

## Constitution Day Survey: How United Are We the People?

### *Rationale and Summary of Findings*

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The Founders of the United States were well versed in natural rights philosophy as articulated by John Locke and the idea of a social contract. They embodied central elements of this philosophy and the social contract most succinctly and eloquently in the rather lengthy first sentence of the second paragraph of the Declaration of Independence, beginning with the phrase, “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights.”

**Social contract.** The social contract refers to an agreement among individuals, usually within a defined geographic area, to unite as a “political people” and create a government responsible for fostering the attainment of the purposes for which it was formed. The Declaration, after setting forth the “unalienable Rights” to “Life, Liberty and the pursuit of Happiness,” identifies the principal purpose of government as being “to secure these rights,” among others not specified. It also asserts that the legitimacy of such a government is based upon the consent of the people.

**The people’s contract with their government.** So, according to the thinking of the Founders, there is a social contract among a people who agree to form a government to further agreed-upon purposes. Then, there is a second contract between the people and the government they have created in which they consent to be ruled by its institutions so long as those institutions fulfill their obligations. And when a government fails its obligation to serve the purpose for which it was established, the people have the right to withdraw their consent and alter or abolish it and replace it with one that adequately fulfills those purposes.

**Purposes of government.** The “agreed-upon” purposes of the government of the United States include not only the “securing” of the rights specified in the Declaration and those included in the Constitution and its amendments, but the protection and promotion of the purposes for which “We the People” ordained and established the Constitution for the United States of America. These ideas are succinctly and eloquently set forth in the Preamble to the Constitution; that is, to establish a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty.

The Founders were also students and admirers of the classical republicanism of the Roman Republic, which emphasized the responsibility of citizens and their leaders to promote the common good and to possess civic virtue—a devotion to the common good that might at times call for them to place it before their own interests.

“This sacrifice of individual interests to the greater good of the whole formed the essence of republicanism and comprehended for Americans the idealistic goal of their Revolution. . . . This republican ideology both presumed and helped shape the Americans’ conception of the way their society and politics should be structured and operated.”

—Gordon Wood, *The Creation of the American Republic: 1776–1787*, 1969

From both the Greek and Roman philosophers, the Founders also learned that the pursuit of happiness is a desirable goal of human endeavor. According to Susan Leeson’s reading of Aristotle, this pursuit is an

“activity that involves the exercise of both intellectual and moral virtues. Happiness requires having sufficient material goods, but the acquisition of property is not an end in itself. Happiness also includes leisure, the opportunity to reflect on what is most important, to engage with ideas, and to interact with human beings in ways that improve everyone’s quality of life. A happy human being is one who has developed his or her unique human excellence as a result of living in a community.”

—The Honorable Susan Leeson, Supreme Court of Oregon (ret.)

Securing the right to the pursuit of happiness in the Declaration as a purpose of government is a manifestation of the importance placed by the Founders on this goal.

**Maintaining the social contract.** It follows that the legitimacy and healthy functioning of the democratic republican government of the United States requires at least three fundamental elements. First, the people must agree to be a part of the “political people”; second, they must agree upon the political equality and right of all adult citizens to participate either directly or through their representatives in the making of decisions that may affect them and the monitoring of their implementation; and third, there must be widespread agreement among the people on the fundamental purposes for which their government has been created.

To whatever extent consensus about the purposes of government is diminished, the social contact is compromised and the legitimacy of government impeached. To whatever extent the government is failing to foster the fulfillment of its purposes, its fulfillment of the terms of its contract with the people is lessened, which threatens the healthy functioning, legitimacy, and stability of the system.

**Is there a consensus on the purposes of government?** All of this raises the question of to what degree Americans currently are in agreement about the fundamental purposes of government as set forth in the Declaration of Independence, the Constitution, and later foundational documents, such as the Gettysburg Address.

The Center and Professor Diana Owen of Georgetown University designed and administered a survey focused on determining not only to what extent Americans are in agreement with general statements of these purposes, but to what extent they are in agreement about specific manifestations of them. The survey items stated the basic ideas of the Declaration and Constitution in everyday terms without identifying their sources. A summary of the results follows.

