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Understanding the United States Constitution and the Supreme Court: A Survey of New Jerseyans

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Introduction*

Many national surveys have found that the American public knows startlingly little about the United States Constitution and the Supreme Court. A frequently cited 1989 survey found 71% of respondents unable to name a single justice on the Court, while 54% were able to identify Judge Wapner as the judge on the television show, "The People's Court."[1] More recently, the Annenberg Public Policy Center's 2011 Civics Knowledge Survey found that only 15% of those surveyed correctly named John Roberts as Chief Justice of the Supreme Court, while almost twice as many correctly named Randy Jackson as a judge on *American Idol*.[2] Only 38% of respondents could name all three branches of the U.S. government and barely half knew that a two-thirds majority vote by Congress is needed to overturn a presidential veto.[3]

Surveys that focus on teens' knowledge of the Constitution have reported especially dismal results. A survey conducted by the National Constitution Center in 1998, for

* The authors wish to thank John Froonjian (Senior Research Associate, William J. Hughes Center for Public Policy), Daniel J. Douglas (Director, William J. Hughes Center for Public Policy) and the staff of the Stockton Polling Institute for their assistance in designing and conducting our survey. We also appreciate the invaluable research assistance of Michael P. Kelly, Stockton University, Class of 2014.

[1] Richard Morin, "Wapner v. Rehnquist: No Contest; TV Judge Vastly Outpolls Justices in Test of Public Recognition." *The Washington Post* June 23,1989, A21.

[2] *New Annenberg Survey Asks: "How Well Do Americans Understand the Constitution?"* The Annenberg Public Policy Center of the University of Pennsylvania, accessed March 4, 2015, http://www.annenbergpublicpolicycenter.org/new-annenberg-survey-asks-how-well-do-americans-understand-the-constitution/.

[3] *Ibid*.

example, compared teens' knowledge of the Constitution to their knowledge of pop culture. More respondents could name the Three Stooges than could name the three branches of government (59% to 41%) and many more knew Will Smith played the Fresh Prince of Bel-Air than knew the Chief Justice of the Supreme Court (94.7% to 2.2%).[4]

This and other evidence of public ignorance of the Constitution led Congress in 2004 to commemorate the September 17, 1787 signing of the Constitution by designating September 17th of each year as Constitution Day and to mandate that all educational programs receiving federal funding and all governmental offices provide educational programs about the Constitution on this date.[5] Championed by the late Senator Robert C. Byrd of West Virginia, the law seeks to promote a better understanding of the Constitution through educational programs and activities.

Yet, while widespread, the perception of mass public ignorance of the Supreme Court is not shared by all researchers. Some argue that citizens are more likely to know about court decisions that directly affect their community.[6] Others argue that the public appears to pay greater attention to the Supreme Court during periods of highly salient controversies.[7] Especially noteworthy is recent research arguing that low levels of

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[4] *More Teens Can Name Three Stooges Than Can Name Three Branches of Government.* The National Constitution Center, last modified September 2, 1998, http://constitutioncenter.org/media/files/survey-1999-stooges.pdf

[5] Consolidated Appropriations Act, 2005, Dec. 8, 2004, 118 Stat. 2809, 3344-45 (section 111).

[6] Valerie J. Hoekstra, "The Supreme Court and Local Public Opinion." *American Political Science Review* 94 (2000):89-100; Valerie J. Hoekstra, *Public Reaction to Supreme Court Decisions (*New York: Cambridge University Press, 2003).

[7] Gregory A. Caldeira and Charles E. Smith Jr.,"Campaigning for the Supreme Court: The Dynamics of Public Opinion on the Thomas Nomination," *The Journal of Politics* 58 (1996): 655-81; James G. Gimpel and Robin M. Wolpert, "Opinion-holding and Public Attitudes toward Controversial Supreme Court Nominees," *Political Research Quarterly* 49 (1996): 163-76.

knowledge about the Court are vastly overstated, resulting from the use of open-ended questions that are too demanding in their requirements for correct answers and provide no frame of reference for respondents.[8]

With this background in mind, in fall 2014, working with the Stockton University Polling Institute, we designed a survey that was conducted by telephone with 806 New Jersey residents aged 18 and older. Our survey focused on the following areas: public knowledge of the Supreme Court and the Constitution; potential sources of that knowledge; public opinion of the Court and levels of engagement of respondents in voting and Court-related activities. In asking questions in these areas, we sought to evaluate the respondents' depth of knowledge of the Court and the Constitution, to assess where New Jerseyans get that information and determine what factors and sources lead to increased knowledge. We also sought to assess the political implications of higher knowledge of the Court and the Constitution. We asked mainly open-ended questions, but also included some close-ended questions so as to assess whether the form of the question influenced results. This report summarizes and analyzes the results of the survey and concludes with some brief recommendations and reflections.

Summary of Survey Results

A copy of survey questions and detailed results is contained in Appendix A. This section presents a brief overview of the survey results.

[8] James L. Gibson and Gregory A. Caldeira, "Knowing the Supreme Court? A Reconsideration of Public Ignorance of the High Court," *The Journal of Politics* 71 (2009): 429-41.

Knowledge of the Court and the Constitution: Respondents demonstrated high levels of knowledge on some questions:

- Most New Jerseyans (85%) knew that our Constitution can be amended.
- 75% of respondents correctly identified the precise process for amending it (a two-thirds vote of the House and Senate and ratification by three-fourths of the states).
- An overwhelming majority (nearly 80%) knew that when our Constitution was adopted it did not ban slavery.
- 75% of respondents correctly identified the process by which Justices get onto the Supreme Court (nomination by the President with confirmation by a majority of the U.S. Senate).

On a number of other questions, however, respondents demonstrated low levels of knowledge:

- More than half of New Jerseyans (54%) could not name a single Supreme Court Justice (those justices most frequently named were Sonia Sotomayor (13%), John Roberts (12%) and Antonin Scalia (11%)).
- 62% of respondents did not know how many justices (nine) serve on the Supreme Court.
- Only 26% were able to name John Roberts as the Chief Justice (46% could correctly identify him from a list that included his name).
- 60% were under the misimpression that our Constitution was amended to guarantee explicit protection against discrimination based on sex (in fact, the Equal Rights Amendment has never been added to our Constitution).
- Only 52% identified the Judiciary as the branch of the federal government that has the power to declare state and federal laws unconstitutional. Notably, 24% were unsure or did not know; 6% believed the Executive branch could do so and 18% believed the Legislature could do so.
- Only 56% knew that decisions by the Supreme Court cannot be appealed to the President of the United States for review and reversal; 32% of respondents believed this is possible and 12% were not sure or did not know.
- 60% knew that the first ten amendments to the U.S. Constitution are called the Bill of Rights, but 35% were not sure or did not know and 5% stated an incorrect answer.
- 29% of respondents identified freedom of speech as one of the freedoms guaranteed by the First Amendment; 22 % identified freedom of religion; 20% identified freedom of assembly and 20% identified freedom of the press. 10 % of New Jersey adults could not name or were not sure about what freedoms are guaranteed by the First Amendment.

Sources of Knowledge about the Court and the Constitution:

<u>Courses</u>

- A majority (56%) of respondents (62% of whom attended K-12 school entirely in New Jersey) reported that they had never taken a course about the Constitution or the Supreme Court.
- Among those respondents (a total of 350) who had taken a course or courses about the Constitution and the Supreme Court, nearly 93% received instruction in high school, 60% in elementary or middle school, 60% as undergraduate students and 33% as graduate students.

Media Sources and Activities related to Court

- A significant number (34%) of respondents rely upon television as their "main way of getting information" about the Supreme Court; 22% rely upon newspapers, 21% on websites, 7% on social media and 6% on radio.
- More than a quarter (28%) of respondents attended a Constitution Day event.
- A third of respondents also participated in activities related to Supreme Court decision-making: 33% reported listening to an audio recording of a Supreme Court oral argument; 33% listened or watched confirmation hearings of Supreme Court justices; and 34% said they have read a Supreme Court opinion.
- Similarly, a third of respondents took field trips related to the Court and the Constitution; 37% reported visiting the Supreme Court in Washington, D.C. and 35% visited the National Constitution Center in Philadelphia.

Interest in Politics and Media Sources

- A strong majority of respondents (78%) follow what is happening in government or politics either most (49%) or some (29%) of the time.
- Half of respondents rely on television as their main source for news about government and politics; print or online newspapers ranked second at 28% and 7% depend on radio news.
- Among television news consumers, the majority rely on cable news (45%) or network news (36%).
- Among print/online newspaper consumers, 62% read national newspapers and 35% depend on local newspapers.

Voting Behavior

- 84% of respondents reported voting in the 2012 Presidential election.
- 67% reported voting in New Jersey's 2013 U.S. Senate election.
- Large numbers believe that a presidential candidate's position on Supreme Court appointments is either very important (45%) or somewhat important (37%).
- Similarly, 77% regard a U.S. Senate candidate's position concerning appointments to the Supreme Court as either very important (38%) or somewhat important (39%).

