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Public Understanding of and Support for the Courts: Survey Results

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Public Understanding of and Support for the Courts: Survey Results

Abstract

Using data from two nationally representative surveys, we examined public knowledge about the Constitution and courts: the impact of court exposure and news sources on perceptions of the courts, trust in the courts, perceptions of bias in the courts, and willingness to curb the power or influence of the courts. The surveys were conducted in the summers of 2005 and 2006 by Princeton Survey Research Associates International for the Annenberg Public Policy Center of the University of Pennsylvania. Each has a margin of error of plus or minus three percent (details can be found in the Appendix). Unless otherwise indicated, the reported results are drawn from the 2006 survey.

Disciplines

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Public Understanding of and Support for the Courts: Survey Results

KATHLEEN HALL JAMIESON AND MICHAEL HENNESSY*

INTRODUCTION

Using data from two nationally representative surveys, we examined public knowledge about the Constitution and courts: the impact of court exposure and news sources on perceptions of the courts, trust in the courts, perceptions of bias in the courts, and willingness to curb the power or influence of the courts. The surveys were conducted in the summers of 2005 and 2006 by Princeton Survey Research Associates International for the Annenberg Public Policy Center of the University of Pennsylvania. Each has a margin of error of plus or minus three percent (details can be found in the Appendix). Unless otherwise indicated, the reported results are drawn from the 2006 survey.

We found that public knowledge about both the Constitution and the courts is low. At the same time, Americans consistently rank the Supreme Court as the most trusted branch of government and hold a similar level of trust in state courts. But many also believe that the nation's courts favor the wealthy and politically connected, that judges are motivated by political and personal biases, and that they are influenced by campaign fundraising. While public trust in the courts in the U.S. remains high, public doubts that the courts are actually impartial, public concern about the role of money in the election of state judges, and public ignorance about basic constitutional functions served by the Supreme Court are worrisome because they contribute to perceptions that courts are too powerful, a disposition to permit a president to defy the Supreme Court under some circumstances, and a willingness to impeach judges for unpopular rulings. What follows are select results from the survey that reflect these public opinions.

I. KNOWLEDGE

Many Americans are ignorant of basic civics. When asked if they knew any of the three branches of government, two-thirds of Americans said yes; one-third could correctly name all three and one-third could not name any.

A. HOW KNOWLEDGEABLE IS THE AMERICAN PUBLIC ABOUT THE COURTS?

- *22% believe the Supreme Court cannot declare an act of Congress unconstitutional. 23% does not know. 55% say the U.S. Supreme Court can declare an act of Congress unconstitutional (2005 survey).*

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- 35% think that it was the intention of the founding fathers to have each branch hold a lot of power but the President have the final say; 57% say the founders intended that the President, Congress, and the Supreme Court have different but equal powers (2005 survey).
- Less than half of Americans (47%) believe that a 5-4 decision by the Supreme Court carries the same legal weight as a 9-0 ruling (when the court divides so closely, roughly one in four Americans (23%) believe the decision is referred to Congress for resolution; 16% thinks it needs to be sent back to the lower courts) (2005 survey).
- 53% of the public say that Supreme Court Justices usually give written reasons for their decisions, while nearly as many (47%) say the Justices do not usually give written reasons (18%) or they don't know (29%).

II. TRUST

- Americans consistently rank the Supreme Court as the most trusted branch of government. 64% of the public say it trusts the Supreme Court a great deal or a fair amount (a decline from 75% in 2005).
- 75% agree or strongly agree that the Supreme Court can usually be trusted to make decisions that are right for the country as a whole (2005 survey).
- Trust in state courts is virtually the same (62%).
- Trust increases with education and decreases with age; there is no statistically significant difference by gender.

III. PERCEPTIONS OF THE JUDICIARY

A. PERCEPTION OF IDEOLOGICAL BIAS

- Roughly six in 10 Americans (62%) say the courts in their state are legislating from the bench rather than interpreting the law (2005 survey).
- 75% say a judge's ruling is influenced by his or her politics to a great or moderate extent. Only 29% say it is very or somewhat appropriate for a judge's ruling to be influenced by his or her political views.

