INTRODUCTION

To those who pay close attention to the United States Supreme Court, the Court’s involvement in the 2000 Presidential election through its decisions concerning recounts of the vote in Florida was an extremely important, perhaps watershed, event in the Court’s role in the American political and legal system. The volume and tone of the online and print discussions about the Supreme Court actions among political scientists and law professors has been heated, contentious, and at times strident (see, for example, Bork 2001; Dionne and Kristol 2001; Sunstein and Epstein 2001). A central concern among many of the commentators, particularly critics of the decision, is that the Court may have undermined its own legitimacy, at least among those members of the public who had been ardent supporters of Al Gore (or ardent opponents of George W. Bush).

What impact did the Court’s action actually have on the public’s view of the Court? There are two types of hypotheses that one might advance. First, the Court’s image among the public may have suffered generally because of a concern that the Court embroiled itself in electoral politics when it should have stayed above the fray. Second, the overall approval of the Court may have been unchanged because of cross-cutting shifts, with those approving of the Court’s decision increasing their support and those disapproving the decision decreasing their support; in this case, one would observe a shift in the structure of support rather than a shift in the level of support (Franklin and Kosaki 1989).

While most of the commentary has been on the impact of Bush v. Gore on the public’s view of the Court, there is another very different effect that may have resulted from the very high level of attention focused on the Court and the unprecedented nature of media coverage (i.e., the broadcasting of recordings of oral argument immediately upon the conclusion of those arguments). The controversy over the election, including the involvement of the Supreme Court, has been described by many as a massive civics lesson; did this national civics lesson increase the public’s knowledge about the Supreme Court? Most research on the public’s knowledge of

\[ \text{INTO THE ELECTORAL WATERS: THE IMPACT OF BUSH v. GORE ON PUBLIC PERCEPTIONS AND KNOWLEDGE OF THE SUPREME COURT} \]

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\[ \text{INTRODUCTION} \]

To those who pay close attention to the United States Supreme Court, the Court’s involvement in the 2000 Presidential election through its decisions concerning recounts of the vote in Florida was an extremely important, perhaps watershed, event in the Court’s role in the American political and legal system. The volume and tone of the online and print discussions about the Supreme Court actions among political scientists and law professors has been heated, contentious, and at times strident (see, for example, Bork 2001; Dionne and Kristol 2001; Sunstein and Epstein 2001). A central concern among many of the commentators, particularly critics of the decision, is that the Court may have undermined its own legitimacy, at least among those members of the public who had been ardent supporters of Al Gore (or ardent opponents of George W. Bush).

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the Supreme Court concludes that the American public knows little about the Court or its workings (but see Gibson, Caldeira, and Spence 2001). A regularly cited example of the public’s ignorance is that in 1989 71% of the public could not name a single member of the Court while 54% of the same sample could name the judge on the television show “The People’s Court” (Morin 1989).\(^2\) That this survey found such results was not news to political scientists, who have long documented the minimal knowledge most citizens have about the Court (Casey 1974, 415; Dolbeare 1967, 200-201; Murphy and Tanenhaus 1968; Sarat 1975, 13).\(^3\) One impact of the Court’s involvement in resolving the 2000 election was extensive discussion of the role of discretion on the Court, how the Court operates, and how the Court is staffed. It might well be that the national civics lesson has increased public knowledge about the Court.

What evidence is there on the question of the impact of *Bush v. Gore* on the public’s evaluation of and knowledge about the U.S. Supreme Court? Ideally one needs to have comparable before/after data. By good fortune, I happen to have exactly that type of data. In the sections that follow, I first describe the data I have available for analysis. I then turn to analyses of my before/after data, first examining the impact of the Supreme Court’s involvement in resolving the election on the public’s evaluation of the Court, followed by a consideration of possible changes in the public’s knowledge of the Court and its operation in the wake of what transpired in December, 2000. In these analyses, I seek to answer two key questions:

- Did the Court damage itself in the public’s estimation?
- Did the national civics lesson extend to the public’s knowledge of the Court?