Public Opinion of the Supreme Court

- Most respondents believe the Court is doing a "fair" (38%) or "good" (35%) job. Only 5% believe the Court is doing an "excellent" job, while 17% rank the justices' job performance as "poor."
- Perceptions regarding the main influences on how the justices decide cases were mixed. A plurality (39%) of those polled believe that the justices are influenced by their own personal or political views. Others (22%) believe they decide based on legal analysis, while 20% believe the justices are influenced by political pressure and 12% percent cited public opinion as the main influence.
- Respondents were divided on which branch of government best serves the public interest: 24% cited the Legislative branch; 26% cited the Executive branch and 28% cited the Judiciary.
- Most respondents disagreed with the current practice of having Supreme Court justices serve lifetime appointments. Nearly half (47%) believe justices should be appointed for only a specific number of years and 30% believe there should be a mandatory retirement age.

Analysis of Results

Open-ended vs. Close-ended Questions

Consistent with findings of other studies, our respondents tended to do better on close-ended questions – i.e., those in which respondents were given the correct answer as one of several possible answers—than they did on open-ended questions. Other studies using close-ended questions have found levels of knowledge about the Supreme Court similar to those found in responses to close-ended questions in our survey. Using close-ended questions, a 2005 survey found that 65% of respondents could correctly identify the appointment process for justices, and 57% knew that Supreme Court decisions cannot be appealed.[9] Using similar close-ended questions, our study had comparable, but slightly

[9] Gibson and Caldeira, "Knowing the Supreme Court?" 433-34.

higher correct responses with 75% correctly identifying the appointment process and 56% knowing that decisions cannot be appealed.

To further test the influence of open- vs. close-ended questions, on two questions 100 respondents received an open-ended question, while others received a close-ended question on the same topic. Consistent with prior research,[10] our respondents did considerably better on the close-ended questions. The first question asked respondents about the appointment process. Among the 100 receiving the open-ended question, only 37% gave an answer demonstrating knowledge that the president selects the appointee and Congress confirms the appointment. Of the others who were given the correct response along with four incorrect responses to choose from, 75% chose the correct response. The second question asked about the primary method by which the Constitution has been amended. Of the 100 given the open-ended question, only 15% reported that Congress must vote and the states must ratify, while fully 75% chose the correct response when it was included along with three incorrect responses. Overall, our findings suggest that while few have detailed knowledge of the Supreme Court and Constitution memorized and ready to report on the spot, many know the correct answer when they hear it. Moreover, as Professors Gibson and Caldeira have concluded, close-ended questions seem to provide a more reasonable, sounder, and perhaps fairer, approach to this kind of survey research than the use of demanding open-ended questions that require the recall of factual information.[11]

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[10] *Ibid*.

[11] *Ibid*. 432.

Knowledge of Process vs. Names and Numbers

Researchers have distinguished between different types of political knowledge and argued that some knowledge is more valuable for democratic citizenship than others.[12] For our purpose, the distinction between knowledge of political processes vs. knowledge of names and numbers is important. One could argue that knowledge of names and numbers (e.g., who the Chief Justice is and how many justices there are on the Supreme Court) is less important for democratic citizenship than knowing the political processes (e.g., how justices are selected), which are necessary for informed political behavior. For example, knowing that justices are appointed by the president may inform one's voting decision in presidential elections, while knowing who the Chief Justice is provides less in terms of civic capital.

While respondents to our survey did fairly poor on names and numbers questions (only 26% could name the Chief Justice), they did quite well on most of the process questions. As discussed above, 75% of respondents identified the process by which justices are selected, 56% knew that Supreme Court decisions cannot be appealed, 85% knew that the Constitution can be amended, and 75% of those who knew the Constitution can be amended knew the process by which amendments are made. However, only 52% of respondents knew which branch of government decides legislation is unconstitutional, a fairly low percentage given the importance of this political process. Also, disturbingly, nearly 60% of respondents were under the misimpression that our Constitution was previously amended to guarantee explicit protection against sex-based discrimination. This lack of core constitutional knowledge means that these respondents would be

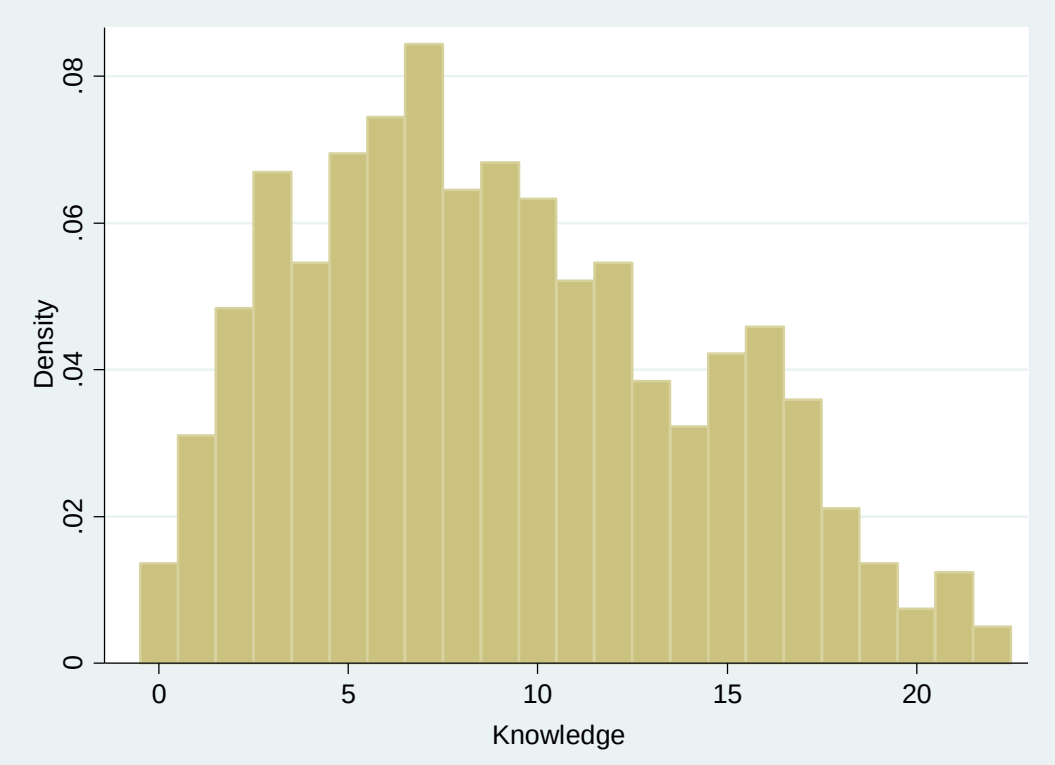
[12] E.g., Delli Carpini, Michael X., and Scott Keeter, *What Americans Know about Politics and Why it Matters* (New Haven: Yale University Press, 1996).

unmotivated to participate in ongoing efforts to amend our Constitution to add that protection to it.

A Knowledge Index

Using responses to our 12 knowledge questions, a Knowledge Index was constructed by coding each correct answer as 1 and summing. Incorrect and "don't know" responses are coded 0. Each of the nine justices named and each of the four freedoms named are coded as a separate 1. This results in a measure of knowledge that ranges from 0 to 22 with higher values indicating greater knowledge. The Knowledge Index distribution is reported in Figure 1. The mean score for the index is 9.0 with a standard deviation of 5.1. Roughly 50% of respondents scored 8 or lower and 81% of respondents scored 14 or lower. Four respondents scored the maximum of 22.

Figure 1



Correlates of Knowledge

Education

We now turn to an examination of what characteristics are correlated with our Knowledge Index. We first examine whether a New Jersey education is correlated with level of knowledge about the Constitution and Supreme Court and find that the mean score on our index is 8.7 for respondents who did all or most of their education in New Jersey, while the mean for those who did all or most of their education elsewhere is 9.4. This difference is statistically significant at the $p < .05$ level, though the difference is not substantive.

While the state in which one went to school does not seem to matter a great deal, what one studies in school is highly correlated with levels of knowledge. Those reporting having a course which discussed the Constitution or Supreme Court in either elementary school, high school, or college have a mean score of 11.1, while those who did not have a course on the topic have a mean score of 7.4, a difference that is both statistically and substantively significant. Finally, those with higher levels of education scored, on average, higher on our knowledge index. Those with less than a high school degree, a high school degree, some college, a four-year degree, and some graduate school had mean knowledge scores of 2.3, 6.6, 7.6, 10.2, and 11.8, respectively.

