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Americans overwhelmingly favor election of judges but disapprove of judicial campaign fund-raising, fearing it affects fairness, according to a new Annenberg Public Policy Center survey

Nearly two-thirds, 65 percent, of Americans prefer electing their judges rather than having governors nominate them from a list prepared by a nonpartisan committee.

Yet when judges run for office they usually have to raise money for their election campaigns. Seven in 10 Americans believe that the necessity to raise campaign funds will affect a judge's ruling once in office. Sixty-three percent of Americans think that pressures from past contributors would affect a judge's fairness and impartiality to a great or moderate extent (Table 1).

The findings come from a national survey of 1,002 Americans from August 3 to August 16, 2006, conducted for the Annenberg Public Policy Center of the University of Pennsylvania. They are being released today in Washington to coincide with a first-ever conference on the rise in judicial campaign advertising and escalation of misleading attack ads. The event is sponsored by the Annenberg Public Policy Center's FactCheck.org.

The results of the new study mirror what Charles Geyh, director of the American Judicature Society's Center for Judicial Independence, calls the "Axiom of 80."

Roughly 80% of the public prefers to select its judges by election and does so. Roughly 80% of the electorate does not vote in judicial elections. Roughly 80% of the electorate cannot identify the candidates for judicial office, and roughly 80% of the public believes that when judges are elected, their decisions are influenced by the campaign contributions they receive.

Public perceptions about the influence of campaign fund-raising foster a lack of confidence in the branch of government that was designed to be the most insulated from electoral pressures. This threatens to undermine the branch of government – the judiciary – which has consistently enjoyed higher levels of public trust than Congress and the Executive Branch (Peterson, 2007).

As outlined in Table 2, when controlling for demographic and political variables, the belief that past contributors would affect a judge's ability to be fair and impartial when deciding a case is negatively related to overall trust in the courts and negatively related to trusting the courts to make rulings that are right for the state as a whole.

Additionally, the belief that past contributors would affect a judge's ability to be fair and impartial when deciding a case is positively related to beliefs that the courts are too mixed up in politics and that the courts are legislating from the bench rather than interpreting the law.

Similarly, the belief that campaign fund-raising affects a judge's ruling once in office is negatively related to overall trust in the courts and trust that the courts will make rulings that are right for the state as a whole. This belief is also positively related to the beliefs that the courts are too mixed up in politics and that they are legislating from the bench rather than interpreting the law.

The judicial branch depends on widespread trust and acceptance of its legitimacy for its rulings to be taken seriously. Although Americans want to elect their judges, they disapprove of campaign fund-raising, which fosters a lack of confidence in the judicial system.

“This growth in judicial fund-raising requirements, as well as illegitimate attacks in judicial races, only feeds public mistrust,” said Kathleen Hall Jamieson, director of the Annenberg Public Policy Center.

The Annenberg Public Policy Center survey polled 1,002 adults 18 and over between August 3 and 16; margin of error = $\pm 3\%$. The survey was conducted for the Policy Center by Princeton Survey Research Associates International.

Kathleen Hall Jamieson is available to answer questions about the implications of the survey's data. She can be reached at (215) 898-9400. Bruce Hardy, senior researcher at the Annenberg Public Policy Center, conducted the analysis.

References:

Geyh, C. H. (2003). Why judicial elections stink. *Ohio State Law Journal*, 64, 43-79.

Peterson, M. A. (2007). The three branches of government: Comparative trust and performance. In The Annenberg Democracy Project, *Institutions of American democracy: A republic divided* (pp. 215-232). New York: Oxford University Press.

Table 1. How American feel about judicial elections and campaigning

Which of the following do you think is better?	
Governors nominate judges from a list of names prepared by an independent committee made up of Democrats, Republicans and Independents	30%
Judges run for election and the people vote on the candidates	65%
Both/It depends (Volunteered)	1%
Don't know	4%
<i>N</i>	1002
When judges run for office they usually have to raise money for their election campaign. To what extent do you think this affects a judge's rulings once in office—to a great extent, moderate extent, small extent, or not at all.	
Great extent	27%
Moderate extent	43%
Small extent	15%
Not at all	10%
Don't know	4%
<i>N</i>	1002
In general, to what extent do you think pressure from past campaign contributors would affect a judge's ability to be fair and impartial when deciding a case—to a great extent, moderate extent, small extent, or not at all?	
Great extent	28%
Moderate extent	35%
Small extent	16%
Not at all	17%
Don't know	3%
Refused	1%
<i>N</i>	1002

Table 2. Regression analyses examining negative effects of beliefs that campaign fundraising affects judges' rulings.