I conclude with a brief summary of my findings, and a consideration of what the results might tell us about the potential of the Court’s action to affect how the public views the Court and what it knows about the court.

**Data**

For reasons totally unrelated to the coming presidential election, in the spring of 2000 I placed a set of questions about public knowledge of the Supreme Court (and some other aspects of the judicial system) on an ongoing survey conducted by the University of Wisconsin Survey Center. In a typical week 20-40 randomly selected respondents are interviewed from around the United States. Each week’s interviews can be treated as an independent random sample which means that weeks can be aggregated to obtain random samples covering various periods of time.

\(^2\) A survey one year later found that 59 percent could not name a single justice (Coyle 1990).

\(^3\) One should not overstate the public’s ignorance. A 1990 survey found that 80 percent of the public knew that a woman was on the Court, 50 percent knew that an African-American was on the Court, and 59 percent knew that justices serve for life (Coyle 1990).
Starting on May 23, 2000, and continuing until March 19, 2001, the following questions were included on the survey:

Now I would like to ask you some questions about the courts in the United States.

How many members sit on the United States Supreme Court?
___ Nine
___ (other number ___)
___ Don't Know

Please tell me the name of the current Chief Justice of the United States Supreme Court? (DO NOT READ LIST)
___ William Rehnquist
___ mentions another name (___________________)
___ Don't know

Who appoints justices of the Supreme Court?
___ President
___ Congress
___ Other (______________)
___ elected
___ Don't know

What is the mandatory retirement age of Supreme Court justices?
___ none
___ Don't Know

Can you tell me whether the Supreme Court uses juries to help it decide cases?
___ yes, uses juries
___ no, does not use juries
___ don't know

Can you tell me whether the Supreme Court decides cases without using juries?
___ yes, without juries
___ no, no with juries
___ don't know

Is it correct to say that the U.S. Supreme Court has to decide every case that is appealed to it?
___ yes, correct
___ no, not correct
___ don't know

Is it correct to say that the U.S. Supreme Court can choose which of the cases appealed to it that it wants to decide?
___ yes, correct
___ no, not correct
___ don't know
Starting December 14, 2001 (Bush v. Gore came down the evening of December 12), I added the following question:  

The United States Supreme Court ruled that the plan for recounting presidential votes in Florida ordered by the Florida Supreme Court violated the U.S. Constitution and thus could not proceed. Would you say you strongly approve of this decision, somewhat approve, somewhat disapprove, or strongly disapprove of the decision?

In addition, the survey routinely includes a general evaluation question regarding the U.S. Supreme Court:

On a scale of 1 to 10, where 1 means very poor and 10 means excellent, how would you rate the job the Supreme Court is doing?

The survey also has a variety of general questions about political preference, party identification, attention paid to public affairs, interest in politics, education, income, race, and gender. A total of 291 respondents were interviewed after December 12, 2000, and 874 were interviewed through December 12, 2000. Because of the holiday season, relatively few interviews were conducted in the three weeks immediately after the decision (a total of 23), but the weekly totals returned to the 30-40 range starting in January. In order to assure some reasonable minimum number of respondents, the overtime analyses presented below will aggregate into two week (14 day) periods.

4No interviews were conducted on December 13, 2000.

5For purposes of analysis, party identification is measured along the “standard” seven point scale: strong Democrats, “weak” Democrats, Independents leaning toward the Democratic Party, Independents, Independents leaning toward the Republican Party, “weak” Republicans, and strong Republicans. All respondents who initially did not self-describe as Democrats or Republicans were asked the follow-up question about which party they were closer to; respondents who named one or the other party were coded as “Independents” leaning toward that party, and those who explicitly stated they did not lean toward either, were coded as “Independents” not leaning toward either party.

6Because the decision actually came down late during the evening of December 12, I include the interviews conducted on December 12 as before the decision.
CHANGES IN EVALUATIONS OF THE UNITED SUPREME COURT

Figure 1 shows the biweekly fluctuation in the public’s evaluations of the United States Supreme Court; the vertical line demarcates the before and after periods for the Court’s decision ending the election controversy. While the figure may show some drop in the average evaluation, that drop is neither clearcut nor particularly sharp. Overall, the average evaluation for the before period is 6.04 compared to 5.81 for the after period, hardly an earthshattering change; a t-test of the difference of means shows no statistically discernible difference.

