

**The Effects of Judicial Campaign Activity on the Legitimacy of Courts:
A Survey-Based Experiment, Pennsylvania, 2007***

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Abstract

As elections for state judicial offices have become “noisier, nastier, and costlier” (Schotland 2002), court observers have become increasingly concerned about the consequences of campaign activity for the perceived impartiality of judges and the legitimacy of courts. Unfortunately, however, little systematic evidence exists on how citizens view their state judiciaries and whether those views are shaped by the campaign activities of candidates for judicial office. Perhaps the alarmists are correct about the corrosive effects of politicized campaigning; but perhaps they may instead be incorrect if the American people actually prefer judges to engage in real, policy-based contests for judicial office.

The purpose of this paper is to investigate the consequences of judicial campaign activity for the perceived legitimacy of the Pennsylvania judiciary. Based on a panel survey of registered Pennsylvanian voters — conducted before, during, and after the 2007 election — we rely upon a formal, video-based experiment in which citizens are exposed to actual advertisements and related campaign communication broadcast by and about candidates for judicial offices. Our central hypothesis is that those exposed to highly politicized content will extend less legitimacy to courts. The process we believe involved in the changing of attitudes is one in which citizens learn that courts are just “ordinary political institutions,” and, as such, have no special claims to respect and legitimacy. We find mixed support for the hypothesis that the “new-style” of judicial campaigns poses important threats to the nation’s elected courts. Politicized campaign ads do detract from court support, although we do not find a difference between traditional campaign ads (e.g., presenting endorsements from groups) and strong attack ads. But this finding must be understood within the context of elections *increasing* court support for all respondents, even those exposed to the most politicized ad content. Being exposed to politicized ads seems to retard the benefits of elections, but not eliminate them. Our findings suggest that may be necessary to re-think the expectations the American people hold of their elected judges and courts, and how perceived impartiality and institutional legitimacy can be protected in that context.

Campaigning for state judgeships in America has entered a new era. In the past, campaigns might be described as decent, docile, and dirt-cheap, even if drab and dull. Today, they are said to be “nastier, noisier, costlier” (Schotland 2002). Whatever the characterization, there can be little doubt that the landscape of judicial elections has changed rather dramatically in the last decade in the states of the United States.¹

As a consequence of this “new-style” of politicized judicial election, court observers are concerned that the legitimacy of the judiciary – or at least its perceived impartiality – may be compromised. For instance, one legal scholar opines:

When judicial decisions are seen as politicized rather than independent, or as done in the service of a special interest group or to advance judges’ self-interest rather than in a neutral and independent spirit, the sense of fairness and justice that is the binding force of the Rule of Law becomes exhausted and the system is weakened. Disobedience and avoidance of legal obligations can be expected to rise in direct proportion to declining respect for law. As respect for the fairness of law diminishes, greater government force must be used to ensure obedience (Barnhizer 2001, 371, footnotes omitted).

In fact, however, we know little about the consequences of campaign activity on citizen perceptions of judicial institutions. The assumption seems to be that campaign activities of many sorts threaten institutional legitimacy, but in fact what evidence exists calls this conclusion into question. Even the well-established literature on campaign effects within ordinary political institutions is uninformative on this issue, since that research rarely considers the effects of campaigning on fundamental attitudes

¹ As we write this, we take notice of the Wisconsin Supreme Court race from this past April. Campaign messages and ads were harsh and abrasive, as incumbent Louis Butler was accused by challenger Michael Gableman of aiding in the release of criminals, and Gableman was charged with being soft on pedophiles and profiting from political favoritism. As for campaign finances, over one million dollars was raised by the two candidates alone, four and a half million dollars was spent by independent groups and organizations, and over three million dollars was allotted for more than 12,000 ad spots aired on behalf of the campaigns and independent groups. In the end, challenger Michael Gableman defeated incumbent Louis Butler. (See “Big Money,” 2008; “Torts and Courts,” 2008).

toward and support of political and legal institutions. At this point, we simply do not know what consequences flow from the more politicized style of judicial campaigning that seems to be sweeping across the nation these days.

Consequently, the purpose of this paper is to investigate the effects of campaign activity on the support Pennsylvanians extend to their state Supreme Court. Based on a survey conducted in 2007, with interviews before, during, and after the election on November 6, 2007, we employ an experimental design to test the general hypothesis that politicized judicial campaigns undermine support for the judiciary. Because this research relies upon an internet-based survey, the campaign material to which the respondents are exposed is extremely realistic (and real, since we used actual ads and campaigning material broadcast in judicial races). Moreover, because Pennsylvania has been the object of intense and salient political controversy over its judiciary, the 2007 campaign provided exemplars of how judicial campaigns have become “nastier” and “noisier.” Our findings indicate that the effects of judicial campaign activity may be more complicated than many assume.

THE MEANING OF JUDICIAL LEGITIMACY

Considerable agreement exists among social scientists and legal scholars on the major contours of Legitimacy Theory. For instance, most agree that legitimacy is a normative concept, having something to do with the right (moral and legal) to make decisions. “Authority” is sometimes used as a synonym for legitimacy. Institutions perceived to be legitimate are those with a widely accepted mandate to render judgments for a political community. “Basically, when people say that laws are ‘legitimate,’ they mean that there is something rightful about the way the laws came about . . . the legitimacy of law rests on the way it comes to be: if that is legitimate, then so are the results, at least most of the time” (Friedman 1998, 256).

Among scholars, legitimacy is most often equated with “diffuse support.” This concept refers to

“a reservoir of favorable attitudes or good will that helps members to accept or tolerate outputs to which they are opposed or the effects of which they see as damaging to their wants” (Easton 1965, 273). Diffuse support is institutional loyalty; it is support that is not contingent upon satisfaction with the immediate outputs of the institution. Easton’s apt phrase – a “reservoir of goodwill” – captures well the idea that people have confidence in institutions to make, in the long-run, desirable public policy. Institutions without a reservoir of goodwill may be limited in their ability to defy the preferences of the majority.

Legitimacy becomes vital when people disagree about public policy. When a court, for instance, makes a decision pleasing to all, discussions of legitimacy are rarely heard. When there is conflict over policy, then some may ask whether the institution has the authority, the “right,” to make the decision. Legitimate institutions are those recognized as appropriate decision-making bodies even when one disagrees with the outputs of the institution. Thus, legitimacy takes on its primary importance in the presence of an objection precondition. Institutions such as courts need the leeway to be able to go against public opinion (as for instance in protecting unpopular political minorities); a crucial attribute of political institutions is the degree to which they enjoy the loyalty of their constituents. When courts enjoy legitimacy, they can count on compliance with (or at least acquiescence to) decisions running contrary to the preferences of their constituents.

Extant Research on the Effects of Campaign Activity on Public Perceptions of the Judiciary

Despite concern that campaign activity is having corrosive effects on American courts, little research has investigated this issue rigorously. Indeed, we count only a handful of studies that are even remotely connected to this question.

Gibson and Caldeira (forthcoming) examined the impact of the ad campaigns mounted in support or opposition to the nomination of Judge Samuel Alito to the U.S. Supreme Court. Perhaps the most important finding of the research is that the campaigns by interest groups favoring and opposing the

confirmation of Judge Alito seemed to have undermined the legitimacy of the Court itself. The campaigns were politicized and taught the lesson that the Court is just another political institution, and as such, is not worthy of high esteem. Since that study is based on a three-wave panel design, allowing the direct measurement of change in attitudes toward the Supreme Court, its findings are uncommonly persuasive.

Of course, the entire question of whether studies of attitudes toward the U.S. Supreme Court can be generalized to the state judiciaries is open. State courts of last resort are obviously far less salient than the U.S. Supreme Court, with the likely consequence that institutional attitudes at the state level may be considerably more malleable. It is simply unclear whether findings drawn from research on the U.S. Supreme Court apply to the state courts.

