

THE PUBLIC'S INCREASINGLY NEGATIVE VIEW OF THE UNITED STATES
FEDERAL GOVERNMENT

by
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Abstract

This paper is focused on determining if the complex system of the United States Federal Government is broken and how each branch of government has aided in the public's negative perception. Public confidence in the Federal government has been studied by political science scholars for years and polling results indicate that the public's negative confidence is not due to the actions of a single political party or overall political polarization but are attributed to more recent damaging issues of an ineffective government and concerns with a few Federal officials. Some issues of detrimental bureaucracy affect only a concentrated group of people, but other issues have had more far-reaching effects on the public nationwide and subsequently on their opinions of the Federal government. Through an examination of historical events occurring during the years of the Federal government's lowest approval ratings in political polls, this research will shed light on the need of the government to improve each branch of government to put the public's needs first, politics second and egos third in an effort to rectify many failures in the system. The correction of these issues is necessary for the public to truly trust the government again and is needed for those that depend on the government the most – the poor, as well as, future generations of Americans.

Thesis Readers:

Dr. Dorothea Wolfson

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Preface

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Chapter 1: Introduction

Chapter 1: Introduction

“No written law has ever been more binding than unwritten custom supported by popular opinion.” –Carrie Chapman Catt¹

Never in the history of public opinion research has trust in the Federal government been so low, simultaneously in all three branches, in the same time period. The Federal government has experienced a decline in approval as citizens are dissatisfied with the direction the government is progressing. In addition, citizens are also dissatisfied with the performance and accountability of some Federal officials. Public opinion polls (from Gallup and the Pew Research Center) and specifically topline data, reveal that the public is dissatisfied with the overall Federal government system, including specific policies, initiatives, programs and Federal officials.²

While there is prior research on public opinion in relation to the Federal government, very little research has been conducted using polling data to pin point events in history and tracing the impact such events have on the polls. Furthermore, little research has also been conducted on public opinion and its effects in the individual branches of government. The majority of these studies only test the governmental system in totality, and do not specifically examine programs and policy implementation by the three branches of the government. Public opinion polls allow the examination of a variety of events, subjects, and topics, which provide insight into the trends influencing citizens and the reasons for their pessimistic judgments. Public opinion polls also

¹ Pawson, Ray, and Geoff Wong. "Public Opinion and Policy-making." *Social Policy & Administration*, 2013: 434-450.

² Note: Topline data is the actual questions asked in surveys and the corresponding responses in percentages.

provide trend data which illustrate trust or mistrust over a period of time, usually conducted semiannually or annually. While some of these historical events and issues usually affect a small demographic of the public, the indirect effects of these events and issues are far-reaching and long-lasting nationwide.

This thesis will examine each branch of the Federal government and the public's opinions of each branch, using public opinion polls, and studying major events or issues that correspond to low approval ratings. This research will ultimately answer the question: Does the public trust the government? For instance, right after Hurricane Katrina, trust in the Executive branch dropped to 31 percent in September 2005 and then down further to 17 percent following the financial crisis and subsequent bank bailout a few years later.³ Public opinion polls offer the best understanding into the public's genuine opinion of the Federal government and helps inform the reasons for their mistrust with the government system.

This thesis is separated by chapters on each branch to make the clear distinction that each branch has a differing set of issues that displeases the public. This will illustrate the reasons why the public distrusts one branch over another and for a longer period of time. The methodology for this thesis simply examines the topline data and questionnaire for every survey used in this research. Each of the historic events and cases selected and examined in this thesis were the result of public opinion polls and the responses to specific survey questions. The results of the exact survey questions are analyzed in topline data and displayed graphically to illustrate the historical trend data.

³ Pew Research Center. Public Trust in Government: 1958-2014. November 13, 2014. <http://www.people-press.org/2014/11/13/public-trust-in-government/> (accessed December 4, 2014).

These events and cases are politically sensitive issues and are reflective of the culture of the time period examined. The same is also true for the years used for the analysis in each branch. Since the Legislative branch's disapproval ratings were the highest of the three branches and disapproval occurred for a longer period of time, it required a longer historical review. While the opposite was true for the Judicial branch. The results of public opinion provide an unbiased method to attribute the recurring decline in opinion directly to the failing bureaucracy of the Federal government system.

While two main research polls are used in this thesis, the methodologies for both remain the same. Both Gallup and the Pew Research Center conducted their surveys via landline and cellular phones, using approximately the same sample size of 1,000 individuals and similar questions relating to government trust and important events in history.

The subsequent chapters include the following analysis and research objectives to examine the public's opinion of each branch.

Chapter Two, "**Congressional Failure**", reviewed several scholars' reasons for the public's low approval ratings for Congress through each decade and found low ratings are due to three main reasons: (1) extreme polarization, (2) mistrust in Congressional members and (3) the disapproval of the overall effectiveness of the Federal branch. Coupled with the corresponding years of mistrust, there are specific decades where mistrust is accelerated. Scholars note that years of economic growth in the 1980's and late appropriations in the 1990's actually helped approval ratings during these specific years but other polls still indicate overall mistrust in the branch. Authors Ezra

Klein, Nolan McCarty and Mark Ramirez specifically blame party polarization for the gridlock in Congress since the 1970's. Party polarization makes laws difficult to pass in Congress and delays Executive branch implementation, which gives the public the perception that the government is both failing and uncooperative. On the other hand, both Lipset & Schneider and Brooks & Cheng assess the state of the nation during times of decline and found that social movements (i.e. women's rights and civil rights) had a major positive impact on the public's opinion of government.

The significant decline in the public's confidence in Congress, via political opinion polls, and the various scholars' analysis of potential reasons for the decline, can be directly determined to be the fault of the performance of the Legislative branch not the fault of any particular event or Federal official.

Chapter Three, "**Executive Breakdown**", focused on the review of specific events in history that occurred during the same time confidence in the Executive branch dropped, including the government's emergency response during Hurricane Katrina, the implementation of the Affordable Care Act (ACA), the leaking of personal information held by the National Security Agency (NSA) and the bleak outlook on poverty for the poor. James Q. Wilson states that "even fans of federal authority should be concerned about recent bungling and abuses" in wake of recent events, as the President and his administration are ultimately responsible for the Executive branch and its officials.⁴

These events were chosen because they reveal missteps of the Federal government, though many analysts offer contrasting views of the causes of these

⁴ Rabkin, Jeremy. "Liberty Lawsite." Competency in Administration: James Q. Wilson and American Bureaucracy. November 3, 2014. <http://www.libertylawsite.org/liberty-forum/competency-in-administration-james-q-wilson-and-american-bureaucracy/> (accessed November 10, 2014).

missteps. For example, authors William Galston and Elaine Kamarack believe that race and class played a role in the amount of assistance the government sent to the gulf after Hurricane Katrina in 2005. Furthermore, authors Keith Nicholls and J. Steven Picou maintain that the government's poor performance in response to Hurricane Katrina was the direct result of "the lead-up (building and maintaining levees, contingency planning, evacuation, etc.) and the aftermath of the hurricane (rescuing victims, evacuations, etc.)"⁵ In the aftermath, confidence in the Executive branch suffered. In 2005, about 55 percent of respondents say the Executive branch did an "only fair" or "poor" job in responding to Hurricane Katrina.⁶ While only 35 percent rated the performance as "good" or "excellent".⁷

Other examples, such as the NSA controversy, erode at public trust, although it is difficult to isolate a single reason. For example, Jeremy Rabkin notes that after the data leak at the National Security Agency, no Federal officials were held accountable for the breach nor did anyone in the Executive branch accept responsibility for withholding the secret surveillance program from the public.⁸ Moreover, the public is split on the benefits of the collection program that sparked the data leak. In 2013, 44 percent of respondents disapproved of the surveillance program, while 50 approved of the program.⁹ Citizens

⁵ Nicholls, Keith, and Steven Picou. "The Impact of Hurricane Katrina on Trust in Government." *Social Science Quarterly*, 2013: 344-361.

⁶ Pew Research Center. Hurricane Katrina Survey. Topline, Washington, D.C.: Pew Research Center, 2005.

⁷ Ibid.

⁸ Rabkin, Jeremy. "Liberty Lawsite." Competency in Administration: James Q. Wilson and American Bureaucracy. November 3, 2014. <http://www.libertylawsite.org/liberty-forum/competency-in-administration-james-q-wilson-and-american-bureaucracy/> (accessed November 10, 2014).

⁹ Pew Research Center. Few See Adequate Limits on NSA Surveillance Program. July 26, 2013. <http://www.people-press.org/2013/07/26/few-see-adequate-limits-on-nsa-surveillance-program/> (accessed December 16, 2014).

also believe the surveillance and collection of personal information is an infringement of privacy and the government did a poor job informing the public of their intentions.

The decline in public support for the Executive branch can also be traced to important policy differences, rather than missteps or bungling. For example, on the implementation of the ACA, the majority of the public believes the government should not get involved in healthcare and cited that as a major reason for disapproval. Others feel the law is too costly for the country to absorb. In 2014, about 80 percent of respondents say there is too much involvement in healthcare and 76 percent believe the law is too costly for the country.¹⁰ Overall, the majority of the public disapproved of the ACA, which was enacted in 2010.

In the review of current poverty levels in the U.S., the majority of the public believes the government, specifically the Executive branch, should do more to reduce poverty in the country and income gaps are continuing to grow as a result.

Unemployment and low income levels hurt citizens and increase mistrust in Federal officials. In 2014, about 53 percent of people believe the government could do “a lot” to reduce poverty in the country.¹¹ Another 29 percent responded that the government could do something, if anything, to reduce poverty.¹²

The current decline in the public’s opinion of the Executive branch is directly related to its recent events in several departments directly affecting the public. This

¹⁰ Pew Research Center. Midterm Election Indicators Daunting for Democrats. May 5, 2014. <http://www.people-press.org/2014/05/05/midterm-election-indicators-daunting-for-democrats/> (accessed December 12, 2014).

¹¹ Pew Research Center. January 2014 Political Survey. Topline Survey, Washington, D.C.: Pew Research Center, 2014.

¹² Ibid.

decline is consistent with political opinion polls and surveys, during the same years of recent problems.

Finally, Chapter Four, “**Judicial Missteps**”, also focuses on major historical events that correspond with low approval ratings (similar to the chapter on the Executive branch) but also looks at specific judicial cases where the public was dissatisfied with the decisions made by the Supreme Court. This section also reviews the effectiveness of the judicial system and provides a scholarly critique of the judicial process. Authors Todd Collins and Christopher Cooper review how the saliency of a case affects the decision ruling by a judge. In cases that are highly scrutinized by the public and the media, judges are likely to cater their rulings and legal opinions to coincide with the position of the public and the media to avoid further debate. On the other hand, the public is more confident in the Judicial branch, than the Legislative and Executive branches. Other authors agree that Federal judges are insulated to changes in public opinion due to their lifelong appointments and little pressures in politics.

This insulation has allowed the Judicial branch to avoid some of the backlash from the political polarization in the Legislative branch and the bureaucracy of the Executive branch but did not restrict the Judicial branch from a recent decline in approval ratings due to unpopular decisions on *Citizens United v. Federal Election Commission*, *National Federation of Independent Business et al. v. Sebelius, Secretary of Health and Human Services*, and *Shelby County v. Holder*. While the Judicial branch is more insulated it has not filtered the disapproval of recent cases or the public’s view of the branch. Public trust and confidence in all three branches has suffered, specifically in the last few decades.

Public Trust & Confidence in Government

For the purposes of this research, the definition of public opinion is used as described in the text, *“American Government: Power & Purpose”*, “opinions are the product of an individual’s personality, social characteristics, and interests.”¹³ The text goes on to explain that “opinions are also shaped by institutional, political, and governmental forces that makes it more likely that citizen will hold some beliefs and less likely to hold others.”¹⁴ There are also other factors that affect public opinion and the public’s interests, including: income, education, and occupation.¹⁵ This definition helps to better define the “why” in the public’s interpretation of their reasons for dissatisfaction with the Federal government.

Some scholars believe that lack of trust is also the result of needed transparency in government to hold Federal officials accountable in failed crisis. Folmar, Sauser and Veal maintain in *“Advancing Excellence and Public Trust in Government”*, that greater transparency allows for the public removal and/or punishment of failing officials and can booster the public’s confidence needed to trust government and its policies.¹⁶ Mistrust in government is attributed to the lack of accountability of Federal officials. Also, growing social media platforms are helping to accelerate public opinion and accountability. Platforms such as Twitter and Facebook also yield instant representation of opinions for issues across the world and allow for immediate feedback of those opinions.¹⁷ Political

¹³ Ansolabehere, Stephen, Benjamin Ginsberg, Theodore Lowi, and Kenneth Shepsle. *American Government: Power and Purpose*. New York, NY: W. W. Norton & Company, Inc., 2010.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Amedee, George et al. *Advancing Excellence and Public Trust in Government*. Lanham: Lexington Books, 2011.

¹⁷ Ibid.

official are using these social media platforms, in addition to opinion polls, to gauge the preferences of the public, their views on an issue and the effects of various programs/policies.

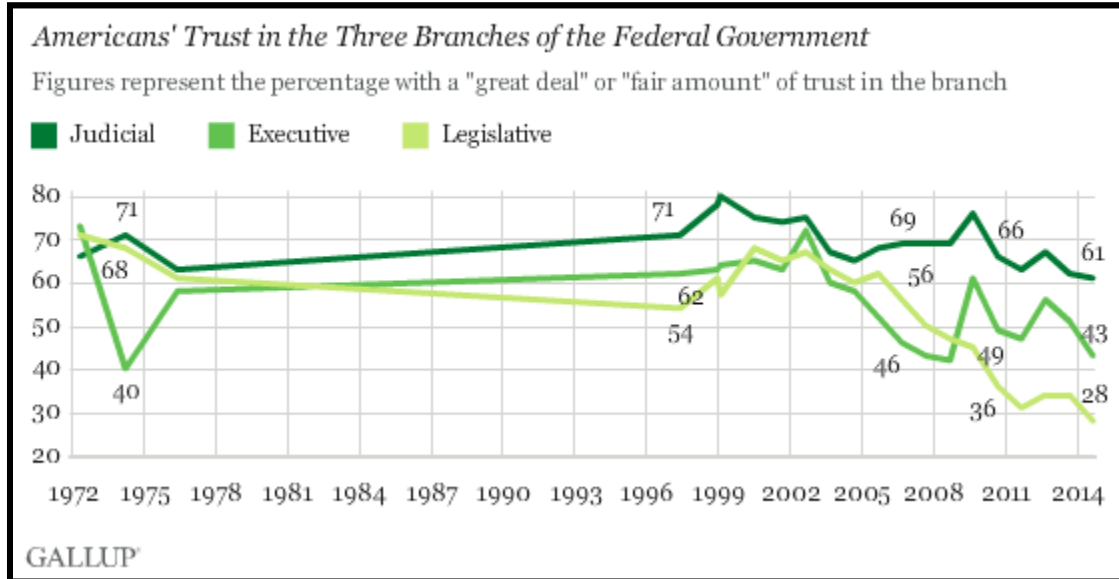
Other political scholars agree of the important of public opinion in a democracy and imply that public opinion should shape the policy in that democracy. Robert Shapiro's text, "*Public Opinion and American Democracy*" indicates strong policy is based on trust in government and the power of public trust can be felt worldwide.¹⁸ Shapiro also notes that public opinion affects each branch of government differently depending on political insulation.¹⁹ For instance, the Judicial branch is comprised of Judges appointed by the President, while the leadership of the other branches are elected by the people. This requires the Executive and Legislative branches to rely more heavily on the opinions of citizens and adjust their policies accordingly to avoid mistrust by the public. However, due to the current highly polarized climate in government, "...presidents and other political leaders have used polling to determine how best to lead, persuade, and manipulate public opinion, *not respond to it*."²⁰ By failing to respond to the concerns demonstrated in the results of public opinion, trust in government has suffered.

¹⁸ Shapiro, Robert. "Public Opinion and American Democracy." *Public Opinion Quarterly*, 2011: 982-1017.