This should not be particularly surprising. Given the fact that the public was very evenly divided by the election, and the apparent pattern from public discourse that supporters of George W. Bush approved of the Court’s decision and supporters of Al Gore disapproved, that might well be cross-cutting changes with Bush supporters (Republicans) increasing their approval of
The presence of a partisan dimension to public evaluations of the Supreme Court has been recognized since at least the 1960s (Dolbeare and Hammond 1968).

Figure 2 shows evidence of shift and divergence among those identifying with or leaning toward the Democratic and Republican parties; the patterns for Independents (the numbers of whom are quite small for each of the periods) shows no clear pattern. Before the election Democrats tended to have a higher level of approval for the Court than did Republicans, while

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7The presence of a partisan dimension to public evaluations of the Supreme Court has been recognized since at least the 1960s (Dolbeare and Hammond 1968).
A close examination of Figure 2 shows that the lines for Democrats and Republicans actually cross before ultimate Supreme Court decision is handed down. One possible explanation might be that the cross-over occurred in the wake of the December 4, 2000, per curiam that stayed an earlier order of the Florida Supreme Court to the Florida Secretary of State; however, a close examination of the data shows that the cross-over occurred prior to December 4. I suspect that the actual point of the cross-over did not represent an actual change, but rather normal sampling variation given the relatively small biweekly samples I have.

One intriguing element of the results thing shown in Table 1 is the high unfavorable rating by independents, constant over the two periods and higher than even for Democrats after the Court’s decision.

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**TABLE 1: APPROVAL FOR THE U.S. SUPREME COURT BY PARTY**

<table>
<thead>
<tr>
<th></th>
<th>Before</th>
<th></th>
<th>After</th>
<th></th>
<th>Shift</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Favorable</td>
<td>Unfavorable</td>
<td>(n)</td>
<td>Favorable</td>
<td>Unfavorable</td>
</tr>
<tr>
<td>Democrats</td>
<td>51.6%</td>
<td>15.3%</td>
<td>353</td>
<td>34.1%</td>
<td>31.1%</td>
</tr>
<tr>
<td>Republicans</td>
<td>45.8%</td>
<td>19.7%</td>
<td>330</td>
<td>58.9%</td>
<td>11.2%</td>
</tr>
<tr>
<td>Independents</td>
<td>31.5%</td>
<td>35.6%</td>
<td>73</td>
<td>34.5%</td>
<td>34.5%</td>
</tr>
</tbody>
</table>

After the election the reverse was the case. Overall, the level of approval among Democrats was clearly lower ($t=4.803$) post *Bush v. Gore* (mean = 5.23) than before (mean = 6.35), while the reverse was true for Republicans (before mean = 5.94; after mean = 6.75; $t=-3.39$). The lack of a clear pattern for Independents is evident in the before and after means, 5.23 and 5.21 respectively. Breaking the responses into categories (1 to 4 “unfavorable”, 5 and 6 “neutral”, and 7 to 10 “favorable”) shows essentially the same pattern (see Table 1). There are clear shifts for Democrats (17½ percentage points less favorable) and the Republicans (about 13 percentage points more favorable), with no appreciable shift for the Independents. One might expect that strong partisans would demonstrate greater shifts than weak partisans or leaners. The evidence on this is mixed. Figure 3 shows the shift in favorable response across the full range of the party identification scale. There is no clear relationship between strength of party identification and the magnitude of the shift in percentage favorable toward the Court. Among Democrats, strong partisans and independent leaners shift more than weak partisans while among Republicans, it is the weak partisans who show the strongest shift.