Some studies have, however, been conducted on public attitudes toward state courts, although much of that literature is dated. Among the best of the lot are two recent national studies, one by Benesh (2006) and the other by Cann and Yates (2007). Both of these studies, however, had to cobble together a dependent variable based on surveys fielded for non-academic purposes, and neither focused on the effects of campaign activities on attitudes toward courts. In general, scholars interested in how citizens perceive and judge their state judicial institutions have been seriously constrained by the lack of public opinion data and the shortcomings of surveys conducted by policy-oriented groups and organizations.

Two studies of campaign activity in state court races are relevant to the question of whether judicial campaigns undermine legitimacy. Jamieson and Hardy's (2008) multivariate analysis of a 2007 Annenberg Public Policy Center survey found that Americans who live in states that hold partisan judicial elections are most distrustful of the courts than those who live in states that do not hold partisan elections. Among other things, those in such states were significantly more likely to agree that "judges are just politicians in robes."

In a national survey, Gibson (2008a) addressed the question of judicial legitimacy with an experimental "vignette" that exposed the respondents to different types of campaign activities, including

policy speech. His analysis indicates that the alarmists are partially right and partially wrong in their concern about judicial impartiality being undermined. When citizens hear issue-based speech from candidates for judicial office, court impartiality does not suffer. It seems that many Americans are not at all uncomfortable when candidates for the bench tell them how they feel about the sort of socio-political issues coming before courts these days. Policy talk in particular does not seem to undermine institutional legitimacy.

Gibson's research suggests that policy speech during campaigns has little effect on perceived impartiality. However, that research also found that the receipt of campaign contributions can threaten legitimacy. This finding is consistent with Jamieson and Hardy's conclusion that almost 70% of respondents in the 2007 survey reported that raising money for campaigns affects a judge's rulings to a moderate or great extent. Contributions to candidates for judicial office imply for many a conflict of interest, even a quid pro quo relationship between the donor and the judge, which undermines perceived impartiality and legitimacy. But it is important to note that there is nothing distinctive about the judiciary on this score: Gibson finds that campaign contributions to candidates for the state legislature also imply a conflict of interest and therefore can detract from the legitimacy of legislatures as well.

Finally, the experiment also indicates that attack ads undermine legislative but not judicial legitimacy. The effect is not nearly as great as that observed for campaign contributions, but citizens exposed to such negative advertisements during legislative campaigns extend less legitimacy to the institution involved. Courts, perhaps owing to their "reservoir of goodwill," are little affected by the use of attack ads.

Gibson's analysis is limited in at least one very important sense: The data are drawn from a hypothetical vignette. Hypothetical stories have their virtues, but they also have important limitations. For instance, in Gibson's experiment, attack ads are represented by the following language:

Judge Anderson's campaign ads vigorously attack his opponent, claiming that his opponent is biased

in favor of insurance companies and other such businesses, and would therefore not be able to make fair and impartial decisions if elected to the Supreme Court.

This is certainly one representation of negative ads; but it also seems a tame version compared to the vigorous attacks one sees these days in television ads, and the ad is presented without much context or emotion. Hypothetical vignettes such as these represent one way to study the effects of campaign activity on legitimacy, but only one way.

Summary

While it is undoubtedly true that judicial campaigns have become vastly more costly and more focused on legal and political issues, to date, only fragmentary evidence has been produced to document the alleged decline in the legitimacy of elected courts. Many make the assumption that judicial legitimacy is at risk, but in fact it seems that some aspects of campaigning are deleterious whereas others are not. The purpose of this paper is therefore to provide some much needed additional analysis of the consequences of judicial campaign activity.

Experiment Overview and Hypotheses

The specific purpose of this research is therefore to investigate the consequences of judicial campaign materials on public attitudes toward the Pennsylvania judiciary. In this study, we employed a three-wave panel survey (detailed below), with the three waves bracketed around the 2007 Pennsylvania election (roughly, before, during, and after the election), and the interviews conducted via the internet (by Polimetrix). This paper investigates the impact of campaign material on support for the Pennsylvania Supreme Court, using an experimental design in which we exposed the respondents to various campaign materials, based on random assignment of individual respondents to particular content. The material varied in content, from strongly politicized content to traditional judicial campaigning emphasizing group

endorsements. A control condition was included in the experiment. In general, our basic hypothesis is that the greater the degree of politicization of the material, the greater will be the decline in the perceived legitimacy of the Pennsylvania Supreme Court.

THE RESEARCH CONTEXT: PENNSYLVANIA 2007

This research focuses on the judicial elections conducted in Pennsylvania in 2007. For a number of reasons, we do *not* contend that Pennsylvania is representative of the judiciaries in the American states, or even of those states using elections to select and/or retain their judges.

First, Pennsylvania employs an unusual mix of methods to select and retain its judges. In 2007, that system presented two distinctly different types of electoral choices to Pennsylvania voters. Two seats on the Supreme Court were contested through open races. Nominees were first named in partisan primaries, held on May 15, 2007, when voters selected within their party which candidates were to advance to the general November election. In the general election, voters faced a partisan ballot on which they could have voted for Maureen Lally-Green or Mike Krancer, the Republican candidates, or Seamus McCaffrey or Debra Todd, the Democrats. Each voter voted for up to two of the four candidates, inasmuch as two seats were open on the bench.

At the same time, Pennsylvania uses retention elections to evaluate incumbents. In the 2007 elections, an incumbent of the Supreme Court, Thomas Saylor, ran for retention. The voters were presented with the following question on the ballot: “Shall Thomas G. Saylor be retained as Justice of the Supreme Court of the Commonwealth of Pennsylvania?” These retention elections are neither contested nor partisan. Voters are just given the choice of “yes” or “no” for retention.

The total amount of money raised and spent for the various judicial contests in 2007 broke all previous records in Pennsylvania. The four candidates for the Supreme Court alone raised more than seven million dollars in campaign contributions. Over four and a half million dollars was spent on

television advertising across the judicial races. Thus, these races in 2007 were undoubtedly “noisier.”

On November 6, both of the Democrats, Seamus McCaffrey and Debra Todd were elected to the Supreme Court with 30.1% and 26.5% of the vote, respectively. Additionally, Justice Saylor (and all sixty-eight judges running for retention) was retained on the high bench. Voter turnout was 28%, typical for a judicial election.

Pennsylvania is peculiar for a second reason: Owing to a highly controversial and widely reported middle-of-the-night pay increase the state legislature granted itself – and the state’s judges – in 2005, many voters in Pennsylvania decided to punish everyone running for reelection in that year. Legislators and judges were granted a pay raise between 7,500 and 16,800 dollars. While the pay raise was not illegal and considered by some to be long overdue, the manner in which the raise was enacted was considered sordid by many. This controversy sparked the formation of a number of independent non-partisan grassroots organizations, including PACleanSweep, spearheaded by Russ Diamond.² In 2005, PACleanSweep led a campaign ousted two dozen legislators and one Supreme Court Justice.

In 2007, PACleanSweep once again led an effort to unseat 67 judges up for retention who accepted the pay raise in 2005. One of the judges up for retention actually paid back the pay raise and was not included in PACleanSweep’s attacks. A seat of the Supreme Court up for retention was vacated in September, 2007 due to Chief Justice Ralph Cappy’s retirement from the Court. Many believe his untimely retirement was due to him not wanting to face what promised to be a grueling election for retention, since he was heavily criticized for his role in the pay increases.