¹⁹ *Ibid.*

²⁰ *Ibid.*

Figure 1: Americans' Trust in the Three Branches of the Federal Government²¹



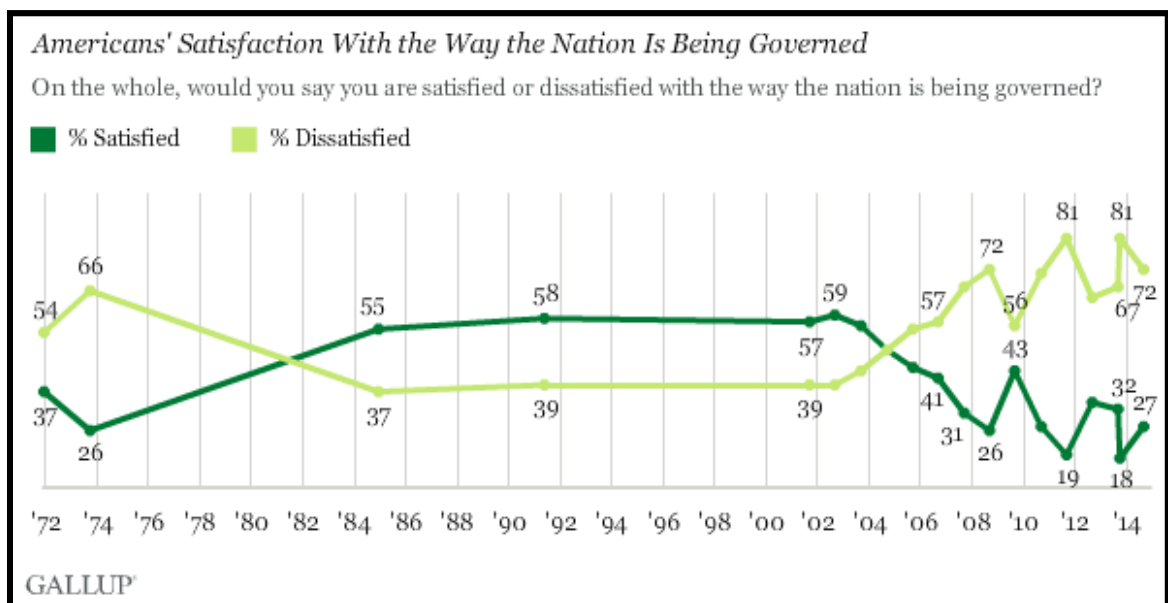
Historically, the public has been overall pleased with the Federal government, as there have been only slight changes in the levels of approval in the past (see Figure 1 above). However, today Americans highly disapprove of the Legislative branch, followed by the Executive branch and lastly, the Judicial branch. The government is experiencing a different level of trust than in the past and for varying reasons. When the public was last surveyed on “trust in government” by Gallup in 2014, only 28 percent of Americans trusted the Legislative branch, 43 percent trusted the Executive branch and 61 percent trusted the Judicial branch, a far cry from prior decades of higher approval levels.²² The last decade has seen historic lows for all three branches compared with the 1970’s, 1980’s, 1990’s and the 2000’s. To make matters worse, many Americans no longer agree that the government is even necessary and lacks confidence, specifically, in

²¹ Gallup. Americans' Trust in Executive, Legislative Branches Down. September 15, 2014. <http://www.gallup.com/poll/175790/americans-trust-executive-legislative-branches-down.aspx> (accessed October 16, 2014).

²² Ibid.

government officials (see Figure 2 below). But who can blame them for their lack of confidence with the constant reports of waste and abuse of funds (i.e. the Inspector General's Management Deficiency Report on the General Services Administration), extreme polarization in Congress and bias decision-making by Federal judges.²³ The Governmental Accountability Office (GAO) has detailed reports of federal agencies wasting resources and being engaged in fraudulent behavior, and all the while taxpayers are forced to foot the bill.²⁴

Figure 2: Americans' Satisfaction with the Way the Nation Is Being Governed²⁵



In addition to trust in government, the public also lack satisfaction with the way the nation is being governed. According to a September 2014 Gallup poll on governance, 72 percent of Americans are “dissatisfied with the way the nation is being governed”,

²³ Office of Inspector General. "Management Deficiency Report: General Services Administration." Office of Inspections, 2010.

²⁴ Government Accountability Office. "List of Selected Federal Programs That Have Similar or Overlapping Objectives." 2011, 1-25.

²⁵ Ansolabehere, Stephen, Benjamin Ginsberg, Theodore Lowi, and Kenneth Shepsle. American Government: Power and Purpose. New York, NY: W. W. Norton & Company, Inc., 2010.

compared to a mere 39 percent in 2002 (see Figure 2 above).²⁶ Additionally, the number of dissatisfied Americans is not improving and is staggering lower each year. A few months before the September 2014 poll was conducted, 81 percent of the public responded that they were dissatisfied.²⁷ See Appendix A for historical topline data on public content with the government. These statistics provide an overwhelming argument that the public believes some portion (or branch) of the Federal government is broken. And, when one branch of the government fails, the entire system fails, creating a large-scale snowball effect of disapproval with the public.

People are polled each year, and in some cases, several times a year on their views of the Federal government and their trust in the system. This polling is not just limited to the U.S. but polling is used worldwide for the same purposes. Both Gallup and the Pew Research Center conduct surveys around the world in over 63 countries on issues specific to the country and global problems in the world.²⁸ These polls allow the public to weigh in on their opinions in real time about current issues facing the country and provide an assessment of performance and confidence in the governmental system. Political research centers use these polls to determine the public's favorability or lack thereof in the Federal government, the issues faced by its leaders, and how well the government serves the public from their perspective.

Public opinion is important in a democracy. When citizens are dissatisfied with the government, they show it in voting for public officials and in their support for

²⁶ Lydia Saad, "Americans Express Historic Negativity Toward U.S. Government," Gallup, September 26, 2011, accessed on October 1, 2011, <http://www.gallup.com/poll/149678/americans-express-historic-negativity-toward-government.aspx>.

²⁷ Ibid.

²⁸ "Global Indicators Database." The Pew Research Center. n.d. <http://www.pewglobal.org/database/> (accessed March 24, 2015).

policies, programs and initiatives. And when the public is unsatisfied, support for Federal officials diminish and voting decreases. One can be optimistic in believing that the Federal government is simply repeating history. A government that can withstand the frequent changing in political administrations, the changing of civil rights differences, and the threatening plunge of the economy, is not broken, but constantly transforming, just as the founding fathers designed it.

Chapter 2: Congressional Failure

Chapter 2: Congressional Failure

“If the present Congress errs in too much talking, how can it be otherwise in a body to which the people send one hundred and fifty lawyers, whose trade it is to question everything, yield nothing, and talk by the hour?” – Thomas Jefferson²⁹

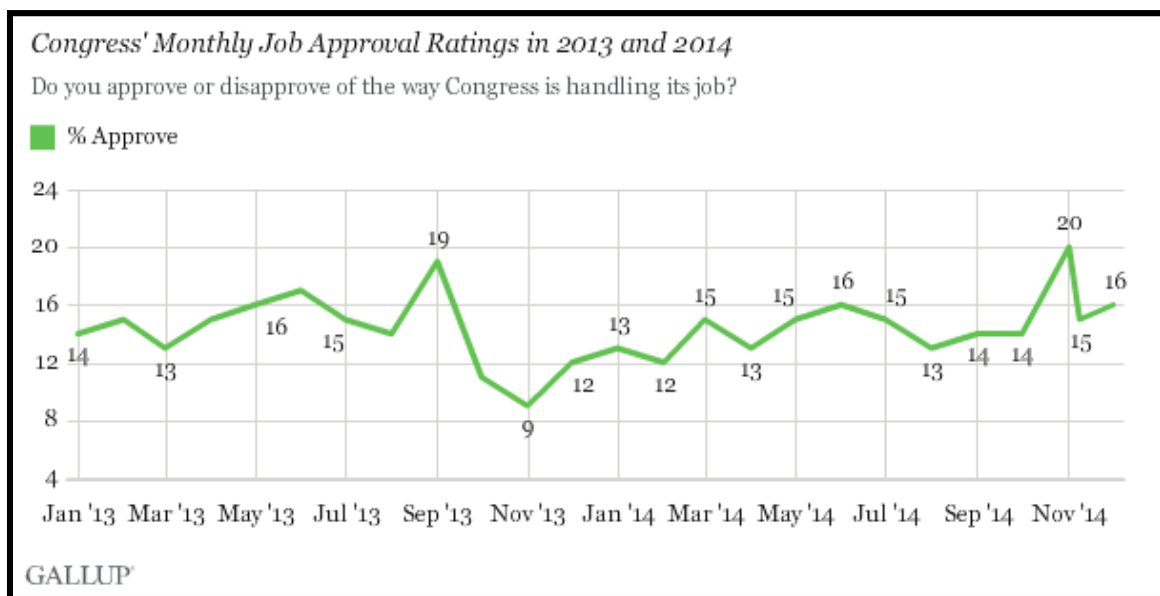
Usually, the governance of a country depends on an effective legislative body that has the complete support of its constituency. The founding fathers designed the branches of the Federal government system to cohesively work together over 200 years ago. This design gives Congress the power to enact laws reflective of an evolving society. Congress is theoretically required to work in conjunction with both the Executive branch and the Judicial branch to provide constituents with adequate policy-making to maintain a democracy. Over the course of the last 50 years, the system has maintained itself throughout various major economic and social changes (i.e. war on terrorism, equality and social issues, etc.) but confidence in the ability of Congress has recently decreased, more than any other branch. Trust in Congress has not rebound but it is continuing to remain low.

The following table, produced by Gallup, displays the percentage of Americans which approve of Congress, as of December 2014.³⁰

²⁹ Family Guardian Fellowship. Thomas Jefferson on Politics & Government. n.d. <http://famguardian.org/Subjects/Politics/thomasjefferson/jeff1210.htm> (accessed March 19, 2015).

³⁰ Riffkin, Rebecca. "2014 U.S. Approval of Congress Remains Near All-Time Low." Gallup. December 14, 2014. <http://www.gallup.com/poll/180113/2014-approval-congress-remains-near-time-low.aspx> (accessed March 21, 2015).

Figure 3: Congress' Monthly Job Approval Ratings in 2013 and 2014³¹



In December 2014, polls indicate that currently only 16 percent of Americans approve of Congress, compared with 20 percent in January of the same year (see Figure 3 above).³² Brooks and Cheng text, “*Declining Government Confidence and Policy Preferences in the U.S.*”, suggest that the low confidence rating may be partial to members of Congress only. The authors also suggest that the belief that members are motivated by their own interests, not for the good of the country is another factor for low confidence.³³ This is one major reason for mistrust in government.

The government may be still functioning, but studies have shown that the last 30 years have been areas of concern of “scholars, political commentators, and politicians”,

³¹ Riffkin, Rebecca. "2014 U.S. Approval of Congress Remains Near All-Time Low." Gallup. December 14, 2014. <http://www.gallup.com/poll/180113/2014-approval-congress-remains-near-time-low.aspx> (accessed March 21, 2015).

³² Lydia Saad, “Americans Express Historic Negativity Toward U.S. Government,” Gallup, September 26, 2011, accessed on October 1, 2011, <http://www.gallup.com/poll/149678/americans-express-historic-negativity-toward-government.aspx>.

³³ Brooks, Clem, and Simon Cheng. "Declining Government Confidence and Policy Preferences in the U.S.: Devolution, Regime Effects, or Symbolic Change." *Social Forces* (The University of North Carolina Press) 79, no. 4 (June 2001): 1346.

as the public's confidence in the government has diminished during major policy changes.³⁴ In 1977, Daniel Yankelovich noted that "...declining government confidence is distinguished not only by its magnitude but also by its temporal duration."³⁵ Whereas 70 percent of Americans in 1960 indicated that they trusted government "almost always" or "most of the time," this proportion dipped below 40 percent in 1974, recovering slightly in the mid-1980s only to reach new lows in the 1990s."³⁶

Studies of public confidence provide the foundation for this issue, that there is a correlation between the public's low confidence in the government and the major historical events occurring throughout the last several decades. This section will shed light on why Congress is largely at fault for the declining public support of the Federal government, and has aided in the public's negative perception of government. There are several reasons why Congress is having trouble maintaining positive approval ratings with the public. This section specifically focuses on three main explanations: (1) low confidence in Congress' effectiveness through major historical events, (2) mistrust in the overall political system, and (3) Congress being extremely polarized.

The first part of this study, the historical section, will examine trends in public confidence over the last four decades and will rely, in particular, on findings from Brooks and Cheng's study of public confidence and what they call "regime effects."³⁷ The growing mistrust of the political system is also studied in detail as well. Finally, the growing polarization in Congress is a more recent trend that has stymied the passage of

³⁴ Brooks, Clem, and Simon Cheng. "Declining Government Confidence and Policy Preferences in the U.S.: Devolution, Regime Effects, or Symbolic Change." *Social Forces* (The University of North Carolina Press) 79, no. 4 (June 2001): 1346.

³⁵ *Ibid.*

³⁶ *Ibid.*

³⁷ *Ibid.*

important legislation, which is thought to be a factor in the public's confidence in the Federal government. All these explanations will cast light on why Americans are having a difficult time supporting Congress and the overall Federal government system. This is not a small recurrence, but rather generational and substantial over a period of several decades.

Historical Decades Affecting Public Trust and Confidence

The following sections will review confidence in Congress during the 1960's, 1970's, 1980's, 1990's, and the 2000's and beyond. These years are the decades of the lowest recorded levels of trust in Congress. This section also examines major events occurring in those decades.

The 1960's

Both studies from Lipset & Schneider and Brooks & Cheng offer differing and conflicting views of public confidence during the 1960's. Lipset and Schneider's research used surveys that displayed confidence taking a decline during the 1960's and continuing directly into the present.³⁸ Their research also enlists the help of Robert Lane, a student studying political science at Yale University during this decade. Lane published two articles in which he discovered that between 1930 and 1960 "on a number of different indicators, Americans had become more positive about the operation of their society in general and of their political system in particular."³⁹ In the midst of the Great Depression and World War II, Americans believed in the government and relied on it during a time of need. During this time, families were in distress but were assured that

³⁸ Lipset, Seymour M, and Williams Schneider. "The Decline Of Confidence in American Institutions." *Political Science Quarterly* 98, no. 3 (1983): 379-402.

³⁹ *Ibid.*

the government would assist them and move the country forward. Additionally, this positive confidence has also been attributed to the increase in the number of people that completed high school.⁴⁰ America became an affluent society, with the “highest mass standard of living” in world history.⁴¹ With an economy stabilizing and realizing significant growth, consumer demand for products increased and American’s began buying homes, cars and putting money into the economy.⁴² This economy and education growth during this time permitted more Americans to believe the political system was “honest, effective, and responsive.”⁴³

In the Executive branch, John F. Kennedy was elected president and Congress continued to enact over 600 laws per session through the 1970’s (see Figure 4 below). However, an increase in the number of laws Congress enacts can give the perception that Congress is doing an exceptional job and working across party lines for the good of the country, but political polarization proves that may not be the case. There is no indication that the enactment of a large number of laws equates to a productive Congress, however the laws enacted should be necessary for the current climate of society. The needs of the citizens should be the deciding factor when legislation is enacted, not politics. Occasionally, Congress enacts laws that most citizens would not deem to be high priority legislation, like spending inordinate time naming postal facilities when appropriations and authorizing bills should be the highest priority.