News Media

Table 1 reports the linear regression results where respondents' primary news source is used to predict their level of knowledge of the Supreme Court and Constitution. Coefficients for each news source represent the expected change in knowledge (an increase in all cases) for each source compared to someone who does not follow the

news. We find that those who get their news from the radio score on average 6 points higher than those who do not follow the news. Those getting their news from the internet score on average 4.4 points higher. Those getting their news from television score about 2 points higher. Those getting their news from newspapers score about 3.6 points higher. Those getting their news from a source not listed ("other") score about 3.8 points higher. No statistically significant effect is found for those getting their news from magazines or social media. Overall, getting news about the Supreme Court and Constitution from the radio, internet, and newspapers has the largest positive effect on levels of knowledge, while the effect of other sources and television are more modest. This finding is consistent with previous research finding scant coverage of the Supreme Court in television news.[13]

Table 1: Effect of News Source for Supreme Court and Constitution on Knowledge

New Source	Coefficient (Standard Error)
Radio	6.02 (1.00)**
Internet	4.39 (0.83)**
Television	2.02 (0.79)*
Newspaper	3.59 (0.82)**
Magazine	1.81 (1.60)
Social Media	0.83 (1.02)
Other	3.81 (1.38)*
Constant	6.02 (0.73)**

* $p < .01$, ** $p < .001$

A second question asked respondents where they get their news regarding general information about government and politics. Table 2 reports the results of a regression predicting our Knowledge Index using responses to this question. Those getting their news from the radio and newspapers have the highest knowledge scores. Those getting

[13] Elliot E. Slotnick and Jennifer A. Segal, *Television News and the Supreme Court: All the News That's Fit to Air?* (New York: Cambridge University Press, 1995).

their news from the internet, blogs, "other," and comedy shows also do better than those who do not follow the news, though the effect of these sources are somewhat smaller than the effects of radio and newspapers. Those getting their general political news from television have the most modest expected increase in knowledge.

Table 2: Effect of News Source for Government and Politics

New Source	Coefficient (Standard Error)
Radio	6.67 (1.02)**
Internet	4.41 (1.28)**
Television	2.43 (0.82)**
Newspaper	5.63 (0.85)**
Blogs	4.84 (1.26)**
Comedy Shows	3.83 (1.23)**
Other	4.53 (1.65)**
Constant	5.29 (0.78)**

- $p < .01$, ** $p < .001$

Extent of News Exposure

We measured how often respondents follow government by asking them to select one of four answers--"most of the time," "some of the time," "only now and then," and "not at all." As expected, those who follow government and politics more have greater knowledge than those who follow government and politics less. Those who report following government and politics "most of the time" or "some of the time" have mean knowledge scores of 10.6 and 8.3, respectively, while those following government and politics "only now and then" or "not at all" have scores of 5.8 and 3.5, respectively.

We also asked respondents how many hours they follow the news, giving them choices of "less than one hour," "one or two hours," "three to five hours," "six to ten hours," and "more than ten hours." Mean knowledge scores for these responses are 6.4, 8.7, 10.0, 10.7, and 11.8, respectively. Thus, as we would expect, those who follow the

news more often have, on average, greater knowledge about the Supreme Court and Constitution than those who follow the news less.

Engagement with the Court

We asked respondents several questions about their level of engagement with the Court. These include questions asking (1) whether they attended a Constitution Day event, (2) listened to a recording of an oral argument, (3) read a Court opinion, (4) watched or listened to a confirmation hearing, (5) visited the National Constitution Center in Philadelphia, or (6) visited the Supreme Court in Washington D.C.. Table 3 reports the mean knowledge scores for respondents who report being engaged in these activities ("Yes") or not ("No"). In parentheses are the number of respondents reporting engagement or not. As we would expect, for all questions, respondents reporting having engaged in these activities, on average, score higher on our Knowledge Index than those who report not having engaged in them. For each activity, those who have been engaged score about two points higher. It is likely that these questions are subject to social desirability effects, where respondents know that it is socially more desirable to have been engaged in these activities and, consequently, are more likely to be dishonest, reporting that they have been engaged when they in fact have not. This likely explains (1) numbers of engagement much higher than we expected and (2) differences in knowledge scores lower than we expected.

Table 3: Engagement with Court and Knowledge

Activity	No	Yes
1. Constitution Day Event	8.4 (570)	10.5 (236)
2. Oral Argument	8.2 (531)	10.6 (275)
3. Read Opinion	8.5 (519)	10.0 (287)
4. Confirmation Hearing	8.2 (529)	10.5 (277)
5. Nat. Const. Center	8.2 (518)	10.5 (288)
6. Visited Sup. Court	8.0 (504)	10.8 (302)

Voting

We now consider how knowledge of the Supreme Court and Constitution are correlated with voter participation. The mean score on the knowledge index for those reporting having voted in the 2012 election is 9.5, compared to a mean score of 5.9 for non-voters. Likewise, the mean score for those reporting having voted in the 2013 New Jersey special election is 9.9, compared to a mean score of 6.9 for non-voters. Both differences are statistically significant at the $p < 0.05$ level. Clearly, those with greater knowledge of the Supreme Court and Constitution are more likely to vote than those with lower levels of knowledge. This finding is consistent with other research that documents that a higher level of political knowledge in general is a strong predictor of voting.[14] In this regard, a national survey conducted after the 2012 election by the Center for Information & Research on Civic Learning & Engagement (CIRCLE), found that the young people who did not vote lagged far behind peer voters in their political knowledge.[15]

In assessing the implications of higher knowledge for voting behavior, we were surprised to find that those who knew the appointment process for justices were not more likely to consider presidential or senatorial candidates' positions on the Supreme Court in

[14] Carpini, Michael X. & Keeter, 226-227.

[15] The Center for Information & Research on Civic Learning & Engagement, "High School Civic Education Linked to Voting Participation and Political Knowledge, No Effect on Partisanship or Candidate Selection," accessed March 4, 2015, http://www.civicyouth.org/high-school-civic-education-linked-to-voting-participation-and-political-knowledge-no-effect-on-partisanship-or-candidate-selection/

their voting decisions than those who did not understand the key role of the President and Senate in selection of justices.

Opinions of the Court

Finally, we consider how knowledge of the Supreme Court and Constitution are correlated with opinions of the Court. We found no correlation, however. The mean knowledge score for those reporting that the Court is doing an excellent job or a good job is 9.0 and 8.7, respectively, while the mean score for those reporting that the Court is doing a fair job or a poor job is 9.1 and 9.4, respectively. This finding is inconsistent with previous research that found greater knowledge of the Court is associated with stronger loyalty toward the institution.[16]

Summary and Implications of Findings

Whether levels of knowledge of the Supreme Court and Constitution are "high enough" is a subjective question, and as scholars who believe civic knowledge is a keystone to a healthy democracy, we would always want levels of knowledge to be higher. However, the findings regarding levels of knowledge of the Court and Constitution among New Jerseyans are mixed. As discussed above, for many of our knowledge questions, New Jerseyans have higher levels of knowledge than most studies of the American public. Moreover, consistent with prior research, when respondents were presented with close-ended questions in which they are given the opportunity to choose the correct response from a list including several wrong answers, they did much better than when they were asked to recall the correct answer from their memory. Likewise, New Jerseyans did considerably better on questions regarding political processes related

[16] Gibson and Caldeira, "Knowing the Supreme Court?" 433-34.

to the Court and Constitution, which arguably are more important for responsible citizenship than knowing the names of justices, what the first 10 amendments to the Constitution are called, and how many justices are on the Supreme Court. That said, we are disheartened by lower levels of knowledge about the First Amendment, the lack of an Equal Rights Amendment, and the relatively few respondents able to identify the Judicial Branch as the branch that decides whether legislation is unconstitutional.

Regarding the correlates of knowledge, our findings are for the most part consistent with those of other studies. Those with higher levels of education and education that includes a civics course tend to know more about the Supreme Court and Constitution. Similarly, those who follow the news more often and get their news from sources that tend to have higher quality news (e.g., newspapers) tend to know more about the Supreme Court and Constitution. Those with higher knowledge also tend to have higher levels of engagement with the Court and are more likely to vote than those with lower levels of knowledge. However, inconsistent with prior research, we found that those with higher levels of knowledge were no more approving of the job of the Supreme Court than those with lower levels of knowledge.

Finally, we will note that we have been careful not to make causal statements regarding levels of knowledge because our data do not allow us to do so. For example, it is possible that those who have greater exposure to political news learn more about the Supreme Court and Constitution because they learn about them from the news. It is also possible that those with higher levels of knowledge are simply drawn to watch more news and do not learn any more as a result of greater news exposure. Similarly, it may be that those who are more engaged with the Court (e.g., visiting the National Constitution

Center or the Supreme Court itself) learn more as a result of this engagement, but it is also possible that those who know more about the Court are simply drawn to greater engagement because of their interest in the Court. Thus, while we are able to identify important correlates of knowledge of the Supreme Court and Constitution, we are not able to say with certainty that these correlates are causes or consequences of that knowledge, or just spuriously correlated.

