

**Public Perceptions of the Lower Federal Courts  
DRAFT Questionnaire (Comments welcome)  
Proposal to NSF for Funding**

Co-Principal Investigators  
Sara C. Benesh, *University of Wisconsin, Milwaukee*  
Nancy Scherer, *Wellesley College*  
Amy Steigerwalt, *Georgia State University*

**INTRODUCTION**

(Half of both samples will receive this information.)

This is a survey about the lower federal courts of the United States. The U.S. federal courts are arranged in a triangle. There is one U.S. Supreme Court at the top, 13 U.S. Courts of Appeals in the middle, and 94 U.S. District Courts at the bottom. The Supreme Court and the U.S. Courts of Appeals are both appellate courts; that is, they hear appeals from people who lost their cases at trial. The U.S. District Courts are the federal trial courts; they conduct trials regarding alleged violations of federal statutes (which include statutes on civil rights, federal crimes, antitrust and environmental issues) and federal constitutional provisions (such as freedom of speech, freedom from illegal search and seizures and separation of powers between the three branches of government). Both the U.S. Courts of Appeals and the U.S. District Courts are commonly referred to as the “lower courts.” This survey seeks to understand regular citizens’ opinions about the lower federal courts, rather than the Supreme Court.

**DESCRIPTIVE REPRESENTATION BLURB**

(One third of each sample will not get any descriptive representation information; another third will get the lower figures; the final third will get the higher figures.)

The U.S. government has released its annual report on the composition of the federal judiciary. With respect to race, the report states that African Americans now comprise 9% [alternative manipulation will state 18%] of all judges currently sitting on the lower federal courts. This means that, of 1250 lower court judges, 113 [alternative manipulation will state 225] are African Americans. On the Supreme Court, there is one black judge out of 9 (which is 11%). The percentage of African Americans in the general population of the United States is 12%.

**Diffuse Support/Supreme Court**

1. To what extent do you agree or disagree with the following statement: If the U.S. Supreme Court started making a lot of decisions that most people disagree with, it might better to do away with the Supreme Court altogether.

---1---	---2---	---3---	---4---	---5---	---6---	---7---
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

2. To what extent do you agree or disagree with the following statement: The right of the U.S. Supreme Court to decide certain types of controversial issues should be reduced by Congress.

---1---	---2---	---3---	---4---	---5---	---6---	---7---
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

3. To what extent do you agree or disagree with the following statement: It would not make much difference to me if the U.S. Constitution were rewritten to reduce the powers of the U.S. Supreme Court.

---1---	---2---	---3---	---4---	---5---	---6---	---7---
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

4. To what extent do you agree or disagree with the following statement: People should be willing to do everything they can to make sure that any proposal to abolish the U.S. Supreme Court is defeated.

---1---	---2---	---3---	---4---	---5---	---6---	---7---
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

5. To what extent do you agree or disagree with the following statement: The U.S. Supreme Court can usually be trusted to make the right decision.

---1---	---2---	---3---	---4---	---5---	---6---	---7---
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

6. To what extent do you agree or disagree with the following statement: People should obey a Supreme Court decision even if they do not agree with it.

---1---	---2---	---3---	---4---	---5---	---6---	---7---
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

7. To what extent do you agree or disagree with the following statement: The U.S. Supreme Court gets too mixed up in politics.

---1---	---2---	---3---	---4---	---5---	---6---	---7---
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

**Diffuse Support/Lower Courts**

8. To what extent do you agree or disagree with the following statement: If the lower U.S. courts started making a lot of decisions that most people disagree with, it might better to do away with these courts altogether.

---1---	---2---	---3---	---4---	---5---	---6---	---7---
---------	---------	---------	---------	---------	---------	---------

strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree
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9. To what extent do you agree or disagree with the following statement: The right of the lower U.S. courts to decide certain types of controversial issues should be reduced by Congress.

---1---	---2---	---3---	---4---	---5---	---6---	---7---
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

10. To what extent do you agree or disagree with the following statement: It would not make much difference to me if the U.S. Constitution were rewritten to reduce the powers of the lower U.S. courts.