B. PERCEPTION OF CLASS BIAS

- 62% of the public say that courts favor the wealthy or those with political influence (2005).

C. PERCEPTION OF THE INFLUENCE OF MONEY/SELF INTEREST

- 75% of the public say that a judge's desire to be promoted to a higher court would affect a judge's ruling.
- 67% think that fear of not being reappointed or reelected would affect a judge's ruling.
- 70% think raising money for their election affects a judge's rulings to a moderate or great extent.

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D. PERCEPTIONS THAT CALL JUDICIAL INDEPENDENCE AND PREROGATIVES
INTO QUESTION

- *Only 53–58% say the President must follow a Supreme Court ruling.*
- *Over one-third (38%) of adults think it is okay for the President to ignore a Supreme Court ruling if the President believes the ruling will prevent him from protecting the country against terrorist attacks.*
- *Fifty-eight percent (58%) believes that if the President disagrees with a Supreme Court ruling, he should follow the Supreme Court’s ruling rather than do what he thinks is in the country’s best interest. A bare majority (53%) hold that a President must follow a Supreme Court ruling regardless of circumstances and even if he believes that the ruling will prevent him from protecting the country from terrorist attack.*
- *Seventy-five percent (75%) of the public disagree or strongly disagree that, “If the Supreme Court started making a lot of rulings that most Americans disagreed with, it might be better to do away with the Court altogether.” 21% agree or strongly agree (2005 survey).*
- *Nearly half (48%) say it is essential or very important to be able to impeach or remove a judge from office if the judge makes an unpopular ruling.*
- *Twenty-eight percent (28%) of the respondents believe that the Supreme Court “has too much power” and this belief is echoed at the state level as well, where 23% of the respondents feel the same way about the courts in their state of residence.*

E. EDUCATION

- *Education is a predictor of perceptions. Forty percent (40%) of college graduates regard the Supreme Court’s decisions as fair and objective. Among those with less education, only 30 percent say the Court’s decisions are fair and objective (2005 survey).*

F. EXPOSURE DOES NOT IMPROVE PERCEPTION

We would expect that actual experience in court would improve perceptions of the fairness of the judicial process. The opposite seems to be the case. Americans who have a high level of court experience (43%)—either as a result of jury service within the past five years or of having a family member in court in the past five years—are more likely than those with no (32%) or slight exposure (31%) to say they strongly agree that the courts favor the wealthy or the connected. At the same time, of those Americans who say they have had a high level of exposure to the court system—through jury service or a family member with a matter before the courts in the past five years—41% believe political views influence a judge’s ruling.

IV. WHY DOES ANY OF THIS MATTER?

Multivariate statistical methods can show how attitudes about how courts

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function relate to trust in the judicial system as well as to other outcomes. We used structural equation modeling to identify the predictors of trust in courts and to determine how trust relates to (1) supporting a president’s decision to ignore the Supreme Court and (2) supporting the impeachment of judges if they make unpopular rulings. Looking at the precursors of trust shows that increases in respondents’ knowledge decrease their beliefs that judges are motivated by self-interest, that they favor the more affluent members of society, that courts have too much power, and that judges are too affected by the political process. These four types of perceived judicial bias—self-interest, economic bias, power imbalance, political influence—are central to our analysis because they are all *negatively* associated with trust in courts. Trust in the courts is important because a drop in trust and an increase in the four judicial biases predict the beliefs that the President *can ignore Supreme Court decisions* and that judges *should be impeached* on the basis of unpopular rulings.

APPENDIX

“Annenberg Supreme Court Survey: Lawyers and the Public, 2005.”

Conducted by Princeton Survey Research Associates International for the Annenberg Foundation Trust at Sunnylands and the Annenberg Public Policy Center. The survey polled 1,500 adults aged eighteen years and older and was conducted between March 16 and April 18, 2005. The margin of error was plus or minus three percentage points.

“Judicial Independence” September 2006.”

Conducted by Princeton Survey Research Associates International for the Annenberg Public Policy Center. The survey polled 1,002 adults eighteen and over between August 3 and 16, 2006. The margin of error was plus or minus three percentage points.

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