



Tuesday, March 9, 2010 ... 8 pp.

Contacts: Peter Woolley 973.670.3239
Bruce Peabody 617.869.4885

Public Says Televising Court Is Good for Democracy

According to the most recent national poll by Fairleigh Dickinson University's PublicMind™, three in five American voters (61%) say televising US Supreme Court hearings would be "good for democracy." That figure compares to a quarter (26%) who say televising the court would "undermine the authority and dignity of the court."

Liberals are significantly more likely than conservatives to think televising the court would be a good development (71%-55%). Younger voters are more likely to think televising the court is good for democracy than older folks, while two-thirds of Democrats (66%) and nearly the same percentage of independents (64%) agree that Supreme Court TV would be good for democracy. Only half of Republicans (53%) agree, however.

"Party leaders have not made clear to voters their position on this question," said Peter Woolley, a political scientist and director of the poll. "Nonetheless, voters sort themselves out into familiar dividing lines, Democrat and Republican, liberal and conservative," said Woolley. "Liberals, not surprisingly, are more likely to think that more media access is necessarily a good thing."

But Bruce Peabody, a political scientist who has written extensively on televising the Supreme Court, said, "The partisan split is interesting because one might expect Republicans to be more skeptical of government institutions and therefore more inclined to see televised proceedings as a way of keeping a careful watch on Washington."

Opinions are mixed when voters are asked to consider the effect of television coverage on court decisions: 45% say TV would be good "because the judges would consider public opinion more" when making decisions, but 31% say it would be bad for the same reason—because justices would consider public opinion *too much* when making decisions. Twenty-five percent are unsure or say TV would have no effect.

A majority of voters presently watch government proceedings infrequently if at all, and three of four voters have heard little if anything about proposals to televise the Supreme Court of the United States. But in contrast to their current habit of tuning out government proceedings, half of voters (50%) say they would watch Supreme Court hearings sometimes or regularly if they were televised. Only 10% say they'd never watch the court.

“Voters are certainly curious about the court, which is both powerful and largely out of the public eye,” said Woolley. “After the novelty wears off, the primary audience might be lawyers and lobbyists, rather than any broad swath of voters. Most voters will only see it when commercial media select the most controversial bits and pieces.”

But Peabody noted, “The rationale for televising the court is not to guarantee the public will watch it, but to give democracy’s citizens more opportunities to educate themselves. It is unlikely people will know more about the court by seeing it less.”

The poll also explores limiting the terms of the Supreme Court justices, currently appointed for life. A majority of voters (56%) approve limiting them to a maximum term of 18 years. No strong partisan differences on this issue emerge. Four of the nine justices have served more than 18 years, and three of those are considered the most conservative on the court.

Nearly a third of voters agree (31%) that over 70 is too old to serve on the bench but nearly half (48%) say a justice can't be too old as long as he or she is healthy. The oldest justice is 90 this year. Four others are over 70. The youngest, the chief justice, turned 55 this year.

Fairleigh Dickinson University's research group PublicMind conducted the poll of 1,002 registered voters nationwide by telephone from Jan. 24, 2010, through Feb. 6, 2010. It has a margin of error of +/- 3 percentage points.

Methodology, questions, and tables are available on the web at:

<http://publicmind.fdu.edu>

Radio actualities at 201.692.2846

For more information, please call 201.692.7032.

Methodology, Questions, and Tables

The survey by Fairleigh Dickinson University's PublicMind was conducted by telephone from Jan. 24, 2010, through Feb. 6, 2010, with a randomly selected sample of 1002 registered voters nationwide. The margin of error for a sample of 1002 randomly selected respondents is +/- 3 percentage points. Random selection is achieved by computerized random-digit dialing. This random selection process gives every person with a land-line phone number (including those with unlisted numbers) an equal chance of being selected. RDD samples are typically purchased from a vendor such as Marketing Systems Group (MSG). Non-responding residential numbers and residential numbers with automated answering devices are called back up to a limit of six times and interviews are conducted over a length of time calculated to facilitate maximum coverage. All PublicMind interviews are conducted by professionally trained interviewers with a full complement of supervisors using a CATI (Computer Assisted Telephone Interviewing) system. The survey sample may be mathematically weighted to match known population values such as gender, age, and race. Survey results are also subject to non-sampling error. This kind of error, which cannot be measured, arises from a number of factors including, but not limited to, non-response (eligible individuals refusing to be interviewed), question wording, the order in which questions are asked, and variations among interviewers.