---1---	---2---	---3---	---4---	---5---	---6---	---7---
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

11. To what extent do you agree or disagree with the following statement: People should be willing to do everything they can to make sure that any proposal to abolish the lower U.S. courts is defeated.

---1---	---2---	---3---	---4---	---5---	---6---	---7---
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

12. To what extent do you agree or disagree with the following statement: The lower U.S. courts can usually be trusted to make the right decision.

---1---	---2---	---3---	---4---	---5---	---6---	---7---
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

13. To what extent do you agree or disagree with the following statement: People should obey a lower U.S. court decision even if they do not agree with it.

---1---	---2---	---3---	---4---	---5---	---6---	---7---
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

14. To what extent do you agree or disagree with the following statement: The lower U.S. courts get too mixed up in politics.

---1---	---2---	---3---	---4---	---5---	---6---	---7---
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

**Confidence/Trust in Political Institutions**

15. Listed below are several institutions in American society. Please indicate how much confidence/trust you have in each (at this point in time) by using the following scale:

- 1=a great deal
- 2=quite a lot
- 3=some
- 4=very little
- 5=none

- a. \_\_\_\_\_ U.S. Supreme Court
- b. \_\_\_\_\_ U.S. trial courts
- c. \_\_\_\_\_ U.S. appeals courts
- d. \_\_\_\_\_ Congress
- e. \_\_\_\_\_ the president
- f. \_\_\_\_\_ the U.S. military
- g. \_\_\_\_\_ business corporations
- h. \_\_\_\_\_ state and local courts

### Knowledge of Courts

16. Who is responsible for nominating judges to the federal courts?

- |           |           |         |
|-----------|-----------|---------|
| ---1---   | ----2---- | ---3--- |
| President | Congress  | Voters  |

17. What role does the Senate play in deciding who shall be federal court judges?

- |         |                     |   |
|---------|---------------------|---|
| ---1--- | ---2---             | ---3---   |
| No role | Nominates<br>Judges | Confirms<br>Judicial Nominees made by President |

18. Who is responsible for selecting State Supreme Court judges in your state?

- |          |                      |         |                                       |
|----------|----------------------|---------|---------------------------------------|
| ---1---  | ---2---              | ---3--- | ---4---                               |
| Governor | State<br>Legislature | Voters  | Combination<br>of Governor and Voters |

19. Who has the last say on whether a law is constitutional or not?

- |          |           |                      |                  |
|----------|-----------|----------------------|------------------|
| ---1---  | ---2---   | ---3---              | ---4---          |
| Congress | President | the Supreme<br>Court | state government |

20. What is the length of a term for a federal court judge? \_\_\_\_\_

21. In which federal circuit do you reside? \_\_\_\_\_

### Demographics

22. In terms of politics, would you consider yourself to be a liberal or a conservative?(select one)

----1----	----2----	----3----	----4----	----5----	----6----	----7----
extremely liberal		somewhat liberal	neither liberal nor conserv	somewhat conservative		extremely conservative

23. Generally speaking, do you usually think of yourself as a Republican, a Democrat, or an independent? (select one)

- Strong Republican
- Republican
- Independent but lean Republican
- Independent
- Independent but lean Democrat
- Democrat
- Strong Democrat

24. What was your age at your last birthday? \_\_\_\_\_

25. In what state do you live? \_\_\_\_\_

26. What is your racial-ethnic background? (select one)

- Asian
- Black
- Hispanic
- White
- Other (please specify) \_\_\_\_\_

27. Which of these best describes your religious affiliation? (select one)

- Catholic
- Protestant
- Jewish
- Muslim
- No religious affiliation
- Other (please specify) \_\_\_\_\_

If you are Christian, do you consider yourself a Born-again or Evangelical Christian?

