

TO: Interested Parties
FROM: Shannon Currie, Paul Roos, Lauren Eastman
RE: Joyce Foundation Research on the 2nd Amendment
DATE: April 5, 2021

- The Joyce Foundation commissioned a poll to understand voters' current attitudes and beliefs toward the Second Amendment, their views of the *Heller* decision, and how they think and feel about guns in public spaces. Overall, most voters believe that the Second Amendment should be interpreted to allow for more limits on guns, they broadly agree with Justice Scalia's opinion in *Heller* that limits the right to own a gun in your home, and they want limits to guns in public spaces.

General Views of the 2nd Amendment

- Voters ranked the right to keep and bear arms last on importance when asked how important certain rights guaranteed under the U.S. Constitution were to them. Voters said that other rights like the right to vote and freedom of speech were preeminent rights.

How important is this right to you?

<i>Showing % "7" on a 1-7 pt scale, 1 meaning not at all important and 7 meaning extremely important</i>		All Voters
Right to vote		84
Freedom of speech		75
Freedom of religion		71
Right to trial by jury		70
Protection against unreasonable search and seizure		67
Freedom to assemble peacefully		66
Freedom of the press		59
Right to remain silent		59
Right to keep and bear arms		50

- Overall, voters are evenly split on whether the Constitution should be interpreted in a way that takes into account changes in modern times or whether it should be interpreted based on its original meaning.
 - Majorities of younger voters, people of color, and moderates say the Constitution should be interpreted in a way that takes into account changes in modern times.

Which of the following comes closer to your view?

	All Voters	Gun HH	18-34 yo	People of Color	ID Moderates
The Constitution should be interpreted in a way that takes into account changes in modern times and unforeseen developments.	50	45	64	57	54
The Constitution should be interpreted as the way it was understood by people at the time it was written and based on what we know about its original meaning.	50	55	36	43	46



- Most Americans believe that the Second Amendment should be interpreted to allow for more limits and restrictions on guns – including majorities of young voters, people of color, and moderates, and even over a third of those living in gun households.

Which of the following comes closer to your view?

	All Voters	Gun HH	18-34 yo	People of Color	ID Moderates
The way we currently interpret the Second Amendment <u>does not place enough limits</u> and restrictions on guns.	57	41	55	69	62
The way we currently interpret the Second Amendment <u>places too many limits</u> and restrictions on guns.	43	59	45	31	38

- Strong majority of voters believe the Second Amendment only applies to basic firearms like handguns, rifles and shot guns, while less than half believe it applies to semi-automatic or automatic rifles.
 - Even a majority of those living in gun households say the Second Amendment doesn't protect the right to have an automatic rifle.

Which of the following from the list below do you believe the Second Amendment includes when it says, 'right of the people to keep and bear Arms?'

You may select as many as you think.

	All Voters	Gun HH
Handguns	80	84
Rifles	73	78
Shotguns	70	80
Knives	42	48
Semi-automatic rifles	40	51
Pepper spray or mace	39	46
Automatic rifles	37	44
Tasers or stun guns	37	45
Baseball bat possessed as a weapon	32	36
Grenades	11	12
Rocket launchers	11	12



- Overwhelming majorities of voters, including a majority of those living in gun households, agree that government has both a role in and a responsibility to impose restrictions on guns – including who can have a gun, how many and what kinds of guns people may own.

Which of the following comes closer to your view?

	All Voters	Gun HH	18-34 yo	People of Color	ID Moderates
The government has a responsibility to ensure public safety by imposing restrictions on who can have a gun, and how many and what kinds of guns people may own.	70	53	68	79	72
The government should have no role in telling people who can have a gun, what type or how many firearms they may keep in their home.	30	47	32	21	28

- Almost universally, voters believe in the right to protection and at the same time believe there should be common sense limits on where guns can be carried.
 - 57% strongly agree, 87% total agree: *The Second Amendment is important because it gives Americans the **right to protect themselves, their families, and personal property.***
 - 53% strongly agree, 84% total agree: *Owning a gun and keeping it in one’s home is one thing, but there should be **common sense limits on people carrying guns around in public.***

Views of Heller Decision

- With some saying that Justice Amy Coney Barrett could tip the balance of the Court in favor of expanding gun rights, we wanted to understand voters’ views of the *Heller* decision. Before being asked about the decision, respondents were shown an introduction to the *Heller* decision including the following line in Justice Scalia’s majority opinion:

“Like most rights, the Second Amendment is not unlimited. It is not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.”

(See appendix for the full text of the question.)

- Justice Scalia’s views broadly resonate with voters – 41% strongly agree and **80% total agree** with Scalia’s ruling that guarantees Americans the right to own a gun in your home, but says the Second Amendment does not give Americans unlimited rights to own firearms or carry them outside of their home.
- Additionally, over 2 in 3 voters believe that *Heller* either strikes the right balance **OR** that we should impose stricter limits on guns. This includes a substantial majority of voters living in gun households.



