can have devastating consequences for the First Amendment. Four out of five Americans have become very comfortable with the idea of limiting the right to publish constitutionally protected information, as long as it gives them a greater sense of comfort about the election process.

The challenge remains for the nation's press to restore faith in its role as a watchdog. It's clear the public still respects that role, but in an era of happy-talk broadcasts, tabloidization and a dearth of investigative reporting, many Americans are left to wonder whether that watchdog is barking or simply howling at the moon.

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# Analysis

## American attitudes about the First Amendment

*Conducted By the Center for Survey Research & Analysis at the University of Connecticut*

### Overview

The First Amendment of the U.S. Constitution has long been considered a guiding influence in American life. Political scientists, legal scholars and politicians alike hail its majestic guarantees of protection for the individual from government excesses. Unfortunately, the First Amendment's status in the collective public mind remains far less clear. To date, only a few detailed surveys on issues pertaining to the First Amendment have been conducted. While some pundits contend that First Amendment freedoms are in serious trouble, others believe the First Amendment is not only sufficiently intact, but is enjoying unprecedented strength in the American political system.

Since 1997, the First Amendment Center has sought to discover

Americans' attitudes toward the First Amendment by asking a series of questions designed to evaluate both general and specific First Amendment issues. This year, the First Amendment Center once again commissioned the Center for Survey Research & Analysis at the University of Connecticut to conduct a follow-up survey designed to compare potential changes from previous surveys, as well as to ask additional questions that were not addressed in those earlier surveys.

This report presents the findings from the 2001 First Amendment Center survey and includes noteworthy comparisons from four earlier polls (one from 1997, two from 1999 and one from 2000). Although the First Amendment itself encompasses numerous specific rights (including the right of people to peaceably assemble, and to petition the government),

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we targeted four First Amendment rights in our survey: (1) freedom of speech; (2) freedom of the press; (3) the free exercise of religion; and (4) freedom from laws respecting an “establishment” of religion (i.e., the separation of church and state).

As we embark on this new century, the public schools in particular have become a frequent backdrop for constitutional controversy and conflict. Public school students are generally more impressionable than fully educated adults; many believe the rules that govern them must account for that distinction. How much freedom is the public willing to extend to public school students in exercising their free-speech rights? Must students shed their rights at the schoolhouse gate? In the 2001 survey we paid special attention to the constitutional issues that are raised within the public schools.

Specifically, the 2001 survey addressed the following issues:

**Do Americans know the freedoms guaranteed them by the First Amendment?** Does the American educational system do a good enough job teaching students about these freedoms?

**Are Americans generally satisfied with the current levels of free speech, free press and/or religious rights afforded to individuals in society, or is there a sense that there is too much or too little of these freedoms in America?**

**Should people be allowed to express themselves in certain scenarios?**

**What role should the government play in regulating political campaigns?** Should there be restrictions on monetary contributions to political parties?

**How important is it for the government to hold the media in check?** Is it more important that the media hold the government in check?

**Should the press be able to report or publish whatever it considers to be newsworthy?** Should reporters be allowed to project winners of an election before the polls close?

**What rights of free expression exist in public schools?** Is the American educational system properly promoting First Amendment freedoms in the schools?

**Do Americans have too much religious freedom?** Do President Bush’s “faith-based initiatives” violate the constitutional principle requiring a separation of church and state?

**What role should religion play in public schools?** Should religious prayers be allowed in school classrooms or before events such as football games? Should public school students be allowed to distribute religious materials in school?

The First Amendment Center/University of Connecticut poll on the First Amendment was conducted by the Center for Survey Research & Analysis at the University of Connecticut. A random national sample of 1,012 adults aged 18 and over were interviewed between May 16 and June 6, 2001. Sampling error is  $\pm 3\%$  at the 95% confidence level. For smaller groups the sampling error is slightly higher. Weights were assigned to reflect the characteristics of the U.S. population. A more detailed description of the methodology is located in Section IV of this publication.

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## Summary of findings

As a general matter, Americans hold mixed (and often conflicting) views about the exercise of First Amendment freedoms under the Constitution. Even more than in past surveys, the public expressed considerable reservations about the exercise of certain First Amendment rights in the 2001 First Amendment Center survey.

On one hand, the public lends strong support to two abstract freedoms set forth by the First Amendment: the freedom of speech and the free exercise of religion. Specifically, a clear majority of Americans still believe the First Amendment gives about the right amount of freedom of speech and freedom of religion in our society. (These findings generally coincide with those found in previous studies conducted by the First Amendment Center during the past four years.) This support exists despite public frustrations with the job American schools do in teaching us about the First Amendment: Nearly two-thirds of all Americans continue to rate our educational system as either fair or poor in this regard.

At the same time, the events surrounding the 2000 presidential election may have taken some toll on public support for certain press freedoms and for the First Amendment as a whole. This year nearly four in 10 Americans indicated that they think the First Amendment goes too far in the rights it guarantees, a significant jump from past surveys. A plurality of Americans think the press in America has too much freedom to do what it wants. And with regard to elections specifically, the public is hardly deferential to press rights to cover elections, as a significant majority this year rejected the rights of networks to project election winners in advance.

Interestingly, such evidence of dissatisfaction with the First Amendment and freedom of the press in general has not translated into public support for specific measures that would curtail the rights of journalists. For example, three-quarters of all Americans believe newspapers should be allowed to publish freely without governmental approval of a story.

Although overall support for freedom of speech remains generally high,

Americans do draw some critical distinctions among different types of speech and among different types of media that may be utilized to disseminate information. A majority of Americans disagree with the premise that people should be allowed to say things that might be offensive to religious groups, and nearly three quarters of all Americans continue to reject the right to burn the flag as a form of political protest.

As a general matter, the public seems content with the amount of free expression accorded to students in public schools, with half indicating they have “about the right amount” of freedom. On more specific issues, however, the public shows a bit more resistance. Six in 10 Americans oppose public school students’ rights to access Internet sites containing speech that might be offensive to some racial groups, and an even greater majority opposes unfiltered access to all Web sites for such students. Nearly six in 10 would require public school students to seek the approval of school authorities when reporting on controversial issues in their student newspapers.

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The public's support for a broad and far-reaching exercise of religious freedom in our society may explain its lack of enthusiasm for the requirement that government make no law respecting an "establishment of religion." A clear majority of Americans favor some forms of prayer in public school and at football games. And barely half of the American public are concerned that President Bush's "faith-based initiatives" might violate the constitutional principle requiring a separation of church and state.

Clearly, the First Amendment continues to generate a mix of emotions within the American public. Despite expressing significantly increased concern that the First Amendment goes too far in the rights it guarantees, Americans continue to extend strong abstract support for the general constitutional rights of freedom of speech and the free exercise of religion. As in past years, the findings of this study should be regarded as a tool to conceive new methods of raising awareness of First Amendment issues and fostering better appreciation for the freedoms the First Amendment represents.

Here are some specific findings of this study:

**When asked to identify rights guaranteed by the First Amendment, Americans struggle to mention most of its main freedoms.**

Approximately six in 10 Americans could name the freedom of speech, nearly the same high level of recognition this right enjoyed in the 2000 survey. By contrast, not even two in 10 respondents could name any of the other rights contained within the First Amendment, showing little change from past surveys.