Recommendations

As discussed above, although New Jerseyans demonstrated high levels of knowledge on some important process questions, on many other questions, their knowledge of basic information about the Constitution and the Supreme Court fell short. While it is beyond the scope of this report to offer specific policy recommendations, we offer here some brief observations on initiatives and activities that might enhance public knowledge and understanding of the Court and the Constitution. We have also identified some specific resources for learning and teaching about the Court and Constitution, but our list is not intended to be exhaustive.

1. Enhance Citizen Education

Our survey showed that New Jerseyans who had courses that discussed the Constitution and the Court, had significantly higher levels of knowledge on these subjects. Thus, adding high quality curriculum about the Court and the Constitution at all levels of education is desirable.[17] Likewise, given the high numbers of New Jerseyans

[17] For a general overview of civic education requirements throughout the United States as of fall 2012, see Surbhi Godsay, Whitney Henderson, Peter Levine and Josh Littenberg-Tobias, "State Civic Education Requirements," The Center for Information & Research on Civic Learning & Engagement, accessed March 4, 2015, http://www.civicyouth.org/wp-

who rely upon television, and, in particular, cable news as their main source of information about politics and government and the Supreme Court, in particular, enhancing classroom instruction on media literacy so as to strengthen students' ability to critically analyze and evaluate information from all media sources is also advisable.[18]

In addition to in-class learning, expanding awareness of educational opportunities related to the Constitution that take place outside the classroom is also important. The statutory mandate for educational programs related to the Constitution on September 17th has dramatically increased the number of such events at K-12 and post-secondary schools. At Stockton University, for example, over the past decade the University has hosted major keynote speakers on constitutional issues (including Nina Totenberg, Anita Hill, Jeffrey Rosen and Nadine Strossen) and sponsored events such as a theatrical reading of the Constitution and debates and dialogues on controversial constitutional issues.

The New Jersey Center for Civic Education and the New Jersey State Bar Foundation offer a variety of Constitution-related educational activities for K-12 students. These include the Center's *We the People: The Citizen and the Constitution* for

content/uploads/2012/10/State-Civic-Ed-Requirements-Fact-Sheet-2012-Oct-19.pdf. While we do not take a position on the advisability of mandating instruction on the Constitution, we note that some states have done this. See Karen M. Kedrowski, "Civic Education by Mandate: A State-by-State Analysis." *PS: Political Science & Politics*, 36(2) (2003): 225-227 (discussing states that require study of American Government or the Constitution for students enrolled in public institutions of higher education).

[18] See Laura Stein and Anita Prewett, "Media Literacy Education in the Social Studies: Teacher Perceptions and Curricular Challenges" *Teacher Education Quarterly* Social Studies Teacher Education: Dare We Teach for Democracy? 36 (2009): 131-148 (reporting on the results of a survey of a group of social studies teachers seeking to integrate media literacy into their classrooms).

high school students, a simulated congressional hearing in which students demonstrate their knowledge and understanding of constitutional principles.[19]

In Philadelphia, the National Constitution Center, the only museum in America established by Congress to "disseminate information about the United States Constitution on a non-partisan basis in order to increase the awareness and understanding of the Constitution among the American people," features historical artifacts and a variety of interactive exhibits about the Constitution and regularly hosts debates and lectures by leading scholars on constitutional issues.[20] The Constitution Center offers field trip planners and other supportive materials for teachers who want to bring students and youth groups to the museum.

Visiting the Supreme Court itself is also an option for school groups and individuals. The Supreme Court offers a variety of educational opportunities, including tours, courtroom lectures by trained docents, a visitors' film and special exhibitions on the history of the Court, the Justices and the work of the Court. Court sessions are open to the public on a first-come, first-served basis.[21]

Innovative new web-based sources also provide important resources for younger students to learn about the Constitution and the Supreme Court. We note, in particular,

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[19] For additional information, see the New Jersey Center for Civic Education's website: http://civiced.rutgers.edu/wethepeople.html The New Jersey Bar Foundation sponsors mock trial competitions for K-12 students: http://www.njsbf.org/educators-and-students/programs.html

[20] For additional information, see the National Constitution Center's website: http://constitutioncenter.org

[21] For additional information, see the United States Supreme Court's website: http://www.supremecourt.gov

iCivics, an online civic education platform founded in 2009 by Justice Sandra Day O'Connor "to reinvigorate[e] civic learning through interactive and engaging learning resources."[22] The iCivics website offers a variety of educational materials related to the Constitution, including games, interactive modules, curriculum units and lesson plans. Researchers have favorably evaluated the efficacy of iCivics tools for producing gains in civic knowledge and skills.[23]

2. Expand Support for Teacher Education and Professional Development for Teaching about the Constitution

Supporting teachers' ability to teach effectively about the Constitution and the Supreme Court is also obviously very important. A variety of legal and civic organizations offer professional development opportunities focused on deepening teachers' knowledge of the federal courts and the Constitution. We note, in particular, the Supreme Court Summer Institute for Teachers, sponsored by Street Law and the Supreme Court Historical Society in which participants spend six days on Capitol Hill and inside the Supreme Court learning about the Court, its past and current cases and how

[22] The iCivics website is at: https://www.icivics.org

[23] E.g., Kei Kawashima-Ginsberg, "Summary of Findings from the Evaluation of iCivics' Drafting Board Intervention," December 2012, The Center for Information & Research on Civic Learning & Engagement Working Paper #76, accessed March 4, 2014, http://www.civicyouth.org/wp-content/uploads/2012/12/WP_76_KawashimaGinsberg.pdf (finding that iCivics' Drafting Board "is an effective intervention that has a significant and positive impact on students' argumentative skills development"); Karon N. LeCompte, Brandon L. Moore and Brooke Blevins, "The Impact of iCivics on Students' Core Civic Knowledge." *Research in the Schools* 18 (2011): 58-74 (finding statistically significant gains in mean test scores from pretest to posttest especially among younger students who played iCivics games and concluding "the iCivics curriculum likely has a positive effect on student learning of core civics knowledge and understanding"). Additional studies are summarized on the iCivics website.

to teach about them from Supreme Court experts.[24] As part of the James Madison Fellowship program, the James Madison Memorial Fellowship Foundation sponsors a Summer Institute on the Constitution for those selected as Fellows.[25] The American Bar Association's Division on Public Education also offers a summer institute for teachers that focuses on deepening participants' knowledge of the role of the federal judiciary in key public controversies.[26] In the New Jersey/Philadelphia region, the National Constitution Center[27], the New Jersey State Bar Foundation[28] and the New Jersey Center for Civic Education[29] offer professional development opportunities for teachers related to the Constitution and the Bill of Rights. Enhancing awareness of these and other

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[24] Additional information is available at: http://www.streetlaw.org/en/events/CalendarEvent/129/2015_Supreme_Court_Summer_Institute_for_Teachers.

[25] Information about the James Madison Fellowship program, established by Congress in 1986 for the purpose of improving teaching about the United States Constitution in secondary schools, is available at: http://www.jamesmadison.gov/eligibility.php

[26] Additional information is available at: http://www.americanbar.org/groups/public_education/initiatives_awards/summer_institute_for_teachers.html

[27] Information about the National Constitution Center's Constitutional Scholars Summer Teacher Institute (offered with the Annenberg Public Policy Center of the University of Pennsylvania and the Rendell Center for Civics and Civic Engagement and) is available at: http://www.arcadia.edu/continuing-studies/default.aspx?id=8589941224&utm_source=3.5+Local+Educator+E-Newsletter&utm_campaign=3.5.2015+Local+Educators&utm_medium=email (accessed March 5, 2015)

[28] The New Jersey Bar Foundation offers an annual Law-Related Education Conference for New Jersey teachers. Additional information is available at: http://www.njsbf.org/educators-and-students.html

[29] Additional information is available at: http://civiced.rutgers.edu/professionaldev.html

programs and increasing funding for teachers to avail themselves of them is recommended.