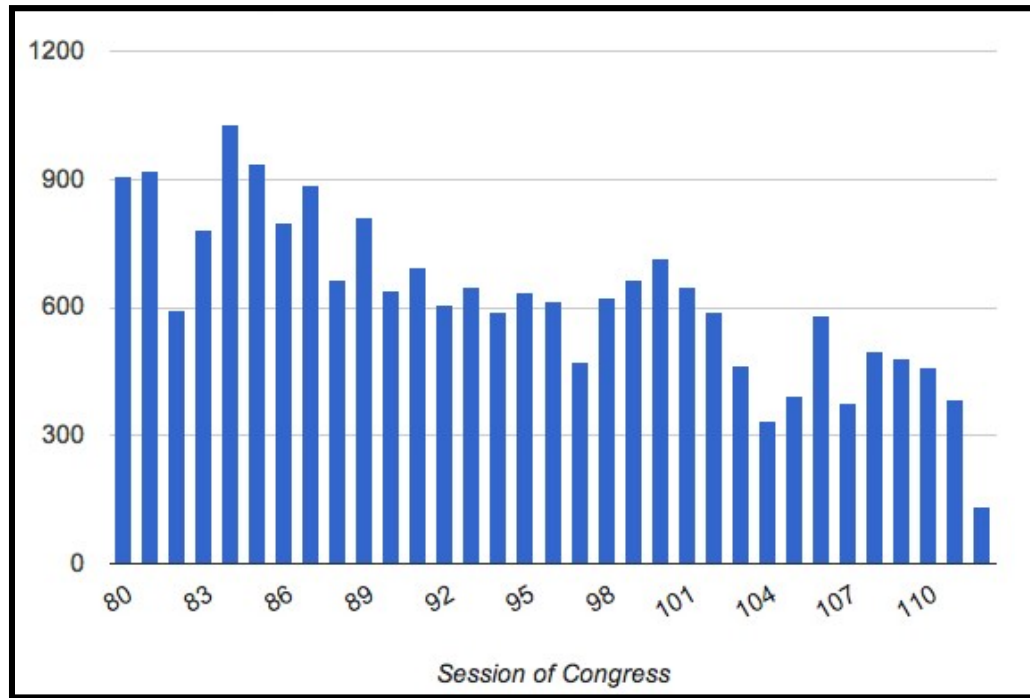
⁴⁰ Brooks, Clem, and Simon Cheng. "Declining Government Confidence and Policy Preferences in the U.S.: Devolution, Regime Effects, or Symbolic Change." *Social Forces* (The University of North Carolina Press) 79, no. 4 (June 2001): 1346.

⁴¹ Marx, Jerry D. *American Social Policy in the 60's and 70's*. n.d. <http://www.socialwelfarehistory.com/eras/american-social-policy-in-the-60s-and-70s/> (accessed October 21, 2012).

⁴² Ibid.

⁴³ Lipset, Seymour M, and Williams Schneider. "The Decline Of Confidence in American Institutions." *Political Science Quarterly* 98, no. 3 (1983): 379-402.

Figure 4: Public laws passed per session of Congress (1947-2012)⁴⁴



In contrast to Lipset and Schneider's findings, Brooks and Cheng's research offer a slightly differing view on the public's perception of government in the 1960's. Brooks and Cheng's research investigates the effects of government confidence and the public's willingness to support federal policies such as health care and education. Data and codebooks from the General Social Survey were used to validate this theory.⁴⁵ Brooks and Cheng's main hypothesis provides that there was a decline in confidence in the government, and more specifically in Congress, which was based on the "public's dissatisfaction with the over direction of national policy-making."⁴⁶ They also argue that

⁴⁴ Klein, Ezra. "14 Reasons Why This is the Worst Congress Ever." The Washington Post. July 13, 2012.

⁴⁵ Brooks, Clem, and Simon Cheng. "Declining Government Confidence and Policy Preferences in the U.S.: Devolution, Regime Effects, or Symbolic Change." *Social Forces* (The University of North Carolina Press) 79, no. 4 (June 2001): 1346.

⁴⁶ Ibid.

this decline is based on “negative feelings about political incumbents and their policies.”⁴⁷

On another note, during the 1960s, while many Americans were increasingly becoming more educated, the civil rights movement for African Americans and other minority groups also began to take shape and change the state of social and racial issues for years to come due to the public’s dissatisfaction with discrimination. Lipset and Schneider agree and assert that the prevailing change in the confidence in government was the state of women’s rights and equality movements by African Americans, Hispanics and Native Americans.⁴⁸ These movements were instigated by the public’s displeasure with government being discriminatory and not protecting the civil liberties of minorities. These major social movements were accepted by large populations and had the ability to change regulations. These social movements continued to expand into the next decade which had an even steeper decline in the stability and trust in the political system.

The 1970’s

By the 1970’s, women significantly expanded their involvement in politics and the U.S. went through one of the worst recessions in 40 years. The Bureau of the Census published a statistical report that presented a decline in voter turnout in both Congressional and Presidential elections in the 1970’s.⁴⁹ The report concludes that during “an era when more and more people worldwide are gaining the right to vote, fewer

⁴⁷ Brooks, Clem, and Simon Cheng. "Declining Government Confidence and Policy Preferences in the U.S.: Devolution, Regime Effects, or Symbolic Change." *Social Forces* (The University of North Carolina Press) 79, no. 4 (June 2001): 1346.

⁴⁸ Lipset, Seymour M, and Williams Schneider. "The Decline Of Confidence in American Institutions." *Political Science Quarterly* 98, no. 3 (1983): 379-402.

⁴⁹ Census, Bureau of the. *The Decline in American Voter Turnout. Statistical Brief*, U.S. Department of Commerce, 1991.

Americans are taking advantage of their right to cast a ballot.”⁵⁰ This report signifies the turning point of Americans (especially women) not believing in the government to perform its duties and protect its citizens. According to Lipset and Schneider, President Jimmy Carter also addressed the American public in 1979 and highlighted that “the gap between our citizens and our government has never been so wide...”⁵¹

For the first time, Congress passed under 600 laws (see Figure 4 above) and began to turn its attention to lobbying with the passing of the “Federal Election Campaign Act of 1971.”⁵² Congressional campaigning increased from \$200 million in the 1960’s to over \$300 million at the start of the 1970’s and there were significant problems with “individual abuses.”⁵³ Morally, Congress was not the only cause for concern; Richard Nixon’s administration was accused of covert operations in the Watergate scandal. Once again, this scandal made Americans very uneasy and convinced the public that Congress had been too negligent in oversight of the Executive branch.⁵⁴ The low trust and confidence, displayed in the figure below, details the public’s opinion of how Congress is handling its job. During the latter years of this decade and up to the 1990’s, Congressional approval did not reach above 57 percent.⁵⁵

⁵⁰ Census, Bureau of the. The Decline in American Voter Turnout. Statistical Brief, U.S. Department of Commerce, 1991.

⁵¹ Lipset, Seymour M, and Williams Schneider. "The Decline Of Confidence in American Institutions." *Political Science Quarterly* 98, no. 3 (1983): 379-402.

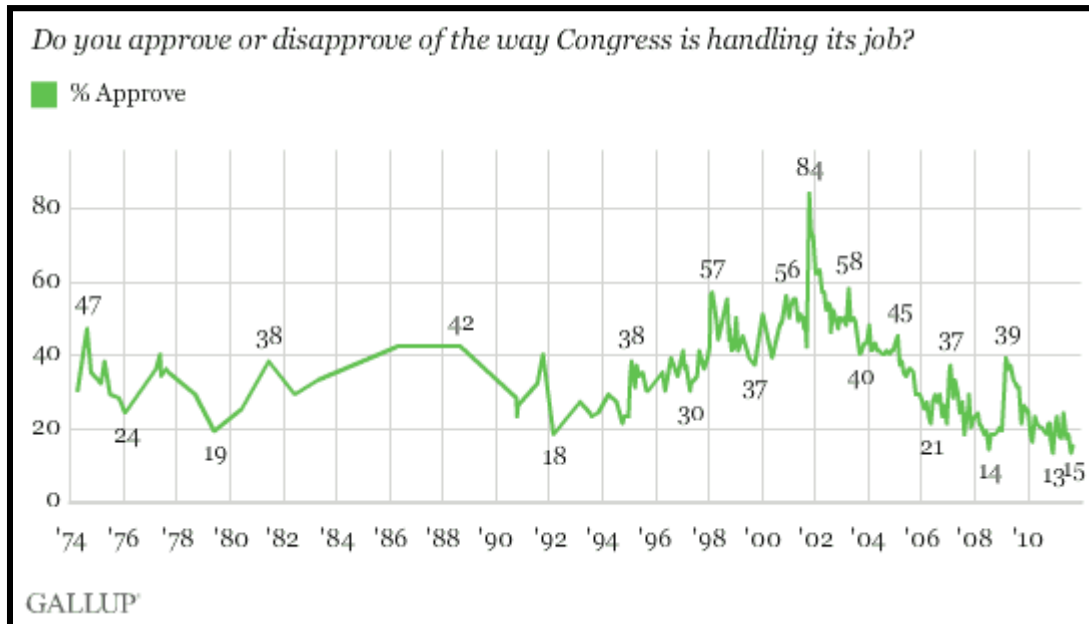
⁵² Berry, Jeffrey M, and Jerry Goldman. "Congress and Public Policy: A Study of the Federal Campaign Act of 1971." *Harvard Journal on Legislation*, 1972-1973: 331-365.

⁵³ Ibid.

⁵⁴ Van Wagenen, James S. A Review of Congressional Oversight: Critics and Defenders. CSI Publication, 1997.

⁵⁵ Lydia Saad, “Americans Express Historic Negativity Toward U.S. Government,” Gallup, September 26, 2011, accessed on October 1, 2011, <http://www.gallup.com/poll/149678/americans-express-historic-negativity-toward-government.aspx>.

Figure 5: Do you approve or disapprove of the way Congress is handling its job?⁵⁶



Brooks and Cheng refer to the decline in confidence in the 1970's as "regime effects" as the relationship between public confidence and policy preference depends on the time period covered by a presidential administration or Congress.⁵⁷ By regime effects, Brooks and Cheng mean that they believe that there is a correlation between declining public confidence and the policies implemented by Congress or the President. For instance, during the end of President Jimmy Carter's term, public confidence grew but then declined during the first few years of President Ronald Reagan's term. By 1974, 45 percent of Americans condemned government officials, compared to 36 percent in

⁵⁶ Lydia Saad, "Americans Express Historic Negativity Toward U.S. Government," Gallup, September 26, 2011, accessed on October 1, 2011, <http://www.gallup.com/poll/149678/americans-express-historic-negativity-toward-government.aspx>.

⁵⁷ Brooks, Clem, and Simon Cheng. "Declining Government Confidence and Policy Preferences in the U.S.: Devolution, Regime Effects, or Symbolic Change." *Social Forces* (The University of North Carolina Press) 79, no. 4 (June 2001): 1346.

1972.⁵⁸ Furthermore, certain Congressional sessions or administrations can immediately elicit low confidence levels in the public, not only the economy or war, just to name a few. Research has proven in Figure 5 that low and declining confidence continued to decline well after the exiting of an administration, but congressional members do not exit as quickly as assumed after years of reelections. Confidence continued to decline down to 19 percent in 1979. Thus, the assumption that the Congressional system is possibly the source of the decline in the public's confidence is valid, as Congressional approval is at an all-time low in approval for the decade.

The 1980's

The 1980's were the years of the collapse of the economy, increase in unemployment and an increase in inflation. Voter turnouts in both Congressional and Presidential elections were at its lowest and Congress enacted fewer than 500 laws in the 1980's, compared to about 600 laws in the 1970's.⁵⁹ Rebecca Blank, with the National Bureau of Economic Research, has provided that the 1980's had the largest increase in poverty at low wages, compared to in previous decades.⁶⁰ Blank also suggests that "employment and weeks of work per year within low-income households" expanded "rapidly in the 1980s", however because of the large decline in earning by workers receiving low pay this resulted in less anticipated economic growth for the 1980's.⁶¹ This could be a clue to why popularity among the Federal Government is so low during this time, even with the expected economic growth. Families may have been less likely to be

⁵⁸ Lydia Saad, "Americans Express Historic Negativity Toward U.S. Government," Gallup, September 26, 2011, accessed on October 1, 2011, <http://www.gallup.com/poll/149678/americans-express-historic-negativity-toward-government.aspx>.

⁵⁹ Klein, Ezra. "14 Reasons Why This is the Worst Congress Ever." *The Washington Post*. July 13, 2012.

⁶⁰ Blank, Rebecca. "Why Were Poverty Rates so High in the 1980s?" NBER Working Paper Series, Cambridge, MA, 1991.

⁶¹ Ibid.

accepting of the government if they were not reaping the benefits of the stabilizing economy. Blank continues by relating this information to various population groups such as children, the elderly, female-headed households and African Americans.⁶² These groups experienced the greatest decline in income levels and were more likely to be less responsive to economic growth during the 1980's.⁶³ Blank concludes the study by stating that economic growth is not an effective method to decrease poverty.⁶⁴ In other words, economic growth did not have an effect on poverty. The stabilizing economy in the 1980's did not relieve families living in poverty and thus, possibly decreased their trust in the government. Moving forward, the 1990's also bore its own challenges for the President working with Congress.

The 1990's

Although Bill Clinton, a Democrat, was president during the second half of the 1990's, the Republicans controlled both the House and Senate making for a rather difficult several years of enacting laws. Just as in the 1980's, the government was once again divided with significant polarization and this affected the amount of legislation enacted. According to Figure 4 above, Congress passed only 300 laws including, the National Voter Registration Act of 1993 and the National Defense Authorization Act of 1994 (which also included, the "Don't Ask, Don't Tell" policy) but one of the major events occurring was Congress' inability to pass a budget in fiscal year 1995. Without an appropriations bill, agencies were forced to discontinue mission-critical programs under a continuing resolution, until an appropriations bill was enacted.

⁶² Blank, Rebecca. "Why Were Poverty Rates so High in the 1980s?" NBER Working Paper Series, Cambridge, MA, 1991.

⁶³ Ibid.

⁶⁴ Ibid.

According to Roy Meyers, about 96 percent of appropriations bills were enacted late from 1962 to 1976.⁶⁵ At this time, the fiscal year began on July 1st, until it was changed by the Congressional Budget Act of 1974 to October 1st. After this date extension and even with three additional months to spend deliberating appropriations bills, Congress still increased the number of bills enacted after the new October 1st date.⁶⁶ Meyers believes appropriators are late with appropriations bills because they are trying to “do too much with the process”, and as a result of this uncertainty, agencies have a difficult time planning for the upcoming fiscal year.⁶⁷ Furthermore, appropriators were so busy inputting earmarks (also known as “riders”) targeting their constituents, that they have completely negated the need to enact the appropriations bills to allow Federal agencies to continue working consistently.

The divided Congress has also played a role in the delay of appropriations bill, using “strategic disagreement” by frequently rejecting “compromise because of the political advantages of maintaining disagreements outweigh the benefits of a modestly better policy achieved through compromise.”⁶⁸ For instance, “strategic disagreement” occurs when the first party makes an extreme offer, and the second party rejects this offer, then the first party resubmits a less extreme offer and the second party rejects it again.⁶⁹ After several more transfers of rejected proposals, the two parties reach an agreement close to the wishes of both parties. One would imagine that the first party

⁶⁵ Meyers, Roy T. Late Appropriations and Government Shutdowns: Frequency, Causes, Consequences, and Remedies. Public Budgeting & Finance, 1997.

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Ibid.

⁶⁹ Ibid.

could have started the negotiations with the less extreme proposal, which would save time from the parties negotiating with no plans for agreement.

During the government shutdown of 1995-96, the Republican Congress obliged to shut down the government and was reluctant to compromise with then president Bill Clinton. The shutdown created a great uncertainty for Federal workers, contractors, and other recipients of federal funding. How can agencies be effective if the workforce is constantly worried about the imminent threat of shutdown? This can cause a ripple effect where agencies are scrambling to strategize for the year and try to speculate programs that may be reduced by Congress, as agencies formulate budgets two years in advance. The shutdown of 1995-96, which lasted for 26 days, occurred during the Christmas holiday. Not only did this affect Federal agencies but it also affected the District of Columbia. The shutdown cost the government over \$1.4 billion dollars and halted trash collection in D.C. and furloughed Federal employees.⁷⁰ Congress did provide backdated pay to furloughed employees, but over 15 years later the shutdown still leaves a sour taste in the mouths of employees and others displaced by Congress' inability to pass a budget resolution.⁷¹ This shutdown may not have contributed to the decline in approval of federal government, but it added to the frustration of the nation and their views of Congress, as well as, Federal employees.⁷² Meyers suggests that families were also hit hard having to cancel vacation plans to National Parks, National Museums and the National Zoo during this shutdown, further complicating the effects on Americans.