**Thirty-nine percent of Americans say the First Amendment goes too far in the rights it guarantees, almost double the percentage of people who felt that way in 2000, when just 22% expressed that sentiment.** Frustrations over the coverage of the 2000 election may have played some role in this figure, as eight in 10 Americans surveyed in 2001 opposed allowing television networks to project winners of an election while people are still voting. (Seven in 10 felt that way last year.)

**Respondents overwhelmingly (93%) believe people should be allowed to express unpopular opinions.** And while almost two-thirds of the American

public opposed the right of people to say things in public that might be offensive to racial groups, six in 10 respondents would nevertheless oppose a law making such speech illegal.

**Nearly three in four Americans (74%) continue to reject the right of people to burn the flag as a political statement.** There is an education deficit on this issue, as 58% of those surveyed wrongly thought that Americans did not already enjoy that right.

**Stricter campaign finance laws have gained public favor in the current political climate.** A substantial majority of respondents (70%) favored new laws limiting the amount of money anyone can contribute to a political party, while only a third felt such a law would violate the First Amendment. Eighty-six percent also favored requirements that candidates fully and immediately disclose the names of their contributors.

**Americans may be concerned that press freedoms sometimes go too far, but 82% still think it is important for the media to hold the government in check.** Citizens also are supportive of most specific press activities.

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For example, substantial majorities supported the right of broadcasters to televise proceedings of the U.S. Supreme Court (77%), and the right of newspapers to criticize public officials (79%). Respondents also expressed considerable support for the right of newspapers to publish without government approval (75%). During the heart of the Clinton-Lewinsky scandal in 1999, 65% supported that right.

**Half the public think students in public schools have the right amount of freedom, compared to 22% who think they have too little freedom and 23% who think they have too much.** Still, a clear majority (60%) opposed students accessing Internet sites on school computers that might be offensive to racial groups, and 58% rejected the right of students to report on controversial issues without the approval of school authorities.

**By contrast, Americans support the right of students while in school to access religious information on the Internet (72%) and to access educational information on the Internet about sexual topics (61%).** And 62% opposed public schools disciplining students who post offensive material on the Internet

when it is done on their own computers outside of school hours.

**The American public apparently opposes strict boundaries between church and state in our society.**

A clear majority of the public favored allowing school prayers to be led by teachers or other school officials in school (55%), or led by students at public school-sponsored events such as football games (57%).

**Fifty-one percent are concerned that President Bush's "faith-based initiatives" program violates the First Amendment's separation of church and state.** A slight majority also opposed allowing religious groups that receive government funding to include their own religious messages along with the program.

## General orientations toward the First Amendment

### HIGHLIGHTS

**Thirty-nine percent of respondents to the 2001 survey believe the First Amendment goes too far in the rights it guarantees.** By contrast, in 2000, 22% thought the First Amendment went too far.

**The 2000 presidential election may have had some effect on Americans' general orientations toward the First Amendment.**

This year, eight in 10 Americans said television networks should not be allowed to project winners of an election while people were still voting, and two-thirds of the public (67%) strongly felt that way.

**Of those most adamantly opposed to early election-night projections, 41% say the First Amendment goes too far in the rights it guarantees.** (By contrast, 31% of those who favored network projections said the First Amendment went too far).

**A plurality of the public (46%) thinks the press in America has too much freedom to do what it wants.** Meanwhile, more than six in 10 Americans (61%) said the amount of freedom of speech in this country is about right.

**Sixty-two percent indicate that they think the amount of religious freedom in this country is about right.** Of the sub-groups surveyed, only fundamentalist Christians expressed significant frustration about the general state of religious freedom, with more than half of that group (54%) indicating there is too little religious freedom in this country.

The First Amendment sits at the cornerstone of American democracy. It was ratified in 1791 out of fears that the new central government in the United States might have too much power to interfere in the lives of individuals. We asked respondents if they could name any of the specific rights that are guaranteed by the First Amendment.

For the second year in a row, freedom of speech was named as a First Amendment right by approximately six in 10 Americans. And for the third year in a row, no other right was named by even one in five of those surveyed. (Freedom of religion had the second highest level of recognition, as 16% of those surveyed recognized it as a First Amendment right.)

Perhaps the most significant finding in this year's survey emerged when we asked members of the public if they thought the rights guaranteed by the First Amendment go too far. This year 39% agreed that those rights go too far, a jump of 17 percentage points from last year's poll. Even more amazing, 29% felt strongly that the First Amendment goes too far in the rights it guarantees, nearly three times the percentage that felt strongly last year. Levels of

frustration were particularly high among those who never went to college (49% felt the First Amendment goes too far), non-whites (45%) and Catholics (44%).

Fifty-three percent of Americans in 2001 also said they would favor a law that restricts news organizations from projecting the winner of a presidential election. (Thirty-seven percent said they would strongly favor such a law).

Despite diminished support for the First Amendment as a whole, Americans continued to lend strong support to two abstract freedoms set forth within the Amendment: the freedom of speech and the free exercise of religion. Overall, 61% of Americans indicated that the amount of freedom of speech is "about right," as compared to just 12% who indicated that there is too much freedom of speech. Similarly, 62% said there is the "right amount" of religious freedom in this country, as compared to just 4% who said there is too much freedom. (Thirty-two percent said there is "too little" freedom.) These relatively high levels of satisfaction for free speech and religious freedom are nearly identical to the levels registered in the 1999 and 2000 surveys.

By contrast, freedom of the press has never enjoyed the same high level of support as these other freedoms, and this past year's survey confirmed that a large deficit in support exists once again. Specifically, nearly half of respondents (46%) said the press in America has too much freedom to do what it wants, as contrasted with 42% who said the amount of press freedom is about right. (Eight percent thought the press had too much freedom.) The groups most frustrated with the state of press freedom included those who described themselves as fundamentalists or evangelicals (59% thought the press had too much freedom), Southerners (54%), females (52%) and those with a high school degree or less (52%). By contrast, college graduates were more content with the state of press freedom: 53% said the amount of freedom the press has is "about right."

Support for freedom of the press rose somewhat when the public was asked whether Americans themselves (as contrasted with "the press") had too much press freedom. Considered with that alternate wording, only 36% thought Americans had too much press freedom (contrast that



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with the 46% who thought the press had too much freedom). Similarly, 13% thought Americans had too little press freedom (contrasted with only 8% who thought the press had too little freedom).

## Freedom of speech

### HIGHLIGHTS:

**Ninety-three percent of respondents continue to support the right of fellow citizens to express unpopular opinions, with almost three in four citizens (74%) strongly supporting that right.**

Although exhibiting overall support for that same right, older respondents expressed less intense support for the right to express unpopular opinions.

**By contrast, nearly two in three Americans (64%) object to allowing people to say things in public that might be offensive to racial groups.**

Democrats (73%) opposed such speech to a much greater degree than Republicans (57%).

Nevertheless, only 36% of respondents as a whole indicated that they would favor a law making it illegal for people to say such things.

