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FIRST
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2004

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2004

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State of the First Amendment 2004



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Foreword

By Gene Policinski
Executive Director/First Amendment Center

Freedom is making a comeback — of sorts.

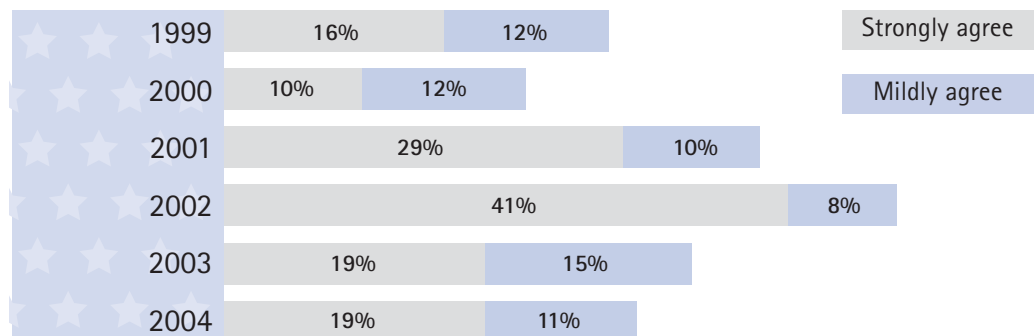
Nearly two-thirds of Americans responding to the 2004 State of the First Amendment survey disagree with the statement that “the First Amendment goes too far in the rights it guarantees.”

Two years ago, the survey showed virtually a 50-50 split on whether the First Amendment gives us too much freedom, as Americans grappled with the immediate aftermath of

the Sept. 11, 2001, terror attacks and the needs of a new global war on terrorism. Some restrictions on freedoms seemed to promise greater security and safety to a nation shocked by violence at home and abroad.

In the 2003 survey, the nation appeared to catch its collective breath and reconsider the balance between security and freedom: 34% said the First Amendment gives us too much freedom, with 60% disagreeing.

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.**



The trend continues this year with an additional nine-point swing, to a 30%-65% split in favor of First Amendment freedoms despite military action overseas and recurring homeland alerts about possible domestic terrorist threats — findings that are a return to results typical of what State of the First Amendment surveys found in the years just before the terrorist attacks on Sept. 11, 2001.

These annual State of the First Amendment surveys by the First Amendment Center began in 1997 amid concerns that the First Amendment was not being taught in depth in the nation's schools and that restraints on free expres-

sion or public access to information — from so-called free-speech zones on campus to the installation of filters on public library computers to a rising tide of government secrecy — increasingly were common.

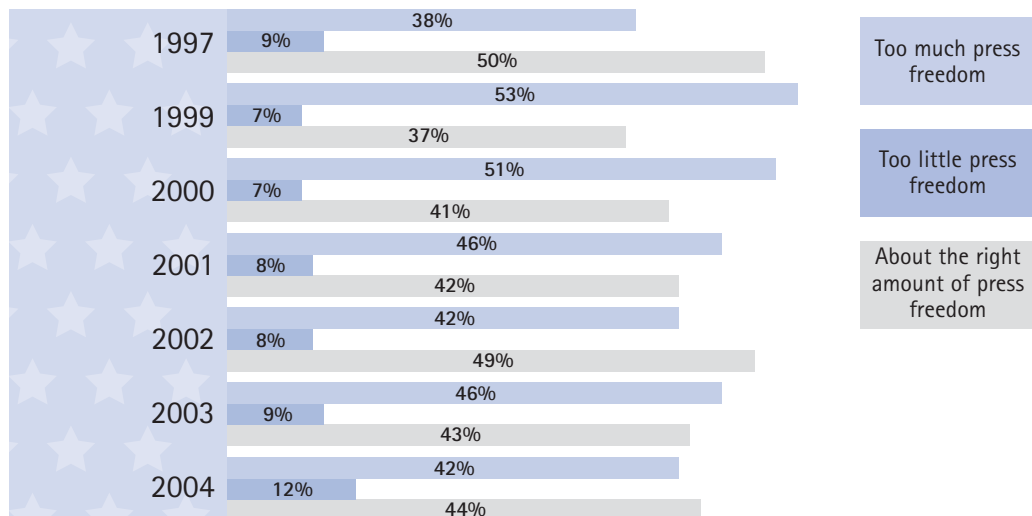
The annual surveys have shown that few Americans — typically 2% or less — could name unaided all five freedoms in the First Amendment (speech, religion, press, assembly and petition), but that when reminded of them, Americans continued to hold the concepts in high regard.

The surveys have shown a nation in a vigorous debate with itself over how much freedom we should have,

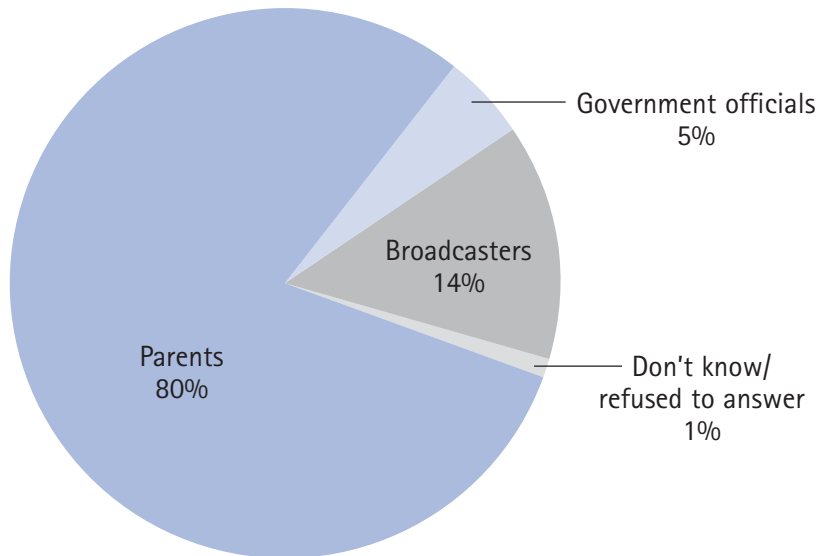
what kind of restrictions should be permitted — and in recent years, whether our very freedom makes us more vulnerable to those who would attack us.

Over time Americans appear able to shake off emotions of the moment and put free-expression issues in perspective. The rebalancing of opinion about First Amendment freedoms is but one example. Another from the 2004 survey is that despite the uproar following the Janet Jackson breast-baring incident at Super Bowl XXXVI-II on Feb. 1, nearly six in 10 respondents said just a few months later that the nation has about the right amount of government regulation of television and

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?



In your view, who should be primarily responsible for keeping inappropriate television programming away from children: parents, government officials or broadcasters?



radio with regard to sexually related content.

And despite loud calls for more government power to punish broadcasters for material some find offensive — and action in Congress to increase dramatically the fines that can be levied — parents are the overwhelming choice (with government a distant third) among survey respondents as the primary authority to keep inappropriate content in the media away from children.

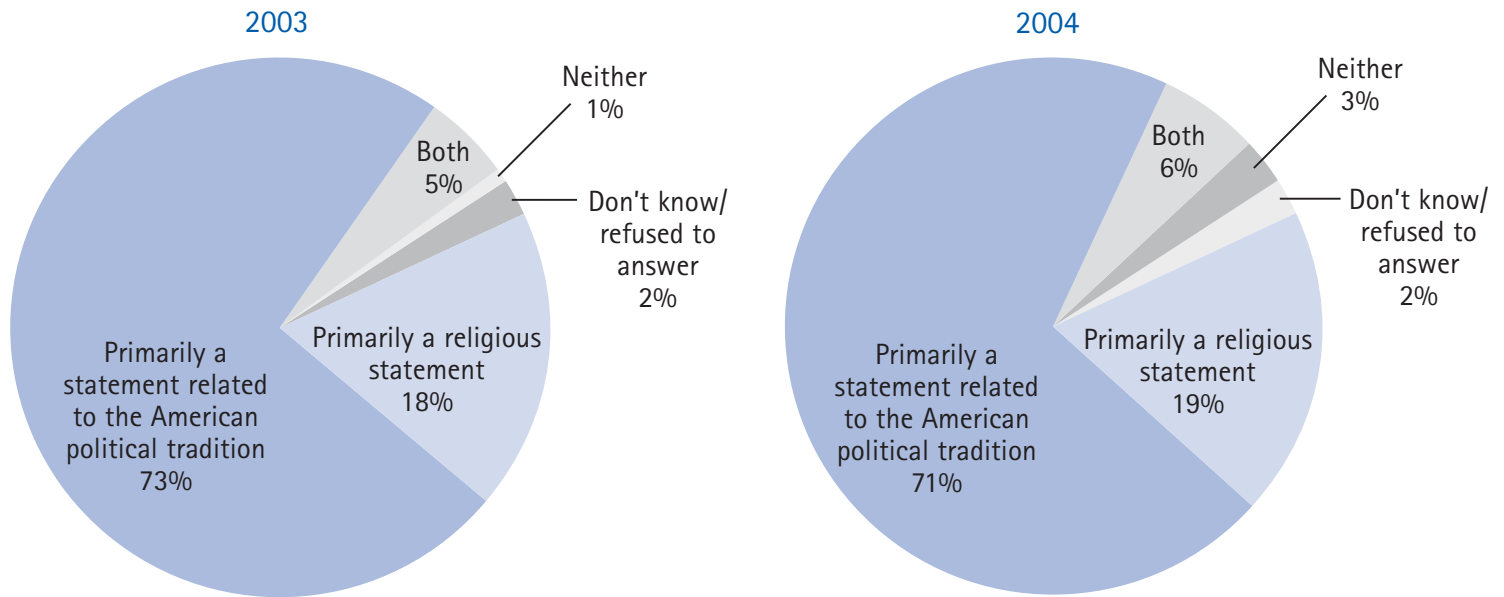
Still, Americans continue to be ambivalent (some would say contradictory) in their support for specific freedoms as they are applied,

particularly to others — and particularly about freedom of the press.