Trust and confidence in Congress began to climb back up a year later, after the shutdown, in 1997. Figure 6 below displays a small increase in approval starting in 1997,

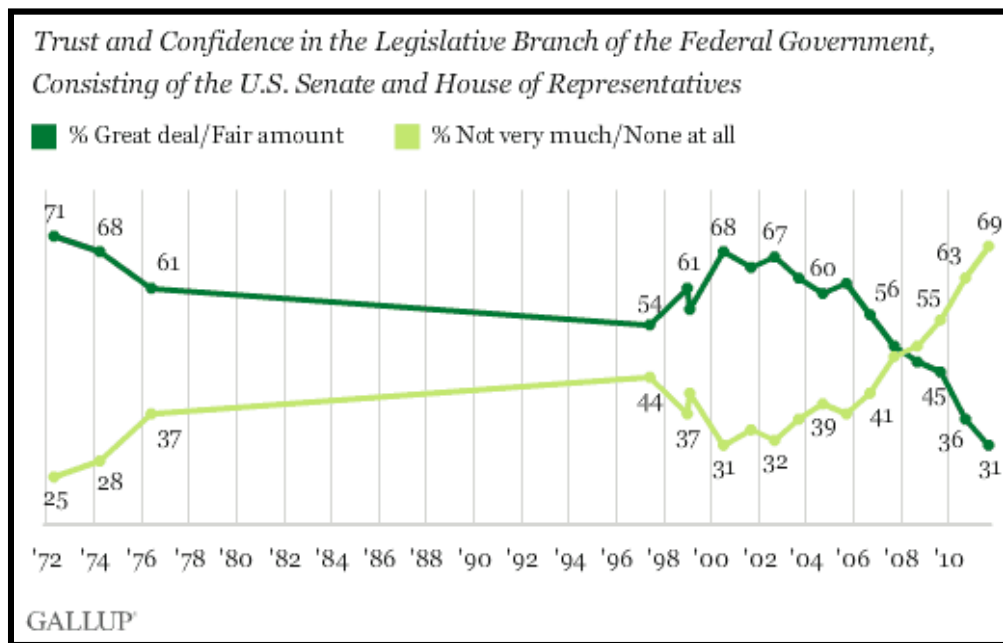
⁷⁰ Krawzak, Paul. "Ghosts of Shutdown Past." *Congressional Quarterly* 69, no. 9 (February 2011): 460-466.

⁷¹ Ibid.

⁷² Ibid.

then dropping significantly in 1999, and then increased between 31 percent in 1999 to 69 percent in 2012.⁷³ Trust and confidence was relatively steady during this period, then slowly began creeping back down to historic lows.

Figure 6: Trust and Confidence in the Legislative Branch of the Federal Government, Consisting of the U.S. Senate and House of Representatives⁷⁴



The 2000's and Beyond

Polls assessing trust in the Federal government grew significantly in the aftermath of the terrorist's attacks on September 11, 2001.⁷⁵ There was a bump in government trust directly following September 11th. Over 29 percent of Americans trusted the government to do what is right either just about always or most of the time but after September 11th,

⁷³ Lydia Saad, "Americans Express Historic Negativity toward U.S. Government," Gallup, September 26, 2011, accessed on October 1, 2011, <http://www.gallup.com/poll/149678/americans-express-historic-negativity-toward-government.aspx>.

⁷⁴ Ibid.

⁷⁵ Chanley, Virginia. "Trust in Government in the Aftermath of 9/11: Determinants and Consequences." *Political Psychology* (Blackwell Publishing, Inc.) 23, no. 3 (2002).

this increased to about 64 percent.⁷⁶ See Appendix B for historical topline data on the public content with the government. As discussed above, public confidence in the government can be based on an event, or specific to disapproval of a political agenda or mistrust in Congressional members. The terror attacks allowed Americans to shift their concerns from issues of domestic policy to “threats from abroad”, in which trust in government may have increased as the nation pulls together to address international concerns and defend national security.⁷⁷ Virginia Chanley also suggests that, Americans rallied to support the president even though George W. Bush’s approval rating was less than 60 percent before September 11th (see Figure 7 below). Subsequently, Bush’s approval rating increased to about 90 percent in 2001, then staggered down to 60 percent again in 2003.⁷⁸ This illustrates that public opinion is based on the performance of Federal officials, as well as, specific historical events like September 11th and subsequent connected wars, such as Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom.

Finally, fast forwarding to the public’s current negative view of Congress, deeper problems continue to hurt Congress. The Pew Research Center notes in an opinion poll on political division that after September 11th trust continued trickling down after the Democrats became a majority in 2006 and then Republicans won the House in 2012.⁷⁹ This caused political gridlock with a Democratic president and a Republican controlled

⁷⁶ Chanley, Virginia. "Trust in Government in the Aftermath of 9/11: Determinants and Consequences." *Political Psychology* (Blackwell Publishing, Inc.) 23, no. 3 (2002).

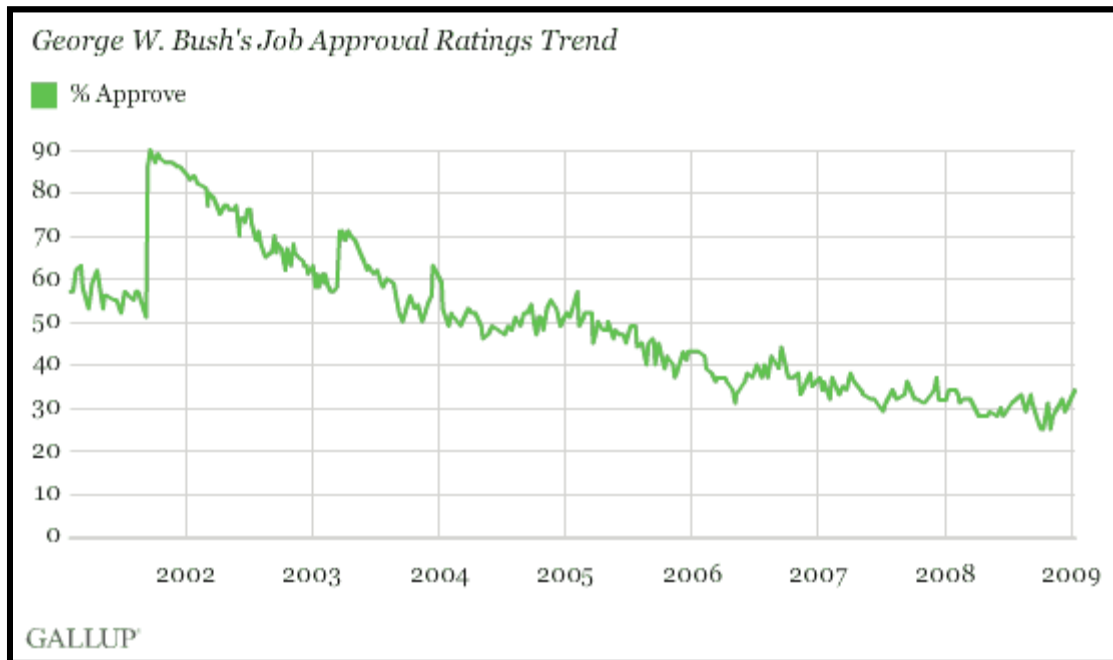
⁷⁷ Ibid.

⁷⁸ Gallup. "Presidential Approval Ratings -- George W. Bush." Gallup. n.d. <http://www.gallup.com/poll/116500/presidential-approval-ratings-george-bush.aspx?version=print> (accessed November 28, 2012).

⁷⁹ The Pew Research Center. "Few See Quick Cure for Nation’s Political Divisions." The Pew Research Center. December 11, 2014. <http://www.people-press.org/2014/12/11/few-see-quick-cure-for-nations-political-divisions/> (accessed March 29, 2015).

Congress. A stalemate continued and caused friction on a number of issues, including appropriations, the economy, healthcare, immigration and terrorism.

Figure 7: George W. Bush's Job Approval Ratings Trend⁸⁰



The previous sections indicate there are several major events occurring during the last four decades that have coincided with the decline in confidence in Congress. These events include: (1) the Great Depression; (2) income stagnation for women and minorities; (3) the civil rights movements; and (4) the collapse and resurgence of the economy, just to name a few. The government and citizens have suffered its share of happenings since the 1960's. This validates that there is a relationship between low confidence in Congress and the events occurring during the same years. This leads into

⁸⁰ Gallup. "Presidential Approval Ratings -- George W. Bush." Gallup. n.d. <http://www.gallup.com/poll/116500/presidential-approval-ratings-george-bush.aspx?version=print> (accessed November 28, 2012).

the next discussion that there may be mistrust in the overall political system, not only with a particular group of individuals.

Mistrust in the Overall Congressional System

There is a widespread sentiment among the public according to Gallup polls, which suggest that most members of Congress care only about increasing their power and their own selfish interests to stay in office.⁸¹ Some members seem out-of-touch with citizens of their state and only become involved with issues if they believe that it is of interest to their donating constituents. Helping to solve issues for their constituents puts them in a good position to be reelected again and trusted by their state's leadership. This is also important for donations from constituents, as two other important things to note from Brooks and Cheng's study of public confidence is "(1) individuals' preferences for government involvement within specific policy domains tend to vary independently of their level of confidence in government; and (2) the relationship between these two variables involved, not time trend."⁸² In other words, although confidence in Congress is low, this does not mean that their policy decisions, involving state-related issues, changes their confidence in Congress or government.⁸³ Also, constituents will donate based on preferred decision-making and earmark funding in their home states. Essentially, a citizen may like their own member of Congress but still disapprove of the overall governing body.

⁸¹ Lydia Saad, "Americans Express Historic Negativity Toward U.S. Government," Gallup, September 26, 2011, accessed on October 1, 2011, <http://www.gallup.com/poll/149678/americans-express-historic-negativity-toward-government.aspx>.

⁸² Brooks, Clem, and Simon Cheng. "Declining Government Confidence and Policy Preferences in the U.S.: Devolution, Regime Effects, or Symbolic Change." *Social Forces* (The University of North Carolina Press) 79, no. 4 (June 2001): 1346.

⁸³ Meyers, Roy T. *Late Appropriations and Government Shutdowns: Frequency, Causes, Consequences, and Remedies*. Public Budgeting & Finance, 1997.

The authoritative tug-of-war between the President and Congress is nothing new to government. For instance, when Richard Nixon resigned as President, his departure allowed for the resurrection of Congress as the nation thought the Executive branch was deceitful and untrustworthy. Currently, the complete opposite is happening today, as Congress' approval rating is the lowest in history.⁸⁴ History proves (and Gallup and Pew Research Center polls have indicated) that the decline and resurgence of the federal government and Congress is not unusual.

According to Paul Light, the government has a multifaceted, expanding mission which has a mountain load of responsibilities and tasks but does not have the resources necessary to effectively accomplish the established goals.⁸⁵ The larger the agenda, the larger the resources needed to complete the task. In 2011, approximately "49 percent of Americans believe the Federal government has become too large and powerful that it poses an immediate threat to the rights and freedoms of ordinary citizens."⁸⁶ The large size and clumsy organizational structure of the Federal government leaves very little room for oversight and management as there are currently too many top management layers.⁸⁷ Without proper management of these layers, a gap in accountability forms, which allows for the mismanagement of resources and the abuse of Federal funds.

⁸⁴ Lydia Saad, "Americans Express Historic Negativity Toward U.S. Government," Gallup, September 26, 2011, accessed on October 1, 2011, <http://www.gallup.com/poll/149678/americans-express-historic-negativity-toward-government.aspx>.

⁸⁵ Paul C. Light, "A Government Ill Executed: The Depletion of the Federal Service," *Public Administration Review* 63, no. 3 (May 2008): 415.

⁸⁶ Lydia Saad, "Americans Express Historic Negativity Toward U.S. Government," Gallup, September 26, 2011, accessed on October 1, 2011, <http://www.gallup.com/poll/149678/americans-express-historic-negativity-toward-government.aspx>.

⁸⁷ Paul C. Light, "Excellence in Government." *Government Executive*, October 2011: 26-36.

In 1960, there were about 17 management layers within close proximity to the President, now there are over 60 management layers.⁸⁸ One would think with an increase in managers there would also be an increase in accountability and oversight. However, this is not the case. A 2011 Gallup poll indicates that most Americans believe that for every dollar spent by the Federal government, half of it is wasted and not used properly.⁸⁹ The Government Accounting Office (GAO) also has looked into federal government spending and found that there is significant overlap in agency missions and priorities contributing to the waste claims.⁹⁰ In a report dated March 2011, the GAO found that there are hundreds of programs within the government that have duplicative goals and activities, including some within the same department.⁹¹ This report also shows over \$6.5 billion dollars' worth of programs performed by economic development-related departments that can be eliminated to cut down on duplicative programs and save taxpayers money.⁹² This proves that Americans are correct in believing the government is not spending federal funds efficiently, which is just one of the possible reasons for the decline in the Federal government. But Congress should provide better oversight to lessen redundancy and restrict funding to duplicative programs.

In addition to Americans not trusting the political system, research from Ezra Klein and Nolan McCarty have independently found that Congress is also extremely polarized. The distance between the two major political parties has increased over the last several years.

⁸⁸ Paul C. Light, "Excellence in Government." *Government Executive*, October 2011: 26-36.

⁸⁹ Lydia Saad, "Americans Express Historic Negativity Toward U.S. Government," Gallup, September 26, 2011, accessed on October 1, 2011, <http://www.gallup.com/poll/149678/americans-express-historic-negativity-toward-government.aspx>.

⁹⁰ Government Accountability Office. "List of Selected Federal Programs That Have Similar or Overlapping Objectives." 2011, 1.

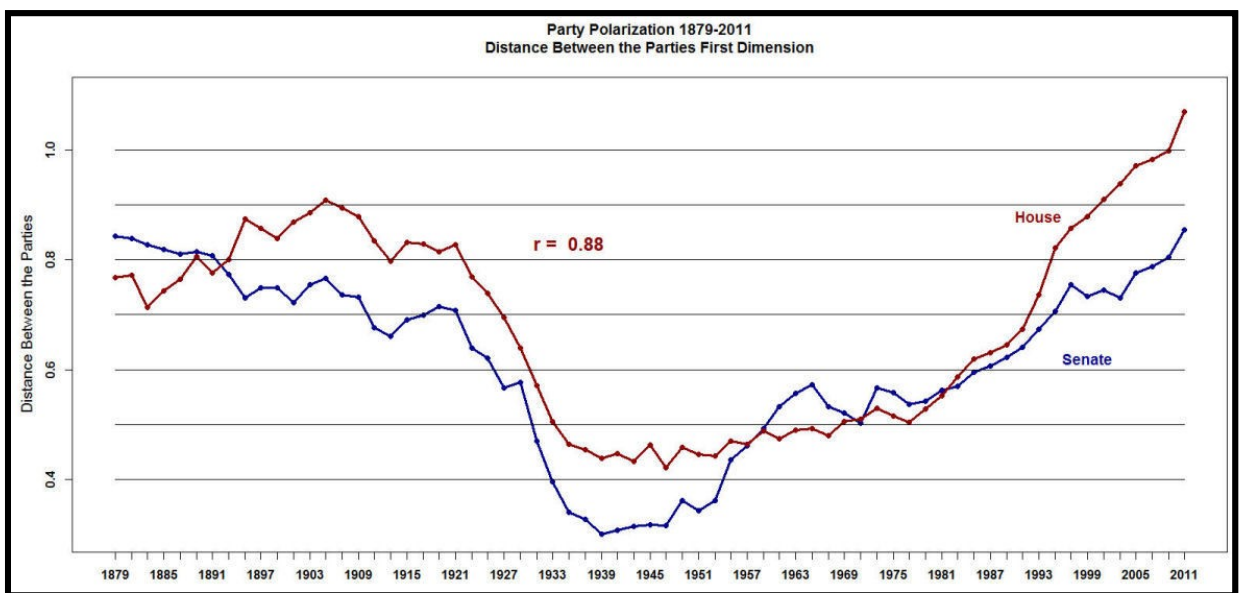
⁹¹ Ibid.

⁹² Ibid.

Extreme Political Polarization

Ezra Klein of the Washington Post, has written extensively on the increasing polarized Congress.⁹³ Political polarization is the ideological distance between political parties which makes agreement on issues very difficult.⁹⁴ Figure 8 below displays the polarization between the parties between the 1870's to 2011.⁹⁵

Figure 8: Party Polarization 1879-2011⁹⁶



The distance between the parties in 2011 is the most polarized Congress has ever been since the end of the reconstruction era.⁹⁷ Klein states that the House has set a new record for “the number in which a majority of Democrats opposed a majority of Republicans”, which over 76 percent of its roll call votes pits Democrats and Republicans against each other.⁹⁸ Furthermore, the House is more likely to vote among party lines

⁹³ Klein, Ezra. "14 Reasons Why This is the Worst Congress Ever." The Washington Post. July 13, 2012.