PACleanSweep led a highly inflammatory and negative effort attacking judges for accepting the pay raise and urging voters to vote “no” for retention. The group sponsored a number of stunts throughout the state, advancing a campaign message depicting judges as “pigs in robes.” Some of these events included a bus that was outfitted to resemble a pig, a hot air pig balloon, and pig cookies. Protests

² See <http://www.pacleansweep.com/> (accessed 5/9/2008).

were also held throughout the state. On September 13, 2007, the group's leader held a press conference at the Capitol Building in Harrisburg, where he again urged voters to vote "no" for retention for the 67 judges. The results of the November election show that the majority of voters did not accept the recommendations of PACleanSweep. Every judge up for reelection was retained.

While we do not necessarily contend that Pennsylvania judicial elections are *sui generis*, we do not assert the right to generalize our findings from 2007 to the larger universe of states using elections to select and/or retain their judges. Nonetheless, given the salience of the judiciary in Pennsylvania, there is some considerable value in using that state to investigate the implications of campaign activity for judicial legitimacy.

THE SURVEY

The analysis reported in this paper relies upon a survey conducted in 2007. The initial sample from which our survey respondents was drawn is the Polimetrix's PollingPoint panel. The PollingPoint panel is comprised of approximately 1.1 million members recruited by a variety of means (telephone, mail, Web advertising) to participate in surveys. According to the company, the panel itself is not intended to be representative of the total U.S. population, but subsamples are selected to match the intended target population. Even though not, technically speaking, a random sample of Pennsylvanians, internet polls such as that of Polimetrix have become widely accepted within the social sciences.

The respondents were interviewed via the internet. The initial interview took place between October 3, 2007, and October 17, 2007. The fieldwork for the second interview extended from October 29, 2007, through November 6, 2007. The final interviews were conducted between November 8, 2007, and December 2, 2007, although only a handful of interviews was completed after November 15. Thus, the three interviews were spaced closely together. On average, 20.5 days elapsed between the first and second interview (range = 12.9 days to 31.5 days); for the second and third interviews, the average days

elapsed is 9.8 (range 3.0 to 16.7 days). So for a majority of the respondents, the three interviews took place within a period of 32 days (the median length of time between the first and third interviews). The median length of time to complete the first interview was 23.5 minutes; for the second, the median was 21.2 minutes; and for the third, the median was 18.4 minutes. The percentages of respondents completing the interview in less than 10 minutes are 0.7, 1.3, and 8.6 for the three waves, respectively.

The sample size for the first wave interview (t_1) is 4,000. A total of 1,400 respondents completed all three interviews (35.0 %). The percentages completing the various combinations of interviews are: (1) the initial interview only, 37.7 %; (2) the first and second interviews, 14.9 %; and (3) the first and third interviews, 12.4 %. Thus, over the course of the three-wave panel, substantial attrition took place. Compared to the first-wave respondents, those who completed all three interviews are reasonably representative in terms of gender, race, level of education, age, ideology, party identification, and knowledge of the Pennsylvania Supreme Court. For instance, the average age of the t_1 respondents is 50.3; for those responding to all three surveys, the average age is 49.9. On a three-item Court knowledge test, the mean for t_1 respondents is 2.16; for those responding in all three waves, the mean is 2.20. We suspect that much of the normal biasing effects of panel attrition are felt in this sort of sample in the initial sample itself and therefore that ordinary attrition effects (e.g., the loss of young people) have only minor consequences for the panel sample.

In our analyses of the effects of electoral activity on attitude change, we focus on those respondents completing all three interviews. In general, our analytical strategy is to assess change from t_1 to t_3 and to use perceptions of the election at t_1 (and, to a more limited degree, remembrances of the election measured at t_3) to account for change.

THE CAMPAIGN EXPERIMENT

The Independent Variables: The Campaigning Experiment

In the t_2 interview, we conducted an experiment on the effects of different types of campaign material on the attitudes of Pennsylvanians. The respondents were randomly assigned to one of four experimental videos. The first was a control condition in which a two-minute long video portrayed improvements and achievements in the public schools. The video contained no political content and had nothing to do with courts or elections.³

The other three videos portrayed campaign material. The second treatment (also two-minutes long) involved four thirty-second campaign ads (shown seriatim) aired by candidates for various state supreme courts: (a) an attack on Carol Hunstein, a sitting Georgia Supreme Court judge, by an interest group identified as the “Safety and Prosperity Coalition,” on issues of criminal justice; (b) an attack on Bill Cunningham, candidate for the Kentucky Supreme Court, by his opponent, Rick Johnson, also on issues of criminal justice; (c) an attack on Sue Bell Cobb, running for the Alabama Supreme Court, by Drayton Nabers, on connections to the gambling industry; and (d) the reply of Judge Cobb to Nabers’ attack, including a counter-attack connecting Nabers to the oil industry. The introduction to this treatment explained that these ads were aired in states other than Pennsylvania.

The next two videos addressed specifically the Pennsylvania judicial elections. The first of these presents a speech by Russ Diamond, of PACleanSweep, urging voters to vote “no” for all judges in retribution for the pay increase decision by the Pennsylvania Supreme Court (see www.PACleanSweep.com).⁴ The final treatment also focused on the Pennsylvania Supreme Court; it

³ The text of each of the videos shown the respondents is reported in Appendix A. All of the videos can be seen at <http://www.annenbergpublicpolicycenter.org/ShowPage.aspx?myId=25>

⁴ The PACleanSweep press conference was held on September 13, 2007, at the Pennsylvania Capitol Building in Harrisburg and was broadcast on the Pennsylvania Cable Network (PCN). We edited the speech to make it the same two-minute length as the other conditions. Our editing maintained the original content and message of the speech.

depicted traditional, non-attack ads for candidates Debra Todd, Mike Krancer, Debra Todd (again), and Cheryl L. Allen. The primary focus of the ads was on endorsements received from various groups and organizations, as well as an appeal by Todd on gender. The ads also addressed a variety of issues, including abortion and gun rights, as well as the general ideological positions of the candidates, but no attacks are made on any competitors.⁵

Thus, the materials vary along two dimensions: First, in their degree of politicization, ranging from the control condition to the PACleanSweep attack (with the traditional form of campaigning scored as less politicized and the attack ads scored as more politicized). Second, among the politicized ads, two refer specifically to the judicial elections in Pennsylvania in 2007, whereas the other is a *mélange* of out-of-state ads.

The respondents were randomly assigned to view one of the videos (and, of course, were shown only a single video in this between-subjects design). Randomization was successful for the control, Pennsylvania endorsement ads, and attack ads conditions among all demographic variables, but not successful for the PACleanSweep condition for the variable of number of black subjects. Because the variable for number of black subjects is not significantly correlated with the dependent variable, it was excluded from the analysis.

Given the vagaries of responses rates in surveys of this sort, the cell sizes vary somewhat, ranging from 322 respondents exposed to the non-electoral video to 388 who viewed the PACleanSweep speech. Deviation of this magnitude is unlikely to have any effect on the substantive conclusions of the experiment. Because these materials were in fact broadcast within a real judicial contest, the experiment profits from the virtue of mundane realism through verisimilitude, in the sense that they depict a set of

⁵ All manipulation checks were successful in the sense that the subjects were cognizant of the condition that they were exposed to and unaware of the conditions to which they were not exposed.

circumstances that are concrete and easily understood by the respondents.⁶

THE DEPENDENT VARIABLE: DIFFUSE SUPPORT FOR THE PENNSYLVANIA SUPREME COURT

The dependent variable for our analysis is support for the Pennsylvania Supreme Court, which we measured with reactions (collected on five-point Likert response sets) to the following statements:

If the Pennsylvania Supreme Court started making a lot of decisions that most people disagree with, it might be better to do away with the Supreme Court altogether. (Disagree)

The Pennsylvania Supreme Court may have its ideas about what the constitution means, but more important is what the majority of people think the constitution means. (Disagree)

Judges of the Pennsylvania Supreme Court who consistently make decisions at odds with what a majority of the people in the state want should be removed from their position as judge. (Disagree)

The right of the Pennsylvania Supreme Court to decide certain types of controversial issues should be reduced. (Disagree)

The Pennsylvania Supreme Court ought to be made less independent so that it listens a lot more to what the people want. (Disagree)

The Pennsylvania Supreme Court gets too mixed up in politics. (Disagree)

Table 1 reports the univariate frequencies on these court support variables.⁷ Several statistics are shown in this table. The first three data columns report a trichotomization of the responses to the various items,

⁶ Aronson et al. (1990) distinguish between experimental realism (the content of the experiment being realistic to the subjects so that they take the task seriously) and mundane realism (the similarity of the experimental context and stimuli to events likely to occur in the real world — in short, verisimilitude).