Among key findings in the 2004 survey:

- In response to a general question, 58% said current government regulation on broadcast television with regard to references to sexual activity is about right; 16% said there is too much and 21% said there is too little regulation.
- But when asked more specific questions, 49% would extend that authority beyond the existing 6 a.m. to 10 p.m. time frame to also include late-night and overnight programs. And even though cable programming today is exempt from FCC standards applied to broadcasters, 54% would support applying the same 6 a.m. to 10 p.m. regulations to cable television, with 45% in favor of applying such regulation around-the-clock.
- Parents, by wide majority — from 71% to 87% — are seen as having the main responsibility to keep children from seeing “inappropriate material” on television, radio, movies or print-

When you say or hear the Pledge of Allegiance, which includes the phrase "one nation, under God," do you think of that phrase as primarily a religious statement, or as primarily a statement related to the American political tradition?



ed material. Survey respondents ranked the content providers — programmers, movie producers or theater owners and publishers — as the second-most-responsible group, with government running a distant third or fourth choice (depending on the scenario).

- Even as 67% of those responding to the survey said that the nation's educational system does a fair-to-poor job of teaching students about the First Amendment, 72% disagreed that a high school student should be allowed to wear a T-shirt with a message or picture that might be offensive to others.

The 2004 State of the First Amendment survey found many Americans with a resurgent regard for the overall values of the First Amendment. But it also found many divided and undecided in an increasingly vocal and visible search for the correct balance of personal freedom and public safety, free expression and personal standards, personal responsibility and media performance.

Americans are engaged in public debate and legal or legislative action on issues ranging from a proposed constitutional amendment to allow the banning of flag-desecration to the posting of the Ten Commandments in public buildings to the wording of the Pledge of Allegiance.

Even as the House and Senate are attempting to reconcile differing versions of legislation to vastly increase fines that can be levied by the Federal Communications Commission against those who broadcast "indecent" programming, programmers from MTV to TBS are toning down language and images in response to public complaints.

What Thomas Jefferson called "the marketplace of ideas," where Americans would debate, discuss and decide issues of democracy, is alive and well and vigorous ... with the discussion being prompted by a bit of halftime help from Ms. Jackson and her "wardrobe malfunction."



Analysis

Americans appear willing to regulate others' speech

By Paul K. McMasters

First Amendment Ombudsman

One theme persists over the eight years that the First Amendment Center has conducted the State of the First Amendment survey: In the minds of many Americans, there is a troubling disconnect between principle and practice when it comes to First Amendment rights and values.

Americans in significant numbers appear willing to regulate the speech of those they don't like, don't agree with or find offensive. Many would too casually breach the wall between church and state. There is, in these surveys, solid evidence of confusion about, if not outright hostility toward, core First Amendment rights and values.

The 2004 State of the First Amendment survey presents yet another variation on the theme.

By a large majority, Americans say parents bear the primary responsibility for protecting their children from sexual material in the

entertainment media, yet they are willing to broaden government regulation in that area.

Nearly eight in 10 said the press has a government watchdog role, but four in 10 said the press has too much freedom.

A majority said that speech offensive to religious groups should be allowed, but speech offensive to racial groups should not be allowed.

Most said students do not have enough religious freedom in public schools, but 72% would not allow a student to wear a T-shirt with an offensive message or picture.

This year's survey directed a number of questions toward the measurement of public attitudes about issues in today's headlines: the effort to amend the Constitution to ban flag-burning; proposals to expand regulation of so-called indecent material in the media; attempts by gov-

ernment officials and private advocates to lower the “wall of separation between church and state”; and scandals involving made-up stories and facts at major news organizations.

The flag-desecration amendment poses one of the greatest challenges ever to the First Amendment. The Supreme Court has struck down legislative bans on flag burning or desecration each time it has taken up the issue. The House of Representatives has passed the proposed amendment four times in recent years, but Senate votes have fallen just short of the two-thirds majority needed to send it directly to the state legislatures for ratification.

That slim margin may not be there this year, however. The House has sent the amendment to the Senate once again. But during an election year and a time of national distress over the war on terrorism, including fighting in Iraq and Afghanistan, opponents of the amendment may not prevail this time. Ratification would be almost certain, and the First Amendment and the expression that it protects would be changed radically.

Proponents of the amendment cite overwhelming public support in some sur-

veys. But in the 2004 State of the First Amendment survey — when asked if they would amend the U.S. Constitution for such a ban — 53% said they would not. When the 45% who supported the amendment were asked whether they would still support the amendment if they knew it would be the first time in our history that the Bill of Rights would be changed, 16% switched to the opposition column.

A series of new questions in this year’s polling produced some fascinating findings about sexual material in the entertainment media. Following the sensational fallout from singer Janet Jackson’s partially exposed breast during the halftime show of the Super Bowl, advocacy groups pressured the Federal Communications Commission and Congress to rein in the media’s perceived excesses by enacting tougher laws, strengthening regulation and dramatically increasing fines for indecent programming.

This survey offers evidence, however, that a large majority of Americans believe that parents, not government, should be shielding children from such material. When asked who should be primarily responsible for keeping inappropriate material

away from children, 87% said parents for printed material, 81% for television programming, 77% for radio programming, and 71% for movies.

Media executives were a distant second, ranging from 10% to 24%, and government officials were an even more distant third, with 5% or less in each of the categories.

Despite these findings, 21% of the survey respondents said there is too little regulation of television programming and 18% for radio programming. Further, healthy majorities thought government officials should regulate references to sexual activity in both daytime and nighttime hours for broadcast television and radio programming. More strikingly, 55% said that it would be all right for government to similarly regulate cable programming, something the FCC has not yet attempted to do because of First Amendment concerns.

A final irony in the entertainment indecency findings: While most Americans said parents bear primary responsibility for protecting children from sexual material, many parents are not using the V-chip to help do that. This technology, required in all new television sets begin-

ning four years ago, allows parents to block certain programming. When asked whether TV sets in their homes were equipped with the V-chip, only 35% said yes. Of those, only 24% were using it to block some programs.

Although the issue of whether to remove “one nation under God” from the Pledge of Allegiance has been much in the news the last year, public opinion did not change from the previous year. The U.S. Supreme Court accepted a case challenging the phrase but failed to decide the direct issue. Nevertheless, seven in 10 Americans said that the phrase does not violate the constitutional principle of separation between church and state. Interestingly, only 19% considered it a religious statement; 71% viewed it as primarily a statement related to the American political tradition.

A 62% majority endorsed the idea of sending students to religious or other private schools using vouchers or credits provided by taxpayers. When asked about using government money to fund drug-abuse prevention programs run by religious institutions or churches, 66% said they would approve. And 68% said that government officials should be allowed to

post the Ten Commandments in public buildings.

A number of questions the survey has posed repeatedly since 1997 indicate how wary some Americans can be about the notion of “too much freedom” —

- **30% said the First Amendment goes too far in the rights it guarantees; although this is a significant drop from the 49% spike in 2002 (apparently related to fear and concern in the wake of Sept. 11, 2001), three in 10 is still an unsettling number.**
- **42% said the “press in America has too much freedom,” although that number dropped to 36% when the question is whether “Americans have too much press freedom.”**
- **41% disagreed with the statement that newspapers should be allowed to freely criticize the U.S. military.**

When the First Amendment Center began sampling public attitudes toward First Amendment freedoms eight years ago, the goal was to confirm, dispel or elucidate perceptions about the First Amendment and to provide data and track trends for scholars, policy-makers, advocates and others.

Another goal was to identify areas where more education was needed.