I also explored the possibility that stronger shifts might be found using self-reported ideology as the basis of comparison rather than party identification. The survey included the following item measuring the respondent’s ideology:

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8A close examination of Figure 2 shows that the lines for Democrats and Republicans actually cross before ultimate Supreme Court decision is handed down. One possible explanation might be that the cross-over occurred in the wake of the December 4, 2000, *per curiam* that stayed an earlier order of the Florida Supreme Court to the Florida Secretary of State; however, a close examination of the data shows that the cross-over occurred prior to December 4. I suspect that the actual point of the cross-over did not represent an actual change, but rather normal sampling variation given the relatively small biweekly samples I have.

9One intriguing element of the results thing shown in Table 1 is the high unfavorable rating by independents, constant over the two periods and higher than even for Democrats after the Court’s decision.
We hear a lot of talk these days about liberals and conservatives. On a scale of 1 to 10, where 1 is extremely liberal and 10 is extremely conservative, where would you place yourself?

Collapsing this into liberal (1 to 3), moderate (4 to 7), and conservative (8-10), shows shifts very similar to those based on party identification. The shifts for conservatives are slightly less sharp than for Republicans; the shifts for liberals are about the same vis-a-vis “favorable”, but slightly sharper for “unfavorable” (17% unfavorable before, 42½% unfavorable after for about a 25 percentage point shift).

Regression Analysis of Support

Another way to look at the shifts in support for the Court is to examine how the factors predicting the Court evaluation may have changed. Among other things, this will allow us to
determine the relatively influence of partisanship and ideology on the shift. While there has been extensive research on support for the Court (Adamaney and Grossman 1983; Caldeira 1986; Caldeira and Gibson 1992; Dennis 1975; Handberg and Maddox 1982; Hoekstra 2000; Jaros and Roper 1980; Kessel 1966; Mondak 1991; Mondak 1992; Mondak and Smithey 1997; Tanenhaus and Murphy 1981), and that research suggests a variety of variables relevant for a model of support for the Supreme Court, this survey was not designed with the idea of analyzing support for the Court. The result is that the variables available for a model of support are limited by the survey’s set of standard variables supplemented by the questions included for my study of knowledge of the Court. The following variables are available: 10

Gender
Race (white, nonwhite)
Level of education (six point scale: less than high school, high school, post-high school but no degree, associate degree, bachelor’s degree, advanced degree).
Knowledge of the Supreme Court (measured as the count of the number of knowledge questions the respondent answered correctly).
Interest in national politics (“Next we have some questions about politics and public affairs....How interested are you in national politics and national affairs? Would you say you are very interested, somewhat interested, not very interested, or not at all interested?”—coded with “very interested” as 4 and “not interested at all” as 1)
Attention paid to national politics (“How closely do you follow news about national politics and national affairs? Would you say very closely, somewhat closely, not very closely, or not at all closely?”—coded with “very closely” as 4 and “not at all closely” as 1)
Frequency of discussion of politics (“How often, if ever, do you talk with others about politics and public affairs? Is that every day, several days a week, once or twice a week, less than once a week, or never?”—coded with “everyday” as 5 and “never” as 1)
Whether the respondent is registered to vote.

I viewed the primary predictors as the ideology and party identification variables. I carried out the regression in a “blockwise” fashion, using four blocks of variables: partisanship/ideology, knowledge, demographics, and political engagement (interest, attention, discussion, and registration).

Combining the data across the entire period of the survey, the variables do a poor job predicting whether the respondents view the Court favorably or unfavorably. Only two variables

10Several other questions in the survey might have been included in the analysis but were not: income (too much missing data), religion (not clear how to code for purposes of this analysis), interest and attention paid to local politics and international politics.
TABLE 2: PREDICTING APPROVAL OF THE U.S. SUPREME COURT