⁷ It is customary in research on attitudes toward judicial institutions to confine the analysis to the portion of the sample that is attentive to the activities of the institutions (e.g., Gibson, Caldeira, and Baird 1998 and Gibson and Caldeira 2003). In this case, only a tiny fraction of Pennsylvanians is inattentive to the court (1.2 %) so we have conducted all of our analysis on the full sample.

while the last three data columns report the means, standard deviations, and numbers of respondents based on the uncollapsed, five-point response distributions. A number of conclusions can be drawn from these data.

[PLACE TABLE 1 ABOUT HERE]

First, “uncertain” responses were fairly common, with anywhere from one-fifth to two-fifths of the respondents asserting that they have no opinion on the statement. To the extent that the proposition seems to characterize reality, and therefore require information, the uncertain proportion increases (e.g., the Court “gets too mixed up in politics” is both an empirical and normative assertion).

Second, support for the Court varies considerably depending upon the particular statement. Perhaps not surprising is the finding that a plurality of Pennsylvanians assert that the Court gets too mixed up in politics (and this is a vast majority of those holding an opinion), but at the same time, nearly two-thirds assert that the Court should not be abolished even if made numerous objectionable decisions. This last statement, the extreme anchor of the support continuum, is the only item on which a majority of the respondents express supportive opinions toward the Court. In most instances, however, support for the Court is the plurality position, with supporters typically out-numbering those with unfavorable orientations toward their Supreme Court.

A few of these items have been asked of national samples with regard to the United States Supreme Court (e.g., most recently, Gibson 2007). As to “doing away with the courts,” 65.0 % of Pennsylvanians would not abolish their supreme court, compared to the 68.9 % of Americans who would not abolish the U.S. Supreme Court. Slightly over one-half of the Americans would not limit the Supreme Court’s jurisdiction (51.4 %); 40.4 % would not limit the jurisdiction of the Pennsylvania court (although some of this difference has to do with respondents who have no opinion about the Pennsylvania court). Although differences in the size of the “don’t know” group cloud the comparison, fewer Americans think the U.S. Supreme Court gets too mixed up in politics (37.2 %) than Pennsylvanians who think the

Pennsylvania Supreme Court gets too mixed up in politics (46.9 %). Finally, if one were to compare the Pennsylvania findings on the “do away with” question to data from nearly two dozen surveys around the world of attitudes toward national high courts (see Figure 1), the conclusion would be that few national high courts enjoy the level of public esteem enjoyed by the Pennsylvania Supreme Court (Gibson 2007). Indeed, the Pennsylvania Supreme Court is even considerably more visible to its constituents than are many high courts around the world (Gibson, Caldeira, and Baird, 1998). In general, these data seem to indicate that the Pennsylvania Supreme Court enjoys a substantial but far from unlimited degree of legitimacy in the eyes of the citizens of the state (at least prior to the judicial elections of 2007).

[PLACE FIGURE 1 ABOUT HERE]

This set of items is quite reliable, with a Cronbach’s alpha of .83 (and a mean inter-item correlation of .60). When factor analyzed, these items generate a strongly unidimensional factor structure. The first factor from a Common Factor Analysis explains 54.7 % of the common variance and has an eigenvalue of 3.28. The second factor is trivial, with an eigenvalue of only .89. With one exception, all items load strongly on the first unrotated factor. The exception is the statement about the Court getting too mixed up in politics; its loading is .31, which barely exceeds the conventional .30 threshold, and is considerably smaller than the next smallest loading. This item is also distinctive in the very large proportion of respondents who assert they are uncertain whether they agree or disagree with the statement. We have retained the variable for purposes of calculating a factor score even though, practically speaking, its contribution to that index is minimal.⁸ In the analysis that follows, we rely mainly on a simple count of the number of supportive replies to the six items (mean = 2.4, standard deviation = 1.9). On this measure, fully 22.3 % of Pennsylvanians express no support for their high court; 3.8 % express complete support. Clearly, the Court does not profit from consensual legitimacy among the citizens of Pennsylvania.

⁸ This is only item for which alpha increases were the item deleted. However, the increase is trivial.

As we have noted, additional measures of attitudes toward the Pennsylvania Supreme Court were included in the interview:

a “feeling thermometer” for the institution

a general assessment of how well the institution does its job

an assessment of whether the institution’s decisions are ideologically agreeable to the respondent

The intercorrelations of the measure of institutional loyalty with indicators of performance evaluation will provide evidence of whether diffuse support is really nothing more than satisfaction with institutional outputs.

The strongest correlation with loyalty toward the court is $-.21$, with the indicator of the overall assessment of how well the court does its job. With the feeling thermometer the correlation is $.07$, and with ideological satisfaction with the court, the correlation is $-.03$. Indeed, when the loyalty index is regressed on the three measures of performance satisfaction, an R^2 of only $.05$ results. Clearly, this measure of diffuse support is not the same thing as simple satisfaction with the decisions made by the Pennsylvania Supreme Court, a finding contributing to the validity of the measure.

Attitudes at t_3

These six items were also put to the respondents in the t_3 interview, which took place after the election was completed. Table 2 reports the responses to the court support items at t_3 .

[PLACE TABLE 2 ABOUT HERE]

Comparing the data in Table 2 with that in Table 1 reveals that in every instance support for the Court increased between the two interviews. This change is in part related to the reduction in “Uncertain” responses, which itself may be either a function of panel attrition or the development of opinions as a result of exposure to the campaigns and discussions about the judiciary. Another portion of the change, however, is marked by the reduction in the proportion of the respondents giving non-supportive replies in

the post-election interview. These differences are not substantial, but are fairly consistent. The important exception is illustrative: The percentage of respondents asserting that the Supreme Court gets too mixed up in politics increased from 46.9 % before the election to 51.2 % after the election. This change may very well be a response to exposure to politicized campaign activity.

Factor analysis also reveals that these six indicators are strongly unidimensional (the eigenvalues of the first two factors extracted through Common Factor Analysis are 3.56 and .87, respectively), and the item set exhibits high reliability (alpha = .86; mean inter-item correlation = .49). Again, the correlation between the factor score and a simple summated index approaches 1.0, so we use the index as our measure of Court support.⁹

Change in Court Support

When we regress the t_3 indicator of Court support on the t_1 index, we find the following relationship:

$$\text{Average Court Support } t_3 = .95 + (.74 * \text{Average Court Support } t_1)$$

The standardized regression coefficient is also .74. These results indicate a good deal of stability in court attitudes across the three waves of the interview.