- Yes
- No

28. Which of these best describes the degree of your religious beliefs (select one)?

----1----	----2----	----3----	----4----	----5----	----6----
Extremely Religious	Very religious	Somewhat religious	Not very religious	Not at all religious	I have no religious affiliation

29. How often have you attended a religious service at a house of worship in the past year?

- Every day
- More than once a week
- Once a week
- Once a month
- Once in the past year
- Not at all

30. What is your gender?

- Male
- Female

31. What is the highest degree or level of education that you have completed? (select one)

- Less than high school
- Some high school, no diploma
- Graduated from high school – Diploma or Equivalent (GED)
- Some college, no degree
- Associate degree (for example: AA, AS)
- Bachelor's degree
- Master's degree
- Professional degree (for example: MD, DDS, LLB, JD)
- Doctorate degree (for example: PhD., EdD.)

32. Which statement best describes your current employment status? (select one)

- I work as a paid employee
- I am self-employed
- I am an owner or partner in a small business, professional practice, or farm
- I work at least 15 hours a week without pay in a family business or farm
- I am unemployed, temporarily laid off, but looking for work
- I am retired
- I am disabled
- I am a homemaker
- Other (please describe) \_\_\_\_\_

33. What was your total HOUSEHOLD income in the past 12 months (select one)

- less than \$10,000
- \$10,000 to \$19,999
- \$20,000 to \$29,999
- \$30,000 to \$39,999
- \$40,000 to \$49,999
- \$50,000 to \$59,999
- \$60,000 to \$69,999
- \$70,000 to \$79,999
- \$80,000 to \$89,999
- \$90,000 to \$99,999

- \_\_\_\_\_ \$100,000 to \$124,999
- \_\_\_\_\_ \$125,000 to \$149,999
- \_\_\_\_\_ \$150,000 to \$174,999
- \_\_\_\_\_ \$175,000 to \$200,000
- \_\_\_\_\_ More than \$200,000

**Law and Order**

34. To what extent do you agree or disagree with the following statement: It is better to live in an orderly society than to allow people so much freedom that they can become disruptive.

---1---	---2---	---3---	---4---	---5---	---6---	---7---
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

35. To what extent do you agree or disagree with the following statement: Free speech is just not worth it if it means that we have to put up with the danger to society of radical and extremist political views.

---1---	---2---	---3---	---4---	---5---	---6---	---7---
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

36. To what extent do you agree or disagree with the following statement: Society shouldn't have to put up with those who have political ideas that are extremely different than the majority.

---1---	---2---	---3---	---4---	---5---	---6---	---7---
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

37. To what extent do you agree or disagree with the following statement: When America is at war, people should not criticize the government.

---1---	---2---	---3---	---4---	---5---	---6---	---7---
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

**Democratic Norms/Tolerance**

38. To what extent do you agree or disagree with the following statement: Free speech ought to be allowed for all political groups even if some of the things they say are highly insulting and threatening to some segments of society.

---1---	---2---	---3---	---4---	---5---	---6---	---7---
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

39. To what extent do you agree or disagree with the following statement: Because demonstrations frequently become disorderly and disruptive, radical and extremist political groups like shouldn't be allowed to demonstrate.

---1---	---2---	---3---	---4---	---5---	---6---	---7---
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

40. To what extent do you agree or disagree with the following statement: It is refreshing to hear someone stand up for an unpopular political view, even if most people find the view offensive.

---1---	---2---	---3---	---4---	---5---	---6---	---7---
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

41. To what extent do you agree or disagree with the following statement: No matter what a person's political beliefs are, they are entitled to run for public office.

---1---	---2---	---3---	---4---	---5---	---6---	---7---
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

### Rule of Law

42. To what extent do you agree or disagree with the following statement: It is not necessary to obey a law you consider unjust.

---1---	---2---	---3---	---4---	---5---	---6---	---7---
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

43. To what extent do you agree or disagree with the following statement: Sometimes it might be better to ignore the law and solve problems immediately rather than wait for a legal solution.

---1---	---2---	---3---	---4---	---5---	---6---	---7---
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

44. To what extent do you agree or disagree with the following statement: The government should have some ability to bend the law in order to solve pressing social and political problems.

---1---	---2---	---3---	---4---	---5---	---6---	---7---
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

45. To what extent do you agree or disagree with the following statement: It is not necessary to obey the laws of a government I didn't vote for.

