

**The Future of the First Amendment:  
Summary and Policy Implications**

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Freedom and liberty are values firmly rooted in American political culture. One of the first acts of the first Congress in 1789 was to append a bill of rights to the U.S. Constitution, which, among other things, explicitly denied Congress the ability to tamper with Americans' rights of free expression. Indeed, through the course of our history, Americans and their leaders have proclaimed a commitment to freedom and liberty. Most recently, President Bush, in his second inaugural address, justified the Iraqi and Afghani military operations as a vehicle to spread freedom and liberty throughout the world.

Despite a long history of veneration to these values, freedom of expression has met with a number of challenges over the centuries. Not long after adoption of the first amendment did John Adams and the Federalist Congress pass the Alien and Sedition Acts, severely thwarting the freedom to speak out against government. Abraham's Lincoln's suspension of habeas corpus, the internment of Japanese Americans by FDR's government after Pearl Harbor, Senator Joseph McCarthy's "red scare," and Attorney General John Ashcroft's implementation of the USA Patriot Act represent just a few of the more notable breaches to liberty in America.

Like any value in our society, the health and vitality of freedom and liberty are largely dependent upon the public's attention to, appreciation for, and support of them. When Americans are willing to compromise freedom of expression in return for a sense

of being more secure, then government officials can more readily take action to curtail freedom. Public fear of communism allowed McCarthy to tread on people's liberty, just as fear of terrorism allowed Ashcroft to curb freedoms.

The real protection of free expression rights lies not in the words of the First Amendment. Rather, it lies in the people's willingness to appreciate and support those rights. That idea has led the Freedom Forum's First Amendment Center to commission an annual survey on public knowledge, appreciation and support for free expression rights since 1997 to gauge the health and well-being of the First Amendment.

If public opinion is in fact a good measure of the First Amendment's well-being, it's annual check-up has been fraught with health problems. For example, while more than 9-in-10 agree that "people should be allowed to express unpopular opinions," a paltry 4-in-10 say high school students should be able to report on controversial issues in school newspapers without the consent of school officials. Moreover, more than one-third say the press has too much freedom, and fewer than 6-in-10 say that musicians should be able to sing songs with lyrics that may be offensive to some. The annual check-ups have shown that half of adults think that flag burning as a method of protest should not be tolerated. The surveys, in short, have shown in many instances low support, a lack of appreciation for, and dangerously low levels of knowledge of free expression rights. (For a full set of findings from the First Amendment Center's annual poll, see [www.freedomforum.org](http://www.freedomforum.org)).

Is it no wonder, then, that the suspension of liberty in this land of freedom has been so readily accomplished by its leaders from time to time? The rather anemic annual check-ups led the Knight Foundation to commission a first-of-its-kind survey of American high school students to prepare the nation for the “Future of the First Amendment,” and to begin a discussion on how to strengthen to polity’s commitment to the democratic ideal of freedom and liberty. This highly visible study of 112,000 students and 8000 teachers in over 300 high schools, released earlier this year, suggests a possibly very unhealthy future for freedom; but also offers suggests some possible cures for freedom’s ills.

Why should we be concerned about the first amendment’s future? The full text of the report may be found on [www.firstamendmentfuture.org](http://www.firstamendmentfuture.org); but here is a summary: (1) 36% of high schoolers openly admit that they take their first amendment rights for granted and another and another 37% say they never thought enough about this to have an opinion; (2) Only 51% of 9<sup>th</sup> to 12<sup>th</sup> graders agree that newspapers should be allowed to publish freely without government approval of stories – in other words, they support censorship of newspapers; (3) 75% incorrectly believe that it is illegal to burn the flag as a means of political protest, and 49% wrongly think that government has the right to restrict indecent material on the Internet; (4) a source of the lack of support for free press rights may be due to the fact that only 4% of students trust journalists to tell the truth all of the time; (5) 35% say the first amendment goes too far in the rights it guarantees and 32% say the press has too much freedom to do what it wants.

This is a bleak picture of what may be in store for the First Amendment as this cohort matures into adulthood. At best, it suggests that the future of the first amendment is in no better shape than it is today, or perhaps ever was. More importantly, however, a number of findings from the study suggest policies or actions that might better prepare students to value and use their freedoms.

First, instruction on first amendment matters. Yes, education works! Students who have taken classes that deal with journalism, the role of the media in society, and the First Amendment exhibit higher levels of knowledge and support for free expression rights than those who haven't. We shouldn't be surprised that instruction makes a difference, for we have seen that "teaching to the test" has dramatically improved standardized test scores. The positive lesson to learn from this is that through enhancements to the high school curriculum, students may become better prepared to value and use their freedoms.

Second, when students are given an opportunity to use their freedoms, they develop a better appreciation for them. The Knight project found that students who are engaged in extra-curricular student media (such as school newspaper, internet sites, etc.) are more aware and much more supportive of free expression rights. Educational psychologists tell us that experiential learning is among the most powerful learning. Certainly, our study on the use of press freedoms bears out this long-known relationship. Encouraging student to use their freedoms while in schools can improve their use of those freedoms throughout their lives.

Third, most high school principals need to be reminded of the value of experiential learning and its implications for the future of the first amendment. While 80% of principals agree that “newspapers should be allowed to publish freely without government approval of a story,” only 39% say their students should be afforded the same rights for publishing in the school newspaper. Granted, principals have many issues to deal with (like parents and school board members calling and asking how they could have ever allowed a story to be printed in a school paper). But if we are to expect students to mature into responsible democratic citizens, they should be given the freedom to express themselves and act responsibly while in school.

Fourth, the project suggests that, like with most people, when issues affecting one’s freedom are brought close to home, then students are best able to discern the true meaning and value of freedom. When asked if they agreed or disagreed with this statement: “Musicians should be allowed to sing songs with lyrics that might be offensive to others,” 70% agreed (only 43% of principals and 57% of adults agree with this). Music matters to many young people. When this form of free expression is challenged, most students come to its defense. The lesson, of course, is that in teaching students about the virtues of free expression, showing how it relates to things important to them will best instill in students why it is so important to the life of a democracy.