<table>
<thead>
<tr>
<th></th>
<th>Both Periods</th>
<th>Before</th>
<th>After, Model 1</th>
<th>After, Model 2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>b</td>
<td>s.e.</td>
<td>b</td>
<td>s.e.</td>
</tr>
<tr>
<td>(Constant)</td>
<td>5.241</td>
<td>5.640</td>
<td>4.419</td>
<td>4.059</td>
</tr>
<tr>
<td>Party Identification</td>
<td>0.065</td>
<td>0.040</td>
<td>-0.027</td>
<td>0.045</td>
</tr>
<tr>
<td>Ideology</td>
<td>-0.010</td>
<td>0.036</td>
<td>-0.047</td>
<td>0.040</td>
</tr>
<tr>
<td>Knowledge of Supreme Court</td>
<td>-0.156</td>
<td>0.053**</td>
<td>-0.146</td>
<td>0.060*</td>
</tr>
<tr>
<td>Gender</td>
<td>-0.052</td>
<td>0.155</td>
<td>0.014</td>
<td>0.175</td>
</tr>
<tr>
<td>Education Level</td>
<td>0.052</td>
<td>0.054</td>
<td>0.101</td>
<td>0.060*</td>
</tr>
<tr>
<td>Race (White vs. Others)</td>
<td>0.170</td>
<td>0.197</td>
<td>0.086</td>
<td>0.223</td>
</tr>
<tr>
<td>Interest in National Politics</td>
<td>0.187</td>
<td>0.128</td>
<td>-0.002</td>
<td>0.145</td>
</tr>
<tr>
<td>Follow National Political</td>
<td>0.312</td>
<td>0.128*</td>
<td>0.390</td>
<td>0.145**</td>
</tr>
<tr>
<td>Talk About Politics</td>
<td>-0.113</td>
<td>0.077</td>
<td>-0.020</td>
<td>0.086</td>
</tr>
<tr>
<td>Registered to Vote</td>
<td>-0.382</td>
<td>0.258</td>
<td>-0.320</td>
<td>0.283</td>
</tr>
<tr>
<td>Approve/Disapprove Bush v.</td>
<td>-0.556</td>
<td>0.166***</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R²</td>
<td>0.028</td>
<td>0.029</td>
<td>0.170</td>
<td>0.207</td>
</tr>
</tbody>
</table>

*p<.10,  *p<.05,  **p<.01,  ***p<.001 (all two-tailed)

achieve statistical significance: knowledge and attention paid to national politics. The R² for the equation with all 10 predictors is only .028; with party identification, ideology, and knowledge of the Court alone the R² is only .008 (and the overall F test is not statistically significant even though the coefficient for knowledge is). Interestingly, the evaluation of the Court becomes more favorable as both knowledge and attention paid to national politics decrease.

Estimating the models separately for the before and after periods produces quite different results, as shown in Table 2. The R² for the before period is .007 with the three variables, party identification, ideology, and knowledge, and .029 with all 11 variables in the equation. In contrast, the corresponding “after” R²’s are .111 and .170. As Table 2 shows (in the columns labeled “After, Model 1”), knowledge and attention paid to national politics are the only statistically significant predictors before Bush v. Gore, while in the after period, party
Strictly speaking, the knowledge variable is no longer statistically significant applying a two tailed test; however, I would interpret the results as supporting a conclusion that knowledge is still a relevant predictor. Looking at the parameter estimates, we see that each one point shift in the Republican direction on the party identification scale shifts the evaluation of the Court about a third of a point (.327) in the favorable direction. Another way to look at this is that someone who is a Strong Republican is expected to have an average evaluation of the Supreme Court that is about 2 points higher (on the 10 point evaluation scale) than a Strong Democrat; in fact, these two means are 4.96 and 6.78 without any controls for other variables.

Table 2 also shows a model for the post-decision period that includes whether the respondent approved or disapproved of the Supreme Court’s Bush v. Gore decision. With that variable added the R\textsuperscript{2} rises to .207 (the R\textsuperscript{2} using just that the respondent’s view of the decision is .126). The results for this model are similar to those without this variable, but with attitude toward the decision replacing party identification as a significant predictor. This suggests that party identification’s effect is indirect, influencing the view of the decision which in turn influences the overall evaluation of the Court. In fact, fitting a model predicting the four point approval/disapproval scale for the decision using the same 11 predictors used to predict evaluation of the Court shows that the only significant predictor is party identification, with the approval scale declining by .35 points for each one point shift in the party identification scale. This in turn no doubt reflects candidate preference, a question not included in my survey, but which other surveys have shown to have an extremely strong relationship (e.g., as high as 95% of Bush supporters approving of the Court’s action and 80% of Gore supporters disapproving\textsuperscript{12}).