⁹⁴ Ibid.

⁹⁵ Ibid.

⁹⁶ Ibid.

⁹⁷ Ibid.

⁹⁸ Ibid.

than to initiate more bipartisanship to enact laws. This is another reason why the number of laws passed in the last few years is significantly less than past Congressional sessions (see Figure 4).

Political scientist Nolan McCarty believes this polarization has affected the outcomes of various public policy issues.⁹⁹ McCarty proposes that polarization affects public policy in the following ways: (1) polarization leads to “policy gridlock”, (2) polarization is not “ideologically neutral”, and (3) polarization has “negative effects on the efficiency functioning of the administrative state and the judiciary.”¹⁰⁰ Specifically, McCarty explains that to enact new legislation, Congress has to be bipartisan and that depends on the severity of party disagreements.¹⁰¹ Party disagreements have also hindered the ability of Congress to confirm presidential nominations (i.e. cabinet members and Federal judges).¹⁰² McCarty contributes party polarization in the Senate have aided in the increase in the length of time for confirmations.¹⁰³ This delay contributes to the “large number of vacancies in the Americans’ bureaucracy and judiciary which impairs the effectiveness of these institutions.”¹⁰⁴

Mark Ramirez also agrees that the partisan divide has increased since the 1970’s and asserts that Congress is less supportive of presidential initiatives when Congress is more polarized.¹⁰⁵ This can create major problems for Americans when tax breaks end, government spending is slashed and the deficit increases, forcing some taxpayers to,

⁹⁹ McCarty, Nolan. "The Policy Consequences of Partisan Polarization in the United States." In *Polarized America: The Dance of Ideology and Unequal Riches*, by Nolan McCarty. 2004.

¹⁰⁰ Ibid.

¹⁰¹ Ibid.

¹⁰² Ibid.

¹⁰³ Ibid.

¹⁰⁴ Ibid.

¹⁰⁵ Ramirez, Mark K. "The Dynamics of Partisan Conflict on Congressional Approval." *American Journal of Political Science*, 2009: 681-694.

unexpectedly, pay more in taxes. Thus, the fiscal cliff and sequestration in January 2013 had the same detrimental effects on Americans due the polarization on Congress and its inability to work collectively. No scholarly opinions have been developed yet on this subject, as it is still relatively new, but the Secretary of the Department of Education, Arne Duncan, believes “the sequestration will put at risk all that we've accomplished in education and weaken programs that help children, serve families, send young people and adults to college and make the middle class American dream possible.”¹⁰⁶ Polarization will continue to have damaging effects on previous legislative efforts accomplished by former presidents and members of Congress.

Polls may confirm that the majority of Americans disagree with the direction the country is going in and are dissatisfied with Congress, but that does not necessarily mean that the Federal government is broken. With most news outlets and commentators portraying the government as an expensive wasteland, it is not hard to see why most Americans believe that it is. However, what most Americans do not realize is the number of accomplishments the Federal government achieves, in all three branches.

The legislative branch has enacted over 553 major laws between 1944 and 2000 including, The Civil Rights Act of 1964, The Voting Rights Act of 1965, and The Affordable Health Care Act of 2010, just to name a few.¹⁰⁷ These laws have barred discrimination, granted minorities the right to vote and have provided Americans with health care that they would not otherwise be able to afford. Congress was not at a standstill during this time.

¹⁰⁶ Duncan, Arne. "Testimony of Secretary Duncan before the Senate Labor, Health and Human Services and Education Appropriations Subcommittee." Department of Education, July 25, 2012.

¹⁰⁷ Paul C. Light, “A Government Ill Executed: The Depletion of the Federal Service,” Public Administration Review 63, no. 3 (May 2008): 415.

The Federal government may not be perfect or have the best track record when it comes to solving all problems but the system has made major progress within the last 50 years. There is an expectation that Congress is not productive. Thus, as Paul Light notes, the need for major laws “has been slowing down ever since [the 1960’s], and Congress and presidents have pursued fewer legislative initiatives.”¹⁰⁸ In other words, less action from the executive and legislative branches may be part of the reason many Americans do not have confidence in government, considering only 30 years ago, 71 percent of Americans were satisfied with Congress and only 31 percent today.¹⁰⁹ These statistics prove that confidence in the overall government is down however, public opinion is not the sole indicator that the system is truly broken.

The U.S. has been thrown into a tumultuous economy for the past several years as markets affecting the U.S. have plummeted, including the housing market, the stock market, and the international market. Additionally, the Office of Budget and Management (OMB) is predicting “that the U.S. economy will grow at a sluggish 1.7 percent rate in 2011, revised downward from a more-optimistic prediction of 2.7 percent in the beginning of the year.”¹¹⁰ The declining economy has forced large companies to scale back production, local businesses to close and Congress to reduce appropriated funding to federal agencies. The Congress and OMB have indicated that the trend of

¹⁰⁸ Paul C. Light, “A Government Ill Executed: The Depletion of the Federal Service,” *Public Administration Review* 63, no. 3 (May 2008): 415.

¹⁰⁹ Lydia Saad, “Americans Express Historic Negativity Toward U.S. Government,” Gallup, September 26, 2011, accessed on October 1, 2011, <http://www.gallup.com/poll/149678/americans-express-historic-negativity-toward-government.aspx>.

¹¹⁰ Catherine Hollander, “Better-than-Expected Economic News, But Still a Long Way to Go,” *National Journal*, September 29, 2011, accessed on December 1, 2011, <http://www.nationaljournal.com/economy/better-than-expected-economic-news-but-still-a-long-way-to-go-20110929>.

future appropriations is declining and the use of cost recovery and royalty fees is increasing to accumulate more revenue into the Treasury.

The financial market has also had an effect on the government's workforce as Congress recently placed a freeze on hiring (except for law enforcement personnel) and spending (except for the military). But with rising taxes and insurance, many Federal workers simply cannot afford these increases on the same salary. An increasing national debt has also forced Congress to eliminate many programs and initiatives that are not cost recoverable in an attempt to reduce the debt and increase revenue into the Treasury.

Conclusion

There is no doubt that many Americans have been dissatisfied in the overall government for years and even more so dissatisfied with Congress. This chapter investigated the cause and effects of the low confidence levels in government, specifically in Congress, and tested three explanations of (1) major historical events affecting low confidence, (2) growing causes of overall mistrust of government and (3) growing polarization fueling negative opinions of government. Many Americans seem to find it difficult to trust the government given the increase of political campaigning over the years and the significant increasing of financial lobbying. Equally important, Americans voted less in congressional and presidential elections during these times of low confidence. Americans have made it quite clear of their displeasure of the government, by not voting in elections and demanding meaningful socioeconomic reforms. This discontentment prompted President Jimmy Carter to mention, in an unrelated speech on the energy crisis, that there is a gap between government and its citizens. The growing gap between government and citizens fuels increasingly negative

opinions about the people's branch, Congress. In addition, the growing level of polarization and the perception that Congress is not passing meaningful legislation to affect needed reforms all contribute to the negative views of the government

Chapter 3: Executive Breakdown

Chapter 3: Executive Breakdown

“If the judiciary is the least dangerous branch, then, by these same criteria, the executive is the most dangerous branch.”- Michael Stokes Paulsen¹¹¹

Chapter 3 of the “The Public’s Increasingly Negative View of the Federal Government”, focuses on connecting the public’s opinions of the Executive branch and their opinions of Congress by reviewing their opinions using political research polls that pinpoint historical events. Political research polls (conducted by independent research groups) have indicated a strong notion that the public opinions is shaped by major historical events occurring in the U.S. and international affairs that involve the U.S.

The Executive branch of the Federal government system is responsible for a vast number of differing missions (by agency) and ultimately responsible for administering and enforcing laws enacted by Congress. Each branch of the Federal government system has had many failures but specifically, the Executive branch’s failures have historically been particularly public and very notable events. There are several big events that the public notes as being reasons for dissatisfaction in the Executive branch of government, including: the Executive branch’s emergency response and disaster assistance during Hurricane Katrina; the data collection program and the leaking of personal information by the National Security Agency (NSA); the Affordable Care Act (ACA) implementation

¹¹¹ Paulsen, Michael Stokes. "The Most Dangerous Branch: Executive Power to Say What the Law Is." *The Georgetown Law Journal*, 1994: 217-345.

and the economic outlook for the poor.^{112 113} These fairly recent events have been cited by the public in polls as reasons why they have distrust and dissatisfaction in the Executive branch.

The most recent overall confidence trends from the Pew Research Center (displayed below in Figure 9) illustrate the continuing decline in the public's trust with the government by administration from 1958 to 2014.¹¹⁴ In the 1950's, 1960's and the mid-1970's the public's trust in government was at its highest recorded levels, and then staggers for many decades. Specifically, in recent years the public's confidence in the Federal government increases to 60 percent in 2001 *before* the announcement of the invasion of Afghanistan and down significantly to 36 percent in 2003 after the announcement of the invasion in Iraq.¹¹⁵ Public confidence has yet to rebound to over 50 percent in the nearly 15 years since 2001.¹¹⁶ According to Figure 9 below, the spiraling decline in confidence during the Bush administration is a direct result of the start of the war in Afghanistan and Iraq and the subsequent continuing decline during the emergency disaster efforts after Hurricane Katrina (discussed in detail later in this chapter) and the financial crisis resulting in a bailout for banks.¹¹⁷ Under the current Barack Obama administration, confidence levels are at its lowest since the early part of the Bill Clinton

¹¹² Rabkin, Jeremy. Liberty Lawsit. November 3, 2014. <http://www.libertylawsite.org/liberty-forum/competency-in-administration-james-q-wilson-and-american-bureaucracy/> (accessed November 10, 2014).

¹¹³ Pew Research Center. Public Trust in Government: 1958-2014. November 13, 2014. <http://www.people-press.org/2014/11/13/public-trust-in-government/> (accessed December 4, 2014).

¹¹⁴ Ibid.

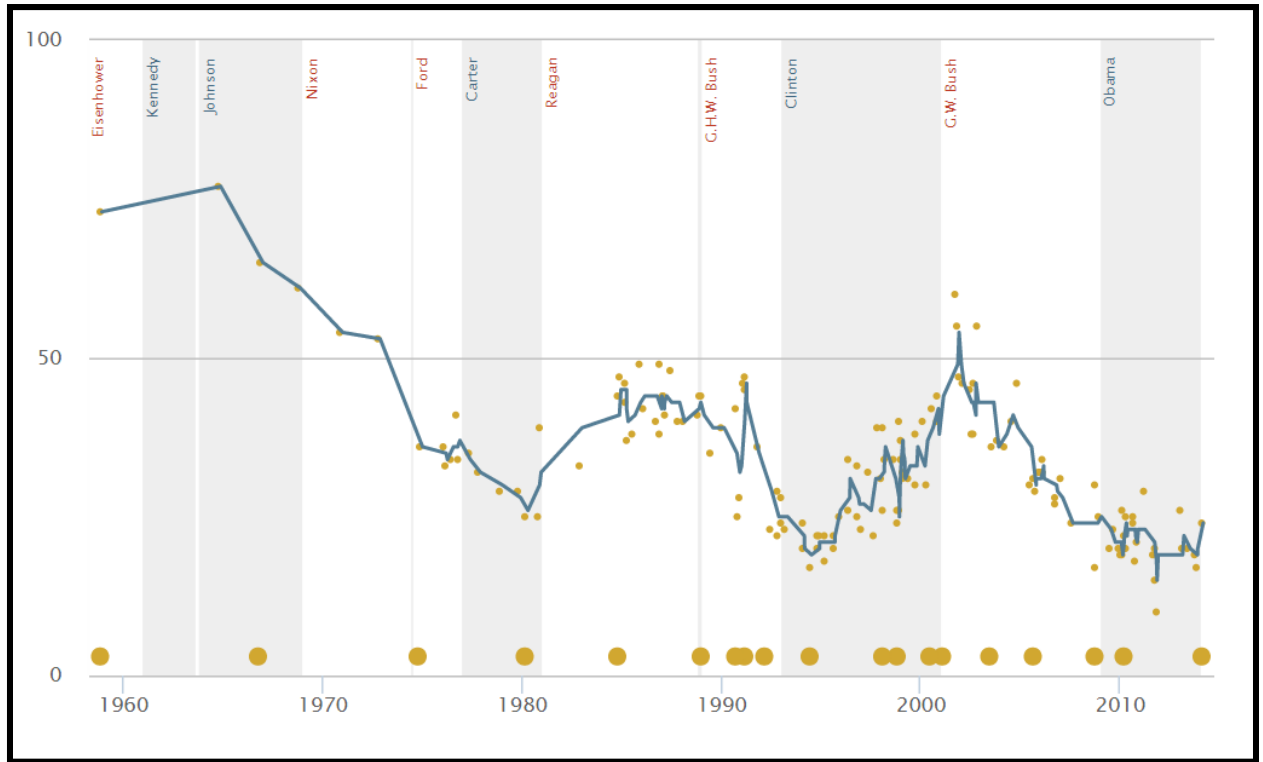
¹¹⁵ Ibid.

¹¹⁶ Ibid.

¹¹⁷ Ibid.

administration, due to several scrutinized problems.¹¹⁸ Some of which will also be discussed in detail in this paper.

Figure 9: Public Trust in Government: 1958-2014¹¹⁹



Note: Each gold circle represents a correlating event in history that is attributed to public opinion data. For example, the fourth dot in the “2000’s” represents a 2005 poll conducted for Hurricane Katrina.

Upon a thorough review of the Pew Research Center’s topline survey results for the “2014 Political Polarization and Typology” survey (which was used to produce the figure above), the exact questions and the public’s responses to the polling questions revealed some interesting statistics about the public’s opinions. On one hand, when

¹¹⁸ Pew Research Center. Public Trust in Government: 1958-2014. November 13, 2014. <http://www.people-press.org/2014/11/13/public-trust-in-government/> (accessed December 4, 2014).

¹¹⁹ Ibid.

respondents were asked “...how would you say things are these days in your life – would you say that you are very happy, pretty happy, or not too happy?” an overwhelming 83 percent of respondents said they were “very happy” or “pretty happy”, but when asked “are you satisfied or dissatisfied with the way things are going in this country?” only 28 percent said they were happy.¹²⁰ (Public opinion has not reached 50 percent satisfaction since after the attacks on September 11th).¹²¹ Essentially, this polling illustrates that Americans are happy about their lives overall but dissatisfied with the things that are happening in the U.S.

While overall trust in the Executive branch decreases dramatically in 2001 (after September 11th) the public believes the most important problem facing the U.S. is the dissatisfaction with the Federal government and officials, not with any one particular Federal program or agency. It can be suggested that some of these historical events may be directly related to the public’s sentiments for the President exclusively and not the actions of the administration however, the decreases in the public’s confidence above occur simultaneously with the events detailed in this chapter. Within the last 20 years, the sheer number of historical events influenced by public opinion increases exponentially as issues continues to evolve over time and new problems arise. Technological advances and national/international news stories are also increasingly available to more people to make a better informed opinion about a situation or problem.

In 2014, 18 percent of the public voted ‘dissatisfaction for government’ as a more important issue than the economy, immigration, unemployment, foreign policy and the

¹²⁰ Pew Research Center. 2014 Political Polarization and Typology Survey. Topline Survey, Washington, D.C.: Pew Research, 2014.

¹²¹ Ibid.

federal budget.¹²² In a similar Gallup poll (see Figure 12), support for homeland security activities once topped the list of Gallup's most important problems facing the U.S. but in 2014, terrorism is no longer regarded as important to the public, rather the response of satisfaction of the government's response to natural disasters is now at the top of the list (see Figure 10).¹²³ Virginia Chanley suggests in her text, "*Trust in Government in the Aftermath of 9/11: Determinants and Consequences*", that terrorism was most important to Americans at that time due to the attacks on September 11th which made citizens give more attention to enhance national effort to reduce threats domestically and abroad.¹²⁴ The public then trusted the government to use the necessary resources to eliminate the threat of violence domestically and hold the terrorist organizations accountable for the attacks.