A more concrete sense of how much change in attitudes took place between the initial and final interviews can be attained by comparing the number of responses supportive of the Court at both time points. For a plurality of the respondents, their support did not change from t_1 to t_3 , with 37.3 % giving the same number of approving answers in both interviews. If we expand our scoring of attitude stability to include change on only one response, then the overwhelming pattern is one of stasis (73.1 %). Of those not giving identical scores at both interviews, change is slightly toward more supportive attitudes, with an

⁹ One disadvantage of using the factor scores in measuring change is that some portion of the change can be due to differences in the factor loadings of the items within the two factor analyzes. With summated indices, the weights on the items are constrained to equality between t_1 and t_3 (i.e., all weights are 1.0), and therefore differences in the weights cannot be an explanation of change.

overall mean of the difference scores of .28 (standard deviation of 1.49).¹⁰ The distribution of change is practically symmetric (skewness = -.06). As Figure 2 shows, using the difference scores based on the uncollapsed items, average change is .12 (standard deviation = .61). Across all respondents, 64.8 % either did not change in their level of support for the Pennsylvania Supreme Court or became more supportive of it. While there are certainly some important individual differences in the sample, the election activities of 2007 did not seem to have a substantial deleterious effect on the legitimacy of the Pennsylvania Supreme Court.

[PLACE FIGURE 2 ABOUT HERE]

ANALYSIS: RESULTS OF THE EXPERIMENT

To what degree does exposure to the experimental material at t_2 affect change in Court support from t_1 to t_3 ? The data reveal that the differences in change in Court support across the four treatment conditions are small, even if statistically significant, for the count of the number of supportive replies ($p = .026$; $N = 1393$) and not quite significant for the difference in the average uncollapsed responses ($p = .082$).¹¹ Figure 3 depicts this relationship using the count variable. As shown in the figure, the neutral video is associated with a considerable increase in the number of supportive court replies, whereas the three court conditions are associated with increases in court support of roughly one-half the size of the neutral condition. All respondents expressed more support for the Pennsylvania Supreme Court after the election

¹⁰ For five of the six support questions, the average difference between the t_3 and t_1 responses is positive. The exception is the “gets too mixed up in politics” question, on which average change was -.02, a figure that is indistinguishable from zero.

¹¹ Our expectations are that change in Court support between the first and the last interview will not be great and that the maximal effect of the experiment is relatively small. We base these expectations on the general stability of attitudes toward political institutions, and on the fact that the experimental stimuli were not strongly or exclusively associated with the Pennsylvania Supreme Court. Furthermore, unlike many experiments, the “effect” of the treatment is measured several weeks after exposure to the ad stimuli. Thus, finding any effect of these ads on Court support is noteworthy.

than before¹², but those not exposed to politicized content increased their court support the most.

[PLACE FIGURE 3 ABOUT HERE]

However, these weak results reflect to a considerable degree the lack of variation among those shown election-related videos. The difference in change means between those seeing one of the three judicial conditions and those exposed to the neutral video is significant at $p = .003$ ($N = 1392$) for the count variable. Those shown the control ad became more supportive of the Supreme Court (mean = .50, standard deviation = 1.58); those shown one of the politicized videos also became more supportive of the Supreme Court (mean = .21, standard deviation = .22), but their support increased at a lesser rate. None of these differences is at all large (the maximum eta observed is .08), but the evidence does suggest at least a slight, enduring effect of the campaign material on attitudes toward the Pennsylvania Supreme Court.

We also note that the differences across the three politicized versions are entirely insignificant ($p = .776$). Moreover, no difference whatsoever exists between those seeing videos depicting attack ads and those seeing the PACleanSweep speech. Perhaps that is not surprising in that these materials are both fairly negative and to some degree shrill. But it is surprising that the difference between these two conditions and the more conventional ad depicting endorsements is trivial and not statistically significant.¹³ It seems that almost irrespective of content, seeing an ad about candidates for judicial offices depresses the growth in court support that seems to normally occur over the course of an election cycle.

These findings suggest that countervailing forces may be at work in judicial elections. Elections by themselves seem to generate more support for the judiciary. Our suspicion is that as courts become more salient during the election period, there is a natural tendency for support to grow, owing largely to the positivity effect posited by Gibson and Caldeira (forthcoming). We do not know if support for other

¹² These results are not, of course, attributable to attrition effects since the analysis is based upon respondents interviewed in all three wave of the survey.

¹³ Nor is the difference between Pennsylvania-based ads and ads from other states statistically significant.

political institutions is enhanced by elections, but courts do some to profit by their periodic encounters with voters.

As the same time, however, some judicial campaign materials seems to counteract this tendency for support to increase. The positivity effect of being exposed to judicial symbols is dampened by the association of courts with ordinary politics. The effect is not great, and not great enough to neutralize entirely the positive consequences of exposure to the judiciary. And, at least from the variety of materials shown in the experiment, the effect does not seem to be connected to negative attacks, even attacks of a fairly tawdry nature. We suspect that the message of most ads is that “courts are the same as other political institutions,” a message that tarnishes support based on the presumption that the judiciary is a non-political branch of government. From the point-of-view of maintaining institutional support, the paradox is that getting the attention of the people is good for courts, but that getting attention may require strong advertisements, and strong advertisements do not contribute to the growth in court support.

Conditional Effects

Our failure to find large, direct consequences of exposure to the these materials does not, of course, prelude a finding that the materials had different effects on different portions of the population. For instance, one hypothesis posits curvilinearity: Perhaps those with pre-existing strong support for the Court were little moved by the content, but those with only a marginal commitment to the judiciary were more negatively affected. Similarly, those already knowledgeable about politics are most likely unmoved by the information provided in political material. These conditional hypotheses require some further investigation.

Table 3 reports the effects of the experimental manipulations conditional upon the respondent’s level of political knowledge. Note that the excluded category in this analysis is the control condition, so that all of coefficients associated with the manipulations are comparing the manipulation with the control.

We in fact discover that knowledge makes a difference: The Coefficients of Determination for the equations across the three levels of court knowledge¹⁴ are .08, .09, and .16, respectively.¹⁵ This indicates that the experiment had the greatest impact on those high in knowledge of the Court. Indeed, the analysis reveals that among those with limited political knowledge (scored “low” or “medium” in the table), the effects of the experiments were quite small and did not achieve statistical significance.¹⁶ Among the bulk of the population, these materials had little influence on attitudes toward judicial legitimacy.

[PLACE TABLE 3 ABOUT HERE]

Among the most knowledgeable Pennsylvanians, the content did indeed detract from judicial legitimacy. Noteworthy is the finding that the traditional endorsement ad had essentially no consequences for legitimacy, whereas the strong attack ads and the PACleanSweep statement deflated Court support (although still, of course, within the context of increasing support among all groups). Figure 4 reports these results. Although not statistically different from the PACleanSweep condition, the miscellaneous attack ads seemed to have the greatest impact on support. In general, and contrary to the hypothesis, the most knowledgeable citizens were most strongly affected by the material.

[PLACE FIGURE 4 ABOUT HERE]

Why were the campaign materials objectionable to the most knowledgeable Pennsylvanians? While answering this question fully is outside the scope of this paper, our suspicion is that the most knowledgeable citizens are most likely to view the judiciary as distinctive, as to some degree “non-political,” and therefore that the content violates the expectations of these people. Less knowledgeable people are more likely to view courts as just another political institution (see Gibson and Caldeira 2007), and therefore the materials are not jarring and do not require any rethinking of one’s understandings of

¹⁴ Because so few respondents scored at the lowest level of the knowledge index, we collapsed them with those scoring at one on the summary measure.

¹⁵ The coefficients for the average numbers of supportive answers are .08, .09, and .16, respectively.

¹⁶ Note that the coefficient for the non-attacking endorsement among those with medium levels of political knowledge is significant at .060.

courts. As Gibson has argued (2008b), the degree to which ads damage institutional legitimacy is determined both by the content of the ads and by the expectations citizens hold.

DISCUSSION AND CONCLUDING COMMENTS

This paper constitutes our initial foray into the Pennsylvania survey data, and as a consequence, there is much we do not fully understand about the influence of campaign activity on the attitudes of citizens. A few tentative conclusions can nonetheless be drawn.