**Summary: Impacts of Bush v. Gore on Evaluation of the Supreme Court**

The analyses in the preceding sections show that the Supreme Court’s decision ending the recount of the presidential vote in Florida had measurable consequences for the public’s view of the Court, at least in the short term. Importantly, the net effect on the public’s evaluation of the Court was essentially nil; increases in negative evaluations were almost exactly offset by increases in positive evaluations. The more important impact was on the structuring of public evaluations of the Court (compare to Franklin and Kosaki 1989). Where before the decision on December 12, partisanship was not related to evaluation of the Court, after the election it was,

\textsuperscript{11}Strictly speaking, the knowledge variable is no longer statistically significant applying a two tailed test; however, I would interpret the results as supporting a conclusion that knowledge is still a relevant predictor. The parameter estimate in the model with 11 variables is -.190 compared to -.201 for the three variable model; it is the standard error of the estimate that changes as a result of the additional variables in the model, rising from .089 to .110.

and this relationship was clearly mediated by the specific approval or disapproval of the Court’s decision in *Bush v. Gore*. It is clearly too early to tell whether the impacts are temporary, or whether the Court’s action will fade from the public consciousness resulting in a return to the situation where evaluation of the Court is unrelated to political partisanship. However, although these changes are measurable (on the order of one third to one half of a standard deviation for Democrats and for Republicans) and significant, their magnitude should not be overstated; the shift in the means for the two groups of partisans was on the order of about one to one and a half points on the 10 point scale used to measure the public’s evaluation of the Court. Given the heated discussion and rhetoric during and immediately after the election controversy, those actively involved in the shouting almost certainly presumed that the impact would have been greater.13

**CHANGES IN KNOWLEDGE OF THE UNITED STATES SUPREME COURT**

If the Supreme Court’s decision in *Bush v. Gore* was limited in its effect on the public’s assessment of the Court, can that also be said of the “national civic’s lesson”? Was there a measurable effect on the public’s knowledge of the structure and operation of the Court? Recall that the survey included six knowledge questions:

- Size of the Court
- The age at which justices must retire
- Who appoints the justices
- Who the current Chief Justice is
- Whether the Court uses juries
- Whether the Court must hear all cases brought to it

For purposes of analysis I combined incorrect and “Don’t Know” responses.

13There is one other point worth noting from the results presented above. While the evaluation of the Court by self-identified Democrats and Independents who leaned toward the Democratic Party shifted clearly in the unfavorable direction, the post-election negativity of these segment of the citizenry only approached the negativity both before and after the election of Independents who did not lean toward one party or the other. This may portend a change in the nature of those of call themselves Independent without any preference between the parties. Where historically these individuals were seen as unengaged in politics, today the group may be comprised more of persons who are seriously alienated from government and politics.
Table 3 shows the percentage of correct responses (versus incorrect and “don’t know” responses) for each of the six questions, before and after December 12, 2000; in addition, the table shows the mean number of correct responses. One striking feature of the data summarized in Table 3 is the relatively high awareness of the public. Two thirds or more respondents gave correct responses on a number of the questions: who chooses justices, the [non]use of juries by the Supreme Court, and the Court’s discretion in which cases it will decide. About half the respondents knew that there is no mandatory retirement age for justices. Relatively few respondents could name the current Chief Justice—a pattern that has been found again and again in survey research—and only a minority of respondents knew the number of justices who serve on the Court. On average, respondents were able to give correct answers for slightly more than 3 of the questions (3.15, standard deviation 1.74); 64.1% knew correct responses to three or more of the items, 46.1% four or more, and 24.9% five or more.