The schools haven’t been much help, apparently. Two-thirds of Americans gave them low grades, saying they have done a “poor” or “fair” job in teaching students about the First Amendment. Only 7% said the schools have done an excellent job.

So the educational challenge is great. Just how great is reflected in how poorly Americans do when asked to name the five fundamental freedoms the First Amendment guarantees. Freedom of speech was the most frequent response, but even then only 58% could cite it. The recognition or recall of First Amendment freedoms slides steeply down hill from there: 17% are able to list religion, 15% press and 10% assembly. Only one in 100 Americans could name petition.

American attitudes about the First Amendment

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

Overview

The First Amendment to the U.S. Constitution has long been considered a fundamental pillar in the American scheme of ordered liberties, and a guiding influence in American life. Those on all sides of the political spectrum hail its guarantees of protection for the individual from government censorship and official efforts to curb reasonable and fair dissent. Of course at various times in our nation's history, some of the amendment's provisions have come into conflict with what many perceive to be national security interests. In the minds of some, the terrorist attack of Sept. 11, 2001, led some federal government officials to subordinate civil liberties in the name of fighting a heightened war on terrorism. The broadcast media's inundation of the airwaves with material that may be inappropriate to children also has been the subject of recent controversy. Devices such as the v-chip allow parents to monitor materials viewed at home.

How cherished are our First Amendment guarantees? To date, only a handful of detailed and comprehensive surveys on issues pertaining to the First Amendment have ever been conducted. Few, if any, of those surveys follow the state of the First Amendment over an extended period of time. While some civil libertarians contend that First Amendment freedoms are being threatened on a daily basis, others believe the First Amendment enjoys unprecedented strength in the American constitutional system.

Since 1997, the First Amendment Center has sought to discover American attitudes toward the First Amendment by asking a series of questions designed to evaluate both general and specific First Amendment issues. For the third consecutive year, the First Amendment Center has been joined by *American Journalism Review* in this effort. Together, they commissioned the Center for Survey Research & Analysis at the University of Connecticut to conduct this year's sur-

vey. Along with asking a number of important new questions, the 2004 survey sought to trace trends in public attitudes over time by repeating some of the more important questions asked in previous surveys.

This report presents the findings from the 2004 survey and includes noteworthy comparisons from seven earlier polls (one from 1997, two from 1999, and four more conducted annually over the past three years). Although the First Amendment itself encompasses numerous specific rights (including the right of people to peaceably assemble and to petition the government), we targeted for intensive study the freedoms of speech and press, as well as the freedom of religion.

Recent revelations that reporters in *The New York Times* and other newspapers falsified stories have gotten considerable attention. The 2004 survey considered the degree to which those problems have influenced perceptions of local media. Has the falsifying or making up of stories become a widespread problem?

The v-chip and other forms of technology now make it possible for parents to regulate media to their children. Should it be their responsibility? Are government regulations of the media justified when applied to broadcast media in the daytime and early evening, when children are most likely to be tuning in? The 2004 survey paid special attention to these as well other issues concerning the status of the First Amendment.

Specifically, the 2004 survey addressed the following issues:

- Do Americans know the freedoms guaranteed to 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 current levels of First Amendment freedom afforded to individuals in society, or is there a sense that there is overall too much or too little of these freedoms in America?
- Should people be allowed to say offensive things in public? Should musicians be allowed to sing offensive songs? Should flag burning as a means of political dissent be protected under the Constitution?
- Is it important that the news media act as a watchdog on government? Have recent revelations about the falsification of news stories in *The New York Times* and elsewhere undermined the people's trust in their own local media? Is such falsification of stories considered a widespread problem? Overall, do the media enjoy too much freedom to publish?
- Should government officials have the power to regulate basic television, cable television, and radio programming that contain references to sexual activity? At what times of the day should such regulations be allowed? Who should be responsible for keeping inappropriate print or broadcasted materials away from children? Is the v-chip being used?
- What role should religion play in public schools? Do students have too much religious freedom while they're at school? Do practices such as the recitation of the Pledge of Allegiance and the

posting of the Ten Commandments violate the separation of powers? What about vouchers and faith-based drug-abuse prevention programs?

The First Amendment Center/*American Journalism Review* poll on the First Amendment was conducted under the supervision of the Center for Survey Research & Analysis at the University of Connecticut. A random sample of 1,002 national adults age 18 and over were interviewed between May 6 and June 6, 2004. Sampling error is $\pm 3.1\%$ at the 95% confidence level. For smaller groups, the sampling error is slightly higher. Weights were assigned to reflect the characteristics of the adult U.S. population. A more detailed description of the methodology is located in Appendix B.

Summary of findings

Here are some specific findings from the 2004 study:

- 30% of those surveyed agreed that the First Amendment goes too far in the rights it guarantees, a slight drop from the 2003 survey (when 34% thought it went too far) and a sig-

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- nificant drop from the 2002 survey (when 49% agreed that the First Amendment went too far). College graduates and young adults were among the more likely subgroups to disagree that the First Amendment goes too far.
- Fewer than six in 10 surveyed were able to name freedom of speech as a specific right guaranteed by the First Amendment. No other right was named by even one in five Americans. Additionally, dissatisfaction with First Amendment education is on the rise. Such dissatisfaction rose from last year's survey, when less than 30% rated it as "poor." In the 2004 survey, 35% rated it as "poor."
 - A majority (54%) agreed that people should be allowed to say things in public that might be offensive to religious groups. By comparison, 35% agreed that people should be allowed to say things that might be offensive to racial groups.
 - 53% of those surveyed opposed amending the U.S. Constitution to prohibit flag burning, 8% more than those who supported the amendment. Three years ago, the gap was much greater, when 59% opposed the amendment against a 39% level of support.
 - More than 70% opposed allowing public school students to wear T-shirts with potentially offensive messages or pictures.
 - Support for increased government regulation of entertainment programming was limited. Nearly six in 10 Americans said they were satisfied with the current amount of regulation. A majority favored government regulation of materials containing references to sexual activity during daytime and early evening hours, whether it is in the form of broadcast television, cable television or radio programming.
 - 62% of the public favored applying the "do not call" registry to charities and nonprofit organizations. Less than a quarter of those whose televisions had a v-chip said they use it to monitor programs.
 - Significant majorities of Americans said parents should be primarily responsible for keeping inappropriate materials away from children, whether it is distributed in the form of printed materials, television, radio, or even movies shown in theaters.
 - More than half of those surveyed said the government should be able to aggressively monitor religious groups as part of the war on terrorism.
 - Seven in 10 said that requiring students to say the Pledge of Allegiance does not violate the Constitution, and almost the same number said the phrase "one nation under God" within the Pledge is primarily a statement about the American political tradition.
 - More than six in 10 supported the posting of the Ten Commandments inside government buildings, government vouchers that can be used to attend religious schools and faith-based drug abuse prevention programs.
-

General orientations toward the First Amendment

Highlights:

- 30% of those surveyed in 2004 indicated that the First Amendment goes too far in the rights it guarantees. That's slightly less than the 34% who responded that way in 2003, and a significant drop from the 49% in the 2002 survey. Meanwhile, 65% disagreed that the First Amendment goes too far, the highest percentage recorded since 2000, and an 18-point jump from two years ago.
- Education is a key factor in determining levels of public satisfaction with the First Amendment. Those respondents who graduated from college are significantly more likely (77%) to disagree with the premise that the First Amendment goes too far than those who never advanced beyond high school (57%). Young adults aged 18-30 (74%) are also more likely to disagree that the First Amendment goes too far than do senior citizens (47%).
- Just 58% of those surveyed were able to name freedom of speech as one of the specific rights guaranteed by the First Amendment. Still, no other right was named by even one in five respondents, and freedom of the press was identified by just 15% of those surveyed.
- Americans expressed greater satisfaction with current levels of free speech and religion than with current levels of press freedom. While less than half (46%) indicated the nation currently has the right amount of press freedom, 60% said we have the right amount of free speech and 64% said we have the right amount of religious freedom. Interestingly, 28% said Americans have too little freedom to speak freely, the highest percentage in the last seven surveys.
- Dissatisfaction with First Amendment education practices rose: 35% rated the American educational system as "poor" in teaching students about First Amendment freedoms, compared with less than 30% who rated it that low in 2002 and 2003, and 24% who rated it as poor in 2001.

In every survey conducted since 1999, the First Amendment Center has investigated the public's overall perceptions of the First Amendment. Do Americans respond positively or negatively to its words? More specifically, do Americans think the First Amendment "goes too far in the rights it guarantees"?

In the 2004 survey, 65% of those surveyed disagreed with the premise that the First Amendment goes too far, more than twice the percentage (30%) that agreed with that premise. This represents the highest level of general satisfaction registered with the First Amendment since 2000, when 74% disagreed with the statement that the First Amendment goes too far. Even more stark, the 65% figure represents an 18-point jump in disagreement from 2002, when 47% said the First Amendment goes too far in the rights it guarantees.