**Approximately six in 10 citizens think both that musicians should be allowed to sing songs with offensive lyrics, and that they should be allowed to sing even offensive songs in publicly owned auditoriums.**

Half of the respondents said people should be allowed to publicly display art that has offensive content.

**Flag burning remains a controversial topic.**

Nearly three in four members of the public (74%) disagreed that people should be allowed to burn or deface the American flag, and 68% disagreed strongly with such a right. Of the various sub-groups surveyed, those who never went to college (85%) and older Americans (84%) were most likely to oppose a right to flag burning.

**A clear majority of the public (70%) favors laws that restrict the amount of money individuals or groups can contribute to political parties, and 60% think such laws do not violate the First Amendment.**

**Most Americans also favor limitations on the amount that political parties can spend in an election (76%), and 86% say candidates should be required to both fully and**

**immediately disclose the names of individuals and organizations that make campaign contributions.**

Americans continued to strongly support the right of citizens to express unpopular opinions. For the second year in a row, more than nine in 10 of those surveyed agreed that people should be allowed to exercise that right. Such a high rate of support (95% in 2000 and 93% in 2001) maintains the slight increase that was first realized after the 1999 survey, when 86% supported that right. This right draws significant support even from those Americans who think the First Amendment goes too far. Specifically, 90% of those who think the First Amendment extends too many rights nevertheless agreed that people should be allowed to express unpopular opinions, and nearly seven in 10 (69%) strongly supported that right.

Men (78%) showed a greater degree of strong agreement with the right to express unpopular opinions than females (71%). Additionally, younger Americans (79%) strongly supported the right in much greater numbers than their counterparts aged 60 and over (64%).

As was noted earlier, Americans stand strongly united behind the First Amendment guarantee of free speech in the abstract. Nevertheless, the public exhibits considerably less deference when presented with controversial and potentially offensive exercises of that right. Flag burning, for example, remains a considerable source of controversy among those surveyed. To many Americans, the flag is a symbol of the very freedoms guaranteed by the Constitution; clearly many were disappointed in the 1989 U.S. Supreme Court decision that held flag burning to be a constitutionally protected activity.

More than a decade after that decision, nearly three in four Americans (74%) continue to oppose the right to burn or deface an American flag as a political statement. Meanwhile, as the number of opponents of flag burning holds steady, their knowledge of the law remains quite limited. In 2001, 58% incorrectly thought that Americans do not have the legal right to burn the flag as a means of political protest. (Nevertheless, 59% believe the U.S. Constitution should not be amended to prohibit flag burning.)

Americans exhibited a mixed level of support for other controversial forms of speech. For example, 61% supported the right of musicians to sing songs with offensive lyrics, and 58% thought musicians should be allowed to sing such songs even in publicly owned auditoriums. Nearly two-thirds of Americans (65%) supported the right of any group to hold a rally for a cause or an issue that might be offensive to other members of the community. Independents (75%), younger Americans (77%) and college grads (78%) supported that right of protest in especially high numbers.

By contrast, 50% supported the right to display in a public place art that features potentially offensive content. Not surprisingly, various demographic groups responded to this right in markedly different ways. While 64% of individuals aged 18-29 supported the right to display offensive art, less than a third of Americans aged 60 and over (32%) supported that right. Income also was a factor, as 65% of those earning \$75,000 or more supported the right to display offensive art, as compared to 42% of those earning under \$40,000 per year. And fundamentalists/evangelicals were least

supportive — 34% of them supported the right to display such controversial art.

Other rights received far less deference from the public. Only 47% of those surveyed agreed that people should be allowed to say things in public that might be offensive to religious groups, as over a third (35%) strongly disagreed with such a right. Just 34% said people should be allowed to say things in public that might be offensive to racial groups (although 60% opposed a law that would make it illegal for people to say such things). And while the public would extend certain rights to musicians to sing offensive lyrics (see previous page), 80% of the public supported restrictions on selling compact discs with offensive content to persons under the age of 18. Sixty-six percent strongly supported such restrictions.

Finally, campaign finance restrictions remain a hot topic in the news. Federal lawmakers may disagree vehemently about whether restrictions on “soft money” that can be given to political parties make for good policy, but the public is not nearly so divided. In all, seven out of 10 Americans favored laws

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that would limit the amount of money any individual or group can contribute to political parties, and 52% strongly favor such laws. Out of all the groups surveyed, Catholics (79%) favored such laws the most, while non-whites (61%) were least enthusiastic about such laws. As for party expenditures, 76% of respondents indicated that there should be a limit on the amount of money that political parties can spend during a federal election, as compared to 21% who opposed such laws.

Even more popular than limits on “soft money” are election disclosure requirements. Eighty-six percent of respondents indicated that political candidates should be required to both fully and immediately disclose the names of contributors in federal elections, and 71% strongly felt that way. Leading the way in support of such laws were college grads (94%) and those who make \$75,000 or more per year (also 94%). Less enthusiasm was found among non-whites, 76% of whom supported such disclosure laws.

Yet are restrictions on contributions to political parties even constitutional? The public is quite skeptical of claims that such restrictions violate the

First Amendment. In all, six out of 10 Americans disagreed that limiting the amount of money that individuals or groups can contribute to political parties is a violation of the First Amendment right of free speech. (Thirty-five percent disagreed strongly with that sentiment.)

## Freedom of the press

### HIGHLIGHTS:

**Forty-one percent of those surveyed believe the media have too much freedom to publish whatever they want, compared to just 36% who think there is too much government censorship.**

**More than eight in 10 Americans (82%) indicate that it is important for the media to hold the government in check (48% think it is very important).** By contrast, 71% felt it was important for the government to hold the media in check.

**Approximately six in 10 Americans (59%) think newspapers should be allowed to endorse candidates for public office, and nearly eight in 10 think both that newspapers should be allowed to criticize public officials, and**

**that broadcasters should be able to televise proceedings of the U.S. Supreme Court.**

**Americans’ opposition to the networks’ practice of projecting winners of an election while people are still voting has increased by 10 percentage points over the past year, even though Americans are equally convinced as they were last year that such projections will affect individuals’ decisions to vote.** (For the second straight year, 64% said they believed network projections made it less likely that people would vote.)

**Over half of those surveyed (53%) favor a law that restricts news organizations from projecting the winner of a presidential election while people are still voting.** Americans over 60 years old (62%) favored that law by a wide margin over younger Americans (42%), while Republicans (58%) preferred the law slightly more than did Democrats (51%).

Compared to other First Amendment freedoms, Americans expressed considerably less support for freedom of the press in the abstract. (In all, 46% thought the press in America had too much freedom, compared to 12% who thought Americans

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had too much freedom of speech.) What role does the public envision the press playing in our democracy?

In the 2001 survey respondents were asked how important it was for the media to hold the government in check, and vice-versa. The results of the survey may seem surprising to some. In all, 82% thought it was important for the media to hold the government in check, and nearly half (48%) thought it was very important. (High-income earners were most adamant, with 55% indicating that it was very important for the media to hold the government in check.) At the same time, 71% thought it was important for the government to hold the media in check, a sure sign that a majority of the public remains frustrated because of actions the press has taken in recent years.

