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**Fair and Independent Courts: A Conference on the State of the  
Judiciary, Georgetown University Law Center, Washington, D.C.  
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Summary of findings:

“Public Understanding, Media, and Education”

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**Summary of Survey Results/ The Public and the Courts**

**Public Knowledge:**

How knowledgeable is the American public about its government?

- *Only one-third can name all three branches of government; one-third can't name any.*<sup>1</sup>

How knowledgeable is the American public about the courts?

- *22% believes the Supreme Court cannot declare an act of Congress unconstitutional. 23% doesn't know. 55% says the US Supreme Court can declare an act of Congress unconstitutional.*<sup>2</sup>
- *35% thinks that it was the intention of the founding fathers to have each branch have a lot of power but the president have the final say; 57% says the founders*

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<sup>1</sup> Annenberg Judicial Independence Survey, September 2006 (2006 Survey)

<sup>2</sup> Annenberg Supreme Court Survey: Lawyers and the Public, June 2005 (2005 Survey)

*intended that the president, Congress, and the Supreme Court have different but equal powers.*<sup>3</sup>

- *Less than half (47%) believes 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, one in four Americans (23%) believes the decision is referred to Congress for resolution; 16% thinks it needs to be sent back to the lower courts.*<sup>4</sup>
- *53% of Americans 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 don't know (29%).*<sup>5</sup>
- *63% of the public says it doesn't know if its state constitution protects judges from the threat of being removed from the bench if the judge makes a ruling that the governor or legislature disagrees with.*<sup>6</sup>

### **Public Trust:**

How does the American public regard the nation's courts?

- *Americans consistently rank the Supreme Court as the most trusted branch of government. 64% of the public says it trusts the Supreme Court a great deal or a fair amount.*<sup>7</sup> *(That represents a decline for the court from 75% in 2005.)*<sup>8</sup>
- *Trust in state courts is virtually the same (64%).*<sup>9</sup>
- *75% agrees or strongly agrees that the Supreme Court can usually be trusted to make decisions that are right for the country as a whole.*<sup>10</sup>
- *Trust increases with education and decreases with age; there is no difference by gender.*<sup>11</sup>
- *75% of the public disagrees or strongly disagrees 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% agrees or strongly agrees.*<sup>12</sup>

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<sup>3</sup> 2005 Survey

<sup>4</sup> 2005 Survey

<sup>5</sup> 2006 Survey

<sup>6</sup> 2006 Survey

<sup>7</sup> 2006 Survey

<sup>8</sup> 2005 Survey

<sup>9</sup> 2006 Survey

<sup>10</sup> 2005 Survey

<sup>11</sup> 2006 Survey

<sup>12</sup> 2005 Survey

- *Nearly half (48%) says it is essential or very important to be able to impeach or remove a judge from office if the judge makes an unpopular ruling.*<sup>13</sup>

### **Perceptions of the Judiciary:**

#### **How does the public perceive the impartiality of the judiciary?**

- *75% says a judge's ruling is influenced by his or her personal political views to a great or moderate extent.*<sup>14</sup>
- *29% says it is very or somewhat appropriate for a judge's ruling to be influenced by his or her personal political views.*<sup>15</sup>
- *Among Americans who say they have had a high level of exposure to the court system – through jury service or a personal or family member with a matter before the courts in the past five years – 41% believes political views influence a judge's ruling.*<sup>16</sup>
- *62% of the public says that courts favor the wealthy or those with political influence.*<sup>17</sup>
- *Six in 10 Americans (62%) say the courts in their state are legislating from the bench rather than interpreting the law.*<sup>18</sup>
- *75% of the public says that a judge's desire to be promoted to a higher court would affect his or her ability to be impartial and fair.*<sup>19</sup>
- *67% thinks that fear of not being reappointed or reelected would affect a judge's ruling.*<sup>20</sup>

#### **What shapes public perceptions of judges and the courts?**

##### **Personal contact:**

- *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*

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<sup>13</sup> 2006 Survey

<sup>14</sup> 2006 Survey

<sup>15</sup> 2006 Survey

<sup>16</sup> 2006 Survey

<sup>17</sup> 2006 Survey

<sup>18</sup> 2006 Survey

<sup>19</sup> 2006 Survey

<sup>20</sup> 2006 Survey

*the past five years, are much 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.*<sup>21</sup>

Information sources:

- *Americans whose major source of information is newspapers follow the Supreme Court more closely and are more confident about their understanding of the court than those who rely upon television for their news. Newspaper readers also see the court's main mission as interpreting the constitution to a greater degree (65%) than those who obtain their news from television (41%).*<sup>22</sup>

Education:

- *Education also is a predictor of perceptions. 40% of college graduates regard the Supreme Court's decisions as fair and objective. Among those with less education, only 30 percent says the court's decisions are fair and objective.*<sup>23</sup>

**Elect or appoint?**

- *30% of the public favors governors nominating judges from a list of names prepared by an independent committee made up of Democrats, Republicans and Independents; 65% thinks it's better to have judges run for election with the people voting on candidates.*<sup>24</sup>
- *70% of the public thinks raising money for their election affects a judge's rulings to a moderate or great extent.*<sup>25</sup>

**NOTES about the surveys:**

*"Annenberg Supreme Court Survey: Lawyers and the Public, 2005"*

Conducted by Princeton Survey Research Associates International for the Annenberg Public Policy Center. The survey polled 1,500 adults aged 18 years and older and was conducted between March 16 and April 18, 2005. The margin of error = +/- 3 percentage points.

*"Judicial Independence" Final Report September 2006"*

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<sup>21</sup> 2006 Survey

<sup>22</sup> 2005 Survey

<sup>23</sup> 2005 Survey

<sup>24</sup> 2006 Survey

<sup>25</sup> 2006 Survey

Conducted by Princeton Survey Research Associates International for the Annenberg Public Policy Center. The survey polled 1,002 adults 18 and over between August 3 and 16, 2006; margin of error = +/-3 percentage points.