"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.”

Education is a key determinant of satisfaction with the First Amendment: 77% of those who attended college or beyond disagreed with the premise that the First Amendment goes too far in the rights it guarantees, as compared to 57% among those who never advanced beyond high school. Meanwhile, fundamentalist/evangelicals (41%) and senior citizens (44%) were far more likely than the general public to agree that the First Amendment goes too far.

Recognition for First Amendment rights other than freedom of speech was low. While 58% were able to identify freedom of speech as a specific right guaranteed by the First Amendment, not even one in five respondents could name any other right, including freedom of the press (15%), freedom of religion (17%) and the right of free assembly (10%). And 35% could not

name even one right afforded to them under the First Amendment to the U.S. Constitution.

Among the various freedoms contained within the First Amendment, the public generally registers far greater satisfaction with freedom of speech and freedom of religion than it does with freedom of the press. The majority of respondents (64%) said the religious freedom afforded to Americans under the Constitution is “about right,” and six in 10 were similarly satisfied with their current amount of freedom to speak freely. If anything, Americans would prefer even more freedom in this regard. Almost four times as many people said Americans have too little religious freedom (27%) as think they have too much religious freedom (7%). Meanwhile, 28% indicated Americans have too little freedom to speak freely, compared to 11% who said they receive too much of such freedom.

Not surprisingly, greater amounts of religious freedom are especially favored by fundamentalist/evangelicals, 37% of whom said there is too little such freedom. (By contrast, 16% of Catholics felt that way).

As for freedom of the press, less than half of those sur-

veyed (46%) said Americans have the right amount of that freedom, and 36% said Americans have too much press freedom — more than twice the percentage indicating that there is too little of such freedom. When phrased as a freedom that belongs to the press (as opposed to Americans), dissatisfaction increases even further: 42% of respondents said that the press has too much freedom to do what it wants. Of those with a college education, 28% felt the press has too much freedom.

Additionally, respondents exhibited increased levels of frustration with the overall quality of First Amendment education. Specifically, 35% rated the educational system as “poor” in teaching students about First Amendment freedoms. By contrast, less than 30% rated it as poor in the previous three years of the survey, with not even a quarter (24%) of respondents ranking it as poor in 2001.

Freedom of speech

Highlights:

- **Not all forms of controversial speech draw significant levels of support from Americans. A majority (54%) agreed**

that people should be allowed to say things in public that might be offensive to religious groups. By contrast, 35% said people should be allowed to say things that might be offensive to racial groups.

- Nearly six in 10 agreed that musicians should be allowed to sing songs with lyrics that others might find offensive; 38% disagreed with that right.
- 53% opposed amending the U.S. Constitution to prohibit flag burning, as compared to 45% who said they favor such an amendment. Three years ago, before the events of Sept. 11, 59% opposed a flag-burning amendment, significantly more than the 39% who favored an amendment at that time. Of the various subgroups surveyed, fundamentalist/evangelicals (36%) were least likely to oppose such an amendment.
- Nearly twice as many people (29%) said students in public high schools have too little freedom to express themselves as said that students have too much freedom (15%). 51% said the amount of

freedom they have to express themselves is about right.

- A substantial majority (72%) opposed allowing public school students to wear a T-shirt with a potentially offensive message or picture, with a majority saying they strongly disagree with that right.

Although Americans continue to exhibit strong support for the freedom of speech in the abstract, a significant percentage of the public still exhibits a reluctance to extend protection to some forms of controversial speech, including those which offend various groups. For example, while nearly six in 10 said they support the right of musicians to sing songs that may have offensive lyrics, 38% disagreed with that right, and more than a quarter (26%) strongly disagreed with that right.

The public is more split on whether people should be allowed to say things in public that might be offensive to religious groups. While 54% said they favored such a right, 44% of Americans disagreed, led by those with incomes under \$40,000 per year (53% of that subgroup disagreed with the right) and fundamentalist/evangelicals

(52% said they would not support such a right).

Meanwhile, when it comes to speech that might be offensive to racial groups, there is no split in public opinion. The public overwhelmingly opposed such speech by a margin of 63% to 35%, with nearly half (49%) strongly disagreeing with that right. Here too, education plays a significant role in explaining levels of tolerance. Almost three in four (74%) of those surveyed who never advanced beyond high school disagreed with the right to say things that may be offensive to racial groups, while less than half (46%) of those who graduated college were opposed to that right. Thus while the less educated lead the way in opposition, the more educated are almost split on whether such free speech rights should be allowed.

For the fifth consecutive year, a majority of those surveyed (in 2004 it was 53%) opposed amending the Constitution to specifically prohibit flag burning or desecration. Opposition to such an amendment reached a zenith in the last survey conducted before the Sept. 11 terrorist attacks, as 59% opposed such an amendment in the spring of 2001. In recent years this percentage has

dipped slightly, though never below a majority.

Among the various subgroups surveyed, fundamentalist/evangelicals are most likely to support an amendment to prohibit flag burning: While 36% said they opposed such an amendment, 58% said they favored it. Additionally, those who completed a college education (66%) are far more likely to oppose that constitutional amendment than those who never went beyond high school (48%). And Midwesterners (60%) are far more resistant to such an amendment than those who hail from any other region; Northeasterners actually support the amendment by a margin of 51% to 47%.

A slim majority (51%) also said that students in public high schools have “the right amount” of freedom to express themselves. Meanwhile, for the second year in a row, those who believe students have “too little freedom” (29%) outnumber those who think they have “too much freedom” (15%) by an approximately 2-1 margin.

Finally, for the third time in the history of the survey, the First Amendment Center inquired as to whether public school students should be allowed to wear a T-shirt with a mes-

sage or picture that others might find offensive. As was indicated in the 1997 and 1999 surveys, the public overwhelmingly opposes granting public students such a right. In all, 72% said they did not think students should be allowed to wear such controversial T-shirts, and a majority (51%) strongly disagreed with that right. Not surprisingly, 57% of those aged 18-30 (the subgroup that most recently attended high school) opposed the wearing of T-shirts under those circumstances, while 83% of the senior citizens surveyed expressed similar opposition.

Freedom of the press

Highlights:

- Nearly half of those surveyed (49%) said the media have too much freedom to publish whatever they want; 15 points greater than the percentage (34%) that indicated there is too much government censorship. Republicans (64%) are far more likely than Democrats (43%) and Independents (43%) to indicate the media has too much freedom to publish.

- 77% said it is important for our democracy that the news media act as a watchdog on government. Still, 39% said the news media try to report the news without bias.
- 70% said journalists should be allowed to keep a news source confidential. That is a slight drop from 2000, when 77% agreed with this policy.
- 56% said that newspapers should be allowed to freely criticize the U.S. military about its strategy and performance.
- Meanwhile, Americans remain split over issues of access to information about the war on terrorism: Half said they have too little access to such information, as compared with 46% who said we have “too much” or “just about the right amount” of access.
- 52% followed reports concerning the falsifying of news stories in 2004. Among those, 30% said such incidents have decreased the level of trust they have in their local newspaper. Meanwhile, 59% believed the falsi-

fyng of stories in the news media has become a widespread problem.

As was noted earlier, Americans are generally less supportive of press freedoms in the abstract than they are of other First Amendment freedoms. Distrust of the media is one source of the problem. When forced to choose between competing problems, more respondents tend to think there is “too much media freedom” (49%) than think there is “too much government censorship” (34%). A partisan divide on this issue is evident. While 64% of Republicans said there is too much media freedom, 43% of those identifying themselves as Democrats and Independents felt that way.

Still, citizens continue to express support both for a principle justification that underlies press rights in this country, and to a lesser degree, for the rights of the press to engage in specific activities that may appear controversial to some.

More than three in four respondents (77%) agreed that it is important for our democracy that the news media act as a watchdog on government, with 49% indicating that they strongly adhered to that principle.

Although support for this premise was widespread across the populace, it was especially well-pronounced among Democrats (84%) and non-whites (83%).

Perhaps some of that intense support arises out of those groups’ distaste for the Republican administration and the current Congress.

With regard to more specific press functions, public support for First Amendment rights is once again evident, although not to the degree detected in past surveys. Exactly seven in 10 agreed that journalists should be allowed to keep a news source confidential, a slight drop from the 77% who felt that way in 2000 and a substantial drop from the 1997 survey, when 85% supported that right. Additionally, while 42% said they strongly agreed with the right to keep sources confidential, that’s quite a bit less than in 2000, when more than half (52%) indicated that they strongly supported the right to maintain the secrecy of sources.