---1---	---2---	---3---	---4---	---5---	---6---	---7---
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

**TV Information**

46. How often have you seen the television program Law and Order?

---1---	---2---	---3---	---4---	---5---
Great deal	quite a lot	some	very little	not at all

47. To what extent do you agree or disagree with the following statement: I have learned a great deal about the judicial system from watching the television program Law and Order.

---1---	---2---	---3---	---4---	---5---	---6---	---7---
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

48. To what extent do you agree or disagree with the following statement: I believe that the television program Law and Order accurately shows how our judicial system really works.

---1---	---2---	---3---	---4---	---5---	---6---	---7---
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

**Personal Experience with Courts**

49. Have you ever served on a jury?

Yes  
 No

50. If yes, was it a state court or federal court jury?

51. Which court specifically?

52. Have you ever been a witness in court?

Yes  
 No

53. If yes, was it a state court or federal court case?

54. Which court specifically?

55. Do you have friends or relatives who are judges?

Yes

\_\_\_\_\_No

56. If yes, do you know whether he/she is a state court or federal court judge?

57. Which court specifically?

58. Do you have friends or relatives who are lawyers?

\_\_\_\_\_Yes

\_\_\_\_\_No

59. Have you ever been sued?

60. If yes, in state court or federal court?

61. Which court specifically?

62. If yes, what was the outcome?

63. Have you ever sued someone else?

64. If yes, in state court or federal court?

65. Which court specifically?

66. If yes, what was the outcome?

67. Have you ever been a defendant in a criminal case?

68. If yes, in state court or federal court?

69. Which court specifically?

70. If yes, what was the outcome?

71. Has anyone you know ever been a defendant in a criminal case?

72. If yes, in state court or federal court?

73. Which court specifically?

74. If yes, what was the outcome?

75. Has anyone you know ever sued been sued?

76. If yes, in state court or federal court?

77. Which court specifically?

- 78. If yes, what was the outcome?
- 79. Has anyone you know ever sued someone else?
- 80. If yes, in state court or federal court?
- 81. Which court specifically?
- 82. If yes, what was the outcome?

**Procedural Justice**

- 83. U.S. trial judges are generally honest and fair in deciding cases.
- 84. U.S. appeals courts below Supreme Court are generally honest and fair in deciding cases.
- 85. Supreme Court justices generally decide cases honestly and fairly.
- 86. U.S. trial judges do not give adequate attention to each case before them.
- 87. U.S. appeals court judges below the Supreme Court do not give adequate attention to each case before them.
- 88. U.S. trial judges let their personal political views influence their decisions.
- 89. U.S. appeals court judges below the Supreme Court let their personal political views influence their decisions.
- 90. In general, Supreme Court justices decide cases based on their personal political views.
- 91. It is better to have federal judges appointed by the president than elected so that federal judges are not influenced by people who give them campaign contributions.
- 92. Courts make sufficient efforts to ensure adequate attorney representation in criminal cases.
- 93. Courts adequately monitor the progress of cases before them.

**Descriptive Representation**

94. To what extent do you agree or disagree with the following statement: In general, black judges can decide race discrimination cases without being biased in favor of the black person claiming discrimination.

- |                      |         |                      |                               |                   |         |                   |
|----------------------|---------|----------------------|-------------------------------|-------------------|---------|-------------------|
| ---1---              | ---2--- | ---3---              | ---4---                       | ---5---           | ---6--- | ---7---           |
| strongly<br>disagree |         | somewhat<br>disagree | neither agree<br>nor disagree | somewhat<br>agree |         | strongly<br>agree |

95. To what extent do you agree or disagree with the following statement: In general, women judges can decide divorce cases without being biased in favor of the wife.

---1---	---2---	---3---	---4---	---5---	---6---	---7---
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

96. To what extent do you agree or disagree with the following statement: Given that blacks make up 13% of the population, a justice system in which blacks make up 25% of all judges is not a fair justice system.

---1---	---2---	---3---	---4---	---5---	---6---	---7---
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

97. Given that women make up 50% of the population, a justice system in which women make up 25% of all judges is not a fair justice system.