Chanley says that public trust was difficult for the government, in general, to sustain after the attacks on September 11th and the subsequent wars in Afghanistan and Iraq and maintaining citizen support for new policies to prevent future attacks "may be problematic."¹²⁵ Chanley also suggests that "distrust in government has been found to increase with public concern about crime, political scandal and increasing media focus on political corruption and scandal."¹²⁶ For example, after September 11th, after action reports released in 2004 reveal that "across government, there were failures of

¹²² Gallup. Since 9/11, Fewer Americans Say Terrorism Top Problem. September 10, 2014. <http://www.gallup.com/poll/175721/fewer-americans-say-terrorism-top-problem.aspx> (accessed October 10, 2014).

¹²³ Ibid.

¹²⁴ Chanley, Virginia. "Trust in Government in the Aftermath of 9/11: Determinants and Consequences." *Political Psychology* (Blackwell Publishing, Inc.) 23, no. 3 (2002).

¹²⁵ Ibid.

¹²⁶ Ibid.

imagination, policy, capabilities, and management.”¹²⁷ The report also suggests that the attacks may not have been completely preventable but the Executive branch would have been better informed and better prepared if they had better information at their fingertips.¹²⁸

Figure 10: Most Important Problem Facing the U.S.¹²⁹

<i>Most Important Problem Facing the U.S.</i>			
What do you think is the most important problem facing this country today?			
	Jul 7-10, 2014	Aug 7-10, 2014	Sep 4-7, 2014
	%	%	%
Dissatisfaction with government	16	18	18
Economy in general	15	14	17
Immigration/Illegal aliens	17	15	12
Unemployment/Jobs	14	12	12
Foreign policy/Foreign aid/Focus overseas	3	7	6
Federal budget deficit/Federal debt	6	3	6
Healthcare	8	9	5
Ethics/Moral/Religious decline	4	6	5
Terrorism	1	*	4
Poverty/Hunger/Homelessness	3	5	3
Education	5	4	3
Gap between rich and poor	1	3	3
Wars/War (nonspecific)/Fear of war	1	3	3
Situation in Iraq	*	1	3
Judicial system/Courts/Laws	3	1	3
Race relations/Racism	2	1	3

Responses listed by at least 3% of Americans are shown.
 * Less than 0.5%

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¹²⁷ National Commission on Terrorist Attacks Upon the United States. The 9/11 Commission Report. August 21, 2004. http://www.9-11commission.gov/report/911Report_Exec.htm (accessed February 2, 2015).

¹²⁸ Ibid.

¹²⁹ Gallup. *Since 9/11, Fewer Americans Say Terrorism Top Problem*. September 10, 2014. <http://www.gallup.com/poll/175721/fewer-americans-say-terrorism-top-problem.aspx> (accessed October 10, 2014).

Before we examine the public's reason for dissatisfaction the Executive branch, let us take a quick look at some of the tasks this branch is solely responsible for and how policies and laws are executed. The Executive branch is responsible for the implementation of policy and laws enacted through Congress, which is essential for the success of the 'separation of powers' and 'checks and balances' to successfully produce a certain type of governing. The Executive branch is solely responsible for administering programs under cabinet departments, including health and human services, veterans affairs, agriculture, food and drugs, education, commerce and treasury, to name a few.¹³⁰ But Congressional oversight leads to the domination of these departments and the President is unable to control their own bureaucracies. The public expects an executive power that is effective, efficient and progressive, just as the Constitution intended. The Executive branch is the only unitary that is able to respond to problems that arise in the country and is also the sole entity for the enforcement of laws.

Having said that, about 51 percent of Americans prefer a smaller funded Federal government, specifically a smaller Executive branch. This would reduce or eliminate costly or duplicative programs to redirect resources to programs that benefit the public, such as Medicare, economic development, food inspections, and education.¹³¹ On the other hand, 40 percent would prefer a larger funded government with more services.¹³²

Others may feel Federal programs would be more beneficial if run by the states, but the costs and workforce associated with performing these tasks would simply transfer

¹³⁰ The White House. The Executive Branch. n.d. <http://www.whitehouse.gov/our-government/executive-branch> (accessed December 10, 2014).

¹³¹ Pew Research Center. September 2012 Political Survey. Topline Survey, Washington, D.C.: Pew Research Center, 2012.

¹³² Ibid.

from Federal to State controlled costs, which is not a savings nor more productive when each state would be responsible for duplicative duties.

The following section explores the public's view of various historical events that disapprove of the Executive branch's performance and the reasons why the public is not supportive of these events. This examination of the public's opinion is formed from a variety of research and survey polls, related books, and scholarly journal articles created by subject matter experts in the political science and law fields.

Recent Historical Events Affecting Public Trust and Confidence

For the sake of argument, this discussion will focus on major historical issues the public has said they are dissatisfied with in the Executive branch, not directed towards any particular political affiliation or polarization problems within the Federal government. Similar to the Legislative branch, the Executive branch has had its share of controversy over time, however within the last several years there has been even closer scrutiny, as shown in Figure 9, of the last several administrations and its handling of various programs/initiatives and policy decisions. Many of these controversies are heightened due to the sensitive nature of the issues relating to national security, government benefits, income disparities and emergency disaster relief (as discussed below).

Decisions by government officials, whether accidental or purposeful, have been detrimental to the trust of citizens in their view of the Executive branch and trust of the government as a whole. The errors in judgment of a few Federal workers have heavily contributed to the disapproval of federal officials in wake of several events, including the

issues tied to the Federal Emergency Management Agency, the NSA, the Internal Revenue Service and the U.S. Secret Service.¹³³ Blame is placed on the entire Executive branch as the country's problems are the responsibility of the President and within the control of his administration. Many scholars have reviewed several events that offer insight into the reasons for mistrust in the government. While some issues are not long-lasting in the views of the public, others are much more difficult to forget and regain immediate trust.

The following are a few examples of the public's opinion of major popular events in recent history. These events were popular in the media and were debatable in the views of the public. The events that examine the public's mistrust in government include: Hurricane Katrina, the NSA, ACA and current poverty levels.

Hurricane Katrina (2005)

The majority of the public believes the Executive branch's response during Hurricane Katrina was "only fair" and "poor", at best when asked "how would you rate the job the federal government has been doing responding to Hurricane Katrina?"¹³⁴ In a poll conducted by the Pew Research Center in September 2005, 55 percent of respondents say the Executive branch's response was "only fair" or "poor" and only 35 percent of respondents replied the response was "excellent" or "good".¹³⁵ Racially, the public's views are even more remarkable. Of Caucasian respondents, 55 percent

¹³³ Rabkin, Jeremy. "Liberty Lawsite." Competency in Administration: James Q. Wilson and American Bureaucracy. November 3, 2014. <http://www.libertylawsite.org/liberty-forum/competency-in-administration-james-q-wilson-and-american-bureaucracy/> (accessed November 10, 2014).

¹³⁴ Pew Research Center. Hurricane Katrina Survey. Topline, Washington, D.C.: Pew Research Center, 2005.

¹³⁵ Ibid.

responded “only fair” or “poor” and 41 percent responded “excellent” or “good”.¹³⁶ However, African Americans on the other hand were less supportive. About 77 percent of African Americans believed the Executive branch did “only fair” or a “poor job” and a mere 19 percent replied the government was “excellent” or “good”.¹³⁷ When asked “what was the biggest reason why the Federal government did not do a good job responding to this emergency” the respondents were split. About 33 percent believe it was due to a “lack of planning for this type of emergency, 32 percent said because of “poor leadership in Washington” and 29 percent replied it was due to a “lack of coordination among government agencies”.¹³⁸ The public believe it was a combination of these issues that led to their dissatisfaction of the hurricane response.

Racial disparities in the aftermath of Hurricane Katrina illustrated the vast differences in opinion of response times and race. The gaps in opinion shows different groups of people tend to think differently based on experiences. In response to the Pew Research Center’s questioning “Government response time in most victims had been white?” about 66 percent of African Americans say it would have been faster, compared to only 17 percent of Caucasians.¹³⁹ Also, 77 percent of Caucasians say race would not have made a difference.¹⁴⁰ According to “American Government: Power and Purpose”, gender and racial groups have an effect on their views of social issues, just as the opinions of Hurricane Katrina prove.

¹³⁶ Pew Research Center. Hurricane Katrina Survey. Topline, Washington, D.C.: Pew Research Center, 2005.

¹³⁷ Ibid.

¹³⁸ Pew Research Center. Hurricane Katrina Survey. Complete Report, Washington, D.C.: Pew Research Center, 2005.

¹³⁹ Remembering Katrina: Wide racial divide over government’s response. August 28, 2013. <http://www.pewresearch.org/fact-tank/2013/08/28/remembering-katrina-wide-racial-divide-over-governments-response/> (accessed February 1, 2014).

¹⁴⁰ Ibid.

Figure 11: View of Government's Katrina Response through a Racial Prism¹⁴¹

Views of Government's Katrina Response through a Racial Prism			
<i>Federal gov't's job in responding to Hurricane Katrina ...</i>	Total	White	Black
	%	%	%
Excellent/good	38	41	19
Only fair/poor	58	55	77
<i>Gov't's response if most victims had been white?</i>			
Would have been faster	26	17	66
Wouldn't have made any difference	68	77	27
<i>Shows racial inequality is still a major problem?</i>			
Yes	38	32	71
No	50	56	22
PEW RESEARCH CENTER Sept. 6-7, 2005. Whites and blacks include only those who are not Hispanic. Don't know response not shown.			

In the aftermath of a natural disaster, the Federal government is equipped with disaster relief to provide citizens support to rebuild and survive after complete ruin. Hurricane Katrina was one of the most destructive and the deadliest natural disaster to hit the U.S. in history¹⁴² Especially hit hard in the 2005 Hurricane Katrina zone were some of the most impoverished neighborhoods and citizens that simply were financially immobilized to flee before the hurricane made landfall. Before the storm, the Army Corp of Engineers “reallocated flood risks to lower, cheaper land by removing environmental

¹⁴¹ Remembering Katrina: Wide racial divide over government's response. August 28, 2013. <http://www.pewresearch.org/fact-tank/2013/08/28/remembering-katrina-wide-racial-divide-over-governments-response/> (accessed February 1, 2014).

¹⁴² The Federal Response to Hurricane Katrina Lessons Learned. Department of Homeland Security, Washington, D.C.: Government Printing Office, 2006.

buffers and encouraging the development of subdivisions.”¹⁴³ Essentially, the Executive branch was responsible for the redirection of any potential flood waters from wealthy neighborhoods to poorer minority neighborhoods, which is discrimination based on race and class.¹⁴⁴ In the Lower Ninth Ward, the B.W. Cooper neighborhood is one the most impoverished neighborhoods in New Orleans.¹⁴⁵ In 2000, B.W. Cooper had a 70 percent poverty rate.¹⁴⁶ It is an area where “only 4 percent of households owned their own homes compared with 60 percent in the Lower Ninth Ward.”¹⁴⁷ The average household income in this neighborhood was \$13,786, well below the national poverty level for the U.S.¹⁴⁸ Better communication and commitment from the government should have been provided to these families in severe desperate straits. Low-income neighborhoods in New Orleans were more subjectable to flooding due to the redirection of flood waters and were also easily forgotten about and neglected by the Executive branch.

Many Americans, including those in areas affected the most by Hurricane Katrina, were very dissatisfied with the way President George W. Bush and his administration handled disaster relief efforts and the lack of public assistance provided to citizens that lost their possessions, some with no means to recover their livelihoods. Authors William Galston and Elaine Kamarack examine in their report “Change You Can Believe In Needs A Government You Can Trust” that critics claim race and class played a part in the amount of assistance and the timeliness of the assistance provided by the

¹⁴³ The Federal Response to Hurricane Katrina Lessons Learned. Department of Homeland Security, Washington, D.C.: Government Printing Office, 2006.

¹⁴⁴ Troutt, David Dante. "Many Thousands Gone, Again." In *After The Storm*, 3-27. New York: The New Press, 2006.

¹⁴⁵ Ibid.

¹⁴⁶ Ibid.

¹⁴⁷ Ibid.

¹⁴⁸ Ibid.

Executive branch, as many of the survivors were poor and minorities.¹⁴⁹ Others believe the Federal government is simply incapable of providing major emergency support during natural disasters and lacks expertise to quickly mobilize without unnecessary bureaucratic procedures.¹⁵⁰ In any event, the public has relayed through polling that the government failed and they made heavy note of it. In a 2005 Gallup poll served after Hurricane Katrina, Americans were only 33 percent satisfied with the government in its response of natural disasters (see Figure 12).¹⁵¹ The government overall performs poorly, according to the survey results but the government specifically performed poorly during Hurricane Katrina.

¹⁴⁹ Galston, Williams, and Elaine Kamarck. *Change You Can Believe In Needs A Government You Can Trust. The Third Way Middle Class Program*, 2008.

¹⁵⁰ Ibid.

¹⁵¹ Ander, Steve, and Jeffrey Jones. "Gallup." *Americans Praise Gov't Work on Natural Disasters, Parks*. July 12, 2013. <http://www.gallup.com/poll/163487/americans-praise-gov-work-natural-disasters-parks.aspx?version=print> (accessed December 5, 2014).

Figure 12: Trend in Satisfaction with Work Government Is Doing in Different Areas¹⁵²

	2001	2005	2013	Change, 2005-2013
	%	%	%	(pct. pts.)
Responding to natural disasters	n/a	33	75	+42
Energy policy	38	27	40	+13
Homeland security	n/a	50	57	+7
Healthcare	27	24	29	+5
Transportation	65	56	57	+1
Foreign affairs	57	41	39	-2
National parks and open space	64	71	68	-3
Military and national defense	65	59	56	-3
Criminal justice	40	47	42	-5
Public housing and urban development	49	47	42	-5
Poverty	26	24	19	-5
Environmental issues	46	48	42	-6
Agriculture and farming	49	56	49	-7
Education	38	41	33	-8
The nation's finances	34	23	14	-9
Job creation and economic growth	39	39	27	-12
Labor and employment issues	42	44	26	-18

Note: Immigration policy and Veterans' issues were asked only in 2013.

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Note: This poll is specific to the Federal Government and does not include state and local government entities.

In this case, the public's opinion was a direct result of the poor response in wake of a natural disaster and was exacerbated by the endless negative reporting from the media. Public opinion can be formed through media reporting and the sensationalism used to spark conversation and increase network ratings. Keith Nicholls and J. Steven Picou maintain in their paper, "*The Impact of Hurricane Katrina on Trust in Government*", that the government's poor performance in response of Hurricane Katrina

¹⁵² Ander, Steve, and Jeffrey Jones. "Gallup." Americans Praise Gov't Work on Natural Disasters, Parks. July 12, 2013. <http://www.gallup.com/poll/163487/americans-praise-gov-work-natural-disasters-parks.aspx?version=print> (accessed December 5, 2014).

was the direct result of “the lead-up (building and maintaining levees, contingency planning, evacuation, etc.) and the aftermath of the hurricane (rescuing victims, evacuations, etc.)”¹⁵³ However, most television coverage of the disaster and the aftermath of recovery and relief were intense and “overwhelmingly negative”.¹⁵⁴ The majority of the news coverage focused on the impoverished neighborhoods in New Orleans and prompted an outcry of racial profiling of the poor, African Americans and other minorities living in those neighborhoods.¹⁵⁵ The public was inundated with reports, some falsely published, of murder, rape and looting in poorer areas and within the confines of the Superdome in New Orleans.¹⁵⁶ The anger fueled from these news reports shaped the public opinion of Americans across the country, not just those affected. The public was furious with the disregard by the media to report on falsified stories which also negatively affected the opinions of the Executive branch, who many people believe did little to help people suffering in dire straits.

The Affordable Care Act (2010)

The public is not completely convinced of the benefits of a government mandated healthcare law, also known as the Affordable Care Act (ACA), which requires all uninsured citizens to acquire insurance coverage. In February 2014, the Pew Research Center asked respondents “Do you approve or disapprove of the health care law passed by Barack Obama and Congress in 2010?” and 53 percent of people disapprove of the

¹⁵³ Nicholls, Keith, and Steven Picou. "The Impact of Hurricane Katrina on Trust in Government." *Social Science Quarterly*, 2013: 344-361.

¹⁵⁴ Ibid.

¹⁵⁵ Hahn, Kyu S., and Shanto Iyengar. "Natural Disasters in Black and White: How Racial Cues Influenced Public Response to Hurricane Katrina." 2007.