1. **Knowledge of and support for basic ideas of the American political system** contained in the Declaration of Independence and the U.S. Constitution with its Preamble, Bill of Rights, and other amendments.

- a. Only 14% of Americans think they know a lot about the Declaration of Independence and the Constitution, and 22% indicate that they know very little or nothing about them. Furthermore, 64% say they know some things about these documents. Overall, 86% of respondents are aware that they are not well-informed regarding the foundational documents.
  - b. Although Americans might not be well-informed about these documents, there is widespread agreement on many of the basic ideas they contain. In many instances, this agreement transcends party affiliation, political ideology, and demographics.
  - c. The survey reveals that the greater the knowledge of the Constitution, the greater the acceptance of its basic ideas. For example, 84% of those who know a lot about the Constitution think that all citizens should have equal political rights compared to 67% of those with little knowledge.
2. **Support for fundamental principles and goals of American government in the Declaration of Independence**, i.e., political equality; unalienable rights to life, liberty, and the pursuit of happiness; the main purpose of governments is to “secure these rights”; consent of the people (popular sovereignty); and the right to revolution.
- a. Large majorities of Americans support the basic ideas included in the Declaration of Independence and many of the specific applications of those ideas, such as the responsibility of the government to
    - i. ensure political equality (92%),
    - ii. protect the right to life by maintaining armed forces powerful enough to protect the country and ensuring a clean and safe environment (74%),
    - iii. protect liberty by refraining from restricting freedom of belief and expression (85%),
    - iv. further the right to the pursuit of happiness by providing equal educational opportunities for all students (86%).
  - b. Americans give the government mixed credit for fulfilling these responsibilities. Here are some examples:
    - i. **Political equality.** A plurality (49%) of respondents think political rights are not distributed fairly in the United States compared to 33%<sup>1</sup> who think they are.

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<sup>1</sup> Whenever reported percentages do not add up to 100%, it is because some respondents checked “neither agree nor disagree” by a question.

1. A majority (63%) thinks the opportunity to influence government is not distributed fairly in the United States compared to 25% who think it is.
2. A plurality (46%) thinks that Americans are not treated equally under the law today, while 34% think Americans are treated equally.

In regard to political equality in general, Republicans (46%) are significantly more likely to believe that people are treated equally under the law than Democrats (31%) and supporters of third party presidential candidates (30%). Men (40%) are more likely to believe that people are treated equally than women (28%). Americans over the age of 60 (22%) are significantly less inclined to feel that people are treated equally under the law than their younger counterparts (36%).

- ii. **Protecting the right to life by maintaining the capacity to protect the country.** A large majority of the public thinks that the government is doing good job of maintaining armed forces powerful enough to protect the country from other nations (74%) and protecting Americans from attacks (67%). A majority also thinks government is doing a good job protecting the nation from domestic terrorism (53%) and enforcing laws and keeping the peace (51%). And a plurality thinks the government is doing a good job of ensuring their security (47%).
- iii. **Protecting liberty.** A majority of respondents (59%) think that government is doing a good job of enabling people to express their criticisms of government peacefully, and 53% think it is doing well at protecting peaceful assemblies and demonstrations.
- iv. **Promoting the right to the pursuit of happiness.** A majority of respondents (53%) think educational opportunities are not distributed fairly, while 32% think they are.

3. **Support for purposes of government in the Preamble to the Constitution, i.e., establishing justice and promoting the general welfare**

- a. Large majorities of Americans, regardless of party affiliation or demographics, support the establishment of justice (78%) and promotion of the general welfare (75%). These are two of the six purposes or goals of government set forth in the Preamble to the Constitution.

Respondents also largely agree on many of the means of serving these purposes. For example, there was agreement upon the idea that the establishment of justice is furthered by the equal opportunity to influence government. There is also agreement that the general welfare is furthered by a clean and safe environment, pure food and drug regulations, and equal educational opportunities.