---1---	---2---	---3---	---4---	---5---	---6---	---7---
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

### **Non-Legal Influences on Judging**

98. To what extent do you agree or disagree with the following statement: A judge's race has no impact on the decisions he or she makes.

---1---	---2---	---3---	---4---	---5---	---6---	---7---
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

99. To what extent do you agree or disagree with the following statement: A judge's gender has no impact on the decisions he or she makes.

---1---	---2---	---3---	---4---	---5---	---6---	---7---
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

100. To what extent do you agree or disagree with the following statement: A judge's political party has no impact on the decisions he or she makes.

---1---	---2---	---3---	---4---	---5---	---6---	---7---
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

101. To what extent do you agree or disagree with the following statement: A judge's religious beliefs have no impact on the decisions he or she makes.

---1---	---2---	---3---	---4---	---5---	---6---	---7---
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

102. To what extent do you agree or disagree with the following statement: A judge's personal views on a political issue have no impact on the decisions he or she makes.

---1---	---2---	---3---	---4---	---5---	---6---	---7---
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

103. To what extent do you agree or disagree with the following statement: A judge should look to his or her personal religious faith when deciding cases raising difficult moral issues.

---1---	---2---	---3---	---4---	---5---	---6---	---7---
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

104. To what extent do you agree or disagree with the following statement: A judge should be influenced by nothing but the law and facts when deciding cases raising difficult moral issues.

---1---	---2---	---3---	---4---	---5---	---6---	---7---
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

**Courts Should/Should Not Get Involved in Political Controversies**

105. To what extent do you agree with the following statement: Claims of race discrimination should be settled between employers and employees without involving the U.S. courts.

---1---	---2---	---3---	---4---	---5---	---6---	---7---
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

106. Who do you think should have the last word on whether same sex marriage should be legalized in this country?

---1---	---2---	---3---	---4---	---5---	---6---
U.S. Congress	President	U.S. courts	State Legislature	State courts	Voters

107. Who do you think should have the last word on whether abortion should be legal in this country?

---1---	---2---	---3---	---4---	---5---	---6---
U.S. Congress	President	U.S. courts	State Legislature	State courts	Voters

108. Who do you think should have the last word on whether prayers may be recited in public schools?

----1----	----2----	----3----	----4----	----5----	----6----
U.S. Congress	President	U.S. courts	State Legislature	State courts	Voters

109. To what extent do you agree with the following statement: If a judge issues a decision which is clearly outside the mainstream of American beliefs, then Congress should remove that judge from office.

----1----	----2----	----3----	----4----	----5----	----6----	----7----
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

110. To what extent do you agree with the following statement: I think judges' decisions should reflect mainstream American beliefs.

----1----	----2----	----3----	----4----	----5----	----6----	----7----
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

111. To what extent do you agree with the following statement: If the U.S. courts issue decisions on gay marriage that are contrary to the majority of American's views, then Congress should prohibit the courts from hearing these types of cases.

----1----	----2----	----3----	----4----	----5----	----6----	----7----
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

### **Elections/Judicial Independence**

112. Some people say that judges should strictly follow the original meaning of the U.S. Constitution as it was understood when written in 1787. Others say that the Constitution should be interpreted in light of modern day principals of right and wrong. To what extent do you agree or disagree with the following statement: I would not vote for a presidential candidate who promises to appoint only judges who will interpret the Constitution strictly according to the original meaning of the document when it was written in 1787.

----1----	----2----	----3----	----4----	----5----	----6----	----7----
strongly disagree		somewhat disagree	neither agree nor disagree	somewhat agree		strongly agree

113. To what extent do you agree or disagree with the following statement: I would not vote for a political candidate who has called for the removal of a judge because the judge has issued a controversial ruling.

----1----	----2----	----3----	----4----	----5----	----6----	----7----
-----------	-----------	-----------	-----------	-----------	-----------	-----------

strongly  
disagree

somewhat  
disagree

neither agree  
nor disagree

somewhat  
agree

strongly  
agree