Support for teachers is also available in classrooms through the Marshall-Brennan Constitutional Literacy Project. Named in honor of the late United States Supreme Court Justices Thurgood Marshall and William J. Brennan, Jr., the project mobilizes the talent of second and third-year law students throughout the country to teach courses on constitutional law and juvenile justice in public high schools. In New Jersey, law students at Rutgers School of Law-Camden teach Constitutional Law to high school students in Camden.[30]

Finally, the statutory Constitution Day mandate has resulted in the proliferation of high quality teaching materials related to the Constitution, the Bill of Rights and the Court that are available for free online. These materials, which include curriculum units, lesson plans, videos and original sources, are available from multiple sources, including the Library of Congress[31], the National Archives[32], the Annenberg Foundation Trust at Sunnylands[33] and the National Constitution Center.[34] The New Jersey Bar Foundation

[30] Additional information about Rutgers Law School's Marshall-Brennan Constitutional Literacy Project is available at: https://camlaw.rutgers.edu/cgi-bin/course-description.cgi?class=784

[31] Available at: http://www.loc.gov/law/help/usconlaw/index.php

[32] Available at: http://www.archives.gov/exhibits/charters/constitution.html

[33] Available at: http://www.sunnylandsclassroom.org

[34] Georgetown Law School's "Guide to Constitution Day" lists books, journal articles and internet sources: http://www.law.georgetown.edu/library/research/guides/constitutionday.cfm

offers *The Legal Eagle,* a free newspaper for middle school students, as well as a variety of other free publications related to the Constitution and the Bill of Rights.[35]

3. Enhance Public Access to Information about the Supreme Court's Proceedings and Decision-making

In recent years, the Supreme Court has slowly implemented changes to increase public access to its proceedings and decision-making. The Court's opinions and orders are posted and available free on its website (www.supremecourt.gov). Beginning with the October 2000 Term, the Court made transcripts of oral arguments available free to the public and, starting in October 2010, the audio recordings of all arguments heard by the Court were made available free to the public on the Court's website.[36] Recordings of many past oral arguments are available on the Oyez Project website (www.oyez.org). In his 2014 Year-End Report on the Federal Judiciary, Chief Justice Roberts announced that the Supreme Court is currently working to make all filings at the Court, including petitions for certiorari and responses to petitions, merits briefs, and all other motions and applications, available without cost on the Court's website.[37] Although these changes are not expected to be operational until 2016 at earliest, petitions, merits briefs and *amicus curiae* briefs filed in many Supreme Court cases are currently available to the public online without cost through various other websites. In particular, we note that the

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[35] Additional information is available at: http://www.njsbf.org/images/content/1/1/11565.pdf

[36] The Supreme Court first began recording oral arguments in 1955. For a more detailed history of the Supreme Court's treatment of these recording, see David M. O'Brien, *Storm Center: The Supreme Court in American Politics,* 10th ed. (New York: Norton, 2014) 124-128.

[37] Chief Justice John Roberts Jr. "2014 Year-End Report on the Federal Judiciary," accessed March 4, 2015, http://www.supremecourt.gov/publicinfo/year-end/2014year-endreport.pdf

website, SCOTUSblog (www.scotusblog.com) posts petitions, briefs, opinions and both audio recordings and transcripts of oral arguments as well as scholarly commentary on leading Supreme Court cases.[38] While only a small percentage of the American public will likely take the time to read Supreme Court materials or to listen to oral arguments, enhancing access to these items for citizens who desire to do so, is a positive development.

Some scholars have argued that the Supreme Court's public proceedings (oral arguments and announcements of its decisions) should be broadcast live.[39] Although open to the public, seating is limited and very few individuals can attend in person. Professor Erwin Chemerinsky argues that broadcasting arguments would help citizens understand the issues before the Court, the judicial process and the Court itself.[40] Others have expressed concern that cameras in the Supreme Court might cause lawyers and justices "to play to the cameras" or that the media might broadcast excerpts that "offer a misleading impression of arguments and the Court."[41] A majority of the current justices, including Justices Kagan and Sotomayor who had previously expressed support for cameras in the Court, oppose the idea.[42] Although there was strong bipartisan backing for

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[38] The American Bar Association also posts merits and *amicus curiae* briefs for cases pending before the Court: http://www.americanbar.org/publications/preview_home/alphabetical.html The Supreme Court's website gives guidance on where to find briefs in subscription databases and through internet sources: http://www.supremecourt.gov/oral_arguments/briefsource.aspx

[39] E.g., Erwin Chemerinsky, *The Case Against the Supreme Court*, (New York: Viking, 2014), 317-320.

[40] *Ibid.* 317-318.

[41] *Ibid*. 318-319.

[42] O'Brien, *Storm Center*, 126.

the introduction of cameras in both the Supreme Court and the lower federal courts when a House Judiciary subcommittee recently considered the matter, the bill under consideration would simply *authorize* the Chief Justice to allow the Court's proceedings to be televised, but would not *mandate* it.[43] Thus, while worthy of strong consideration, absent a change of heart by the justices themselves, it is unlikely that Supreme Court proceedings will be televised in the near future.

Finally, it is noteworthy that although the justices have resisted cameras in the courtroom, in recent years they have been more willing to speak with audiences outside the narrow legal world of lawyers, judges and law students. Interviews with the news media and appearances at public events for non lawyers, such as book tours, are now more common than in the past.[44] For example, during the period between 1998 and 2007, the justices made nearly 400 appearances on C-SPAN.[45] Appearances such as these may play a role in enhancing public knowledge about the Court and its role in our democracy.

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[43] Amy Howe, *Congress Again Considers Cameras in the Courtroom – including at the Supreme Court*, SCOTUSblog, last modified Dec. 4, 2014, 10:16 AM, http://www.scotusblog.com/2014/12/congress-again-considers-cameras-in-the-courtroom-including-at-the-supreme-court/

[44] Baum, Lawrence, *The Supreme Court*, 11th ed. (Thousand Oaks, CA: CQ Press) 17-19.

[45] *Ibid. 17.*

APPENDIX A

Constitution Poll Data and Summaries

Where did you attend school for grades K to 12:				
	Frequency	Percent	Valid Percent	Cumulative Percent
All or mostly in New Jersey	515	62.2	62.2	62.2
All or mostly outside of New Jersey	259	31.3	31.3	93.5
Or half in New Jersey and half somewhere else?	54	6.5	6.5	100.0
Total	827	100.0	100.0	

The majority of New Jersey adults (62 percent) attended school (grades K to 12) entirely in the state of New Jersey. An additional 7 percent attended New Jersey schools for at least of half of their schooling. Alternatively, 31 percent of the adults participating in this poll attended K to 12 schools outside of the state of New Jersey.

Q1. Have you ever taken a course or courses that included instruction about the Supreme Court and the U.S. Constitution?				
	Frequency	Percent	Valid Percent	Cumulative Percent
YES	350	42.3	42.3	42.3
NO	466	56.3	56.3	98.6
NOT SURE/DON'T KNOW	11	1.4	1.4	100.0
Total	827	100.0	100.0	

Q2. Please tell me whether or not you received instruction about the Supreme Court and the Constitution in each of the following levels of school: Elementary or middle school.				
	Frequency	Percent	Valid Percent	Cumulative Percent
YES	211	25.6	60.2	60.2
NO	115	13.9	32.7	92.9
NOT SURE/DON'T KNOW	25	3.0	7.1	100.0
Total	351	42.5	100.0	
Missing	476	57.5		
Total	827	100.0		

Q3. Please tell me whether or not you received instruction about the Supreme Court and the Constitution in each of the following levels of school: High school.

	Frequency	Percent	Valid Percent	Cumulative Percent
YES	327	39.5	92.9	92.9
NO	21	2.6	6.1	99.0
NOT SURE/DON'T KNOW	3	.4	1.0	100.0
Total	351	42.5	100.0	
Missing	476	57.5		
Total	827	100.0		

Q4. Please tell me whether or not you received instruction about the Supreme Court and the Constitution in each of the following levels of school: Undergraduate college

	Frequency	Percent	Valid Percent	Cumulative Percent
YES	133	16.1	59.6	59.6
NO	82	9.9	36.8	96.4
NOT SURE/DON'T KNOW	8	1.0	3.6	100.0
Total	223	27.0	100.0	
Missing	604	73.0		
Total	827	100.0		

Q5. Please tell me whether or not you received instruction about the Supreme Court and the Constitution in each of the following levels of school: Graduate school

	Frequency	Percent	Valid Percent	Cumulative Percent
YES	39	4.7	33.3	33.3
NO	76	9.2	65.0	98.3
NOT SURE/DON'T KNOW	2	.2	1.7	100.0
Total	117	14.1	100.0	
Missing	710	85.9		
Total	827	100.0		

A majority of New Jersey adults have never taken a course or courses about the Supreme Court and the United States Constitution. Among the 350 adults who have been taught about the Supreme Court and the U.S. Constitution, 93 percent received instruction in high school, 60 percent in elementary or middle school and 60 percent as undergraduate students. A smaller percentage of respondents (33 percent) took courses related to the Supreme Court and U.S. Constitution in graduate school.

Q6. Which one of the following sources is your main way of getting information about the Supreme Court's latest rulings or other news about the current Court:				
	Frequency	Percent	Valid Percent	Cumulative Percent
Radio	49	6.0	6.0	6.0
Websites	171	20.7	20.7	26.6
Television	277	33.5	33.5	60.1
Newspapers	185	22.3	22.3	82.4
Magazines	11	1.4	1.4	83.8
Social Media	60	7.3	7.3	91.0
Some other source	19	2.3	2.3	93.3
Or do you not get any information ever about Supreme Court rulings?	48	5.8	5.8	99.1
NOT SURE/DON'T KNOW	8	.9	.9	100.0
Total	827	100.0	100.0	

A significant number of New Jersey adults rely on television as their "main way of getting information" about Supreme Court rulings and news. Statewide, 34 percent say they count on television news, 22 percent depend on newspapers, 21 percent on websites and 7 percent on social media. Only 6 percent of those polled rely on radio and an additional 6 percent reportedly do not consume any media about the Supreme Court.

