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AMERICANS TRUST COURTS BUT ALSO BELIEVE THEM BIASED, SURVEYS FIND

Many Americans Lack Basic Understanding of the Judiciary

Washington (Sept. 28, 2006) – 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 are influenced by campaign fundraising.

The often conflicting views of the nation’s judiciary were measured in two national surveys released here today by Kathleen Hall Jamieson, director of the Annenberg Public Policy Center of the University of Pennsylvania.

Jamieson described the surveys of what the public knows and thinks about the U.S. courts at a two-day conference at the Georgetown University Law Center. Supreme Court Justices Sandra Day O’Connor and Stephen Breyer are co-chairing the conference, “Fair and Independent Courts: A Conference on the State of the Judiciary.” Attending are leaders from business, the media, government and the non-profit sector.

“While public trust in the courts in the U.S. remains high,” Jamieson told the conference, “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.”

The surveys, which polled random national samples, were conducted in the summers of 2005 and 2006 by Princeton Survey Research Associates International for the Annenberg Public Policy Center. (See Appendix for survey details. For survey questions, visit www.annenbergpublicpolicycenter.org)

Many Americans are ignorant of basic civics. When asked if they knew any of the three branches of government, two-thirds (68%) of Americans said yes. One-third could correctly name all three; one-third could not name any.

They also don't understand checks and balances, Jamieson said. She cited as an example a finding from the 2006 poll: Over one-third (38 percent) 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.

"The big surprise in this survey," said Jamieson, "is the minimal level of support for the notion that in a clash between the president and the Supreme Court, the president should accede to the Court." Only 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%) holds 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.

Other findings from the surveys:

- 22% of the public believes the Supreme Court cannot declare an act of Congress unconstitutional. 23% doesn't know. 55% says the Supreme Court can declare an act of Congress unconstitutional.
- 35% thinks that it was the intention of the founding fathers for each branch of government to have a lot of power but for the president to have the final say; 57% says the founders intended that the president, Congress, and the Supreme Court have different but equal powers.
- 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, one in four Americans (23%) believes the decision is referred to Congress for resolution; 16% think it needs to be sent back to the lower courts.
- 53% of the public says that Supreme Court Justices usually give written reasons for their decisions, while nearly as many (47%) say the Justices usually do not give written reasons (18%) or they don't know (29%).
- Nearly two-thirds of Americans (63%) don't know if their state constitution protects judges from the threat of being removed from office if the judge makes a ruling that the governor or legislature disagrees with.
- 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.

"The notion that judges should be impeached for making unpopular rulings is alarming," noted Jamieson.

Seventy-five percent of the public agrees or strongly agrees that the Supreme Court can usually be trusted to make decisions that are right for the country as a whole. Nearly two-thirds (64%) of those surveyed said they trusted state courts to make rulings that are right for the state as a whole.

Despite the high regard for the judiciary, Americans express a degree of cynicism about integrity, according to Jamieson. Three-quarters of the public believes a judge's ruling is influenced by his or her personal political views to a great or moderate extent. Nearly three in 10 (29%) say it is very or somewhat appropriate for a judge's ruling to be influenced by his or her personal political views. And nearly two out of three (62%) say that courts favor the wealthy or those with political influence.

Firsthand experience with the court system does little to lessen the public's skepticism about impartiality. Americans with a high level of court experience (43%) 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 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.

By a two-thirds (65%) majority, Americans favor electing their state judges despite acknowledging the fact that campaign fundraising and political biases may taint the impartiality of those seeking and holding office.

Many Americans believe a judge's professional ambitions color decisions. Three-fourths say that a judge's desire to be promoted to a higher court would affect his or her ability to be impartial or fair. And nearly seven out of ten (67%) say fear of not being reappointed or reelected would affect a judge's ruling.

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For more information on surveys, see Appendix.

APPENDIX

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”***

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.

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