Comparing before and after figures, for every item the percentage of correct responses was higher after *Bush v. Gore* than before, although for only three is the increase statistically significant. Looking at the mean number of correct responses, this goes from about three (3.04) to about three and a half (3.48). This is a statistically significant change, but it represents only about one quarter of standard deviation; recall that the shift in scale measuring approval of the Supreme Court was on the order of one third to one half a standard deviation among partisans (down for Democrats and up for Republicans). In terms of the individual responses, the biggest

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*I used a two-tailed criteria for significance; if I had used a one-tailed test, four of the increases would be deemed significant, with the fourth being the retirement age question.*

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**TABLE 3: KNOWLEDGE OF THE U.S. SUPREME COURT**

<table>
<thead>
<tr>
<th></th>
<th>Percent (or mean) correct</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Total</td>
<td>Before</td>
<td>After</td>
</tr>
<tr>
<td>Size of Court***</td>
<td>31.3%</td>
<td>28.7%</td>
<td>39.0%</td>
<td></td>
</tr>
<tr>
<td>Mandatory Retirement Age</td>
<td>47.9%</td>
<td>46.4%</td>
<td>52.6%</td>
<td></td>
</tr>
<tr>
<td>Who Appoints Justices</td>
<td>68.4%</td>
<td>67.9%</td>
<td>69.8%</td>
<td></td>
</tr>
<tr>
<td>Who Is Chief Justice***</td>
<td>19.8%</td>
<td>16.0%</td>
<td>31.0%</td>
<td></td>
</tr>
<tr>
<td>Supreme Court’s Use of Juries*</td>
<td>74.6%</td>
<td>73.2%</td>
<td>79.0%</td>
<td></td>
</tr>
<tr>
<td>Control of Docket</td>
<td>71.9%</td>
<td>70.9%</td>
<td>74.9%</td>
<td></td>
</tr>
<tr>
<td>Mean Number Correct***</td>
<td>3.15</td>
<td>3.04</td>
<td>3.48</td>
<td></td>
</tr>
</tbody>
</table>

*p<.10,  *p<.05, **p<.01, ***p<.001 (before/after difference; two-tailed)
All but one of the control variables were included in the regressions using evaluation of the Supreme Court as the dependent variable. The one exception is the measure of strength of partisanship, in which the seven point party identification scale is “folded” to group strong partisans, weak partisans, and leaning Independents; preliminary analysis showed a nonlinear relationship, and rather than using a scale of strength of partisanship, I used a set of four dummy variables with nonleaning Independents as the base category.

<table>
<thead>
<tr>
<th></th>
<th>b</th>
<th>s.e.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Constant)</td>
<td>-0.941</td>
<td></td>
</tr>
<tr>
<td>After Bush v. Gore</td>
<td>0.362</td>
<td>0.103***</td>
</tr>
<tr>
<td>Education Level</td>
<td>0.327</td>
<td>0.030***</td>
</tr>
<tr>
<td>Gender</td>
<td>0.513</td>
<td>0.091***</td>
</tr>
<tr>
<td>Talk About Politics</td>
<td>0.211</td>
<td>0.046***</td>
</tr>
<tr>
<td>Interest in National Politics</td>
<td>0.330</td>
<td>0.075***</td>
</tr>
<tr>
<td>Follow National Political News</td>
<td>0.144</td>
<td>0.075*</td>
</tr>
<tr>
<td>Registered to Vote</td>
<td>0.411</td>
<td>0.153**</td>
</tr>
<tr>
<td>Independent Leaner</td>
<td>0.297</td>
<td>0.171*</td>
</tr>
<tr>
<td>Weak Partisan</td>
<td>0.011</td>
<td>0.168</td>
</tr>
<tr>
<td>Strong Partisan</td>
<td>0.145</td>
<td>0.172</td>
</tr>
<tr>
<td>$R^2$</td>
<td></td>
<td>0.310</td>
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</table>

*p<.10, *p<.01, **p<.01, ***p<.001

change was in being able to name the Chief Justice: only 16% of respondents could do this before *Bush v. Gore* compared to 31% after; this is all the more interesting given that the Chief Justice did not play a particularly prominent role in this case (the majority decision was *per curiam* although Justice Rehnquist did file the only concurring decision, advancing additional reasons for stopping the recount).