These frustrations are even more evident when citizens are asked to assess the state of press freedoms and government censorship. When asked which belief lies closest to their own, 41% said it was that “the media has too much freedom to publish whatever it wants,” while 36% sided with the statement that “there is too much government

censorship.” Weighing in with greatest fervor against the media were fundamentalists/evangelicals, a majority (51%) of whom sided with the premise that there is too much media freedom, as compared to 32% who thought there was too much government censorship. These positions were flipped among adults aged 18-29, 51% of whom thought there was too much government censorship while only 33% thought there was too much media freedom.

What about specific media and press freedoms? Resentment over some of the press’s actions has not translated into opposition to all types of press freedom. Three out of four Americans agreed that newspapers should be allowed to publish freely without government approval of a story, nearly matching the level of support that statement garnered in 2000. A substantial majority of the public also supported the right of newspapers to endorse candidates for public office (59%) and criticize public officials (79%). This right to criticize public officials was especially favored by those earning \$75,000 or more per year (95%) and by college grads (92%). By contrast, females (73%) and non-whites (69%) were

somewhat less sure of the right.

Despite the broad attention received by the U.S. Supreme Court when it decided the presidential election case in December 2000, support for broadcasting the court’s proceedings — traditionally high among members of the public — rose only slightly during the last year. In both the 1997 and 2000 surveys, 73% of the public indicated that broadcasters should be allowed to televise the proceedings of the U.S. Supreme Court, with 23% disagreeing in each case. In 2001, 77% favored televising the court’s proceedings, with a majority of Americans (51%) for the first time strongly supporting such broadcasts. Democrats (81%), younger adults (80%), Catholics (82%) and higher-income earners (81%) led the way in producing this modest rise in support. For the nearly quarter of Americans who have traditionally opposed such broadcasts, the delayed audio broadcast of the presidential election case may well have sufficed.

By contrast, Americans are increasingly committed to pulling back on networks’ discretion during election-night broadcasts. As was

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discussed previously, 80% of Americans opposed allowing networks to project winners of an election while people are still voting, a 10-point jump from the 2000 survey. This came despite no real increase in the perceived effect of such early projections: In 2000 and 2001 the same percentage of the public (64%) thought such projections would discourage people from going to the polls. And a majority of Americans (53%) favored a law that would restrict news organizations from making such projections.

Finally, support for the protection of Internet publishers has stabilized somewhat after especially significant increases in past years. In 2000, 74% of those surveyed indicated that they thought materials on the Internet should enjoy the same First Amendment protections as books and newspapers, an increase in support of 10 points from the 1999 survey and 18 points from the 1997 survey. In 2001, however, there was no such large increase, as 76% agreed that the Internet and the print media should receive the same protections.

## Free speech in public schools

### HIGHLIGHTS:

**Overall, 63% rate the American educational system fair or poor in the job it does of promoting First Amendment principles through school activities or policies.**

**Fifty percent of respondents believe students in public schools have about the right amount of freedom to express themselves while at public school.** The other half of the public was evenly split over whether students have too much freedom (23%) or not enough (22%).

**Of the various subgroups surveyed, fundamentalists/evangelicals (32%) are most likely to say there is too much freedom for students, while college graduates appear most content (with 57% saying students had about the right amount of freedom).**

**Nearly six in 10 members of the public (58%) oppose allowing public school students to report on controversial issues in student newspapers without the approval of school officials.**

By contrast, 39% opposed providing that same right to student newspapers at public colleges.

**Significant majorities of the public favor allowing public school students to access Internet sites with religious information (72%) and with educational information about sexual topics (61%) while using school computers.**

**However, 60% oppose allowing students access to Internet sites that contain speech that might be offensive to racial groups.** And three-fourths of the public would not allow students to post offensive material on school computers, even if they are doing it on their personal Web sites.

The role that the First Amendment should play in our educational system (particularly in public schools) remains a subject of considerable debate. Since the Warren Court-led constitutional rights revolution of the 1960s, all schools (public and private) have been forced to take the lead in educating young citizens about their constitutional rights. As yet, they have not done so to any great acclaim. This past year, 63% of those surveyed rated the American educational system's

performance in teaching students about First Amendment freedoms as “fair” or “poor,” continuing a trend of dissatisfaction seen in previous years.

Still, a larger question remains: Does the First Amendment apply with equal weight in public schools as it does in other areas of life? Or, as U.S. Supreme Court Justice Abe Fortas articulated the question more than 30 years ago, do students “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate?” As a general matter, Americans are not at all satisfied with how public schools have managed to strike this balance. Sixty-three percent of those surveyed thought the public schools had done a “fair” or “poor” job of promoting First Amendment principles through school activities or policies. (Only 3% thought the job had been “excellent.”) And while there was dissatisfaction registered across the board among subgroups, individuals aged 18-29 were apparently least impressed with schools in this regard, as 69% of them rated the schools’ performance as fair or poor.

While Americans remained unsatisfied with the job schools are doing

promoting First Amendment values as a whole, there is little consensus about how schools should go about undertaking this challenge. For example, serious disagreement exists over whether students deserve more freedom to express themselves. Fifty percent of respondents said that students have “about the right amount” of freedom to express themselves while at school; the other half was evenly split over whether students have too much freedom (23%) or too little (22%).

More consensus can be detected when Americans are asked about specific freedoms for students. Nearly six in 10 members of the public (58%) opposed allowing students to report on controversial issues in their student newspapers without the approval of school authorities. (Only 40% supported that right.) By contrast, 56% supported that same right for student newspapers at public colleges, and nearly the same percentage (54%) favored allowing student newspapers at colleges to publish controversial advertisements, even though a substantial number of students might be offended. Clearly, many members of the public distinguish between the limited rights of high school students and the

broader rights of college students.

The use of the Internet on school computers is another source of controversy, and Americans show little consistency in their approach to the topic. On one hand, nearly three in four respondents (72%) thought that public school students should be allowed to access Internet sites with religious information while using school computers. (Forty-seven percent strongly supported such a right.) Those with an annual income of \$75,000 or more (80%) and younger Americans (80%) were especially likely to support this right, while older Americans (55%) were the least enthusiastic of the groups surveyed.

Sixty-one percent of the public also supported allowing public school students, while using school computers, to access Internet sites that contain educational information about sexual topics. Support for this right varied widely among subgroups: Younger Americans (78%), men (67%) and those with at least some college (68%) favored the right in far greater numbers than individuals aged 60 or over (43%), females (54%) and those who never attended college (52%).

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By contrast, 38% would allow public school students, while using school computers, to access Internet sites containing speech that might be offensive to some racial groups. (Forty-three percent strongly disagreed with allowing such access.) Clearly, the public's inclination to allow public students discretion when using school computers can be outweighed by its revulsion to a particular type of speech.

Especially thorny issues arise when public school students maintain personal Web sites on school computers, often during school hours. Do school authorities have the right to restrict such Internet activities when they do not directly interfere with classwork instruction?

Three in four Americans would not allow public school students who maintain personal Web sites on school computers to post material that others may find offensive. (Even more telling, 55% of respondents strongly disagreed with that practice.) Leading the opposition were fundamentalists/evangelicals (81%), Americans aged 60 and over (81%) and those who did not receive instruction beyond high

school (80%). Least hostile were 18-29-year-olds, 64% of whom were opposed.