Question: US1. In your opinion, do you believe that the country is moving in the right direction or do you believe it has gotten off on the wrong track?

	All	Men	Women	Dem	Ind	Rep.
Right direction	34%	28	39	66	28	9
Wrong track	56%	64	49	23	60	85
Unsure/Refused	10%	9	11	10	12	6

Question: US2. In general, do you approve or disapprove of the way Barack Obama is handling his job as President?

	All	Men	Women	Dem	Ind	Rep.
Approve	44%	38	49	82	41	10
Disapprove	47%	54	42	12	48	83
Unsure/mixed	9%	8	9	7	11	7

Question: SC1. Now thinking about what you watch on TV... In the past 12 months, how often did you watch or listen to government proceedings such as Congressional speeches and hearings on the TV network C-SPAN...READ?

	All	Party ID		
		D	I	R
regularly	15%	19	12	14
sometimes	21%	22	22	18
once in a while	16%	19	13	17
rarely	19%	15	23	18
never	29%	25	29	33

Question: SC2. Recently, some people have proposed that hearings of the US Supreme Court should also be televised. How much have you heard or read about this proposal...READ?

	All	Watch C-SPAN (from SC1)		
		sometimes or regularly	Once in a while or rarely	never
Quite a lot	8%	13	4	5
Some	17%	21	17	11
Just a little	28%	29	29	25
Nothing at all	48%	37	50	58

Question: SC3. Some people say televising US Supreme Court hearings would...[undermine the dignity or authority of the Supreme Court]. Others say televising US Supreme Court hearings would...[be good for democracy]. Which comes closer to your view?

Rotate order	All	Party ID			Age				Ideology		
		D	I	R	18-29	30-44	45-60	60+	lib	mod	cons
Undermine authority and dignity	26%	22	24	33	17	25	29	27	22	25	29
Be good for democracy	61%	66	64	53	69	65	57	58	71	63	55
Both [vol]	1%	1	1	1	--	1	2	1	--	2	1
Neither [vol]	3%	3	2	4	4	2	4	4	1	4	3
Don't know	9%	9	8	9	10	7	8	12	6	7	12

Question: SC4. Some people say televising US Supreme Court hearings would be... [bad because judges would consider public opinion too much]... when making decisions. Others say televising US Supreme Court hearings would be... [good because judges would consider public opinion more]... when making decisions. Which comes closer to your view?

Rotate order	All	Party ID			Age				Education			
		D	I	R	18-29	30-44	45-60	60+	HS	HS+	college	Grad
Bad	31%	24	29	41	29	33	33	27	24	26	37	36
Good	45%	51	47	36	57	41	41	48	57	51	41	32
Both	3%	2	3	3	--	4	3	3	2	3	3	1
Neither [vol.]	15%	17	13	14	6	17	19	12	8	12	14	26
Unsure [vol.]	7%	6	8	6	9	4	4	10	8	9	5	5

Question: SC5. If Supreme Court hearings were televised, how often do you think you might watch ...READ?

	All	Age				Watch C-SPAN (from SC1)		
		18-29	30-44	45-60	60+	Sometimes or regularly	Once in a while or rarely	never
Regularly	17%	20	15	17	18	32	10	7
Sometimes	33%	28	37	29	37	39	34	24
Once in a while	20%	18	21	23	18	14	28	20
Rarely	18%	16	18	19	17	8	21	25
Never	10%	14	8	12	7	4	6	22
Don't know	2%	3	1	2	3	2	2	2

Question: SC6. Currently, Supreme Court judges are not required to retire once they are appointed. But there is a proposal to limit their term. How much have you heard or read about any proposal to limit their term as a judge...READ?