- b. Significant majorities think that government is doing a good job of providing security for Americans and protecting such rights as freedom of expression.
  - c. A majority of Americans think that the benefits and burdens of society are not distributed fairly (60%). This included such benefits as employment opportunities (53%), educational opportunities (53%), and income (68%) and such burdens as taxes (65%).
  - d. A majority of respondents (78%) think a main purpose of government is to promote the welfare of all of the people. However, only 30% think that government is doing a good job of promoting the general welfare. Republicans (35%) are more inclined than Democrats (29%) and Independents (26%) to feel that the government adequately promotes the general welfare.
  - e. Only 31% of respondents feel that the government is transparent about how it is carrying out its responsibilities. Democrats (36%) are more likely to feel the public can see how the government is carrying out its responsibilities than Republicans (31%) and Independents (24%).
4. **Support for protection of rights found in the Bill of Rights and other amendments**  
A large majority of Americans (80%+) support elements of the Constitution and its amendments that protect the rights to freedom of belief and expression; the protections of due process of law for the rights to life, liberty, and property; the equal protection of the law; and political equality.
- a. Majorities also support the rights to property and to bear arms.
    - i. **Property.** A majority (76%) would deny government the power of eminent domain; 13% would grant it that power.
    - ii. **Right to keep and bear arms.** A majority (57%) thinks the government should not be allowed to prevent law-abiding citizens from owning firearms; 26% think it should have this authority.

- b. The right to privacy in relation to national security receives less support. A plurality of 43% thinks government should not be able to secretly monitor people it believes are a threat to national security, while 35% believes it should be able to do so. Only 22% do not have an opinion on this issue.

5. **Perceived fairness of procedures used by national and state governmental institutions** When asked for their opinions on the use of fair procedures by governmental institutions, respondents rated the courts at national and state levels as most fair and legislatures at both levels as the least fair. The gap between opinions of national and state governments was not large.

#### **National government**

Supreme Court = 68% fair  
President = 54% fair  
Executive branch = 48% fair  
Congress = 41% fair

#### **State governments**

State courts = 54% fair  
Governors = 40% fair  
State legislatures = 41% fair

#### **Conclusion**

The good news is that the social contract is largely intact, as reflected by substantial agreement among the people about the central purposes government should serve despite what appears in daily media reports to be a high level of polarization and unwillingness of opposing parties to enter into civil dialogue, negotiation, and compromise.

A large majority of people appear to agree not only upon the purposes for which We the People ordained and established the American government but also upon what they see as many specific manifestations of those purposes. Hopefully, such agreement reflects a potential for reaching common ground upon which the country can move forward. An openness to entering into a discussion of the most central purposes of government and the means of attaining them is revealed by the finding that 80% of respondents thought it would be better if the American people were more united on these topics; only 6% disagreed.

It is encouraging to note that the survey revealed that the greater respondents' knowledge of the Constitution, the greater the acceptance of its basic ideas. This clearly points to the need to implement effective programs in schools and universities as well as programs for adults that educate people about the principles and values embedded in our founding documents.

The bad news that can be drawn from this research is that, for better or for worse, a majority of Americans think their national and state governments are not currently fulfilling the terms of their contracts with the people to deliver upon the purposes they think government should fulfill. Although they believe government is doing a good job in such areas as the protection of the nation and their communities, they see widespread unfairness in the distribution of the benefits and burdens of society and promotion of the general welfare. The problem is exacerbated by what respondents perceive as a lack of political equality, opportunity to influence their government, and the government not being transparent about how it is carrying out its responsibilities.

**A search for common ground.** For our mutual benefit, we Americans should set aside our differences and respect and emulate the efforts of the Framers of the Constitution by entering into a widespread, civil, and respectful discussion of the purposes of government. We should aim at reaching a consensus on those purposes followed by discussions of the means of attaining them. Such a discussion would provide a constructive way to deal with many of the seemingly intractable issues of the day and further the realization of the ideals of liberty, justice, and equality upon which our nation was founded.