Moreover, 83% opposed giving public school students unfiltered access to all Web sites on school computers, where they may occasionally encounter inappropriate or offensive materials. There was opposition across the board among all groups to such free access.

## Free exercise of religion and the separation between church and state

### HIGHLIGHTS:

**In this year's survey, nearly a third of the public (32%) say that Americans have too little religious freedom.** While fundamentalist Christians (54%) believed most strongly that there is too little freedom, Catholics (22%) and Protestants as a whole (35%) were far less certain.

**By contrast, very few Americans (4%) think there is too much freedom to worship.** Sixty-two percent said the amount of freedom that exists is about right.

**Regarding President Bush's Office of Faith-Based and Community Initiatives, the public is divided over whether religious groups that administer social services with government funding should be allowed to include their own religious message when delivering the services.** Forty-four percent of respondents favored allowing religious groups to include such messages, while 51% opposed the practice.

**Of the subgroups surveyed, Christian fundamentalists (60%) show the greatest support for allowing religious messages to be included, with 37% strongly favoring such a policy.**

**Even more telling, only half of all people surveyed (51%) express concern that providing public funds to religious groups for social services would violate the Constitution's provision for the separation of church and state.**

**A majority (53%) say students have too little religious freedom in public schools, as compared to 3% who think they have too much freedom.**

**Fifty-five percent of respondents think teachers or other public**

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**school officials should be allowed to lead prayers in school, and 57% support allowing student-led prayers over a public-address system at school-sponsored events such as football games.**

Still, only 38% favored allowing students to distribute religious materials at school.

The freedom to worship continues to take its place among Americans' most cherished First Amendment rights. In the 2001 survey, respondents once again reaffirmed their strong support for the broad exercise of religious freedom in this country. Sixty-two percent said the amount of religious freedom Americans have is about right, while another 32% said there is too little religious freedom. (By contrast, 4% said there is too much religious freedom in this country.) Of the religious groups surveyed, fundamentalist Christians (54%) believed most strongly there is too little freedom; Catholics (22%) and Protestants as a whole (35%) were less certain.

Even more significant, for a fourth consecutive survey, more than 90% of respondents preferred more or the same amount of religious freedom currently experienced.

Along with the public's demand for increased religious freedom in public life has come a general willingness to put up with activities that might seem to threaten the constitutional principle of separation between church and state. During the past year the media have paid considerable attention to President Bush's Office of Faith-Based and Community Initiatives, which would allow religious groups to apply for government funding for social services. Six in 10 Americans indicated that they had heard at least "a little" about this program, led by older Americans (72%), high-income earners (76%) and college grads (77%). Non-whites (48%) knew far less about the program.

Despite the inherent dangers of mixing church and state in such initiatives, Americans showed division over on whether religious groups that participate in such programs should be able to include their own religious messages along with the programs. A bare majority (51%) opposed the inclusion of religious messages, while 44% would have allowed such messages. Not surprisingly, those who identified themselves as fundamentalists/evangelicals (60%) and Republicans (55%) favored the inclusion

of such religious messages in far greater numbers than the public as a whole. Democrats were considerably more hostile, as 39% of that group supported the policy, compared to 57% who opposed it. On this issue in particular, the party lines appear clearly drawn.

A significant percentage of Americans remained unconcerned that the Office of Faith-Based Initiatives might violate First Amendment principles. A slim majority of Americans (51%) said they were "very" or "somewhat" concerned that providing public funding to religious groups for social services would violate the constitutional principle of separation between church and state. Forty-six percent indicated that they were less concerned, with two out of 10 Americans saying they were "not concerned at all." Of the subgroups surveyed, Republicans were the least concerned, with 60% of that party's members expressing little concern about any possible conflict with the First Amendment.

The public's support for increased religious freedom in public life does not stop at the schoolhouse gate. By a nearly 18-1 margin, more Americans indicated that students have too little religious freedom in public schools (53%) than said



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they have too much freedom (3%). (Another 40% said they have the right amount.) Leading the charge in such complaints were fundamentalists (68% said there is too little religious freedom) and Southerners (65%). In fact, the geographic lines are drawn clearly on this issue. While Southerners lean by greater than a 2 to 1 margin toward the premise that there is too little religious freedom in schools, a plurality of those surveyed from the Northeast (48%) said the amount of religious freedom is “about right.” Meanwhile, those in the Midwest and the West were about evenly split between the “too little freedom” and “about right” positions.

This much is clear:  
Nearly 40 years after the U.S.

Supreme Court banned school-sponsored prayer and spiritual Bible readings in public schools, few Americans believe as a general matter that students have too much religious freedom.


What about specific religious freedoms exercised in the schools? On one hand a majority would allow teachers or other public school officials to lead prayers in school (55%), as well as allow public school students to lead prayers over the public-address system at public school-sponsored events such as football games (57%). And an overwhelming majority (94%) would allow students to express their own religious views in a class discussion as long as those views were relevant to the topic.

The public does draw the line, however, at the free distribution of religious materials in school, even when it is students who would be engaging in such activities. In all, six in 10 Americans would oppose such distribution of religious materials at school, as compared to 38% who said they supported such activities. Of the various subgroups surveyed, only fundamentalists/evangelicals supported the practice by a majority. Fifty-eight percent of fundamentalists agreed that students should be allowed to distribute religious materials, and 39% agreed strongly with their right to do so.

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# State of the First Amendment Survey 2001

*Weighted Data N=1012*

Due to rounding and/or open-ended questions, percentages may not always equal 100.

*Hello, my name is \_\_\_\_\_, and I am calling from the University of Connecticut. We are conducting a survey on important issues facing the nation. To determine who I need to speak with, could you please tell me which person in your household, age 18 or older, has had the most recent birthday? (If not respondent, ask to speak with him or her. If person not available, ask when is best to call back.)*

21

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? **(Probe: Are there any others you can name?)**

	1997	1999	2000	2001
Freedom of the press	11%	12%	12%	14%
Freedom of speech	49%	44%	60%	59%
Freedom of religion	21%	13%	16%	16%
Right to petition	2%	2%	2%	1%
Right of assembly/ association	10%	8%	9%	10%
Other	7%	6%	12%	14%
Don't know/Refused	37%	49%	46%	47%

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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. **(Probe: Do you agree/disagree strongly or mildly?)**

	1999	2000	2001
Strongly agree	16%	10%	29%
Mildly agree	12%	12%	10%
Mildly disagree	22%	26%	19%
Strongly disagree	45%	48%	39%
Don't know/Refused	5%	5%	3%

**Rotate questions 3 through 5.**

22

3. Even though the U.S. Constitution guarantees freedom of the press, government has placed some restrictions on it. Overall, do you think Americans have too much press freedom, too little press freedom, or is the amount of press freedom in America about right?

	1999 <sup>†</sup>	2000	2001
Too much freedom	31%	40%	36%
Too little freedom	17%	14%	13%
Right amount of freedom	49%	43%	47%
Don't know/Refused	4%	3%	4%

<sup>†</sup>Follow-up survey conducted Sept. 3-13, 1999.