The war on terrorism has heightened tensions between freedom of press and the need for the military to control information. Since Sept. 11, 2001, Americans have only narrowly supported the right of newspapers to freely crit-

icize the U.S. military about its strategy and performance — in this year’s survey 56% supported the right, while 41% opposed it. Support for the newspapers in this context is especially weak among those who never attended college (46% of that subgroup support the press’s right to criticize the military) and among Republicans (42% support the right).

Americans are also split on whether there is too little access to information about the war on terrorism. Exactly half said there is too little access; 46% said that there is either “too much” access or that the current amount of access is “about right.” By contrast, in 2002, four in 10 thought there was “too little access” to such information.

Concerns about media bias also have received considerable attention in recent years. Not even four in 10 (39%) said the media tries to report the news without bias. One finds a partisan divide on this question, as 28% of Republicans said the news media is free of such biased motives (48% of Democrats felt that way). More interesting, however, is the income divide revealed on this issue: those with higher incomes (\$75,000 or more) are even less trusting of media motives, as just 27% of that

subgroup said the media try to report the news without bias.

What about the recent newspaper scandals implicating Jayson Blair of *The New York Times* and others? More than half (52%) of those surveyed said they've heard or read about reports concerning the falsifying of facts and columns in newspapers. Of that number, three in 10 said those incidents have decreased the level of trust they maintain in their local newspapers. As for the population as a whole, 59% of those surveyed indicated that the falsifying or making up of stories in the American news media is now a "widespread problem." These suspicions are especially rampant among those who never advanced beyond high school, as 68% of that less educated group believes falsification is a widespread problem.

Government regulation of the media

Highlights:

- **Nearly six in 10 said they are satisfied with the current amount of regulation of entertainment programming on both television and radio.**

- **With regard to programming that contains references to sexual activity, respondents favor government regulation of broadcast television (65%) and radio programming (63%) during the morning, afternoon and early evening hours. By contrast, 55% favor government regulation of such sexual material on basic cable television programs during those same hours.**

- **Respondents favor expanding the reach of the "do not call" registry, as 62% said they favor adding charities and other nonprofit organizations to the current lists, as compared to 36% who opposed such expansion.**

- **A vast majority of those surveyed said parents should be primarily responsible for keeping all forms of inappropriate material away from children. The public places tremendous responsibility on parents in monitoring inappropriate printed materials in particular: 87% said parents should be primarily responsible for keeping those materials**

away, as compared to 10% who said it should be the primary responsibility of publishers.

- **35% of respondents said that their television is equipped with a v-chip. Of those, less than a quarter (24%) indicated that they are currently using the v-chip to monitor programs in their household.**

Apparently there exists no public groundswell to overthrow the current system of regulating entertainment television and radio. Nearly six in 10 (58%) said the current amount of government regulation of entertainment television is "about right," nearly three times the percentage (21%) who said there is too little of such regulation. Similarly, 59% are satisfied with the current amount of government regulation of entertainment programming on the radio.

But what about more controversial content that is published or broadcast on the air? In an age where the public as a whole has unprecedented access to materials featuring explicit references to sexual activity, some have started to look to the government for assistance in monitoring and filtering such materials before they reach the hands

of consumers, especially children. Is this an appropriate function for government? Do government efforts to impose restrictions on such materials run up against public concerns that free speech rights not be violated?

Explicit references to sexual activity have become a staple of many prime time shows. Still, the public draws critical distinctions between the time of day and the type of medium in which such references should be allowed. Not even half of those surveyed (49%) said government officials should have the power to regulate such programming by over-the-air television networks (ABC, CBS, etc) during the late evening and overnight hours, and even fewer (45%) would tolerate similar regulations of basic cable television programming during late hours.

Meanwhile popular support for regulation of programs that contain references to sexual activity increases substantially when it applies to programming during the morning, afternoon and early evening: 65% would afford the power to regulate over-the-air network broadcasts during those earlier hours, and a majority (55%) would even favor regulation of basic cable television net-

works such as CNN, ESPN, etc., that air sexual references during the morning, afternoon and early evening.

The public also distinguishes between regulations of radio programs that contain references to sexual activity at different times of the day. Sixty-three percent approved of such regulations during the morning, afternoon and early evening, while only half favored regulations of radio programming during the late evening and overnight hours.

One of the more popular laws passed in recent years created a "do not call" registry, which allows individuals to block many telemarketers from making calls. A majority (62%) favored adding charities and other non-profit organizations to the list of those who must defer to the registry, with 42% indicating that they strongly favor such an expansion. Only 36% opposed any such expansion.

Who should be responsible for keeping inappropriate content away from children? Americans overwhelmingly favor placing such responsibility with parents themselves. A vast majority (87%) indicated parents should be responsible for keeping inappropri-

ate printed materials away from children, almost nine times the number that would prefer publishers to be primarily responsible. Among subgroups, whites (90%) are more likely to identify parents for this task than non-whites (78%). And parents of children under age 6 (94%) are especially likely to think that parents in general should primarily assume that role.

The public is nearly as adamant that parents maintain the primary responsibility for keeping away from children inappropriate television programming (81%), inappropriate radio programming (77%), and even inappropriate movies shown in theaters (71%). In the latter category, 19% would make theater owners and operators responsible for keeping inappropriate movies away from children, and 3% would place that responsibility with government officials.

How can parents keep track of their children's television viewing habits? In recent years the v-chip has gotten considerable attention. Yet just 35% of those surveyed said their television sets are equipped with a v-chip, and of those, only 24% admitted to using the v-chip to monitor programs being viewed in their household. If parents are truly assuming the responsibility for

monitoring their children's viewing habits, it is largely happening without the benefits of this new technology.

Freedom of religion and separation of church and state

Highlights:

- Public opinion continues to be split on whether government should be able to monitor certain religious groups as part of its war on terrorism. 51% said they support the government in such efforts, even if it means infringing upon the religious freedom of those groups' members, while 46% opposed that power.
 - 52% said students in public school have too little religious freedom. Leading the way in this regard are fundamentalist and evangelical Christians, 71% of whom said there is too little religious freedom for students. Meanwhile, 41% said that students' religious freedom in the public schools is "about right."
 - A substantial majority (70%) indicated that
- requiring students to say the Pledge of Allegiance does not violate the Constitution. Nearly the same percentage (71%) considered the phrase "one nation under God" within the Pledge as primarily a statement related to the American political tradition, rather than as a religious statement.
 - Support for posting the Ten Commandments inside government buildings has rebounded from last year, when 62% supported that power; this year 68% said government officials should be able to post the Ten Commandments inside government buildings.
 - A significant majority also support giving parents the option of sending their kids to non-public schools with vouchers (62%) and allowing the government to support faith-based drug abuse prevention programs (66%).

A substantial segment of the public continues to support increased religious freedom in the abstract. In the eyes of many, however, such religious tolerance would not be undermined

by government attempts to keep close tabs on some religious groups, while allowing others to more actively participate in the administration of government programs and functions.

For example, survey participants continue to be split on whether the government, as part of its war on terrorism, should be allowed to aggressively monitor certain religious groups. Slightly more than half (51%) would support the government in this effort, even if it means infringing upon the religious freedom of those groups' members, and 31% strongly agreed that the government should be able to do so. Meanwhile, 46% opposed such power.

Within public schools, the respondents also favor an expanded role for religion. In the 2004 survey, 52% indicated there is too little religious freedom for students in the schools, as compared to 41% who indicated the current amount of such freedom is "about right." (In last year's survey, 46% said there was too little religious freedom for students in public schools). The chief opinion leaders in this regard are fundamentalist/evangelicals: 71% said there is too little religious freedom for students, as compared to

46% of the rest of the population.

This past year, the Pledge of Allegiance received a lot of attention as the Supreme Court considered (but ultimately declined) the opportunity to decide whether its reference to “one nation under God” might render it an unconstitutional exercise. On this score, the public’s sentiment is clear: seven in 10 respondents said that requiring teachers to lead students in reciting the pledge does not violate the constitutional principle of separation of church and state.

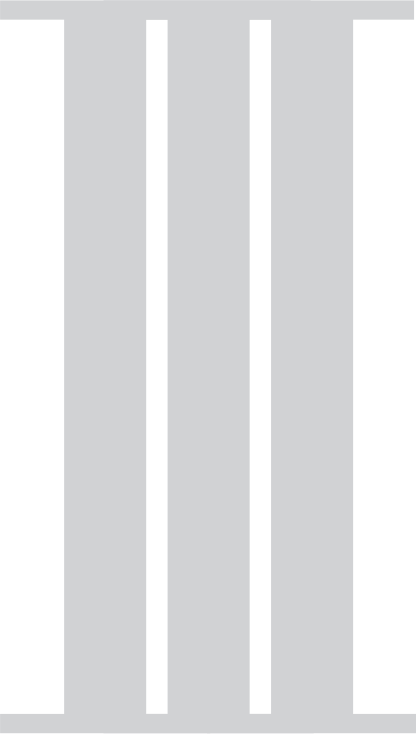
Why such a strong defense of the Pledge of Allegiance? Perhaps it is because Americans don’t really view the pledge as primarily a religious statement. In fact, 71% of those surveyed said they thought the pledge

was “primarily a statement related to the American political tradition,” as compared to 19% who thought it was primarily a religious statement.