¹⁵⁶ Ibid.

law and 41 percent of respondents approve of the law.¹⁵⁷ The number of disapproving respondents grew by 9 percent from when this question was originally asked in April 2010.¹⁵⁸ Of the 53 percent of the respondents that disapprove of the health care law, about 41 percent of those people replied that they “very strongly disagree” with this law.¹⁵⁹ The country is also racially divided on their views of the health care law. About 62 percent of Caucasians, 47 percent of Hispanics and only 18 percent of African Americans disapprove of the health care law.¹⁶⁰

Furthermore, when respondents were asked their reasons for approval, the public replied citing for the following reasons: (1) 80 percent believed there is “too much government involvement in health care”, (2) 76 percent said the “law is too expensive for the country”, (3) 58 percent said it is the “law’s requirement that all have health insurance, and (4) 57 percent replied that their “own health care may suffer”.¹⁶¹ See illustration in Figure 13 below.

¹⁵⁷ Pew Research Center. 2014 Political Polarization and Typology Survey. Topline Survey, Washington, D.C.: Pew Research Center, 2014.

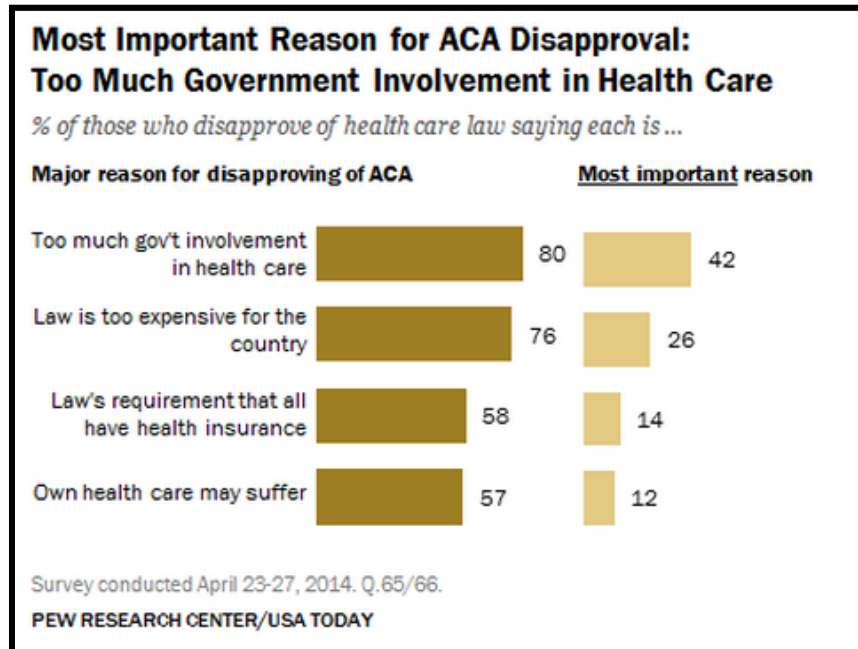
¹⁵⁸ Ibid.

¹⁵⁹ Ibid.

¹⁶⁰ ACA at Age 4: More Disapproval than Approval. March 20, 2014. <http://www.people-press.org/2014/03/20/aca-at-age-4-more-disapproval-than-approval/#demographic-differences-in-views-of-health-care-law> (accessed January 30, 2015).

¹⁶¹ Pew Research Center. Midterm Election Indicators Daunting for Democrats. May 5, 2014. <http://www.people-press.org/2014/05/05/midterm-election-indicators-daunting-for-democrats/> (accessed December 12, 2014).

Figure 13: Most Important Reason for ACA Disapproval: Too Much Government Involvement in Health Care¹⁶²



The botched rollout of the Affordable Care Act (ACA) has been reported in the media a great deal, from the website rollout for registration to an enacted bill most Congressional members failed to read.¹⁶³ The Chairman of the Senate Finance Committee, Senate Max Baucus, revealed after the passing of the bill that he did not read the bill in its entirety.¹⁶⁴ The public relies on their elected officials to work in the best interests of the public and when they do not, they fail the public. Essentially, the public believes government is too large and is too involved in tasks that state and local government can perform. While ACA was not as controversial to the Executive branch

¹⁶² Pew Research Center. Midterm Election Indicators Daunting for Democrats. May 5, 2014. <http://www.people-press.org/2014/05/05/midterm-election-indicators-daunting-for-democrats/> (accessed December 12, 2014).

¹⁶³ Fabian, Jordan. "The Hill." Key Senate Democrat suggests that he didn't read entire healthcare reform bill. August 25, 2010. <http://thehill.com/blogs/blog-briefing-room/news/115749-sen-baucus-suggests-he-did-not-read-entire-health-bill> (accessed December 12, 2014).

¹⁶⁴ Ibid.

as Hurricane Katrina or the NSA, the implementation of the website was enough for the public to question the government's creditability to implement a program as large as healthcare.

Ray Pawson and Geoff Wong of "Public Opinion and Policy-making" discuss the correlation between popular public opinion and the policy that is developed by the government.¹⁶⁵ Pawson and Wong examine the need for opinion to match policy, which should also match the opinions of the majority.¹⁶⁶ The healthcare law would have been better received if the majority of the public approved of it but since most disapproved of it, it made implementation difficult. On the other hand, most Americans did not fully comprehend the details of it. Nonetheless, the government, in particular the Executive branch, did a poor job with the implementation of the new law.

The National Security Agency (2013)

In specific topline data for the NSA, the Pew Research Center asked respondents "overall, do you approve or disapprove of the government's collection of telephone and internet data as part of anti-terrorism efforts?" and respondents are split each time they are asked in 2013 and 2014. In July 2014, 44 percent of respondents disapproved, compared to 47 percent a year earlier in June 2013 and 50 percent approved of the data collection program, compared to 48 percent in June 2013 (see Figure 14).¹⁶⁷ While the public seems to be split on their approval, they are not split about their concerns about the NSA's surveillance program. When asked if "the government keeps too much

¹⁶⁵ Pawson, Ray, and Geoff Wong. "Public Opinion and Policy-making." *Social Policy & Administration*, 2013: 434-450.

¹⁶⁶ Ibid.

¹⁶⁷ Pew Research Center. 2014 Political Polarization and Typology Survey. Topline Survey, Washington, D.C.: Pew Research, 2014.

information about its anti-terrorism program from the public” and the majority, 56 percent agreed that the public is not as well informed as they should be, while 39 percent disagreed.¹⁶⁸ Polls show that the public wants to be better informed than they are and because they are not they have concerns about the protection of their civil liberties. Respondents were also asked “what concerns you more about the government’s anti-terrorism policies?” and 47 percent of the public believes the government has “gone too far in restricting civil liberties” and 35 percent believe the government has “not done enough to protect [the] country.”¹⁶⁹ The polls show that privacy and the protection of civil liberties seem to be a big concern for the public.

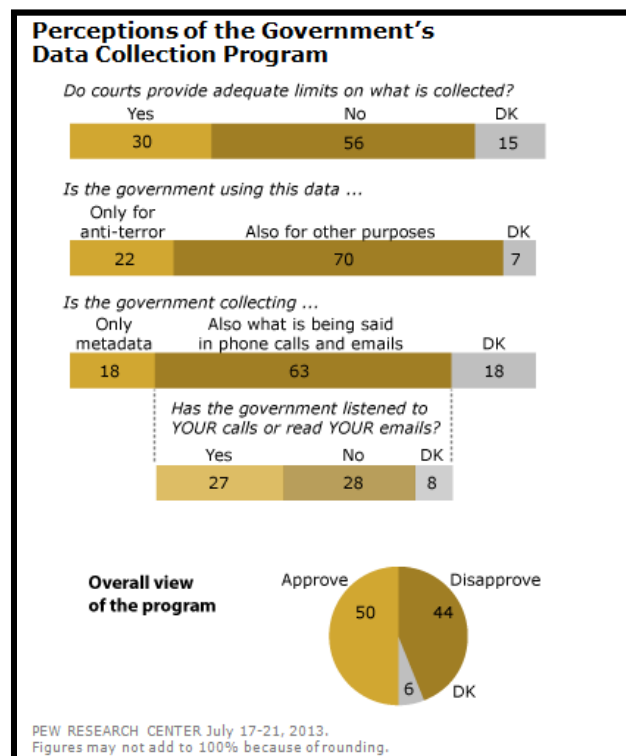
The Executive branch was once again the brunt of negative views by the public when in 2009 the Department of Defense acknowledged that a contractor, Edward Snowden, was able to breach the personal data of millions of Americans and other undisclosed documents about the U.S. military. This data breach also revealed the government’s secret surveillance database, which monitors personal telephone calls and email records for information linking to suspected terrorists and other known active criminals. However, the surveys show the public was not aware or notified of the extent of the surveillance and definitely not aware of their personal conversations being searched, recorded and analyzed.

¹⁶⁸ Pew Research Center. 2014 Political Polarization and Typology Survey. Topline Survey, Washington, D.C.: Pew Research, 2014.

¹⁶⁹ Ibid.

The general public is overall split about their opinions about the government collecting data.¹⁷⁰ This split is possibly due to the benefits of capturing and profiling of suspected terror organizations than the annoyance of being personally monitored by the government. It is also possible that the government's deception of the program and its purpose impacted the opinions of the public. If the government were more forthcoming about the details of the program and accomplishments, the public may have been more receptive to the surveillance program.

Figure 14: Perceptions of the Government's Data Collection Program in July 2013¹⁷¹



¹⁷⁰ Pew Research Center. Few See Adequate Limits on NSA Surveillance Program. July 26, 2013. <http://www.people-press.org/2013/07/26/few-see-adequate-limits-on-nsa-surveillance-program/> (accessed December 16, 2014).

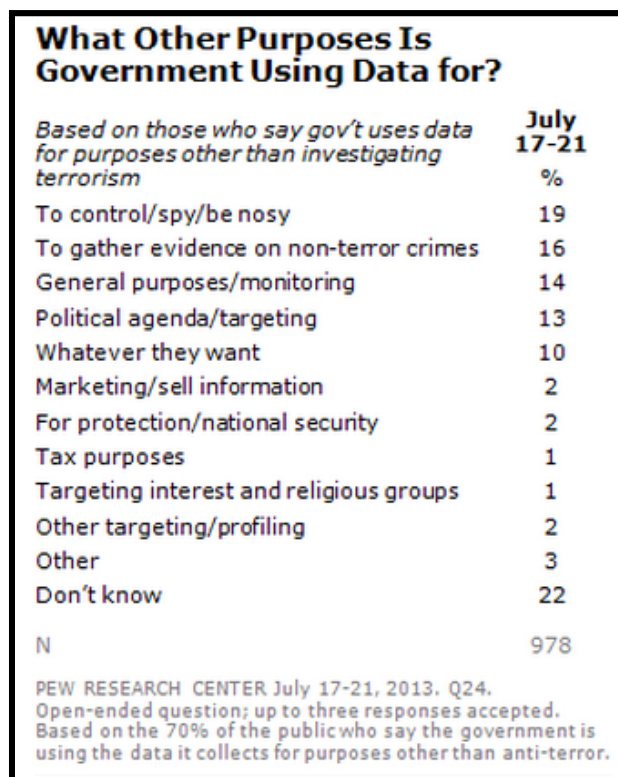
¹⁷¹ Ibid.

Not only did the U.S. collect personal data from citizens, the Department of Defense also allowed this information to be breached by a contractor who then leaked the information to a company known for confidential news leak, WikiLeaks. A July 2013 survey showed that over 70 percent of Americans believed the telephone and internet data collected is being used for more than what the government will admit it is being used for (see Figure 15).¹⁷² Other respondents simply replied they were unsure what the information will be used for.¹⁷³ In other words, the public does not trust the Executive branch enough to be upfront with information concerning the public nor does the public believe the collected information is being used for other purposes revealed to the public. The issue with the NSA was not only the leaking of information but also with the program itself.

¹⁷² Pew Research Center. Few See Adequate Limits on NSA Surveillance Program. July 26, 2013. <http://www.people-press.org/2013/07/26/few-see-adequate-limits-on-nsa-surveillance-program/> (accessed December 16, 2014).

¹⁷³ Ibid.

Figure 15: What Other Purpose Is Government Using Data For?¹⁷⁴



Jeremy Rabkin, a professor of law at George Mason University, believes the NSA breach is “acknowledged to be the largest release of classified information in U.S. history”, yet no high ranked Federal officials have accepted responsibility nor has action been taken against anyone other than Snowden, a contractor for the Federal government.¹⁷⁵ This lack of accountability in this situation and in countless, others prove that Federal officials are not held accountable, even in circumstances that compromise the personal security of citizens and allow for classified military documents to be

¹⁷⁴ Pew Research Center. Few See Adequate Limits on NSA Surveillance Program. July 26, 2013. <http://www.people-press.org/2013/07/26/few-see-adequate-limits-on-nsa-surveillance-program/> (accessed December 16, 2014).

¹⁷⁵ Rabkin, Jeremy. Liberty Lawsite. November 3, 2014. <http://www.libertylawsite.org/liberty-forum/competency-in-administration-james-q-wilson-and-american-bureaucracy/> (accessed November 10, 2014).

released out of Federal hands. Rabkin goes on to mention that there has been little consequence for Federal officials that have had poor performance even when it leads to public outcry and criticism.¹⁷⁶ For example, the only casualty of the NSA scandal was the director of the NSA, General Keith Alexander being allowed to step down from his position.¹⁷⁷ During a hearing on the NSA, Senator Mark Udall questioned Alexander about the intent of the collection of records.¹⁷⁸ Udall asked: “Is it the goal of the NSA to collect the phone records of all Americans?” and Alexander replied “Yes, I believe it is in the nation's best interest to put all the phone records into a lockbox that we could search when the nation needs to do it. Yes.”¹⁷⁹ Alexander was not publically reprimanded by the President nor the Department of Defense and was allowed to retire from the government five years after the scandal.¹⁸⁰ The fact that he was not reprimanded coincides with the dissatisfaction of the public with government.

Like Hurricane Katrina, the public expects one thing from Federal agencies within the Executive branch but officials do not live up to expectations. Public opinion is directly correlated to their impressions of how the government performs and how trusting the public is with government officials. These expectations translate into negative opinions in surveys and not supporting government officials and programs. In January 2014, 53 percent of Americans disapproved of the NSA’s surveillance program,

¹⁷⁶ Rabkin, Jeremy. Liberty Lawsite. November 3, 2014. <http://www.libertylawsite.org/liberty-forum/competency-in-administration-james-q-wilson-and-american-bureaucracy/> (accessed November 10, 2014).

¹⁷⁷ Ibid.

¹⁷⁸ Dozier, Kimberly. Senators: Limit NSA snooping into US phone records. September 27, 2013. <http://bigstory.ap.org/article/senators-limit-nsa-snooping-us-phone-records> (accessed December 18, 2014).

¹⁷⁹ Ibid.

¹⁸⁰ Hattem, Julian. NSA head steps down. March 28, 2014. <http://thehill.com/policy/technology/202085-nsa-head-steps-down> (accessed December 16, 2014).

compared to 44 percent in July 2013 (as displayed below).¹⁸¹ Specific questions posed during this survey also revealed that 70 percent of Americans believe they “shouldn’t have to give up privacy and freedom in order to be safe from terrorism.”¹⁸² Respondents that disapprove of the NSA’s surveillance program also agreed that the “NSA should be allowed to collect some limited information.”¹⁸³

Americans are worried about their personal data (contained in phone call and emails) being collected by the government because of the NSA’s recent scandal with contractor Edward Snowden. Polls show that the public is worried about personal data for reasons outside of anti-terrorism efforts.¹⁸⁴ This mistrust also includes the public being informed of the program after this issue had arisen, instead of keeping the public informed prior to it.

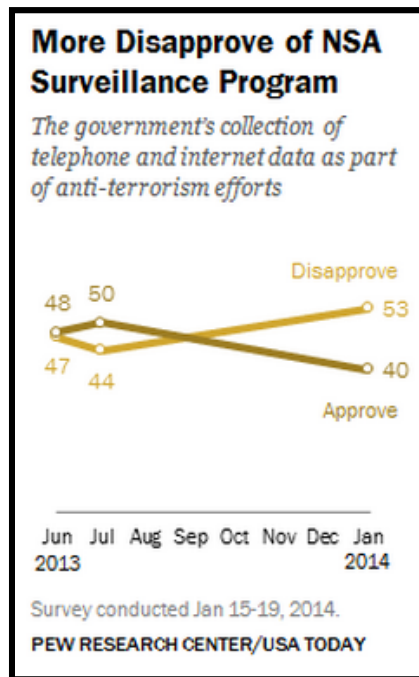
¹⁸¹ Pew Research Center. Few See Adequate Limits on NSA Surveillance Program. July 26, 2013. <http://www.people-press.org/2013/07/26/few-see-adequate-limits-on-nsa-surveillance-program/> (accessed December 16, 2014).