Q7. Please tell me whether or not you have ever participated in each of the following activities: Attended a Constitution Day event.				
	Frequency	Percent	Valid Percent	Cumulative Percent
YES	228	27.6	27.6	27.6
NO	596	72.1	72.1	99.6
NOT SURE/DON'T KNOW	3	.4	.4	100.0
Total	827	100.0	100.0	

Q8. Please tell me whether or not you have ever participated in each of the following activities: Listened to an audio recording of an oral argument in the Supreme Court.				
	Frequency	Percent	Valid Percent	Cumulative Percent
YES	273	33.0	33.0	33.0
NO	551	66.6	66.6	99.6
NOT SURE/DON'T KNOW	3	.4	.4	100.0
Total	827	100.0	100.0	

Q9. Please tell me whether or not you have ever participated in each of the following activities: Read a Supreme Court opinion.				
	Frequency	Percent	Valid Percent	Cumulative Percent
YES	282	34.1	34.1	34.1
NO	536	64.8	64.8	98.9
NOT SURE/DON'T KNOW	9	1.1	1.1	100.0
Total	827	100.0	100.0	

Q10. Please tell me whether or not you have ever participated in each of the following activities: Watched or listened to Supreme Court confirmation hearings.				
	Frequency	Percent	Valid Percent	Cumulative Percent
YES	271	32.7	32.7	32.7
NO	553	66.8	66.8	99.6
NOT SURE/DON'T KNOW	4	.4	.4	100.0
Total	827	100.0	100.0	

More than a quarter of New Jersey adults interviewed for this poll have participated in activities related to the Constitution or the Supreme Court. Twenty eight percent have attended a Constitution Day event; 33 percent have listened to an audio recording of Supreme Court oral argument; 33 percent have watched or listened to the confirmation hearings of Supreme Court justices; and, 34 percent said they have read a Supreme Court opinion.

Q11. Please tell me whether or not you have ever participated in each of the following activities: Visited the National Constitution Center in Philadelphia.				
	Frequency	Percent	Valid Percent	Cumulative Percent
YES	288	34.8	34.8	34.8
NO	523	63.2	63.2	97.9
NOT SURE/DON'T KNOW	17	2.1	2.1	100.0
Total	827	100.0	100.0	

Q12. Please tell me whether or not you have ever participated in each of the following activities: Visited the Supreme Court in Washington D.C.				
	Frequency	Percent	Valid Percent	Cumulative Percent
YES	304	36.7	36.7	36.7
NO	513	62.0	62.0	98.7
NOT SURE/DON'T KNOW	11	1.3	1.3	100.0
Total	827	100.0	100.0	

Similar to levels of participation in activities related to the Supreme Court, close to a third of New Jersey adults participating in this state-wide poll have also taken field trips to institutions associated with the federal judiciary and Constitution. Thirty seven percent have visited the Supreme Court in Washington, D.C. and, 35 percent have visited the National Constitution Center in Philadelphia.

Q13. Would you say you follow what is going on in government and politics most of the time, some of the time, only now and then, or not at all?				
	Frequency	Percent	Valid Percent	Cumulative Percent
MOST OF THE TIME	403	48.7	48.7	48.7
SOME OF THE TIME	243	29.4	29.4	78.1
ONLY NOW AND THEN	145	17.5	17.5	95.6
OR NOT AT ALL	36	4.4	4.4	100.0
Total	827	100.0	100.0	

As far as interest in government and politics is concerned, a considerable majority (78 percent) of New Jersey adults follow what is happening in government and politics either most of the time (49 percent) or some of the time (29 percent). Only 4 percent of adults don't pay any attention to political news while 18 percent reported being attentive "only now and then."

Q14. Which one of the following is your main source of news about government and politics?				
	Frequency	Percent	Valid Percent	Cumulative Percent
TV news	411	49.7	51.9	51.9
Print or online newspaper	222	26.8	28.0	80.0
Political blog	26	3.2	3.3	83.3
Radio	56	6.8	7.1	90.4
Comedy shows	27	3.3	3.4	93.8
Or some other source? (SPECIFY)	11	1.4	1.4	95.3
OTHER SOURCE: Websites	25	3.0	3.2	98.4
NOT SURE/DON'T KNOW	12	1.5	1.6	100.0
Total	791	95.6	100.0	
Missing	36	4.4		
Total	827	100.0		

Nearly half of New Jersey adults turn to television as their main source for news about government and politics. Print and online newspapers ranked as the second most popular media resource at 28 percent. Seven percent of New Jersey adults listen to radio programming for news about government and politics while political blogs, comedy shows, and websites round out the poll with approximately three percentage points in each category.

Q14A. Is that from [TV news]:				
	Frequency	Percent	Valid Percent	Cumulative Percent
Broadcast network TV news	147	17.8	36.0	36.0
Local TV news	68	8.2	16.7	52.7
Or cable TV news?	185	22.4	45.2	97.9
NOT SURE/DON'T KNOW	8	.9	1.9	99.8
REFUSE	1	.1	.2	100.0
Total	410	49.5	100.0	
Missing	418	50.5		
Total	827	100.0		

Among television news consumers, the majority rely on cable news (45 percent) or network news (36 percent) for timely information about government or politics. Only 17 percent of the roughly four hundred TV news watchers polled rely on local TV news.

Q14B. Is that from [Print or online newspaper]:				
	Frequency	Percent	Valid Percent	Cumulative Percent
National newspaper	134	16.2	62.1	62.1
Or a local newspaper?	75	9.0	34.8	96.8
NOT SURE/DON'T KNOW	7	.8	3.2	100.0
Total	215	26.0	100.0	
Missing	612	74.0		
Total	827	100.0		

Those who rely on print and online newspapers for information about politics and government largely read national newspapers (62 percent) while 35 percent depend on local newspapers.

Q14C. Is that from [Radio]:				
	Frequency	Percent	Valid Percent	Cumulative Percent
Radio news programs	34	4.1	60.6	
Or talk radio?	22	2.7	39.4	
Total	56	6.8	100.0	
Missing	771	93.2		
Total	827	100.0		

While only 7 percent of adults polled depend on radio as their "main source" of news about government and politics, 60 percent of those individuals listen to radio news programs and 39 percent turn to talk radio.

Q15. Including all of your sources of political news, about how many hours per week do you watch, listen to, or read about political views?				
	Frequency	Percent	Valid Percent	Cumulative Percent
Less than one hour	159	19.2	20.0	20.0
One or two hours	246	29.8	31.0	51.1
Three to five hours	213	25.7	26.8	77.9
Six to 10 hours	113	13.7	14.3	92.2
More than 10 hours	56	6.8	7.1	99.3
NOT SURE/DONT'T KNOW	6	.7	.7	100.0
Total	794	96.0	100.0	
Missing	33	4.0		
Total	827	100.0		

In addition to news sources, New Jersey adults were asked about the amount of time they spend watching, listening to, or reading about politics. Thirty-one percent said they spend one to two hours per week and 27 percent spent three to five hours per week consuming politically oriented media. Twenty percent spend less than one hour per week consuming political news, 14 percent spend six to ten hours; and, close to 7 percent spend more than ten hours on political news per week.

Q16. Did you vote in the November 2012 presidential election?				
	Frequency	Percent	Valid Percent	Cumulative Percent
YES	695	84.0	84.0	84.0
NO	129	15.6	15.6	99.6
NOT SURE/DON'T KNOW	3	.4	.4	100.0
Total	827	100.0	100.0	

Q17. Did you vote in the November 2013 election for New Jersey U.S. Senate seat?				
	Frequency	Percent	Valid Percent	Cumulative Percent
YES	552	66.7	66.7	66.7
NO	264	31.9	31.9	98.6
NOT SURE/DON'T KNOW	11	1.4	1.4	100.0
Total	827	100.0	100.0	

An overwhelming majority of (84 percent) of poll respondents reported voting in the 2012 Presidential election and 67 percent voted in the 2013 election for New Jersey U.S. Senate seat.

Q18. How important is a presidential candidate's position on appointments to the U.S. Supreme Court in deciding your vote for president?				
	Frequency	Percent	Valid Percent	Cumulative Percent
Very important	371	44.8	44.8	44.8
Somewhat important	307	37.2	37.2	82.0
Not very important	98	11.9	11.9	93.9
Or not important at all	39	4.7	4.7	98.6
NOT SURE/DON'T KNOW	10	1.2	1.2	99.8
REFUSE	2	.2	.2	100.0
Total	827	100.0	100.0	

The New Jersey adults interviewed for this state-wide poll largely believe that a presidential candidate's position on appointments to the U.S. Supreme Court is very important (45 percent) or somewhat important (37 percent). Only 17 percent regard a presidential candidate's position on appointments to the U.S. Supreme Court as either not very important (12 percent) or not important at all (5 percent).

Q19. How important is a U.S. Senate candidate's position on appointments to the Supreme Court in deciding your vote for the Senate?