For the third consecutive year, the First Amendment Center inquired about the posting of the Ten Commandments. In 2004, 68% said they thought government officials should be allowed to post the Ten Commandments inside government buildings, with half of those surveyed saying they strongly agreed that officials should be allowed to do so. That represents a rebound of sorts from 2003, when 62% supported the power of officials to post the Ten Commandments.

Vouchers and faith-based charities’ programs are considered controversial, in

part because they afford religious groups even greater opportunities to participate in public functions such as education and welfare. Again, the public stands squarely in favor of those programs. Sixty-two percent said parents should have the option of sending their children to non-public schools (including religious schools) using government vouchers or credits, and nearly two-thirds (66%) favored allowing the government to give money to religious organizations and churches to help them run drug abuse prevention programs. The risk that those same religious institutions would be allowed to include a religious message as part of the program apparently deterred few from expressing support for such faith-based charities programs.



State of the First Amendment Survey 2004

Weighted Data (N=1,002)

- 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
Freedom of the press	11%	12%	12%	14%	14%	16%	15%
Freedom of speech	49%	44%	60%	59%	58%	63%	58%
Freedom of religion	21%	13%	16%	16%	18%	22%	17%
Right to petition	2%	2%	2%	1%	2%	2%	1%
Right of assembly/ association	10%	8%	9%	10%	10%	11%	10%
Other	7%	6%	12%	14%	19%	21%	20%
Don't know/ refused to answer	N/A	N/A	37%	36%	35%	37%	35%

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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.

	1999	2000	2001	2002	2003	2004
Strongly agree	16%	10%	29%	41%	19%	19%
Mildly agree	12%	12%	10%	8%	15%	11%
Mildly disagree	22%	26%	19%	15%	18%	21%
Strongly disagree	45%	48%	39%	32%	42%	44%
Don't know/refused to answer	5%	5%	3%	3%	7%	5%

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 about right?

	1999	2000	2001	2002	2003	2004
Too much freedom	31%	40%	36%	33%	36%	36%
Too little freedom	17%	14%	13%	13%	13%	17%
Right amount of freedom	49%	43%	47%	51%	48%	46%
Don't know/refused to answer	4%	3%	4%	2%	2%	2%

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	2000	2001	2002	2003	2004
Too much freedom	38%	53%	42%	51%	46%	42%	46%	42%
Too little freedom	9%	7%	8%	7%	8%	8%	9%	12%
About right	50%	37%	48%	41%	42%	49%	43%	44%
Don't know/ refused to answer	3%	2%	3%	2%	3%	1%	1%	3%

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5. Journalists should be allowed to keep a news source confidential.

	1997	1999	2000	2004
Strongly agree	58%	48%	52%	42%
Mildly agree	27%	31%	25%	28%
Mildly disagree	6%	10%	8%	13%
Strongly disagree	6%	9%	10%	12%
Don't know/refused to answer	2%	3%	5%	5%

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

	2004
Strongly agree	15%
Mildly agree	24%
Mildly disagree	19%
Strongly disagree	39%
Don't know/refused to answer	3%

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

	2004
Strongly agree	49%
Mildly agree	28%
Mildly disagree	11%
Strongly disagree	10%
Don't know/refused to answer	3%

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8. Have you heard or read anything about recent reports concerning the falsifying of facts in news stories and columns in some of the nation's newspapers?

	2004
Yes (go to Q. 9)	52%
No (go to Q.10)	45%
Don't know/ refused to answer	2%

If yes ...

9. In general, do you think these reports have decreased your level of trust in your local newspaper, increased your level of trust in your local newspaper, or has the level of trust you maintain in your local newspaper remained about the same?

	2004
Decreased	30%
Increased	2%
Remained about the same	66%
Don't know/ refused to answer	2%

10. Please also tell me whether you agree or disagree with the following statement: "The falsifying or making up of stories in the American news media is a widespread problem."

	2004
Strongly agree	37%
Mildly agree	24%
Mildly disagree	24%
Strongly disagree	12%
Don't know/ refused to answer	6%

11. 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	2002	2003	2004
Too much freedom	10%	12%	11%	12%	10%	12%	11%
Too little freedom	18%	26%	25%	26%	21%	23%	28%
About right	68%	59%	62%	61%	67%	63%	60%
Don't know/ refused to answer	4%	3%	2%	2%	1%	2%	2%

12. 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
Too much freedom	6%	8%	5%	4%	6%	8%	7%
Too little freedom	21%	26%	29%	32%	20%	24%	27%
About right	71%	63%	63%	62%	70%	66%	64%
Don't know/ refused to answer	2%	3%	3%	2%	4%	3%	3%

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

	2000	2001	2002	2003	2004
Strongly agree	22%	25%	29%	26%	30%
Mildly agree	24%	22%	28%	23%	24%
Mildly disagree	15%	16%	14%	14%	13%
Strongly disagree	38%	35%	28%	36%	31%
Don't know/refused to answer	1%	3%	2%	1%	2%

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

	1997	1999	2000	2001	2002	2003	2004
Strongly agree	23%	27%	32%	34%	31%	35%	34%
Mildly agree	28%	29%	27%	27%	26%	26%	25%
Mildly disagree	16%	15%	12%	9%	14%	10%	12%
Strongly disagree	31%	26%	28%	28%	27%	26%	26%
Don't know/ refused to answer	3%	4%	2%	2%	2%	3%	3%

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

	1997	1999	2000	2001	2002	2003	2004
Strongly agree	8%	8%	15%	16%	14%	18%	17%
Mildly agree	15%	13%	17%	18%	20%	20%	18%
Mildly disagree	14%	16%	15%	15%	16%	14%	14%
Strongly disagree	61%	62%	52%	49%	48%	47%	49%
Don't know/ refused to answer	2%	1%	1%	2%	1%	1%	1%

Now, think about broadcast television programs on networks such as ABC, CBS, NBC and Fox. Please tell me if you agree or disagree with the following statements:

16. Government officials should have the power to regulate during the morning, afternoon and early evening hours those broadcast television programs that contain references to sexual activity.

	2004
Strongly agree	44%
Mildly agree	21%
Mildly disagree	13%
Strongly disagree	20%
Don't know/refused to answer	2%

17. Government officials should have the power to regulate during the late evening and overnight those broadcast television programs that contain references to sexual activity.

	2004
Strongly agree	27%
Mildly agree	22%
Mildly disagree	19%
Strongly disagree	30%
Don't know/refused to answer	2%

Now think about cable television programs on basic cable networks such as CNN, ESPN and the Discovery Channel. Please tell me whether you agree or disagree with the following statements:

18. Government officials should have the power to regulate during the morning, afternoon and early evening hours those cable television programs that contain references to sexual activity.

	2004
Strongly agree	31%
Mildly agree	24%
Mildly disagree	15%
Strongly disagree	27%
Don't know/refused to answer	3%

19. Government officials should have the power to regulate during the late evening and overnight those cable television programs that contain references to sexual activity.

	2004
Strongly agree	23%
Mildly agree	22%
Mildly disagree	19%
Strongly disagree	34%
Don't know/refused to answer	2%

Now think about radio shows and programs. Please tell me whether you agree or disagree with the following statements:

20. Government officials should have the power to regulate during the morning, afternoon and early evening hours those radio shows that contain references to sexual activity.

	2004
Strongly agree	38%
Mildly agree	25%
Mildly disagree	13%
Strongly disagree	23%
Don't know/refused to answer	1%

21. Government officials should have the power to regulate during the late evening and overnight hours those radio shows that contain references to sexual activity.

	2004
Strongly agree	25%
Mildly agree	25%
Mildly disagree	19%
Strongly disagree	29%
Don't know/refused to answer	2%

22. Congress recently passed a law that blocks many telemarketers from making calls to you if you place your name on a national "do not call" registry. Do you favor or oppose adding charities and other nonprofit organizations to the "do not call" registry?