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4. 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	1999 <sup>†</sup>	2000	2001
Too much freedom	38%	53%	42%	51%	46%
Too little freedom	9%	7%	8%	7%	8%
About right	50%	37%	48%	41%	42%
Don't know/Refused	3%	2%	3%	2%	3%

<sup>†</sup>Follow-up survey conducted Sept. 3-13, 1999.

5. Even though the U.S. Constitution guarantees freedom of speech, government has placed some restrictions on it. Overall, do you think Americans have too much freedom to speak freely, too little freedom to speak freely, or is the amount of freedom to speak freely about right?

	1997	1999	2000	2001
Too much freedom	10%	12%	11%	12%
Too little freedom	18%	26%	25%	26%
About right	68%	59%	62%	61%
Don't know/Refused	4%	3%	2%	2%

23

6. 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
Too much freedom	6%	8%	5%	4%
Too little freedom	21%	26%	29%	32%
About right	71%	63%	63%	62%
Don't know/Refused	2%	3%	3%	2%

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7. To the best of your knowledge, under current law, do Americans have the legal right to burn the American flag as a means of political protest? Yes or no?

	1999	2000	2001
Yes	33%	36%	38%
No	64%	61%	58%
Don't know/Refused	3%	4%	4%

*I am now going to read you some ways that people might exercise their First Amendment right of free speech. For each, please tell me if you agree or disagree that someone should be allowed to do it. (Probe for each: strongly/mildly.)*

8. People should be allowed to express unpopular opinions.

	1997	1999	2000	2001
Strongly agree	68%	58%	69%	74%
Mildly agree	22%	28%	26%	19%
Mildly disagree	5%	8%	2%	3%
Strongly disagree	4%	5%	3%	2%
Don't know/Refused	1%	1%	*	1%

\* = less than 1%

**Rotate questions 9-13, keeping questions 12 and 13 together.**

9. People should be allowed to say things in public that might be offensive to religious groups.

	2000	2001
Strongly agree	22%	25%
Mildly agree	24%	22%
Mildly disagree	15%	16%
Strongly disagree	38%	35%
Don't know/Refused	1%	3%

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

	1997	1999	2000	2001
Strongly agree	23%	27%	32%	34%
Mildly agree	28%	29%	27%	27%
Mildly disagree	16%	15%	12%	9%
Strongly disagree	31%	26%	28%	28%
Don't know/Refused	3%	4%	2%	2%

11. People should be allowed to burn or deface the American flag as a political statement.

	1997	1999	2000	2001
Strongly agree	10%	10%	12%	12%
Mildly agree	10%	10%	13%	13%
Mildly disagree	8%	6%	7%	6%
Strongly disagree	70%	74%	67%	68%
Don't know/Refused	2%	1%	1%	1%

25

12. People should be allowed to say things in public that might be offensive to racial groups.

	1997	1999	2000	2001
Strongly agree	8%	8%	15%	16%
Mildly agree	15%	13%	17%	18%
Mildly disagree	14%	16%	15%	15%
Strongly disagree	61%	62%	52%	49%
Don't know/Refused	2%	1%	1%	2%

13. Would you favor or oppose a law that would make it illegal for people to say things in public that are offensive to racial groups?

	2000	2001
Favor	36%	36%
Oppose	60%	60%
Don't know/Refused	4%	4%

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14. People should be allowed to display in a public place art that has content that might be offensive to others.

	1997	1999	2000	2001
Strongly agree	20%	17%	22%	24%
Mildly agree	24%	24%	24%	26%
Mildly disagree	22%	24%	17%	16%
Strongly disagree	31%	33%	34%	31%
Don't know/Refused	4%	2%	4%	3%

Rotate questions 15 and 16.

15. Musicians should be allowed to sing songs in publicly owned auditoriums even if the songs may offend some members of the community.

	2001
Strongly agree	30%
Mildly agree	28%
Mildly disagree	13%
Strongly disagree	27%
Don't know/Refused	2%

26

16. Compact discs which contain content that may offend some members of the community should not be sold to persons under the age of 18.

	2001
Strongly agree	66%
Mildly agree	14%
Mildly disagree	10%
Strongly disagree	9%
Don't know/Refused	2%



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*On a different topic ...*

17. 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
Should not	49%	48%	51%	59%
<a href="#">Go to question 19</a>				
Should	49%	51%	46%	39%
<a href="#">Go to question 18</a>				
Don't know/Refused	2%	1%	3%	2%
<a href="#">Go to question 19</a>				

18. **[If “should”:]** If an amendment prohibiting burning or desecrating the 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
Yes	88%	90%	87%	81%
No	9%	8%	12%	15%
Don't know/Refused	3%	2%	1%	4%

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*I'm now going to read you some ways that freedom of the press may be exercised. For each, please tell me if you agree or disagree that the press should be allowed to do it.*

**Rotate questions 19 through 21.  
(Probe for questions 19 through 22: Do you agree/disagree strongly or mildly?)**

19. Newspapers should be allowed to publish freely without government approval of a story.

	1997	1999	2000	2001
Strongly agree	56%	38%	54%	53%
Mildly agree	24%	27%	22%	22%
Mildly disagree	11%	14%	9%	10%
Strongly disagree	6%	18%	11%	13%
Don't know/Refused	3%	3%	3%	2%

20. Newspapers should be allowed to endorse candidates for public office.

	1999 <sup>†</sup>	2000	2001
Strongly agree	29%	27%	30%
Mildly agree	28%	27%	29%
Mildly disagree	14%	15%	11%
Strongly disagree	26%	28%	28%
Don't know/Refused	3%	3%	3%

<sup>†</sup>Follow-up survey conducted Sept. 3-13, 1999.

21. Newspapers should be allowed to criticize public officials.

	1999 <sup>†</sup>	2000	2001
Strongly agree	44%	52%	57%
Mildly agree	28%	25%	22%
Mildly disagree	11%	10%	9%
Strongly disagree	16%	13%	11%
Don't know/Refused	1%	1%	1%

<sup>†</sup>Follow-up survey conducted Sept. 3-13, 1999.

22. Television networks should be allowed to project winners of an election while people are still voting.

	1997	1999	2000	2001
Strongly agree	15%	11%	12%	9%
Mildly agree	16%	18%	18%	11%
Mildly disagree	17%	19%	17%	13%
Strongly disagree	51%	51%	53%	67%
Don't know/Refused	1%	1%	1%	1%

23. If a news report projected the winner of an election while people were still voting, how do you think this would affect people who had not yet voted? Do you think they would be more likely to vote, less likely to vote, or do you think it would not affect their decision to vote?

	2000	2001
More likely	14%	13%
Less likely	64%	64%
No effect	18%	18%
Don't know/Refused	5%	5%

29

24. Do you favor or oppose a law that restricts news organizations from projecting the winner of a presidential election while people are still voting?  
(Probe: Is that strongly or somewhat?)

