



Partisan Judicial Elections Foster Cynicism and Distrust

Washington (Oct. 17, 2007) – Americans who live in states that hold partisan judicial elections are more cynical toward the courts than Americans who live in states that do not hold partisan elections. Partisan judicial elections foster the belief that “judges are just politicians in robes.”

Partisan judicial elections also decrease public trust that state courts are operating in the best interest of the American people and that the courts are fair and impartial.

These findings, from a new national survey of 1,514 adults, are being released here today at a conference at the Georgetown University Law Center by Kathleen Hall Jamieson, director of the Annenberg Public Policy Center of the University of Pennsylvania. The conference, entitled “The Debate Over Judicial Elections and State Court Judicial Selection,” is part of the Sandra Day O’Connor Project on the State of the Judiciary.

Sixteen states elect at least some judges in an environment in which there are strong partisan cues including, in some states, party identification on the ballot. They are Alabama, Illinois, Indiana, Kansas, Louisiana, Maryland*, Michigan, Missouri, New Mexico, New York, North Carolina**, Ohio***, Pennsylvania, Tennessee, Texas and West Virginia.

[*Maryland trial judges run in contestable non-partisan general elections but are nominated in party primaries. A candidate in Maryland can cross file in both the Democratic and Republican primaries. **Although North Carolina moved away from an explicitly partisan ballot in 2002 some partisan campaigning has continued. ***In Ohio, candidates appear on the ballot without party affiliation, but their selection and campaigns are otherwise partisan.]

The process of selection in which a governor nominates from a list of names prepared by an independent committee made up of Democrats, Republicans and Independents is favored by less than one-third (31 percent) of those surveyed. Nearly two-thirds of Americans (64 percent) favor the direct election of judges.

The new survey also shows that more Americans (55 percent) trust the judicial branch as a whole to act in their best interests than the President (41 percent) or the Congress (42 percent).

“These new data suggest that partisan judicial elections have the capacity to erode public trust in the judicial branch,” said Jamieson. “The increasing amounts of money spent on

judicial races and the tone of the attack ads on which the money is spent are cause for concern.”

When it comes to knowledge about the nation’s judicial system, more Americans say they gained their information from school textbooks than any other source, according to the new survey.

Specifically, 31 percent of Americans said that they learned about the courts from textbooks, followed by the news (24 percent), watching television shows that feature court proceedings (18 percent), and personal experience with the courts (14 percent).

A slight majority (53 percent) of Americans report that they have taken a class in civics or a course focused on the U.S. Constitution or the judicial system.

Americans who reported taking a civic education class and cited the textbooks used in the curriculum are more likely to correctly answer factual knowledge questions about our system of government. This relationship is statistically significant even after control for demographic variables and other media that may provide information about the court system.

These questions include:

- Three-fourths of Americans (74 percent) said they knew any of the three branches of government. However, when asked if they could name any of the branches, only one-third (36 percent) correctly named all three.
- When asked if a ruling by the U.S. Supreme Court can be appealed to the Federal Court of Appeals, one-third (32 percent) said yes; 31 percent said the Supreme Court decision was final and 38 percent did not know.
- When asked whose responsibility it is to determine if a law is constitutional, less than two-thirds (59 percent) said the Supreme Court; 16 percent said Congress, five percent said the President and 20 percent were not sure or did not know.
- Nine out of 10 Americans (90 percent) know that the President of the United States can serve two terms; five percent said three or more terms, two percent said one term, and three percent did not know.
- Less than half of those surveyed (48 percent) said that Supreme Court justices usually give written reasons behind their rulings; 44 percent were not sure or did not know and 9 percent said the court did not provide written opinions.
- Only one in seven Americans (15%) can correctly name John Roberts as Chief Justice of the United States; 78% don’t know. Two-thirds of Americans (66%) know at least one of the judges on the Fox television show *American Idol*.

“As school officials debate their educational priorities, these findings demonstrate the importance of keeping civic education as a central part of elementary and secondary curricula,” said Jamieson. “Civic education offers knowledge that young people carry with them through life.”

Other findings from the 2007 survey “suggest that the public does not clearly distinguish the role of judge from that of legislator” said Jamieson. Specifically,

- Seventy-seven percent of Americans believe that, to a great or moderate extent, state judges should represent the views of the people of their state. Ninety-four percent believe that this is a responsibility of the state legislators. Three-fourths (75 percent) of Americans believe that representing the views of the people of their state applies to *both* state judges and state legislators.
- When asked about whose job it is to interpret the laws of the state and the state constitution, 91 percent said state judges, while 87 percent believe, to a great or moderate extent, that it is the state legislators’ responsibility; this is an overlap of 81 percent.
- Fifty-six percent of Americans believe that expressing their views on controversial issues is a responsibility that applies to judges while 75 percent believe this is a responsibility of state legislators.

More information from the 2007 Annenberg Judicial Survey, including survey information, a complete list of questions, responses and regression analyses, is available at www.annenbergpublicpolicycenter.org

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