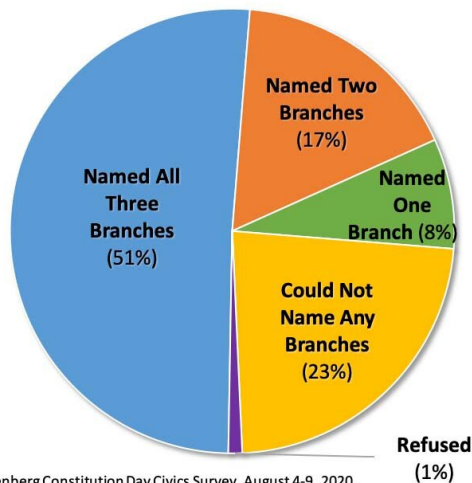


Amid pandemic and protests, Americans know much more about their rights

14 September 2020

% of Americans who can name the three branches of government



Source: Annenberg Constitution Day Civics Survey, August 4-9, 2020.
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Credit: Annenberg Public Policy Center of the University of Pennsylvania

In a period defined by an impeachment inquiry, a pandemic, nationwide protests over racial injustice, and a contentious presidential campaign, Americans' knowledge of their First Amendment rights and their ability to name all three branches of the federal government have markedly increased, according to the 2020 Annenberg Constitution Day Civics Survey.

Among the highlights of the annual survey, released before Constitution Day (Sept. 17):

- Americans are much more aware of all five rights protected by the First Amendment when asked unprompted to name them;
- Nearly three-quarters of Americans (73%) correctly named freedom of speech as one of the rights guaranteed under the First

Amendment, up from 48% in 2017;

- More than half of those surveyed (51%) accurately named all three branches of the federal government, up from 39% last year, the prior high point in this survey.

The civics knowledge survey by the Annenberg Public Policy Center (APPC) of the University of Pennsylvania was conducted among 1,009 U.S. adults from August 4-9, 2020, prior to the political conventions. It has a margin of error of $\pm 3.6\%$.

"Divided government, the impeachment process, and the number of times political leaders have turned to the courts probably deserve credit for increasing awareness of the three branches, while controversies over the right to peaceably assemble, freedom of religion, and freedom of speech may have done the same for the First Amendment," said Annenberg Public Policy Center Director Kathleen Hall Jamieson.

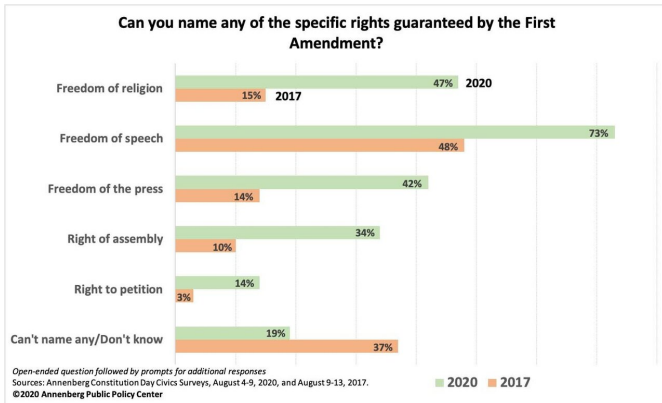
Improved knowledge of First Amendment rights

Americans' ability to name the five rights protected by the First Amendment has jumped since 2017, when we last asked this question. Their ability to specify some of them more than tripled. Asked to name any of the rights guaranteed under the First Amendment of the Constitution:

- 73% of Americans named [freedom of speech](#), up from 48% in 2017;
- 47% named freedom of religion, up from 15% in 2017;
- 42% named freedom of the press, up from 14% in 2017;
- 34% named right of assembly, up from 10%;
- 14% named right to petition the government, up from 3%;
- Those who could not name any First Amendment right fell to 19% from 37% in 2017 (total of "can't name any" and "don't

know").

This upturn in unprompted recall of First Amendment rights is consistent with increases seen in 2018 and 2019 surveys by the Freedom Forum. (See the Appendix.)