	2001
Strongly favor	37%
Somewhat favor	16%
Somewhat oppose	20%
Strongly oppose	25%
Don't know/Refused	3%

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**Rotate questions 25 and 26.**

25. How important, if at all, do you think it is for the government to hold the media in check? **(Read answers.)**

2001

Very important	28%
Somewhat important	43%
Not too important	9%
Not important at all	17%
Don't know/Refused	3%

26. How important, if at all, do you think it is for the media to hold the government in check? **(Read answers.)**

2001

Very important	48%
Somewhat important	34%
Not too important	7%
Not important at all	7%
Don't know/Refused	4%

30

26a. Some people believe that the media has too much freedom to publish whatever it wants. Others believe there is too much government censorship? Which of these beliefs lies closest to your own?

2001

Too much media freedom	41%
Too much government censorship	36%
Neither (volunteered)	12%
Both (volunteered)	7%
Don't know/Refused	4%

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**Rotate questions 27 and 28.**  
**(Probe for each: Is that strongly or somewhat?)**

27. Do you favor or oppose allowing student newspapers at public colleges to report on controversial subjects without the approval of school authorities?

2001

Strongly favor	33%
Somewhat favor	23%
Somewhat oppose	18%
Strongly oppose	21%
Don't know/Refused	5%

28. Do you favor or oppose allowing student newspapers at public colleges to publish advertisements discussing controversial subjects, even if substantial numbers of students might be offended?

2001

Strongly favor	27%
Somewhat favor	27%
Somewhat oppose	21%
Strongly oppose	19%
Don't know/Refused	7%

31

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*Now I'm going to read you some ways that students at public high schools and elsewhere may attempt to exercise their freedom. For each, please tell me whether you agree or disagree with the statement.*

**Rotate questions 29 through 33.  
(Probe for each: Do you agree/disagree strongly or mildly?)**

29. Public school students should be allowed to report on controversial issues in their student newspapers without the approval of school authorities.

2001

Strongly agree	20%
Mildly agree	20%
Mildly disagree	22%
Strongly disagree	36%
Don't know/Refused	2%

30. Public school students should be allowed to access Internet sites with religious information while using school computers.

2001

Strongly agree	47%
Mildly agree	25%
Mildly disagree	10%
Strongly disagree	16%
Don't know/Refused	2%

31. Public school students, while using school computers, should be allowed to access Internet sites which contain speech that might be offensive to some racial groups.

2001

Strongly agree	16%
Mildly agree	22%
Mildly disagree	17%
Strongly disagree	43%
Don't know/Refused	3%

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32. Public school students, while using school computers, should be allowed to access Internet sites that contain educational information about sexual topics.

2001

Strongly agree	36%
Mildly agree	25%
Mildly disagree	10%
Strongly disagree	28%
Don't know/Refused	2%

33. Public schools should be allowed to discipline students who post offensive material on the Internet, even when students are posting such material on their own computers outside of school hours.

2001

Strongly agree	22%
Mildly agree	13%
Mildly disagree	20%
Strongly disagree	42%
Don't know/Refused	4%

33

*Please also tell me whether you agree or disagree with each the following statements.*

**Rotate questions 34 and 35.  
(Probe for questions 34-36: Do you agree/disagree strongly or mildly?)**

34. Broadcasters should be allowed to televise the proceedings of the U.S. Supreme Court.

1997    2000    2001

Strongly agree	44%	48%	51%
Mildly agree	29%	25%	26%
Mildly disagree	11%	10%	9%
Strongly disagree	12%	13%	12%
Don't know/Refused	3%	4%	1%

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35. Any group that wants to should be allowed to hold a rally for a cause or issue even if it may be offensive to others in the community.

	1997	1999	2000	2001
Strongly agree	38%	30%	34%	40%
Mildly agree	34%	32%	32%	25%
Mildly disagree	10%	16%	12%	11%
Strongly disagree	15%	20%	19%	22%
Don't know/Refused	3%	3%	4%	2%

36. As you may know, courts have traditionally given broad First Amendment protections to books and newspapers that contain material that may be offensive to some people. Do you agree or disagree that material on the Internet should have the same First Amendment protections as printed material such as books and newspapers?

	1997	1999	2000	2001
Strongly agree	30%	31%	50%	52%
Mildly agree	26%	33%	24%	24%
Mildly disagree	15%	17%	8%	7%
Strongly disagree	23%	14%	13%	12%
Don't know/Refused	5%	6%	5%	4%

34

37. As you may know, most public libraries have computers that visitors may use to access information on the Internet. I'm going to read you three statements that describe different policies that public libraries might adopt regarding access to Internet sites that contain material that might offend some people. Please tell me which statement comes closest to your own opinion. **(Flip statements so half are read A to C and half are read C to A)**

	2000	2001
A. Block potentially offensive sites on all computers	34%	30%
B. Block potentially offensive sites on computers used by children	53%	59%
C. Full access to all internet sites	11%	9%
Don't know/Refused	2%	2%



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38. There are currently computer programs available that allow Internet users to filter out, or prevent access to, Web sites that may be considered harmful or offensive, especially to children.

Do you think [\[read one statement\]](#) ... or do you think that [\[read other statement\]](#)?

2001

- |   |     |
|---|-----|
| 1. Parents should assume full responsibility for filtering online content that might be harmful or offensive, especially to children.               | 68% |
| 2. The government should assume some of the responsibility for filtering online content that might be harmful or offensive, especially to children. | 21% |
| Both  | 10% |
| Neither   | 1%  |
| Don't know/Refused  | 1%  |

39. Recently, President Bush established the Office of Faith-Based and Community Initiatives, which is encouraging Congress to allow religious groups to apply for government funding for social services such as drug and alcohol abuse counseling, mentoring, help for pregnant teens and feeding the homeless. How much, if any, have you heard about President Bush's new program? ([Read categories.](#))

35

2001

- |                    |     |
|--------------------|-----|
| A lot              | 15% |
| Some               | 21% |
| A little           | 24% |
| Nothing            | 40% |
| Don't know/Refused | *   |

\* = less than 1%

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40. Do you favor or oppose allowing religious groups that receive government funding to also include their own religious message along with the program?

2001

Strongly favor	18%
Somewhat favor	26%
Somewhat oppose	18%
Strongly oppose	33%
Don't know/Refused	6%

*Question 41 was split sample with question 42. Results not statistically significant.*

42. As you may know, the U.S. Constitution provides for the separation of church and state. How concerned are you, if at all, that providing public funding to religious groups for social services violates that constitutional principle?\*

2001

Very concerned	22%
Somewhat concerned	29%
Not too concerned	26%
Not at all concerned	20%
Don't know/Refused	3%

36

\* Out of 500 respondents.

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*Now, I'd like to read you some questions about teachers, administrators and students in public schools.*

43. Overall, how would you rate the job that the American educational system does in teaching students about First Amendment freedoms?

2001

Excellent	5%
Good	25%
Fair	39%
Poor	24%
Don't know/Refused	7%

44. How would you rate the job that public schools have done promoting First Amendment principles through school activities or policies?

2001

Excellent	3%
Good	26%
Fair	41%
Poor	22%
Don't know/Refused	8%

37

45. Overall, do you think that students in public schools have too much freedom to express themselves, too little freedom to express themselves, or about the right amount of freedom to express themselves while at school?

2001

Too much	23%
Too little	22%
Right amount	50%
Don't know/Refused	6%

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46. Overall, do you think that students in public schools have too much religious freedom, too little religious freedom, or about the right amount of religious freedom while at school?