	2004
Favor strongly	42%
Favor mildly	20%
Oppose mildly	21%
Oppose strongly	15%
Don't know/refused to answer	2%

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23. 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
Should not (go to question 25)	49%	48%	51%	59%	51%	55%	53%
Should (go to question 24)	49%	51%	46%	39%	46%	44%	45%
Don't know/refused to answer (go to question 25)	2%	1%	3%	2%	2%	2%	3%

24. 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	2002	2003	2004
Yes	88%	90%	87%	81%	83%	87%	82%
No	9%	8%	12%	15%	15%	12%	16%
Don't know/refused to answer	3%	2%	1%	4%	2%	1%	3%

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

25. Newspapers should be allowed to freely criticize the U.S military about its strategy and performance.

	2002	2003	2004
Strongly agree	33%	32%	32%
Mildly agree	24%	22%	24%
Mildly disagree	18%	14%	12%
Strongly disagree	24%	30%	29%
Don't know/ refused to answer	1%	1%	4%

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

	2001	2002	2003	2004
Too much media freedom	41%	42%	43%	49%
Too much government censorship	36%	32%	38%	34%
Neither (<i>volunteered</i>)	12%	15%	10%	6%
Both (<i>volunteered</i>)	7%	8%	4%	8%
Don't know/refused to answer	4%	4%	5%	4%

27. Overall, do you think Americans have too much, too little, or just the right amount of access to information about the federal government's war on terrorism?

	2002	2003	2004
Too much access	16%	12%	15%
Too little access	40%	48%	50%
Just about the right amount	38%	38%	31%
Don't know/refused to answer	6%	2%	4%

28. As part of its war on terrorism, the government should be allowed to monitor certain religious groups even if that means infringing upon the religious freedom of those groups' members.

	2003	2004
Strongly agree	27%	31%
Mildly agree	23%	20%
Mildly disagree	18%	17%
Strongly disagree	27%	29%
Don't know/refused to answer	5%	4%

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

	2001	2002	2003	2004
Excellent	5%	5%	6%	7%
Good	25%	26%	25%	21%
Fair	39%	35%	33%	32%
Poor	24%	28%	29%	35%
Don't know/ refused to answer	7%	6%	7%	5%

30. 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	2002	2003	2004
Too much	3%	3%	4%	3%
Too little	53%	53%	46%	52%
About right	40%	40%	45%	41%
Don't know/ refused to answer	4%	4%	5%	5%

31. Overall do you think students in public high schools have too much freedom to express themselves, too little freedom to express themselves, or is the freedom of public high school students to express themselves about right?

	2003	2004
Too much freedom	13%	15%
Too little freedom	28%	29%
Right amount	54%	51%
Don't know/ refused to answer	4%	5%

32. Many public schools require teachers to lead students in recitation of the Pledge of Allegiance, which includes the phrase “one nation under God,” although students are permitted to opt out of reciting the pledge if they so choose. In your opinion, does that school practice violate the constitutional principle of separation of church and state?

	2003	2004
Yes, it violates the constitutional principle.	26%	26%
No, it does not.	68%	70%
Don't know/refused to answer	5%	4%

33. When you say or hear the Pledge of Allegiance, which includes the phrase “one nation, under God,” do you think of that phrase as primarily a religious statement, or as primarily a statement related to the American political tradition?

	2003	2004
Primarily a religious statement	18%	19%
Primarily a statement related to the American political tradition	73%	71%
Both (<i>volunteered</i>)	5%	6%
Neither (<i>volunteered</i>)	1%	3%
Don't know/refused to answer	2%	2%

Please tell me whether you agree or disagree with the following statements:

34. Government officials should be allowed to post the Ten Commandments inside government buildings.

	2002	2003	2004
Strongly agree	52%	44%	50%
Mildly agree	18%	18%	18%
Mildly disagree	12%	13%	10%
Strongly disagree	16%	22%	19%
Don't know/refused to answer	2%	3%	3%

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35. Parents should have the option of sending their children to non-public schools, including those with a religious affiliation, using vouchers or credits provided by the government that would pay for some or all of the costs.

	2003	2004
Strongly agree	40%	40%
Mildly agree	22%	22%
Mildly disagree	12%	10%
Strongly disagree	23%	25%
Don't know/refused to answer	4%	4%

36. Do you favor or oppose allowing the government to give money to religious institutions or churches to help them run drug-abuse prevention programs, even if the religious institutions would be allowed to include a religious message as part of their program?

	2003	2004
Strongly favor	34%	40%
Mildly favor	26%	26%
Mildly oppose	15%	11%
Strongly oppose	21%	19%
Don't know/refused to answer	4%	4%

37. Public school students should be allowed to wear a T-shirt with a message or picture that others might find offensive.

	1997	1999	2004
Strongly agree	9%	10%	13%
Mildly agree	17%	17%	11%
Mildly disagree	22%	23%	21%
Strongly disagree	48%	48%	51%
Don't know/refused to answer	4%	2%	4%

38. In your view, who should be primarily responsible for keeping inappropriate printed materials away from children: parents, government officials or publishers?

	2004
Parents	87%
Government officials	1%
Publishers	10%
Nobody (<i>volunteered</i>)	0%
Don't know/refused to answer	2%

39. In your view, who should be primarily responsible for keeping inappropriate television programming away from children: parents, government officials or broadcasters?

	2004
Parents	81%
Government officials	5%
Broadcasters	14%
Nobody (<i>volunteered</i>)	0%
Don't know/refused to answer	1%

40. In your view, who should be primarily responsible for keeping inappropriate radio programming away from children: parents, government officials or broadcasters?

	2004
Parents	77%
Government officials	5%
Broadcasters	17%
Nobody (<i>volunteered</i>)	0%
Don't know/refused to answer	2%

41. In your view, who should be primarily responsible for keeping inappropriate movies shown in theaters away from children: parents, government officials, movie studios or theater owners and operators?

	2004
Parents	71%
Government officials	3%
Movie studios	5%
Theater owners and operators	19%
Motion Picture Association of America (<i>volunteered</i>)	1%
Nobody (<i>volunteered</i>)	0%
Don't know/refused to answer	2%

As you may know, since the year 2000, most television sets sold in the United States must be equipped with the so-called v-chip. The v-chip reads information encoded in the rated television program. The chip was intended to allow parents to block viewing of certain programs based upon selected ratings.

42. Is your television set equipped with a v-chip?

	2004
Yes	35%
No (go to question 44)	47%
Don't have TV (<i>volunteered</i>)	1%
Don't know/refused to answer	17%

43. Are you currently using the v-chip to monitor or restrict certain programs from being viewed in your household?

	2004
Yes	24%
No	76%

Now think specifically about entertainment programs.

44. Do you think there is currently too much government regulation of entertainment programming on television, too little government regulation of entertainment programming on television, or is the current amount of government regulation about right?

	2004
Too much	16%
Too little	21%
About right	58%
Don't know/refused to answer	5%

45. Do you think there is currently too much government regulation of entertainment programming on radio, too little government regulation of entertainment programming on radio, or is the current amount about right?

	2004
Too much	16%
Too little	18%
About right	59%
Don't know/refused to answer	7%

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

46. In what year were you born?

18-30 years old	22%
31-44 years old	31%
45-61 years old	25%
62 years old +	20%
Don't know/refused to answer	2%

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

Grade school or less	3%
Some high school	7%
High school graduate	38%
Trade school (<i>volunteered</i>)	1%
Some college	26%
College graduate	13%
Post-graduate	10%
Don't know/refused to answer	1%

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

White	77%
Black	9%
Hispanic	5%
Asian	2%
Bi-racial (<i>volunteered</i>)	1%
Other	4%
Don't know/refused to answer	2%

49. 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	54%
Don't know/refused to answer	6%

50. And is that ...

Under \$10,000	17%
\$10,000 to less than \$20,000	24%
\$20,000 to less than \$30,000	27%
\$30,000 to less than \$40,000	27%
Don't know/refused to answer	5%

51. And is that ...

\$40,000 to less than \$50,000	19%
\$50,000 to less than \$75,000	32%
\$75,000 to less than \$100,000	22%
\$100,000 or more	20%
Don't know/refused to answer	7%

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

Catholic	22%
Protestant	27%
Jewish	2%
Other (specify)	35%
No religious affiliation (<i>volunteered</i>)	9%
Don't know/refused to answer	6%

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

Fundamentalist/Evangelical	20%
Neither	71%
Not sure (<i>volunteered</i>)	4%
Don't know/refused to answer	5%

.....

54. In politics today, are you a Democrat, a Republican, an Independent or what?

Democrat	36%
Republican	26%
Independent	24%
No preference (<i>volunteered</i>)	7%
Other (<i>volunteered</i>)	4%
Don't know/refused to answer	4%

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

Yes	36%
No	63%
Don't know/refused to answer	1%

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

Yes	78%
No	22%

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

Yes	56%
No	44%

RESPONDENTS' SEX:

Male	48%
Female	52%

N Methodology

The First Amendment Center and *American Journalism Review* commissioned the Center for Survey Research & Analysis 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, in consultation with officials at *American Journalism Review*. At the University of Connecticut, Chris Barnes, Helene Marcy, April Brackett, Chase Harrison, Katie Stargardter, Professor David Yalof and Professor Kenneth Dautrich directed the project. Ken Paulson and Gene Policinski of the First Amendment Center provided overall direction for the project. The survey was conducted by telephone between May 6 and June 6, 2004.