First, elections seem to enhance judicial legitimacy. We understand the process in much the same way as Gibson and Caldeira (forthcoming): Whenever citizens pay attention to judicial institutions they are exposed to the symbols of law and courts, symbols that teach the lesson that “courts are different.” Thus, elections are beneficial to courts because they are one means by which citizens are exposed to the judiciary and receive reinforcement of their views.¹⁷

Second, however, not all campaign activity enhances legitimacy. Among those exposed to any sort of politicized campaign activity, including ads portraying the traditional mode of reporting endorsements from political groups, the growth in institutional support was lessened. We reiterate, however, that even fairly scandalous campaign activity failed in our experiment to generate a net loss in judicial legitimacy. Indeed, those viewing the worst form of campaign content still increased their support for the Pennsylvania Supreme Court, and, we emphasize, this is even true among the most knowledgeable citizens.

Within the general population, we found practically no difference across various types of campaign materials: The ferocious attacks by PACleanSweep had no more deleterious effects than endorsement ads. But among the most knowledgeable portion of our sample, a distinction was seen

¹⁷ We do not know whether all judicial elections have this effect. We can imagine that citizens view retention elections as sham elections (or that they do not view them at all, given their extremely low salience) and therefore that no salutary effects flow from this type of balloting.

between those exposed to highly politicized material and those viewing the endorsement ads. This leads us to suspect that citizens vary in where they “draw the line” in terms of the appropriateness of campaign activity (see Gibson forthcoming). As Gibson and Caldeira have reported (2006) based on a national sample, not all Americans subscribe to a “myth of legality” that sees judges as mechanical jurisprudes doing little more than operating syllogisms in order to decide cases.

To the extent that the American people have their way, elections for state judges are here to stay. With elections, candidates will campaign, and campaign tactics that are successful will likely be emulated. Success, in turn, will not be forthcoming if candidates violate the normative expectations of citizens. Understanding this complex mixture of expectations, perceptions, and understandings and evaluations of courts will clearly require a great deal of additional research on courts and their constituents.

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APPENDIX A: DESCRIPTIONS OF THE MATERIAL USED IN THE EXPERIMENT

Control: No Judicial/Political Content

00-00:28 SLATE With your support city schools can be great schools. It's happening across America. City schools are making real progress, thanks to hard work, parental involvement, committed teachers and real accountability. And our city schools will keep getting better if we stand together and support them. Find out how you can help.

00:30 Girl # 1: You got tested?

00:34 Girl # 2: [Nods yes]

00:36 Girl # 1: Does your Mom know?

00:39 Teacher: okay everyone...

00:40 Girl # 2: shhhhh....not now

00:41 Teacher: We got the results back, and you've all tested....into advanced calculus class!

00:48 sound: [class applause]

00:50 Announcer: Challenging courses, safe schools and top notch teachers. Kids are succeeding in America's city schools. What did you expect?

00:58 dip to black

01:02 kid Thanks for my new schoolbook....

01:04 kid Thank you for the new computers.

01:06 kid Thank you for Miss Hodges.....

01:08 announcer It's happening across America, city schools making real progress

01:12 kid Thank you for a safe place to learn

01:14 kid Thanks for Mr. Martinez

01:16 kid It takes involved parents, committed teachers and real accountability, but most of all it takes us - the people of our cities working together - Lets help all our children succeed.

01:28 kid Thank you for our future

[AD CONCLUDES]

Miscellaneous Attack Ads

00-00:01 female announcer: On Georgia's Supreme Court liberal Carol Hunstein has made a habit of ignoring laws she doesn't like.

00:07 male announcer: Hunstein substituted her preferences on capitol punishment for those who made the law

00:11 female announcer: Carol Hunstein also voted to throw out evidence that convicted a cocaine trafficker. Her colleagues overruled her

00:18 male announcer: Hunstein even ignored extensive case law and overruled a jury to free a savage rapist

00:24 female announcer: If liberal Carol Hunstein wants to make laws.....

00:28 male announcer : she should run for the legislature instead of judge.

00:30 video dip to black

NEW SPOT

00:31 female announcer: In 2003 circuit judge Bill Cunningham tried to make six rapists eligible for parole. One had been out on parole for only twelve hours when he raped a fourteen year old and made her mother watch.

00:41 female announcer: Bill Cunningham already tried to reduce their sentences but our Supreme Court said NO

00:43 female announcer: Bill Cunningham said it was folly and a blatant injustice to keep these rapists in prison

00:48 female announcer: Judge Rick Johnson believes that a life sentence means a life sentence

00:52 female announcer: please.....vote for Rick Johnson for Justice on the Supreme Court.

00:58 video dip to black

NEW SPOT

01:00 female announcer: On gambling the difference is clear...as finance director Drayton Nabors fought against the gambling bosses

01:06 female announcer: and Sue Bell Cobb

01:08 voice on tape: "Did you really take money from the gambling bosses and if so why?"

01:11 Cobb on TV: "umm...I am not sure what they're talking about there to be perfectly frank"

01:17 female announcer: Here's what we're talking about...thousands from the casino bosses

01:22 Cobb on TV: "I am totally....uh.....just mesmerized about that"

01:26 female announcer: so are we. Sue Bell Cobb....too liberal for Alabama

NEW SPOT

01:30 tv announcer: Another political tv ad gets yanked from the airwaves....

01:34 male announcer : Drayton Nabors' last ad was false....and his new ad.

01:38 male announcer: It's false too. Drayton Nabors, backed by a million dollars of oil money for negative tv ads, he wouldn't sign the campaign ethics pledge

01:46 male announcer : and the paper called him shameful. See the real interview with Judge Cobb

01:54 voice on TV: how the slander never would have happened if he hadn't started it I definitely going to vote for....

01:57 Cobb on TV: thank you

01:58 male announcer: and then vote for a real Judge

Non-Attacking Ads, Endorsements

00:01-00:24	graphics	Judge Debra Todd for Pennsylvania Supreme Court
NEW SPOT		
00:30	male announcer:	In the race for the supreme court Judge Mike Krancer has earned the endorsement of the Republican State Committee of Pennsylvania
00:36		a conservative who opposed legislating from the bench Judge Mike Krancer is endorsed by the NRA and attorney general Tom Corbett
00:43		The Pennsylvania state bar also recommends Judge Mike Krancer saying he is scholarly, thoughtful, hard working and passionate about the law
00:52		family man, community leader, a candidate for Supreme Court who didn't receive the 2005 pay raise - Judge Mike Krancer for Supreme Court
NEW SPOT		
01:00-01:08	male announcer:	Our symbol of justice is a woman, but in 280 years a Democratic woman has never been elected to the Pennsylvania Supreme Court
01:09	male announcer :	Until now
01:10	Debra Todd"	My name is Debra Todd, my dad worked in a steel mill in Alaquippa. He taught me the importance of hard work, the value of faith and the difference between right and wrong.
01:20	male announcer:	In Debra Todd's 25 years practicing law and on our Superior Court these values have earned her respect across the state
01:28	male announcer :	A wife mother and Democrat on the Supreme Court? After 280 years it's about time
NEW SPOT		
01:30	graphics:	Cheryl Allen Pennsylvania superior court.....

Vote No, PACleanSweep

00:05	graphic	
00:06	Russ Diamond:	just let me say this about the judicial pay raise otherwise known as the judicial swindle.
00:12		just because it's been deemed legal doesn't make it right....after all how was it deemed legal in the first place?
00:21		we all know the judges pushed for a pay raise. The top judge in the state had secret meetings behind closed doors with the other

00:33 two branches of government to get the pay raise
Judges filed the challenges to the pay raise repeal and who made
the ultimate decision on whether it was legal?