2001

Too much	3%
Too little	53%
Right amount	40%
Don't know/Refused	4%

*Now, please tell me whether you agree or disagree with the following statements:*

*Rotate questions 47 through 52.  
(Probe for each: Do you agree/disagree strongly or mildly?)*

47. Teachers or other public school officials should be allowed to lead prayers in school.

2001

Strongly agree	38%
Mildly agree	17%
Mildly disagree	15%
Strongly disagree	29%
Don't know/Refused	2%

48. Students should be allowed to lead prayers over the public address system at public school-sponsored events such as football games.

2001

Strongly agree	40%
Mildly agree	17%
Mildly disagree	14%
Strongly disagree	28%
Don't know/Refused	1%

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49. Students at public schools should be allowed to express their own religious views in a class discussion as long as their views are relevant to the topic.

2001

Strongly agree	77%
Mildly agree	17%
Mildly disagree	2%
Strongly disagree	3%
Don't know/Refused	1%

50. Public school students should be allowed to distribute religious materials at school.

2001

Strongly agree	20%
Mildly agree	18%
Mildly disagree	20%
Strongly disagree	40%
Don't know/Refused	2%

51. Public school students who have personal Web sites on school computers should be allowed to post material on their Web sites that others may find offensive.

39

2001

Strongly agree	9%
Mildly agree	13%
Mildly disagree	20%
Strongly disagree	55%
Don't know/Refused	4%

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52. Public school students should be allowed unfiltered access to all Web sites on school computers, even if this means that they occasionally may encounter inappropriate or offensive material.

2001

Strongly agree	5%
Mildly agree	9%
Mildly disagree	19%
Strongly disagree	64%
Don't know/Refused	2%

53. As you may know, individuals, businesses and other organizations are currently allowed to contribute as much money as they want to political parties. Would you favor or oppose new federal laws that would limit the amount of money that any individual or group can contribute to political parties? **(Probe: Is that strongly or somewhat?)**

2001

Favor strongly	52%
Favor somewhat	18%
Oppose somewhat	12%
Oppose strongly	14%
Don't know/Refused	4%

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*Now, please tell me whether you agree or disagree with the following statements:*

**Rotate questions 54 and 55.**

**(Probe: Do you agree/disagree strongly or mildly?)**

54. Limiting the amount of money that individuals or groups can contribute to political parties is a violation of the First Amendment right of free speech. **(Probe: Is that strongly or mildly?)**

2001

Strongly agree	17%
Mildly agree	16%
Mildly disagree	25%
Strongly disagree	35%
Don't know/Refused	6%

55. Political candidates should be required to both fully and immediately disclose the names of individuals and organizations that make campaign contributions in federal elections. **(Probe: Is that strongly or mildly?)**

2001

41

Strongly agree	71%
Mildly agree	15%
Mildly disagree	6%
Strongly disagree	6%
Don't know/Refused	2%

56. There should be a limit to the amount of money that political parties can spend during a federal election campaign. **(Probe: Is that strongly or mildly?)**

2001

Strongly agree	62%
Mildly agree	14%
Mildly disagree	11%
Strongly disagree	10%
Don't know/Refused	3%

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*Now I'd just like to ask a few questions for classification purposes only ...*

57. In what year were you born?

18-29 years old	22%
30-44 years old	32%
45-59 years old	24%
60+ years old	22%

58. What was the last grade of school you completed?

Grade school or less	1%
Some high school	9%
High school graduate	37%
Trade school	2%
Some college	27%
College graduate	15%
Post-graduate	8%
Don't know/Refused	1%

59. Are you white, black, Hispanic, Asian or something else?

White	81%
Black	9%
Hispanic	3%
Asian	1%
Biracial	1%
Other	4%
Don't know/Refused	2%

60. 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?

Less than \$40,000	40%
\$40,000 or more	53%
Don't know/Refused	7%



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61. And is that ...

Under \$10,000	10%
\$10,000 to less than \$20,000	20%
\$20,000 to less than \$30,000	30%
\$30,000 to less than \$40,000	30%
Don't know/Refused	9%

62. And is that . . .

\$40,000 to less than \$50,000	29%
\$50,000 to less than \$75,000	30%
\$75,000 to less than \$100,000	17%
\$100,000 or more	18%
Don't know/Refused	7%

63. Are you Catholic, Protestant, Jewish, or some other religion?

Catholic	26%
Protestant	36%
Jewish	2%
Other (specify)	25%
None	8%
Don't know/Refused	3%

43

64. Would you describe yourself as either a fundamentalist or evangelical Christian, or would you not describe yourself that way?

Fundamentalist/evangelical	21%
Neither	68%
Not sure	8%
Don't know/Refused	4%

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65. In politics today, are you a Democrat, a Republican, an independent or what?

Democrat	38%
Republican	28%
Independent	24%
No preference	6%
Other	3%
Don't know/Refused	2%

66. Do you have any children under the age of 18?

Yes	37%
No	62%

67. **[Follow-up if "Yes":]** Do you have any children under the age of 12?

Yes	73%
No	27%

68. **[Follow-up if "Yes":]** Do you have any children under the age of 6?

Yes	59%
No	41%

44

**Respondent's gender:**

Male	48%
Female	52%

*Thank you very much for your time, you have been very helpful and we appreciate your cooperation.*

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# Methodology

**T**he First Amendment Center commissioned the Center for Survey Research & Analysis (CSRA) at the University of Connecticut to conduct a general public survey of attitudes about the First Amendment. The questionnaire that was utilized was a national survey developed jointly by the First Amendment Center and the University of Connecticut.

At the University of Connecticut, Chris Barnes, Erin St. Onge, Jennifer Dineen, Chase Harrison, Lori Kalinowski, Professor David Yalof and Professor Kenneth Dautrich directed the project. Kenneth A. Paulson and Gene Policinski of the First Amendment Center aided in developing the questionnaire and provided overall direction for the project. The survey was conducted by telephone between May 16 and June 6, 2001.

Interviews were conducted under the supervision of the Center

for Survey Research & Analysis in Storrs, Conn., using a Computer Assisted Telephone Interviewing system. All CSRA surveys are conducted by professional survey interviewers who are trained in standard protocols for administering survey instruments. Interviewers assigned to this survey participated in special training conducted by senior project staff. The draft survey questionnaire and field protocols received thorough testing prior to the start of the formal interviewing period. Interviews were extensively monitored to ensure CSRA standards for quality were continually met.

The national sample used for this research project included residential telephone 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

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numbers were generated through a random-digit-dial telephone methodology to ensure that each possible residential telephone number had an equal probability of selection. Telephone banks that contained no known residential telephone numbers were removed from the sample selection process.

Once selected, each telephone number was

contacted a minimum of four times to attempt to reach an eligible respondent. Households where a viable contact was made were called additional times. Within each household, one adult was randomly selected to complete the interview.

The sampling error for 1,012 national interviews is  $\pm 3\%$  at the 95% level of confidence. This means that

there is less than one chance in 20 that the results of a survey of this size would differ by more than 3% in either direction from the results that would be obtained if all adults in the appropriate area had been selected. The sample error is larger for sub-groups. CSRA also attempted to minimize other possible sources of error in this survey.