To insure that the increase in level of knowledge could not be explained by other variables, I regressed the number of correct responses to the knowledge questions against the before/after variable plus a number of other variables that have been typically found to affect the level of political knowledge (i.e., education, gender, measures of political engagement, strength of partisanship)\(^\text{15}\). The results of this regression are shown in Table 4. Most of the control variables are statistically significant, but the before/after variable remains statistically significant,

\(^{15}\)All but one of the control variables were included in the regressions using evaluation of the Supreme Court as the dependent variable. The one exception is the measure of strength of partisanship, in which the seven point party identification scale is “folded” to group strong partisans, weak partisans, and leaning Independents; preliminary analysis showed a nonlinear relationship, and rather than using a scale of strength of partisanship, I used a set of four dummy variables with nonleaning Independents as the base category.
and whether a regression coefficient of .362 (i.e., controlling for all of the other variables, after the election respondents knew .362 more of the six items than before) is only slightly less than the before/after difference without taking into account any controls (0.44 more after compared to before).

Clearly, one impact of the massive coverage of the Supreme Court’s handling of the ballot controversy in Florida was to increase modestly the public’s knowledge about the Court. Whether this increase is a permanent change or simply a temporary “blip” only time will tell.

CONCLUSION

The events in November and December 2000 were dramatic. Clearly they had measurable impacts on public opinion and public awareness. However, it is easy to overestimate the magnitude of these impacts, and it is too early to determine whether the impacts are lasting or temporary. This analysis shows that the net effect on the public’s evaluation is essentially nil. However, as I show, this obscures the cross-cutting changes that occurred: Republicans became more supportive and Democrats became less supportive, and this is directly related to whether they approved or disapproved of the Court’s decision which in turn is a function of whom individuals voted for. Political scientists have debated whether approval of specific decisions of the Court, labeled “specific” support, affects the public’s general evaluation of the Court, labeled “diffuse support” (Caldeira and Gibson 1992; Murphy, Tanenhaus, and Kastner 1973; Tanenhaus and Murphy 1981); my analysis, albeit based on a very unsophisticated measure of diffuse support, does show a clear linkage in the case of the Court’s action in the 2000 election ballot controversy. Still, while the effects on public evaluations are clear, they are, on average, not strikingly large. Given the dramatic nature of the events, an expectation of dramatic shifts in public evaluations of the Court seemed reasonable. Dramatic changes did not materialize.

Similarly, while there were clear increases in the public’s knowledge of the Supreme Court, the increases were not dramatic. The largest change was in knowing the name of the Chief Justice, even though Chief Justice Rehnquist did not himself play a particularly prominent role during the events of early December. If one were to look at my six measures of knowledge, the one that probably played most prominently during this period was related to who appoints the justices; there was significant commentary about the fact that the justices were determining who would be choosing their new colleagues or their own replacements. Public knowledge on this item was unchanged between the two periods; while the level of knowledge was high, and hence there was less for the public to learn than for many other items, an item with an even higher level of knowledge did show a significant increase (whether the Supreme Court uses juries). With regard to the level of knowledge, it will be interesting to see whether the changes are permanent or only temporary.

The modesty of the overall effects is probably the most interesting part of these findings. The Supreme Court’s action was dramatic, subject to unprecedented media coverage,
controversy, and to many very surprising (the decision by the Court to get involved as well as the
decision itself). Nonetheless, the effects are modest. One might ask what, if anything, could lead to dramatic effects in how the public views the Court and how much they know about the Court. The only obvious answer, something the Court has strenuously resisted, would be to open the Court proceedings to television coverage. In many ways, the lessons of the impact of *Bush v. Gore* might be seen as justifying the Court’s reluctance to open itself to greater coverage. While the public may lack awareness of many aspects of the Court which might be rectified by greater coverage, keeping the doors closed to television may also serve to limit the vehemence of the public reaction to what the Court decides.
REFERENCES


Caldeira, Gregory A. (1986) “Neither the Purse Nor the Sword: Dynamics of Public Confidence in the Supreme Court.” 80 American Political Science Review 1209-1226.


Dennis, Jack (1975) “Mass Public Support for the U.S. Supreme Court.” Paper presented at meeting of American Association for Public Opinion Research, May 29 - June 1, May 29 - June 1.