00:42 Judges

00:43 The twisted pay raise decision by the Supreme Court and the fact
that every single judge in the state has benefited from it is the
first issue every Pennsylvanian needs to consider

00:56 They might call PA Clean Sweep a threat to judicial
independence....they might point to experience and the prospect
of losing it from the courts as a negative side effect

01:10 but if that's true are they also saying that the judges just elected
in 2003, 2005, and who will be elected in 2007 are unfit for
service

01:23 and they might claim that there'll be an unacceptable vacuum if
we vote out 67 of them all at once.

01:30 but folks there's never been a shortage of candidates for judicial
seats and there never will be.

01:35 People will line up around the block to get these jobs. Here's the
final thing and something that every Pennsylvanian needs to
understand

01:45 Judges may decide the law, but it's the people who decide who
the judges are

01:54 Vote no on November sixth, vote no every time

Table 1. Loyalty Toward the Pennsylvania State Supreme Court, 2007, Wave 1

Item	Level of Diffuse Support			Mean	Std. Dev.	N
	Percentage					
	Not Supportive	Uncertain	Supportive			
<i>Do Away with the Court</i>	15.0%	19.9%	65.0%	3.77	1.17	3981
<i>Majority View of Constitution is Most Important</i>	31.3%	21.8%	46.9%	3.27	1.26	3979
<i>Remove Judges Who Decide Against Majority</i>	29.1%	29.0%	41.9%	3.18	1.19	3977
<i>Reduce Right to Decide Issues</i>	24.1%	35.5%	40.4%	3.24	1.08	3982
<i>Make Court Less Independent</i>	37.6%	24.1%	38.3%	3.04	1.27	3972
<i>Court Gets Too Mixed Up in Politics</i>	46.9%	43.9%	9.3%	2.48	0.89	3979

Note: Data are shown for all respondents in wave 1 of the interview.

The questions asked are:

If the Pennsylvania Supreme Court started making a lot of decisions that most people disagree with, it might be better to do away with the Supreme Court altogether. (Disagree)

The Pennsylvania Supreme Court may have its ideas about what the constitution means, but more important is what the majority of people think the constitution means. (Disagree)

Judges of the Pennsylvania Supreme Court who consistently make decisions at odds with what a majority of the people in the state want should be removed from their position as judge. (Disagree)

The right of the Pennsylvania Supreme Court to decide certain types of controversial issues should be reduced. (Disagree)

The Pennsylvania Supreme Court ought to be made less independent so that it listens a lot more to what the people want. (Disagree)

The Pennsylvania Supreme Court gets too mixed up in politics. (Disagree)

Table 2. Loyalty Toward the Pennsylvania State Supreme Court, 2007, Wave 3

Item	Level of Diffuse Support			Mean	Std. Dev	N
	Percentage					
	Not Supportive	Uncertain	Supportive			
<i>Do Away with the Court</i>	12.0%	18.9%	69.2%	3.87	1.08	1889
<i>Majority View of Constitution is Most Important</i>	23.9%	23.3%	52.7%	3.45	1.17	1886
<i>Remove Judges Who Decide Against Majority</i>	22.1%	28.1%	49.8%	3.41	1.13	1888
<i>Reduce Right to Decide Issues</i>	21.2%	32.5%	46.4%	3.36	1.06	1889
<i>Make Court Less Independent</i>	29.7%	24.4%	45.9%	3.26	1.21	1884
<i>Court Gets Too Mixed Up in Politics</i>	51.2%	38.6%	10.3%	2.46	0.88	1889

Note: Data are shown for all respondents in wave 3 of the interview.

The questions asked are:

If the Pennsylvania Supreme Court started making a lot of decisions that most people disagree with, it might be better to do away with the Supreme Court altogether. (Disagree)

The Pennsylvania Supreme Court may have its ideas about what the constitution means, but more important is what the majority of people think the constitution means. (Disagree)

Judges of the Pennsylvania Supreme Court who consistently make decisions at odds with what a majority of the people in the state want should be removed from their position as judge. (Disagree)

The right of the Pennsylvania Supreme Court to decide certain types of controversial issues should be reduced. (Disagree)

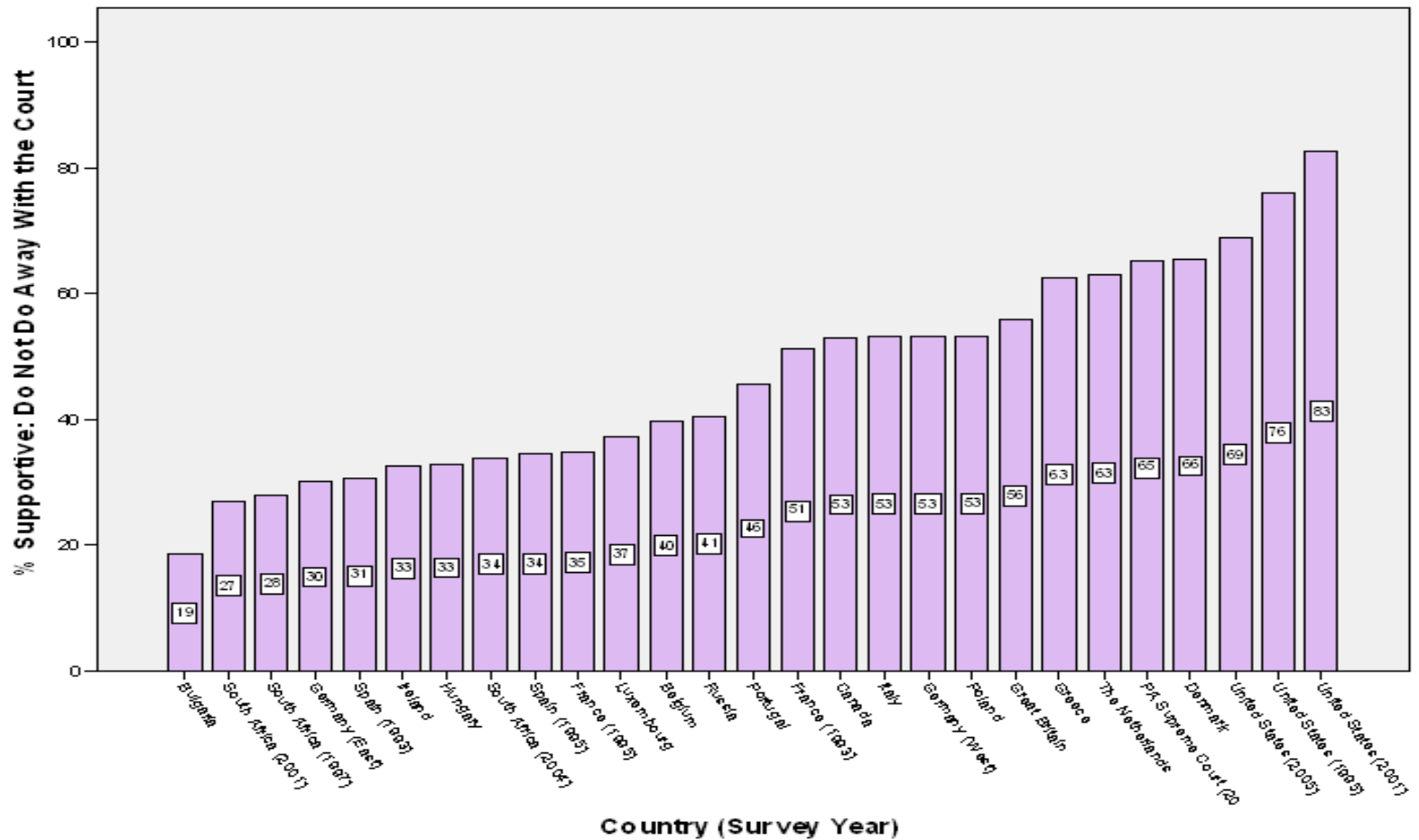
The Pennsylvania Supreme Court ought to be made less independent so that it listens a lot more to what the people want. (Disagree)

