Less than half of the American public knows that John Roberts is chief justice of the U.S. Supreme Court, according to a new national poll conducted by the American Bar Association, while almost one-quarter think it is Ruth Bader Ginsburg and 16 percent believe it is Clarence Thomas.

The nationally representative poll of 1,000 members of the U.S. public found troubling gaps in their knowledge of American history and government, as well as constitutional rights. One in 10 think the Declaration of Independence freed slaves in the Confederate states, and 1 in 3 believe it gave women the national right to vote. Almost 1 in 5 believe the first 10 amendments of the U.S. Constitution are called the Declaration of Independence instead of the Bill of Rights.

The survey was conducted in February and March 2019 to mark the national Law Day celebration on May 1 and the ABA Law Day theme of “Free Speech, Free Press, Free Society.” Interviews were conducted by phone and online.

The U.S. public expresses strong support for freedom of speech. Eighty-one percent of the public agrees that people should be able to publicly criticize the U.S. president or any other government leader, and three-quarters agree that government should not be able to prevent news media from reporting on political protests. Men are more likely than women to say people should be able publicly criticize leaders (86 percent vs. 77 percent) and request government records (84 percent vs. 75 percent). Fully 80 percent of the public agrees that individuals and organizations should have the right to request government records or information.

And 88 percent correctly say that under the First Amendment the government does not have the right to review what journalists write before it is published.

In spite of the strong support stated for the First Amendment, the public showed some confusion over what it protects. Nearly 1 in 5 said freedom of the press is not in the First Amendment, and nearly 20 percent said the right of people to peaceably assemble does not fall under the First Amendment. More than half incorrectly think the First Amendment does
not permit the burning the American flag in political protest under the First Amendment. The U.S. Supreme Court has struck down laws that forbid flag-burning, ruling first in 1989 that under the First Amendment a person cannot be penalized for such action.

The poll also shows a majority of the public knows basic facts about the structure of government and the U.S. Constitution. For instance, 95 percent recognize that the Supreme Court of the United States is the highest court in the nation, and 93 percent know the two chambers of Congress are the House of Representatives and the Senate. Almost 90 percent know the first words of the U.S. Constitution are “We the People,” although nearly 1 in 10 believe the first three words are “I Pledge Allegiance.”

However, there is confusion over some core democratic principles. For instance, 78 percent correctly know that the term “the rule of law” means no one is above the law, but fully 15 percent believe incorrectly that it means “the law is always right.” The public also demonstrated a lack of basic knowledge about the rights and responsibilities accorded under the Constitution. Less than half know that only U.S. citizens can hold federal elective office, more than 1 in 5 believe only U.S. citizens are responsible for paying taxes and more than 10 percent believe only U.S. citizens are responsible for obeying the law. About 1 in 6 think that due process of law is only available to U.S. citizens. And 30 percent believe that non-citizens do not have the right of freedom of speech.

The survey found a few differences in responses by age group. While 79 percent of the public age 45 and older could identify the president as commander in chief, only two-thirds of the public age 18-44 could. And while 67 percent of the public age 45 and older knew the speaker of the House would become president if the president and vice president could no longer serve, just over half of those age 18-44 knew this line of succession.

The survey pulled questions from the pool of 100 possible questions on the U.S. Naturalization test that can be asked of those seeking U.S. citizenship. Only five percent of respondents answered all 15 civic questions correctly.

The nationwide poll was conducted by the American Bar Association from February 20-March 5, 2019, using AmeriSpeak, the probability-based panel of NORC at the University of Chicago. Online and phone interviews were conducted with 1,000 adults ages 18 and older. The margin of sampling error is 4.3 percent.