Interviews were conducted under the supervision of the Center for Survey Research & Analysis in Storrs, Conn., using a Computer Assisted Telephone Interviewing (CATI) 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 insure 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 insure that broad geographic regions were repre-

sented in proportion to their share of the total adult population in the United States. Within each of these regions, telephone numbers were generated through a random-digit-dial telephone methodology to insure that each possible residential telephone number had an equal probability of selection. Telephone banks that contain 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 1,002 national interviews is $\pm 3.1\%$ at the 95% level of

confidence. This means that there is less than one chance in 20 that the results of a survey of these respective sizes would differ by more than 3.1% in either direction from the results, which 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.



Commentary

Public: low marks for nation's press

By Paul K. McMasters

First Amendment Ombudsman

The public takes a jaundiced view of the nation's news media, a First Amendment Center/AJR poll finds. More than 60% believe making up stories is a widespread problem, and just 39% think news organizations try to report without bias.

The latest State of the First Amendment survey lands on the front porch of the nation's journalism community bristling with harsh headlines for the news media.

The 2004 edition of the poll, conducted by the First Amendment Center in collaboration with *American Journalism Review*, shows a recovery from a post-9/11 low in public support for the First Amendment in general, but Americans remain critical of the professionalism and ethics of the people and organizations that deliver the news.

They say that the press is biased, that it routinely

falsifies and fabricates stories, and that it abuses its freedom.

In the minds of too many Americans, freedom of the press is the least popular of the five freedoms protected by the First Amendment — only 15% mention the press when asked to list those five freedoms.

More alarming, four in 10 Americans believe the press has too much freedom.

Several first-time questions in the eight-year-old national survey prompted troubling responses related to the fabrication and plagiarism scandals such as the one at *The New York Times* — where rising star Jayson Blair tarnished the gold standard of journalism, brought down two top editors and caused dramatic policy changes.

That uproar had not subsided before an eerily similar one in both sins and consequences arose at *USA*

TODAY, although it was a globetrotting veteran, Jack Kelley, who authored the newsroom havoc there.

Despite expansive, long-term coverage and intense debate about these and similar scandals at other news organizations, barely half of the respondents in the State of the First Amendment poll said they had heard about the scandals. Of the 52% who had heard of the scandals, the majority, 66%, said their level of trust for the local newspapers had not changed; 30% said that the incidents had lowered their trust in their local papers.

Perhaps the most disappointing finding for journalists, however, is the fact that 61% of Americans agreed with the statement that “the falsifying or making up of stories in the American news media is a widespread problem.”

There is more disappointment. At a time when both print and broadcast news organizations are struggling to distinguish the legitimate press from the partisan and polarizing elements of the general “media,” the 2004 SOFA survey found that only 39% agreed with the statement that “the news media try to report the news without bias.” The majority disagreed.

The news for the press is no better in responses to questions that have been asked in previous surveys. For example, while journalists and their critics continue to debate the promiscuous use of anonymous sources, 70% this year said they supported the right of journalists to keep sources confidential. However, that is 15 points below the 85% who said so in 1997. Those who don’t believe journalists should be able to keep their sources confidential doubled during that period from 12% to 25%.

Slightly more than half, 56%, agreed that “newspapers should be allowed to freely criticize the U.S. military about its strategy and performance,” roughly the same number as in the previous two years the question was asked. The problem, of course, is that even mere facts, especially in a time of war, can be interpreted as critical of the military. Four in 10 Americans, however, do not think the press should be critical.

And while the fact that 42% of Americans believe the press has too much freedom is a sobering measure of distrust, that figure was 46% last year and peaked at 53% in 1999. Journalists and their advocates may be heartened that 12% in the current survey said the press has

too little freedom; that is the highest such response in the history of the survey.

Interestingly, some respondents changed their minds when reminded of just whom press freedom in America belongs to. When asked in a separate question if “Americans” have too much press freedom, the response drops from 42% to 36%.

The 2004 survey did have a couple of nuggets of good news. In a first-time question, 77% agreed that the news media should act as a “watchdog” on government. Also, a growing number of Americans appear to share the press’s concern about increasing government secrecy and control of information. In this year’s poll, 50% said that they had too little information about the government’s war on terrorism; that figure was 40% in 2002.

Journalists have their own opinions about the state of the press. A poll of national and local journalists in both print and broadcast media released earlier this summer by the Pew Research Center for the People & the Press showed journalists to be quite critical of their profession. Substantial numbers thought journalism was headed in the wrong direc-

tion and that business demands were “seriously hurting” news coverage. They expressed concerns about factual errors, sloppy reporting, simplistic coverage and distortions in reporting caused by the 24-hour news cycle.

Winning popularity contests with the public is not the point of journalism, of course. In fact, about the best the press, a habitual bearer of bad news, can hope for in the public mind is grudging respect. But to

the extent the press appears to be falling short of what most journalists and most Americans want it to be, the opinions revealed in the latest State of the First Amendment survey offer some insight into what must be done to close that gap.

It is important to note that poor showings in public opinion polls, layered upon their own concerns about the press today, can cause journalists, as well as their audiences, to lose sight of

the great good the American press does on a daily basis.

Journalists and their advocates need to find new and better ways to deliver that story to the American public. These findings in the 2004 State of the First Amendment survey lend a new level of urgency to that assignment.

This article was first published on July 30, 2004.

Freedom takes strong stomachs, but many of us have indigestion

By Charles C. Haynes

First Amendment Center Senior Scholar

Liberty is a food easy to eat, but hard to digest; it takes very strong stomachs to stand it.”

It may have been written in 1772, but Jean-Jacques Rousseau’s famous aphorism captures America’s ambivalent attitude toward freedom in 2004. The findings of the latest State of the First Amendment survey are in — and many Americans seem to suffer from a bad case of civic indigestion.

Conducted each year by the First Amendment Center, the 2004 poll starts with the good news. Only 30% of Americans feel that the First Amendment “goes too far” in the rights it guarantees. That’s a drop from the nearly 50% in 2002 who thought we had too much freedom (a response that was likely influenced by the 9/11 terrorist attacks).

But this surge of good feeling about the First Amendment doesn’t necessarily translate into support for keeping government from interfering with our

freedoms — which is, of course, what the First Amendment is intended to do.

Most at risk? Freedom of the press. A startling 42% of Americans believe that the press in America has too much freedom. What’s an example of “too much”? According to 41% of respondents, newspapers should not be allowed to freely criticize the U.S. military about its strategy and performance.

Despite this readiness to rein in the press, many Americans still want to know more about what the government is doing. Half of those surveyed, for example, say they have “too little access” to information about the federal government’s war on terrorism.

Talk about a disconnect. Without a free press, where would Americans get information about government actions? In a nation committed to democratic freedom, an independent and free press is the most important check on state secrecy and power.

Freedom of speech doesn’t fare much better. Large numbers of Americans are all for free speech — unless it might offend someone (which covers, of course, most speech). If you were hoping for the “politically correct” craze to die down, forget it. Look at these numbers:

- **38% would bar musicians from singing songs “with lyrics that others might find offensive.”**
- **44% wouldn’t allow people to say things in public that “might be offensive to religious groups.”**
- **A remarkable 63% say people shouldn’t be able to say things in public that “might be offensive to racial groups.”**

Most people would start early teaching kids about the need to ban potentially offensive speech. A whopping 72% of respondents would not allow public school students to wear a T-shirt with a message or picture that others might —

might — find offensive. That wipes out most of what students put on their shirts, including any and all political or religious messages.

What about freedom of religion? That depends on how you define it. You'll be disheartened if you believe (as I do) that keeping government out of religion is essential for religious liberty. But if you advocate more mixing of church and state, you'll be encouraged by the survey results.

Sixty-six percent of respondents favor government funding of social-service programs run by churches — even when the program is delivered with a religious message. And 68% support allowing government officials to post the Ten Commandments inside government buildings. So much for Thomas Jefferson's wall of separation.

Many Americans are clearly having a hard time defining the meaning of "freedom." But they seem to understand a key source of the

problem: 67% say schools are doing a fair or poor job of teaching kids about the First Amendment.

Do most Americans today favor freedom? Of course we do — that's the easy part. But the reality of freedom in daily life is often messy and controversial — and constantly challenging. Rousseau was right: It takes very strong stomachs to stand it.

This article was first published on July 11, 2004.

The First Amendment Center works to preserve and protect First Amendment freedoms through information and education. The center serves as a forum for the study and exploration of free-expression issues, including the freedoms of speech, press and religion and the rights to assemble and to petition the government.

The center is housed in the John Seigenthaler Center at Vanderbilt University in Nashville, Tenn. It also has offices in Arlington, Va. It is an operating program of the Freedom Forum, a nonpartisan foundation dedicated to free press, free speech and free spirit for all people.



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