	Frequency	Percent	Valid Percent	Cumulative Percent
Very important	314	37.9	37.9	37.9
Somewhat important	322	39.0	39.0	76.9
Not very important	128	15.5	15.5	92.3
Or not important at all	45	5.4	5.4	97.7
NOT SURE/DON'T KNOW	18	2.2	2.2	99.9
REFUSE	1	.1	.1	100.0
Total	827	100.0	100.0	

Similarly, 77 percent of New Jersey adults regard a U.S. Senate candidate's position concerning appointments to the Supreme Court as either very important (38 percent) or somewhat important (39 percent). Only 21 percent said that a U.S. Senate candidate's position on Supreme Court appointments is not very important or not important at all.

Q20. How would you rate the job being done by the U.S. Supreme Court?

	Frequency	Percent	Valid Percent	Cumulative Percent
Excellent	39	4.7	4.7	4.7
Good	291	35.1	35.1	39.8
Fair	310	37.5	37.5	77.3
Or poor	138	16.7	16.7	93.9
NOT SURE/DON'T KNOW	48	5.9	5.9	99.8
REFUSE	2	.2	.2	100.0
Total	827	100.0	100.0	

As far as job performance is concerned, most New Jersey adults rank the U.S. Supreme Court as doing a "fair" (37.5 percent) or "good" job (35 percent). Only 5 percent believe the Court is doing an "excellent" job while 17 percent rank the justices' job performance as "poor."

Q21. Which one of the following do you think is the main influence in how current Supreme Court justices decide cases:				
	Frequency	Percent	Valid Percent	Cumulative Percent
They decide based on legal analysis	184	22.3	22.3	22.3
They are influenced by their own personal or political views	326	39.4	39.4	61.7
They are influenced by political pressure	165	19.9	19.9	81.6
Or they are influenced by public opinion?	101	12.3	12.3	93.9
NOT SURE/DON'T KNOW	50	6.0	6.0	99.9
REFUSE	1	.1	.1	100.0
Total	827	100.0	100.0	

Perceptions regarding how the Supreme Court justices decide cases are mixed. Twelve percent believe the justices' decision-making is influenced by public opinion while a plurality of those polled (39 percent) believe that decisions about Supreme Court cases are influenced by individual justice's personal or political views. Twenty-two percent think that the Supreme Court justice opinions are mainly based on legal analysis and 20 percent believe that political pressure is the main factor in how justices decide cases.

Q22. Which of the three branches of the federal government do you believe is best serving the public's interest?				
	Frequency	Percent	Valid Percent	Cumulative Percent
Judicial	233	28.2	28.2	28.2
Legislative	198	23.9	23.9	52.1
Executive	215	26.0	26.0	78.0
NOT SURE/DON'T KNOW	168	20.2	20.2	98.3
REFUSE	14	1.7	1.7	100.0
Total	827	100.0	100.0	

There is little consensus regarding which branch of government best serves the public's interest. Twenty four percent cite the Legislative branch, 26 percent the Executive branch and 28 percent the Judiciary. Notably, 20 percent of New Jersey adults said they were either not sure or didn't know which branch is best serving the public's interest.

Q23. The Supreme Court justices currently serve lifetime appointments, which means they serve until they choose to retire. Which one of the following best describes your opinion about Supreme Court terms:				
	Frequency	Percent	Valid Percent	Cumulative Percent
Justices should continue to serve life appointments	162	19.6	19.6	19.6
There should be a mandatory retirement age	250	30.2	30.2	49.8
Or they should be appointed for only a specific number of years	385	46.6	46.6	96.4
NOT SURE/DON'T KNOW	29	3.5	3.5	99.9
REFUSE	1	.1	.1	100.0
Total	827	100.0	100.0	

Opinions regarding terms limits for Supreme Court justice appointments were strong. Nearly half of New Jersey adults (47 percent) are of the opinion that Supreme Court justices should be appointed for a specific number of years and another 30 percent feel there should be a mandatory retirement age. Only 20 percent of those interviewed for this poll believe that Supreme Court justices should continue to serve lifetime appointments.

Q24.How many justices are on the United States Supreme Court?				
	Frequency	Percent	Valid Percent	Cumulative Percent
LESS THAN 9	130	15.7	15.7	15.7
9	317	38.3	38.3	54.0
MORE THAN 9	183	22.1	22.1	76.0
NOT SURE/DON'T KNOW	197	23.8	23.8	99.9
REFUSE	1	.1	.1	100.0
Total	827	100.0	100.0	

The majority of the New Jersey adults polled (62 percent) do not know how many justices serve on the Supreme Court. Similar to levels of instruction about and participation in activities related to the Supreme Court and the U.S. Constitution, 38 percent correctly responded that there are nine justices.

Q25. List as many Supreme Court justices as you can.				
	Frequency	Percent	Valid Percent	Cumulative Percent
JOHN G. ROBERTS, JR.	310	12.0	12.0	12.0
ANTONIN SCALIA	293	11.4	11.4	23.4
ANTHONY M. KENNEDY	145	5.6	5.6	29.0
CLARENCE THOMAS	218	8.5	8.5	37.5
RUTH BADER GINSBURG	278	10.8	10.8	48.3
STEPHEN G. BREYER	59	2.3	2.3	50.6
SAMUEL ALITO, JR.	102	4.0	4.0	54.5
SONIA SOTOMAYOR	338	13.1	13.1	67.7
ELENA KAGAN	63	2.4	2.4	70.1
NONE NAMED/NOT SURE/DON'T KNOW	760	29.5	29.5	99.6
REFUSE	10	.4	.4	100.0
Total	2576	100.0	100.0	

Q25A. List as many Supreme Court justices as you can. (As percentage of 827 weighted responses.)		
	Frequency	Percent
JOHN G. ROBERTS, JR.	310	37.5
ANTONIN SCALIA	293	35.4
ANTHONY M. KENNEDY	145	17.5
CLARENCE THOMAS	218	26.4
RUTH BADER GINSBURG	278	33.6
STEPHEN G. BREYER	59	7.1
SAMUEL ALITO, JR.	102	12.3
SONIA SOTOMAYOR	338	40.9
ELENA KAGAN	63	7.6
NONE NAMED	446	53.9
NOT SURE/DON'T KNOW	314	38.0
REFUSE	10	1.2
Total	827	

The three justices most frequently named by New Jersey adults interviewed for this poll include Sonia Sotomayor, John Roberts and Antonin Scalia. Justice Sotomayor was identified by 13 percent, Chief Justice Roberts was listed by 12 percent of respondents and Justice Scalia was identified by 11 percent of adults polled. The three justices *least* cited by the adults polled include Justice Stephen Breyer and Justice Elena Kagan who were listed by only 2 percent of respondents and Justice Samuel Alito who was identified by 4 percent. More than half (54 percent) of respondents could not name a single justice.

26. Who is the Chief Justice of the Supreme Court?				
	Frequency	Percent	Valid Percent	Cumulative Percent
JOHN G. ROBERTS, JR.	217	26.2	26.2	26.2
ANYONE ELSE NAMED	66	8.0	8.0	34.2
NOT SURE/DON'T KNOW	537	64.9	64.9	99.1
REFUSE	7	.9	.9	100.0
Total	827	100.0	100.0	

Q26A. Can you tell me if the Chief Justice of the Supreme Court is named in this list:				
	Frequency	Percent	Valid Percent	Cumulative Percent
YES	52	6.3	78.3	78.3
NO	8	1.0	12.5	90.8
NOT SURE/DON'T KNOW	6	.7	9.2	100.0
Total	66	8.0	100.0	
Missing	761	92.0		
Total	827	100.0		

Q26B. Please tell me which one is the Chief Justice. I'll read the list again.				
	Frequency	Percent	Valid Percent	Cumulative Percent
JOHN ROBERTS	24	2.9	45.6	45.6
ANYONE ELSE NAMED	28	3.4	54.4	100.0
Total	52	6.3	100.0	
Missing	776	93.7		
Total	827	100.0		

Q26C. Let me ask that question in a different way. Can you tell me if the Chief Justice of the Supreme Court is named in this list:				
	Frequency	**Percent**	**Valid Percent**	**Cumulative Percent**
YES	326	39.5	59.9	59.9
NO	74	8.9	13.5	73.5
NOT SURE/DON'T KNOW	141	17.1	26.0	99.5
REFUSE	3	.4	.5	100.0
Total	545	65.8	100.0	
Missing	283	34.2		
Total	827	100.0		

Q26D. Please tell me which one is the Chief Justice. I'll read the list again.				
	Frequency	**Percent**	**Valid Percent**	**Cumulative Percent**
JOHN ROBERTS	115	13.9	34.5	34.5
ANYONE ELSE NAMED	192	23.2	57.6	92.1
NOT SURE/DON'T KNOW	26	3.2	7.9	100.0
Total	334	40.3	100.0	
Missing	494	59.7		
Total	827	100.0		

This series of questions (Q26-Q26D) was designed to learn whether or not Chief Justice John Roberts was identified or if his name was recognized by New Jersey adults. The first question (Q26) asked respondents to *name* the Chief Justice and 26 percent of those interviewed were able to do so.