From Annenberg Constitution Day Civics Surveys of U.S. adults Aug. 4-9, 2020, and Aug. 9-13, 2017. Credit: Annenberg Public Policy Center

Over half can name the three branches

This year, an unusually high 51% of the U.S. adults surveyed could name the three branches of government—the executive branch (White House), the legislative branch (Congress) and the judicial branch (Supreme Court). That compares with 39% in the 2019 survey, which was the high point in 10 prior surveys, since 2006, when APPC asked this question. In addition:

- 17% of respondents could name two branches of government, in line with our data since 2006, ranging from 12% to 18%;
- 8% could name one [branch](#) of government, a large drop from 25% in 2019;
- 23% could not name any branches, essentially unchanged from last year's 22%.

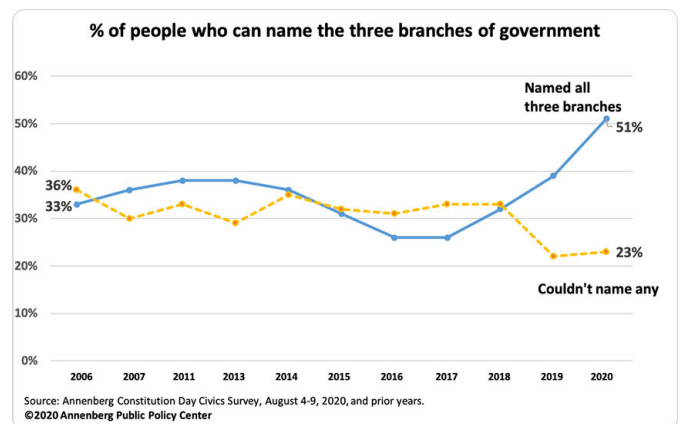
How Supreme Court justices rule

The survey also asked Americans about the fairness and impartiality of the Supreme Court.

Asked which is closer to their view of what guides Supreme Court justices in issuing rulings:

- 56% of respondents agreed that Supreme Court justices set aside their personal and political views and make rulings based on the Constitution, the law, and the facts of the case—a significant increase from 49% in 2019;
- By contrast, 37% said that Supreme Court justices nominated by Democratic presidents are more likely to make liberal rulings and that Supreme Court justices nominated by Republicans are more likely to make conservative rulings, regardless of the Constitution, the law, and the facts of the case—down slightly though not significantly from 41% in 2019.

"The actions of the [court](#) in the past year appear to have effectively signaled that the justices who cast the decisive votes were guided by the Constitution, laws, and facts of the case more so than by which political party would applaud the outcome," Jamieson noted. "The public probably got that signal from the widely covered rulings that upheld the Obama administration's Deferred Action for Childhood Arrivals (DACA) program and the one written by Justice Gorsuch and supported by Chief Justice Roberts that held that the 1964 Civil Rights Act protects gay, lesbian and transgender employees from being discriminated against by employers because of sex."



From the Annenberg Constitution Day Civics Survey, 2006-2020. Credit: Annenberg Public Policy Center

The balance of power

The survey asked if the president and the Supreme Court differed on whether an action by the president is constitutional, who would have the final responsibility for deciding whether it is constitutional:

- Just half the respondents (51%) correctly said the Supreme Court, lower than the 61% in 2019. A growing minority (29%) said it was up to Congress to decide whether the president's acts are constitutional, up from 21% in 2019, which may reflect overgeneralization about congressional authority in a period in which impeachment over alleged unconstitutional action clouded the meaning of the question.

When asked what it means when the Supreme Court rules 5-4 on a case:

- Just over half of respondents (54%) correctly knew that the decision is the law and needs to be followed, down significantly from 59% in 2019;
- 17% of respondents thought the decision is sent back to Congress for reconsideration, up significantly from 12% in 2019;
- 13% thought the decision is sent back to the federal court of appeals to be decided, up from 10%.

Finally, the survey also asked how much of a majority is required for the U.S. Senate and House of Representatives to override a presidential veto. Only 47% correctly said it takes a two-thirds majority to override a veto—the lowest percentage since 2007. There have been no efforts to override a veto in the past year.

The Annenberg Constitution Day Civics Survey was conducted for APPC by SSRS, an independent research company. For the question wording and other data, see the [Appendix](#).

The Annenberg Civics Knowledge Survey is released by APPC for Constitution Day, which

celebrates the signing of the Constitution in 1787. APPC's activities to enhance civics education include Annenberg Classroom, which offers free classroom resources for teaching the Constitution, and the Civics Renewal Network (CRN), a coalition of over 30 nonpartisan, nonprofit organizations seeking to raise the visibility of civics education by providing free, high-quality resources for teachers.

Provided by University of Pennsylvania

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