Quite a lot	3%
Some	15%
Just a little	27%
Nothing at all	55%

Question: SC7. Some have proposed limiting any Supreme Court judge to a term of 18 years maximum. This means after 18 years a justice would have to retire and whoever is president would nominate a new justice. Do you approve or disapprove of this proposal?

Rotate order	All	Party ID			Age				Education			
		D	I	R	18-29	30-44	45-60	60+	HS	HS+	college	Grad
Approve	56%	58	57	52	55	51	56	60	61	61	55	45
Disapprove	35%	33	35	39	37	40	37	28	33	30	37	43
unsure	9%	9	8	9	8	9	7	12	6	9	8	13

Question: SC8. In your opinion, how old is too old for a Supreme Court judge to serve on the bench if he or she seems healthy...READ?

	All	cum. %	Party ID			Age				Education			
			D	I	R	18-29	30-44	45-60	60+	HS	HS+	college	Grad
Over 65	12%	12	18	10	9	14	9	13	14	23	13	10	4
Over 70	19%	31	19	18	19	12	19	20	21	21	20	18	15
Over 80	16%	47	16	16	18	14	11	18	21	17	16	16	15
Over 90 or no limit as long as he or she is healthy	3%	50	4	4	2	2	3	3	4	1	3	3	4
Other [vol]	48%	--	41	50	51	57	57	44	37	35	45	51	59
Unsure [vol]	1%	--	--	1	1	--	1	1	1	--	1	1	2
	1%	--	2	1	--	1	--	1	2	2	1	1	--

Demographics

Gender

Male	48
Female	52

Age

18-29	16
30-44	25
45-64	32
65+	26

In addition to being American, would you say you are...?

White	73
Black	14
Hispanic or Latino	6
Asian	2
Other/ref.	5

Census regions

northeast	21
North central	22
South	35
West	22

Background Brief:

Televising the Supreme Court or Not

Contact: Bruce Peabody 617-869-4885

[Sen. Arlen Specter](#), along with seven co-sponsors, introduced in 2009 [S. 446](#), a bill requiring the Supreme Court to televise its public proceedings except when a majority of justices agreed it would violate “the due process rights” of the parties appearing before the court. S. 446 has been referred to the Senate Judiciary Committee. In January 2009 [Ted Poe \[R-TX2\]](#) introduced a comparable bill, [H. R. 429](#), in the U.S. House of Representatives.

The issue was discussed during the July 2009 confirmation hearings for Associate Justice Sonia Sotomayor, who promised to share with her new Supreme Court colleagues her “[positive experiences](#)” with cameras in the courtroom.

[Supporters](#) of televising the court note that major and minor public appearances by the president are televised, and that C-SPAN offers gavel-to-gavel coverage of both the House and Senate. They say that only the court remains entirely exempt from television coverage as a form of public access and accountability. And while the court allows the public to view oral argument and other proceedings in person, only a few hundred people can fit inside the courtroom at any given time. They conclude that, given the Supreme Court’s impact on our public and private lives, requiring the justices to televise sessions already accessible through other means seems like a modest accommodation to democratic values.

Opponents of the proposal argue that having Congress compel the court to air its proceedings would threaten judicial independence and the separation of powers. In fact, [several justices](#) have argued that televising the court’s oral arguments and other proceedings would affect how they conduct themselves and would disrupt the dynamics between the members of the court and the attorneys who appear before them. In addition, there is concern that television coverage would reduce the justices’ anonymity and purposely be used out of context to create erroneous public views of the court and its processes.