Given what you have just read, which of the following is closest to your view?

	All Voters	Gun HH	18-34 yo	People of Color	ID Moderates
This ruling about the right to have a gun in the home goes too far and should be overturned. We need to have even stricter limits on guns.	17	15	15	18	18
This ruling about the right to have a gun in the home <u>strikes the right balance</u> and should be left as it is.	52	49	54	56	56
This ruling about the right to have a gun in the home <u>does not go far enough. it should be expanded</u> so that we can protect Americans' right to a broader set of weapons and where they can carry them.	31	36	31	26	26
TOTAL STRICTER LIMITS + STRIKE RIGHT BALANCE	69	64	69	74	74

Guns in Public Spaces

- Voters feel strongly that intimidation with firearms infringes on the First Amendment rights of others and that guns shouldn't be allowed at political rallies, protests or marches.
 - 60% strongly agree, 87% total agree: *when a person carrying a gun uses it to **intimidate someone, they are infringing on that person's First Amendment rights.***
 - 51% strongly agree, 77% total agree: *guns **should not be allowed at political rallies, protests, or marches.***
- The desire to have limits on carrying guns in public spaces is rooted in the strong negative emotional responses that voters have toward those carrying guns in public – 86% of voters said they would either be uncomfortable, unsafe, in danger, scared, uneasy, or intimidated when seeing someone carry an assault rifle in public; two-thirds (67%) said the same about someone carrying a handgun.
 - Nearly 1 in 3 Republicans (30%) and nearly half (46%) of voters of color said they would feel unsafe around an assault rifle in a public space.

Imagine you were out in your local community doing one of your usual errands such as grocery shopping and you encountered a person you don't know – not law enforcement or military – openly carrying a(n) assault rifle / handgun.

Which of the following words would most close describe how you would feel?

You may choose one, two or three words.

	Assault rifle	Handgun
Uncomfortable	38	34
Unsafe	38	30
In danger	37	24
Scared	36	21
Uneasy	35	30
Intimidated	19	16
Curious	15	17
Safe	8	18
Proud	6	9
Patriotic	5	8
At ease	5	13
Unconcerned	4	16



- Voters overwhelmingly (86%) believe people should have to obtain a permit to carry a gun in public and large majorities do not think guns should be allowed in schools, at the polls, or around forms of public gathering and transportation.

Thinking about where guns should and should not be allowed, which of the following places (not including law enforcement) should NOT be allowed to have guns?

You may select more than one.

	All voters
In K-12 schools	65
At polls on Election Day	62
At protests	60
In bars	60
On airplanes, buses, subways, and other forms of public transportation	59
On playgrounds	58
At political rallies	58
In churches / places of worship	53
On university campuses	53
In grocery stores or shopping malls	46
In restaurants	45
In their places of work	44
At national parks	40
In parking lots	28
In their cars	16
In their homes	6
None of the above	10

- Nearly a majority said they would think of someone carrying a handgun or an assault rifle in a public space as an armed extremist or an intimidator. (Note that this survey was conducted prior to the Capitol Hill riots that occurred on January 6th this year.)

If you encountered a group of people you don't know, who are neither law enforcement nor members of the military, that were openly carrying handguns or assault rifles as a means to intimidate others in a public space, which of the following words or phrases would most closely describe how you view that group?

	All voters
Armed extremists	27
Intimidators	20
Radicals	10
A militia	9
Vigilantes	8
Gun enthusiasts	6
Protectors	4
Hunters	4
Patriots	3
Watchdog	2
Sportsman	2
Military collectors	2



Methodology

Benenson Strategy Group conducted 1,405 online interviews from December 8-16, 2020 on behalf of The Joyce Foundation. All respondents were likely voters nationwide and included oversamples of young voters and voters of color to ensure adequate representation within the survey. The margin of error for the data set is $\pm 4.2\%$ at the 95% confidence level and it is higher among subgroups.

APPENDIX:

Full text of the Heller introduction:

As you may or may not know, in 2008, the U.S. Supreme Court issued a ruling that the Second Amendment protects an individual’s right to keep and bear arms within the home for private purposes like self-defense. In the decision, conservative Supreme Court Justice Antonin Scalia – writing for the majority – stated,

“Like most rights, the Second Amendment right is not unlimited. It is not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.”

This ruling essentially says that the Second Amendment guarantees you the right to own a gun in your home but explicitly says that the Second Amendment does not give Americans unlimited rights to own firearms or carry them outside of their home. He also wrote that it is constitutional to limit gun ownership by felons and the mentally ill and to limit dangerous or unusual weapons.