(Q26A)
Individuals who named *someone other than the Chief Justice* in Q26 were asked to *identify* whether or not the Chief Justice was named in a list read by the Stockton Polling Institute interviewer. The list included John Roberts.

(Q26B)
Individuals who believed the Chief Justice was named during Q26A were then asked to *identify* which name on the list belonged to the Chief Justice. Forty-six percent identified the correct name.

(Q26C)
Individuals who were *not sure* or replied *they did not know who the Chief Justice was* in response to Q26 were asked to *identify* whether or not the Chief Justice was named in a list read by the

Stockton Polling Institute interviewer. The list *included the name John Roberts*. Sixty percent correctly said his name was on the list.

(Q26D)
Respondents were then asked to identify which name on the list read in Q26C belonged to the Chief Justice. Thirty-five percent identified the correct name.

Q27. Which one of the following describes how justices get on the Supreme Court:				
	Frequency	**Percent**	**Valid Percent**	**Cumulative Percent**
They are elected by the people	27	3.3	3.7	3.7
They are selected by the Governor of their state	22	2.7	3.1	6.8
They are selected by a majority vote of the House of Representatives	55	6.7	7.7	14.5
They are nominated by the President and confirmed by a majority of the U.S. Senate	544	65.7	75.1	89.6
They apply for the job and are selected by a panel of lawyers and judges	25	3.0	3.4	93.0
NOT SURE/DON'T KNOW	50	6.1	7.0	100.0
Total	724	87.5	100.0	
Missing	104	12.5		
Total	**827**	**100.0**		

When inquiring about the nomination process, 75 percent correctly understood that Supreme Court Justices are nominated by the President and confirmed by the United States Senate. When 100 respondents were asked Q27 as an open ended question, only 37 percent named the correct response.

Q27 OPEN END. Which one of the following describes how justices get on the Supreme Court:				
	Frequency	Percent	Valid Percent	Cumulative Percent
They are elected by the people	3	3.3	3.3	3.3
They are selected by the Governor of their state	1	1.1	1.1	4.3
They are nominated by the President and confirmed by a majority of the U.S. Senate	34	37.0	37.0	41.3
They are appointed by the president	28	30.4	30.4	71.7
NOT SURE/DON'T KNOW	14	15.2	15.2	86.9
REFUSE	1	1.1	1.1	88.0
OTHER	11	12.0	12.0	100.0
Total	92	100.0	100.0	

Similarly, when asked if Supreme Court decisions can be appealed to the President of the United States for "review and reversal", 56 percent correctly said "no" while nearly 12 percent responded that they were not sure or did not know. Thirty-two percent of New Jersey adults believe it is possible for Supreme Court decisions to be appealed to the office of the President.

Q28. Can decisions by the Supreme Court be appealed to the President of the United States for review and reversal?				
	Frequency	Percent	Valid Percent	Cumulative Percent
YES	265	32.1	32.1	32.1
NO	464	56.1	56.1	88.2
NOT SURE/DON'T KNOW	97	11.7	11.7	99.9
REFUSE	1	.1	.1	100.0
Total	827	100.0		

Q29. Please tell me which branch of the federal government has the power to declare state and federal laws unconstitutional? (SILENT CODE)				
	Frequency	Percent	Valid Percent	Cumulative Percent
JUDICIAL OR COURTS	429	51.9	51.9	51.9
EXECUTIVE OR PRESIDENT	53	6.4	6.4	58.3
LEGISLATIVE OR CONGRESS/SENATE & HOUSE	145	17.5	17.5	75.8
NOT SURE/DON'T KNOW	197	23.8	23.8	99.7
REFUSE	3	.3	.3	100.0
Total	827	100.0	100.0	

New Jersey adults participating in this state-wide poll were also asked which branch of the federal government has the power to declare state and federal laws unconstitutional. Fifty-two percent identified the Judiciary, 6 percent believed the Executive branch, and 18 percent listed the Legislative branch. Notably, 24 percent stated they were unsure or did not know what branch declares laws unconstitutional.

Q30. What are the first 10 Amendments to the U.S. Constitution called?				
	Frequency	Percent	Valid Percent	Cumulative Percent
THE BILL OF RIGHTS	496	59.9	59.9	59.9
SOMETHING ELSE	42	5.1	5.1	65.0
NOT SURE/DON'T KNOW	288	34.9	34.9	99.9
REFUSE	1	.1	.1	100.0
Total	827	100.0		

Sixty percent of New Jersey adults surveyed in this state-wide poll knew that the first 10 Amendments to the United States Constitution are collectively called the Bill of Rights. However, 35 percent were not sure or did not know what the first 10 Amendments are called and an additional 5 percent identified an incorrect term.

Q31. When our Constitution was first adopted in the late 1700s, did it ban slavery?				
	Frequency	Percent	Valid Percent	Cumulative Percent
YES	110	13.3	13.3	13.3
NO	657	79.4	79.4	92.7
NOT SURE/DON'T KNOW	58	7.0	7.0	99.7
REFUSE	2	.3	.3	100.0
Total	827	100.0		

An overwhelming majority (nearly 80 percent) of those polled believe that when the Constitution was first adopted it *did not* ban slavery. Seven percent were unsure or did not know and 13 percent were under the impression that slavery *was* banned when the Constitution was adopted in the late 1700s.

Q32. Can the U.S. Constitution be amended?				
	Frequency	Percent	Valid Percent	Cumulative Percent
YES	700	84.6	84.6	84.6
NO	89	10.8	10.8	95.3
NOT SURE/DON'T KNOW	36	4.4	4.4	99.7
REFUSE	2	.3	.3	100.0
Total	827	100.0		

Q32A. What is the primary method of amending our Constitution?				
	Frequency	Percent	Valid Percent	Cumulative Percent
Americans vote for it at the polls	41	4.9	6.6	6.6
Ratification by half of all state legislatures	29	3.5	4.8	11.4
The President issues an Executive Order	39	4.7	6.3	17.7
Or a two-thirds vote of the House and Senate and ratification by three-fourths of the states	461	55.7	74.9	92.6
NOT SURE/DON'T KNOW	46	5.5	7.4	100.0
Total	615	74.3	100.0	
Missing	213	25.7		
Total	827	100.0		

Most New Jersey adults know that the Constitution can be amended (85 percent); of those respondents, three quarters (75 percent) understood the great challenge involved with amending the Constitution includes securing a "two-third's majority" vote in the House and Senate in addition to ratification by a majority of states. Only 15 percent identified that answer when the question was asked as an open-ended question of 100 respondents.

Q32A OPEN END. What is the primary method of amending our Constitution?				
	Frequency	Percent	Valid Percent	Cumulative Percent
Americans vote for it at the polls	8	10.5	10.5	10.5
Ratification by half of all state legislatures	12	15.8	15.8	26.3
Or a two-thirds vote of the House and Senate and ratification by three-fourths of the states	11	14.5	14.5	40.8
NOT SURE/DON'T KNOW	23	30.3	30.3	71.1
REFUSE	1	1.3	1.3	72.4
OTHER	21	27.6	27.6	100.0
Total	76	100.0	100.0	

Q33. Does the U.S. Constitution have an Equal Rights Amendment that outright protects against discrimination based on sex?				
	Frequency	Percent	Valid Percent	Cumulative Percent
YES	496	59.9	59.9	59.9
NO	263	31.8	31.8	91.7
NOT SURE/DON'T KNOW	66	7.9	7.9	99.6
REFUSE	3	.4	.4	100.0
Total	827	100.0		

Sixty percent of those polled were under the impression that the Constitution *had* been amended to guarantee protection against discrimination based on sex. Echoing earlier percentages of adults who have received instruction about the Constitution and the Supreme Court, about one third of New Jersey adults (32 percent) know that an Equal Rights Amendment has not been adopted while 8 percent said they were not sure or did not know.

Q34. Can you name any of the freedoms guaranteed by the First Amendment to the Constitution?				
	Frequency	Percent	Valid Percent	Cumulative Percent
FREEDOM OF SPEECH	648	28.8	28.8	28.8
FREEDOM OF RELIGION	490	21.8	21.8	50.5
FREEDOM OF THE PRESS	437	19.4	19.4	69.9
FREEDOM OF ASSEMBLY/ASSOCIATION	448	19.9	19.9	89.8
NONE NAMED/NOT SURE	217	9.6	9.6	99.5
REFUSE	12	.5	.5	100.0
Total	2252	100.0	100.0	

While 10 percent of New Jersey adults could not name or were not sure about freedoms guaranteed by the First Amendment, nearly a third (29 percent) cited freedom of speech. Three additional "guaranteed freedoms" identified include: freedom of religion (22 percent), freedom of assembly (20 percent) and freedom of the press (20 percent).