U.S. senators on record as supporting televised U.S. Supreme Court hearings:

Sen. Arlen Specter, D-PA

Contact: Kate Kelly Email: Kate_Kelly@specter.senate.gov Phone: (202) 224-4254

Sen. John Cornyn, R-TX

Contact: Communications Dir., Kevin McLaughlin (202) 224-0704 or (202) 224-2934

Sen. Russell Feingold, D-WI

Contact: Communications Dir., Trevor Miller (414) 727-5682 or (202) 224-53 Email: miller@russfeingold.org

Press Office Email: press@feingold.senate.gov

Sen. Edward Kaufman, D-DE

Phone: (202) 224-5042

Sen. Charles Schumer, D-NY

Contact: Communications Director (Brian Fallen) Phone: (202) 224-6542

Sen. Richard Durbin, D-IL

Contact: Communications Director, Joe Shoemaker Phone: (202) 224-2152

Sen. Kirsten Gillibrand, D-NY

Contact: Communications Director, Matt Canter

Sen. Amy Klobuchar, D-MN

Contact: Press Secretary (Erikka Knuti) Phone: (202) 224-3244

Sen. Sheldon Whitehouse, D-RI

Contact: Communications Director: Matt Thornton Phone: (202) 224-2921

Resources on the Web include: C-SPAN roundup of statements by Supreme Court justices: <http://www.c-span.org/CamerasInCourt/default.aspx>

Michigan Law Review First Impressions Symposium on Televising the Court

<http://www.michiganlawreview.org/first-impressions/volume/106>

[Professor Bruce Peabody](#) on televising the court

- http://www.pennumbra.com/debates/pdfs/Televising_Supreme_Court.pdf
- <http://www.csmonitor.com/2006/0928/p09s02-coop.html>

Appendix: Exact question order and wording

US1. In your opinion, do you believe that the country is moving in the right direction or has it gotten off on the wrong track?

Right direction
Wrong track
DK/Unsure [DON'T READ]
Ref. [DON'T READ]

US2. In general, do you approve or disapprove of the way Barack Obama is handling his job as President?

Approve
Disapprove
DK/Unsure [DON'T READ]
Ref. [DON'T READ]

SC1. Now thinking about what you watch on TV... In the past 12 months, how often did you watch or listen to government proceedings such as Congressional speeches and hearings on the TV network C-SPAN....READ?

Don't watch TV [code as "never"]
DK [VOL]

SC2. Recently, some people have proposed that hearings of the US Supreme Court should also be televised. How much have you heard or read about this proposal...READ?

Quite a lot
Some
Just a little
Nothing at all

SC3. Some people say televising U.S. Supreme Court hearings would... Others say televising US Supreme Court hearings would... Which comes closer to your view?

ROTATE

...undermine the dignity or authority of the Supreme Court
...be good for democracy
Both [VOL]
Neither [VOL]
DK [VOL]

SC4. Some people say televising US Supreme Court hearings would be... [bad because judges would consider public opinion too much]... when making decisions. Others say televising US Supreme Court hearings would be... [good because judges would consider public opinion more]... when making decisions. Which comes closer to your view?

ROTATE

good...
bad...

both [VOL]
neither [VOL]
DK [VOL]

SC5. If Supreme Court hearings were televised, how often do you think you might watch ...READ?

regularly
sometimes
once in a while
rarely
Never
DK [VOL]

SC6. Currently, Supreme Court judges are not required to retire once they are appointed. But there is a proposal to limit their term. How much have you heard or read about any proposal to limit their term as a judge...READ?

Quite a lot
Some
Just a little
Nothing at all

SC7. Some have proposed limiting any Supreme Court judge to a term of 18 years maximum. This means after 18 years a justice would have to retire and whoever is president would nominate a new justice. Do you approve or disapprove of this proposal? [IF "approve" or "disapprove" ASK "Would that be strongly or somewhat?" [IF "agree" or "disagree" ASK "Would that be strongly or somewhat?"]

Approve strongly
Approve somewhat
DK [VOL]
Disapprove somewhat
Disapprove strongly

SC8. In your opinion, how old is too old for a Supreme Court judge to serve on the bench if he or she seems healthy...READ?

Over 65
Over 70
Over 80
Over 90
Or no limit as long as he or she is healthy
Other [VOL; SPECIFY and RECORD]
DK [VOL]