The Pennsylvania Supreme Court gets too mixed up in politics. (Disagree)

Table 3: The Conditional Effect of Political Knowledge

	Level of Knowledge		
	Low	Medium	High
Manipulation			
Miscellaneous Attack Ads			
b (s.e.)	.06 (.24)	-.30 (.22)	-.54 (.16)
Beta	.02	-.08	-.17***
Vote No, PACleanSweep			
b (s.e.)	-.08 (.22)	-.31 (.21)	-.47 (.16)
Beta	-.02	-.09	-.15**
Non-Attacking Endorsements			
b (s.e.)	-.30 (.24)	-.41 (.22)	-.13 (.16)
Beta	-.08	-.11	-.04
Intercept	.27	.48	.68
Standard Deviation – Dependent Variable	1.56	1.59	1.37
Standard Error of Estimate	1.56	1.59	1.35
R	.08	.09	.16***
N	347	468	579
* p < .05 ** p < .01 *** p < .001			

Figure 1: Cross-National Variability in Support for High Courts, Do Not Do Away with the Institution



Note: Most of these data are taken from Gibson, Caldeira, and Baird 1998, Table 4, p. 340. When not otherwise indicated, the data are taken from surveys conducted in the period 1993 – 1995. For a few countries, more than a single survey is available; for these, the year of the survey indicated in the country caption. The Canadian data are taken from Fletcher and Howe 2000; the South African data are from Gibson forthcoming.

Figure 2. Univariate Distribution of Change in Average Support of the Pennsylvania Supreme Court

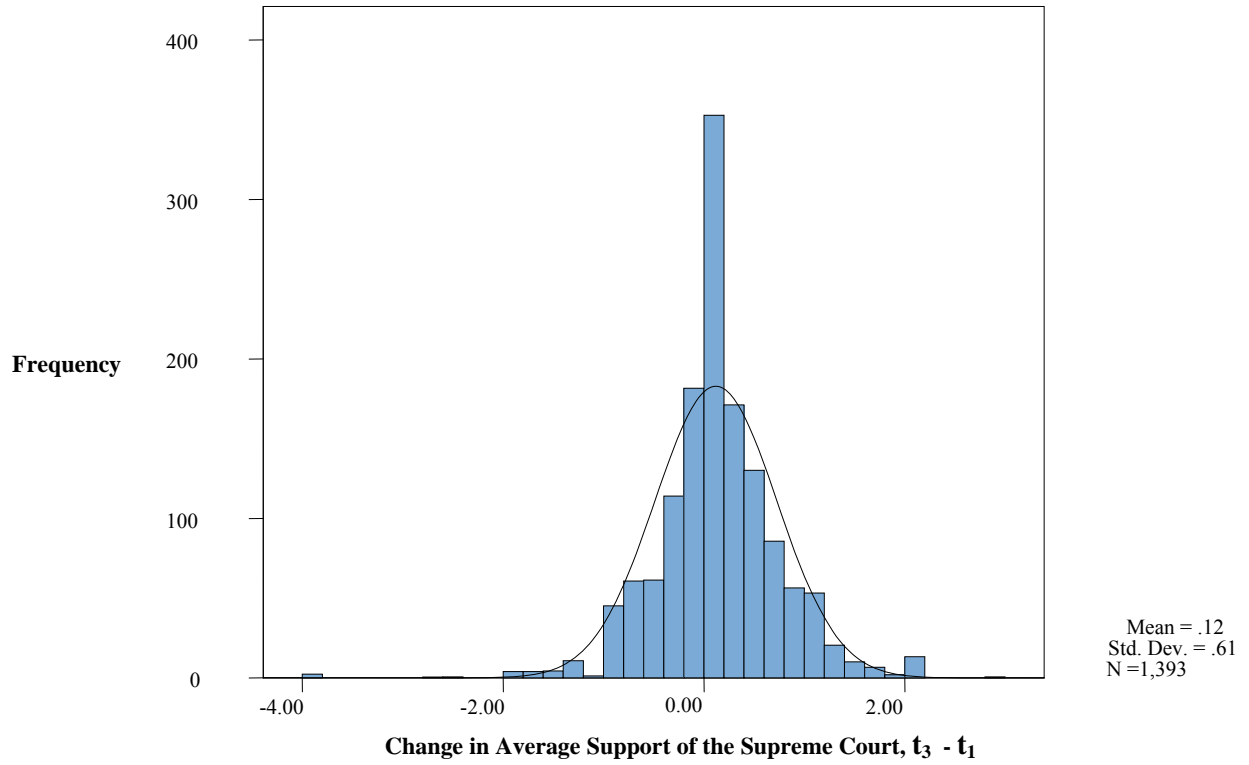
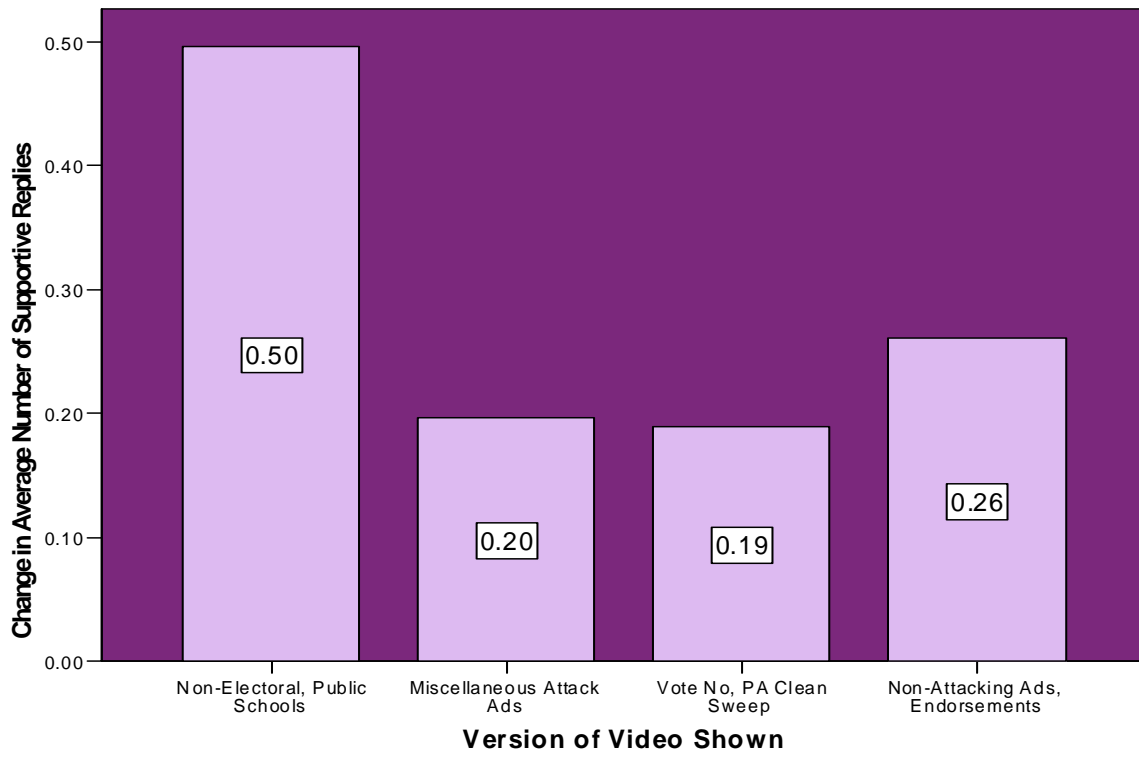


Figure 3. Results from the Video Experiment



Eta = .08, p = .026, N \approx 1400

Figure 4. Results of the Experiment among Those with Highest Court Knowledge