	TRUST THE COURTS IN [STATE RESPONDENT LIVES IN] TO OPERATE IN THE BEST INTERESTS OF THE AMERICAN PEOPLE	TRUST COURTS TO MAKE RULINGS THAT ARE RIGHT FOR THE STATE AS A WHOLE	THE COURTS ARE TOO MIXED UP IN POLITICS	THE COURTS ARE LEGISLATING FROM THE BENCH RATHER THAN INTERPRETING THE LAW
Gender (Female)	.015	-.002	.054	-.026
Age	-.030	-.035	-.016	-.041
Education	.141**	.096**	-.097**	-.096**
Race (Black)	-.103**	-.098**	-.045	-.015
Republican	.205**	.119**	-.017	.042
Democrat	.084*	.041	-.064	-.045
Belief that past contributors affect judges' fairness	-.088*	-.120**	.093*	.069#
Belief that campaign fundraising affects rulings	-.096**	-.110**	.114**	.161**
<i>R</i> ² (%)	10.0	7.6	4.8	6.1
Note: Coefficients are standardized betas. ** $p \leq .01$, * $p \leq .05$, # $p \leq .10$				

APPENDIX A: Exact Question Wording

Generally speaking, how much do you trust the courts in [state respondent lives in] to operate in the best interests of the American people—a great deal, a fair amount, not too much or not at all?

UNWEIGHTED BASE	1002
WEIGHTED BASE	1002
A great deal	10%
A fair amount	52%
Not too much	18%
Not at all	10%
Don't know	9%
Refused	1%

Turning to the court system in [state respondent lives in]. Please tell me if you strongly agree, somewhat agree, somewhat disagree or strongly disagree with the following statement: The courts can usually be trusted to make rulings that are right for the state as a whole.

UNWEIGHTED BASE	1002
WEIGHTED BASE	1002
Strongly agree	13%
Somewhat agree	51%
Somewhat disagree	17%
Strongly disagree	12%
Don't know	6%
Refused	1%

Turning to the court system in [state respondent lives in]. Please tell me if you strongly agree, somewhat agree, somewhat disagree or strongly disagree with the following statement: The courts get too mixed up in politics.

UNWEIGHTED BASE	1002
WEIGHTED BASE	1002
Strongly agree	41%
Somewhat agree	35%
Somewhat disagree	12%
Strongly disagree	7%
Don't know	5%
Refused	*

Turning to the court system in [state respondent lives in]. Please tell me if you strongly agree, somewhat agree, somewhat disagree or strongly disagree with the following statement: The courts are legislating from the bench rather than interpreting the law.

UNWEIGHTED BASE	1002
WEIGHTED BASE	1002
Strongly agree	21%
Somewhat agree	41%
Somewhat disagree	17%
Strongly disagree	9%
Don't know	11%
Refused	1%

In politics today, do you consider yourself a Republican, Democrat or Independent?

UNWEIGHTED BASE	1002
WEIGHTED BASE	1002
Republican	24%
Democrat	36%
Independent	31%
No Preference (VOLUNTEERED)	4%
Other (VOLUNTEERED)	*
Don't know	3%
Refused	2%

Sex

UNWEIGHTED BASE	1002
WEIGHTED BASE	1002
Male	48%
Female	52%

What is your age?

UNWEIGHTED BASE	1002
WEIGHTED BASE	1002
18-29	20%
30-49	37%
50-64	25%
65+	17%
Don't know	*
Refused	2%

What is your race? Are you white, black or African American, Asian, American Indian or Alaska Native, or Native Hawaiian or other Pacific Islander? You may select more than one race.

UNWEIGHTED BASE	1002
WEIGHTED BASE	1002
White	78%
African American/Black	12%
Asian	2%
American Indian or Alaska Native	1%
Native Hawaiian or other Pacific Islander	1%
Other (SPECIFY)	3%
Don't know	1%
Refused	2%

What is the highest degree you completed in school?

UNWEIGHTED BASE	1002
WEIGHTED BASE	1002
Grade 8 or lower	3%
Some high school, no diploma	10%
High school diploma or equivalent	34%
Technical or vocational school after high school	2%
Some college, no degree	15%
Associate's or two-year college degree	8%
Four-year college degree	15%
Graduate or professional school after college, no degree	4%
Graduate or professional degree	8%
Don't know	*
Refused	*