¹⁸² Pew Research Center. 2014 Political Polarization and Typology Survey. Topline Survey, Washington, D.C.: Pew Research Center, 2014.

¹⁸³ Ibid.

¹⁸⁴ Pew Research Center. Few See Adequate Limits on NSA Surveillance Program. July 26, 2013. <http://www.people-press.org/2013/07/26/few-see-adequate-limits-on-nsa-surveillance-program/> (accessed December 16, 2014).

Figure 16: More Disapprove of NSA Surveillance Program¹⁸⁵



Overall Poverty & Economic Outlook

Americans are concerned with their financial situation and believe the government has a role in their financial outlook. The Pew Research Center surveyed the public in January 2014 asking “how much, if anything, should the government do to reduce poverty?” and 53 percent said “a lot”, 29 percent responded “some”, 8 percent responded “not much” and only 6 percent said “nothing at all”.¹⁸⁶ Combining the results of “a lot” and “some”, shows 82 percent of the public believes the government has some role to play in the poverty of Americans.¹⁸⁷ The public also thinks the income gap has

¹⁸⁵ Pew Research Center. Few See Adequate Limits on NSA Surveillance Program. July 26, 2013. <http://www.people-press.org/2013/07/26/few-see-adequate-limits-on-nsa-surveillance-program/> (accessed December 16, 2014).

¹⁸⁶ Pew Research Center. January 2014 Political Survey. Topline Survey, Washington, D.C.: Pew Research Center, 2014.

¹⁸⁷ Ibid.

grown over the last ten years between the rich and the poor. About 65 percent of the public believes the income gap has increased over the last ten years, while 25 percent believe the gap has not changed.¹⁸⁸

Millions of Americans live well below the poverty line and many of these Americans are ordinary working-class citizens. They are considered the “working poor” - Americans that work every day but whose annual income still falls below the government’s poverty line.¹⁸⁹ The Census Bureau reports that of the 46.5 million people (which include children) that are considered poor by the government, about 10.5 million of those people are considered the working poor.¹⁹⁰ According to David Shipler’s book “The Working Poor”, in 2003, the government defined poor as an annual income of \$18,392 for a family of four (one adult and three children), regardless of the cost of living which varies by state.¹⁹¹ Today, over 10 years later, the current poverty level is \$23,854 annually, an increase of \$5,462, just above current minimum wage.¹⁹² The government’s formula for calculating the national poverty level is based on strategies developed in 1955 and has only had slight adjustments since it was originally designed.¹⁹³ To make matters worse, this formula is based on spending patterns during the 1950’s, with no adjustments to account for today’s cost of living amounts.¹⁹⁴ The government fails to include the current cost of living and economic state of the U.S. economy in their formula to determine poverty. The dollar does not stretch nearly as far as it did in the 1950’s and

¹⁸⁸ Pew Research Center. January 2014 Political Survey. Topline Survey, Washington, D.C.: Pew Research Center, 2014.

¹⁸⁹ Shipler, David. *The Working Poor*. New York: Alfred A. Knopf, Inc., 2004.

¹⁹⁰ U.S. Bureau of Labor Statistics. "A Proliferation of the Working Poor." Washington, D.C., 2012.

¹⁹¹ Shipler, David. *The Working Poor*. New York: Alfred A. Knopf, Inc., 2004.

¹⁹² U.S. Census Bureau. "The Research Supplemental Poverty Measure." Washington, D.C., 2011.

¹⁹³ Ibid.

¹⁹⁴ Ibid

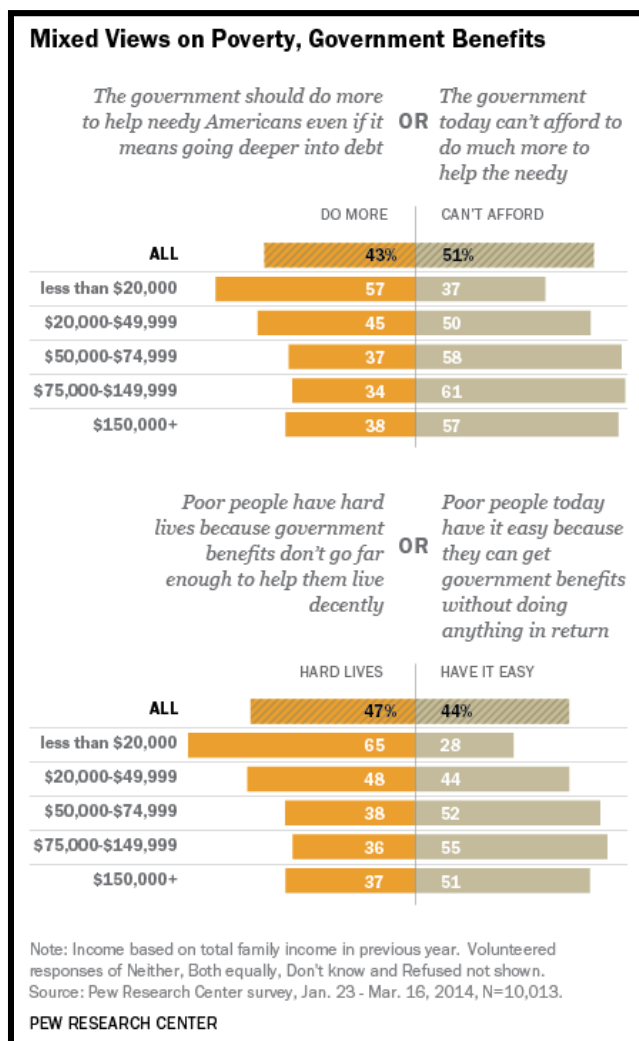
this leaves families at a disadvantage by not being able to have a decent living for their families. And the public agrees.

Americans believe the Federal government does not do enough to help the poor financially. According to the Pew Research Center, 47 percent of Americans believe that government benefits are not enough to sustain the poorest Americans (see Figure 17).¹⁹⁵ This figure substantially increases when looking specifically at Americans classified at and below the poverty line. The poll's findings are divided based on income levels. In detail, 65 percent of the Americans polled that made less than \$20,000 annually agree that the money they receive from the government does not allow for a decent living.¹⁹⁶ These statistics factor in with the public's disapproval of government. People believe the Federal government (specifically the Executive branch) is responsible for ensuring that the country's poorest citizens receive enough Federal assistance to supply their families with the food, shelter, clothing, and utilities necessary for a decent living. This should be especially true for working Americans. The government seems to be disconnected from the basic needs of the poor and how the added stress of being poor affects the health, education and the overall success of individuals and their families.

¹⁹⁵ Krogstad, Jens Manuel, and Kim Parker. Public is sharply divided in views of Americans in poverty. September 16, 2014. <http://www.pewresearch.org/fact-tank/2014/09/16/public-is-sharply-divided-in-views-of-americans-in-poverty/> (accessed January 10, 2014).

¹⁹⁶ Ibid.

Figure 17: Mixed Views on Poverty, Government Benefits¹⁹⁷



The public has the same dissatisfaction for most all elected officials in Washington, as 79 percent of people surveyed in 2014 believe that “elected officials in Washington lose touch with the people pretty quickly”, compared to 66 percent in 2000.¹⁹⁸ The public also responded with 78 percent of people that “most elected officials

¹⁹⁷ Krogstad, Jens Manuel, and Kim Parker. Public is sharply divided in views of Americans in poverty. September 16, 2014. <http://www.pewresearch.org/fact-tank/2014/09/16/public-is-sharply-divided-in-views-of-americans-in-poverty/> (accessed January 10, 2014).

¹⁹⁸ Pew Research Center. 2014 Political Polarization and Typology Survey. Topline Survey, Washington, D.C.: Pew Research Center, 2014.

don't care what people like me think", compared to 55 percent in 2000, an increase of 23 percent in 14 years.¹⁹⁹ Many Americans are divided on many issues but when it comes to trust in elected officials, an overwhelming number of the public feels strongly that they are not being heard by elected officials.

Conclusion

In addition to the issues discussed in this chapter, there are countless other issues that have put the Executive branch in a negative view with the public, including the attacks in Benghazi on the U.S. Embassy, the appearance that the Internal Revenue Service targeted conservative groups applying for tax-exemption and irresponsible Secret Service agents.²⁰⁰ In closing, the public's view of the Executive branch is based on historical events taking place and the government's response to them. However, the events highlighted in this section emphasized the issues most serious and significant to the public, such as race, poverty and personal privacy. These issues are important for American political culture and are of major concern for Americans. America is a country still divided by race and poverty and untrusting of the government's use of personal information as technology advances. According to Figure 9, there are an increasing number of major issues (see gold dots) from the beginning of start of the poll in 1954 to the current issues of the last few decades. This represents a growing apprehension of the Executive branch.

¹⁹⁹ Pew Research Center. 2014 Political Polarization and Typology Survey. Topline Survey, Washington, D.C.: Pew Research Center, 2014.

²⁰⁰ Rabkin, Jeremy. Liberty Lawsite. November 3, 2014. <http://www.libertylawsite.org/liberty-forum/competency-in-administration-james-q-wilson-and-american-bureaucracy/> (accessed November 10, 2014).

While many negative opinions of the Executive branch are valid, including the scenarios listed above; the public's views are influenced by these issues. The Executive branch has lost the trust of Americans and it will take better accountability of Federal officials to win back the public.

Chapter 4: Judicial Missteps

Chapter 4: Judicial Missteps

“The public would justifiably lose confidence in the court system were it otherwise and, without public confidence, the judicial branch could not function.” - The Honorable Ira J. Raab²⁰¹

In chapter 4 of the “The Public’s Increasingly Negative View of the Federal Government”, this chapter will specifically focus on the Judicial branch while continuing to use political research polls that identify historical events. This chapter will also include several scholars’ critique of the judicial process and ideologies to assess public confidence in government. As with the prior chapters, this chapter will also use political research polls (conducted by independent research groups) to confirm the public’s opinion and the notion that the public’s opinions are shaped by major historical events occurring in the United States and international affairs that involve the U.S. For the purposes of this section, this chapter will use the titles “Supreme Court”, “the Court” and “Judicial branch” interchangeably.

The judicial branch is considered the *least* dangerous branch of the Federal government by founding father, Andrew Hamilton, but it is historically the most favorable of all three branches of government by the public.^{202 203} However, the judicial system is not without flaws and criticism from the public. While the judicial branch is not as involved in as many high profile issues as the executive or legislative branch (i.e.

²⁰¹ In the Matter of Honorable Ira J. Raab. SCJC No. 91 (New York Court of Appeals, June 10, 2003).

²⁰² Paulsen, Michael Stokes. "The Most Dangerous Branch: Executive Power to Say What the Law Is." The Georgetown Law Journal, 1994: 217-345.

²⁰³ Gallup. Americans' Trust in Executive, Legislative Branches Down. September 15, 2014. <http://www.gallup.com/poll/175790/americans-trust-executive-legislative-branches-down.aspx> (accessed October 16, 2014).

program implementation or oversight), the Supreme Court has been involved in a number of controversial decisions, over the years, of major issues affecting the public, including healthcare reform, civil rights issues, voting rights issues, immigration, right-to-die disputes, and the use of lethal injection in inmates.²⁰⁴ Some of the decisions the Supreme Court has presided over have been wildly unpopular with the public and has subsequently caused the favorability of the Judicial branch to decline several times over the last few decades. Additionally, after decisions are made, it is nearly impossible to overturn a decision in the Supreme Court. This difficulty binds the public to the ruling no matter the overall public opinion of the case. However, future decisions can change prior decisions made by the Court.

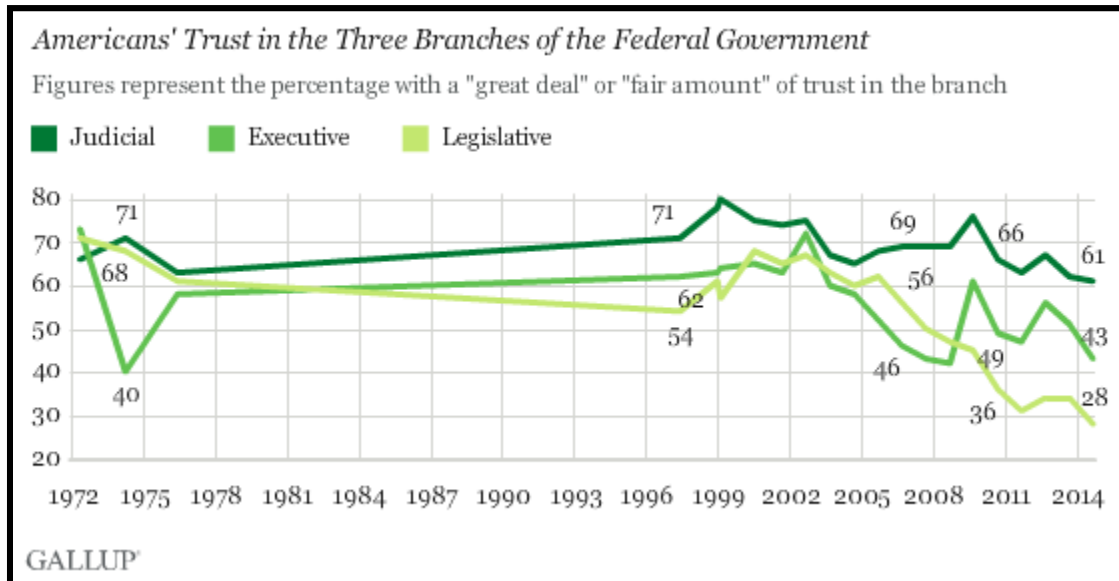
The following figure displayed the public's trust in government and illuminates the differences in their trust in each branch on government. As of 2014, the public distrusts the Legislative branch the least with an approval rating of 28 percent; the Executive branch is hovering around 43 percent and the public overwhelmingly trusts the Judicial branch at 61 percent.²⁰⁵ Throughout the 1980's and most of the 1990's trust in government was steady and even increases for all three branches in the late-1990's and early 2000's but after that trust has yet to rebound.²⁰⁶

²⁰⁴ Hoffer, Peter Charles, William James Hull Hoffer, and N.E.H. Hull. *The Supreme Court: An Essential Guide*. Lawrence: University Press of Kansas, 2007.

²⁰⁵ Gallup. *Americans' Trust in Executive, Legislative Branches Down*. September 15, 2014. <http://www.gallup.com/poll/175790/americans-trust-executive-legislative-branches-down.aspx> (accessed October 16, 2014).

²⁰⁶ *Ibid.*

Figure 18: Americans' Trust in the Three Branches of the Federal Government²⁰⁷



Trust in the Judicial branch even reaches a peak of 80 percent in 1999 during the time Supreme Court Chief Justice William Rehnquist presided over the impeachment of Bill Clinton in the U.S. Senate.²⁰⁸ Between 1999 and 2000, trust begins to slide for the first time since the end of 2002, when trust in all three branches declined simultaneously.²⁰⁹ While periods of mistrust in the Executive and Legislative branches mirror each other over the last four decades (due to shared problems), the Judicial branch did not follow suit. This can be attributed to the Judicial branch lacking the power to enforce the decisions it makes and depends on the Executive branch for enforcement.

²⁰⁷ Gallup. Americans' Trust in Executive, Legislative Branches Down. September 15, 2014. <http://www.gallup.com/poll/175790/americans-trust-executive-legislative-branches-down.aspx> (accessed October 16, 2014).

²⁰⁸ Newport, Frank. "Trust in Legislative Branch Falls to Record-Low 36%." Gallup. September 24, 2010. <http://www.gallup.com/poll/143225/trust-legislative-branch-falls-record-low.aspx> (accessed March 28, 2015).

²⁰⁹ Gallup. Americans' Trust in Executive, Legislative Branches Down. September 15, 2014. <http://www.gallup.com/poll/175790/americans-trust-executive-legislative-branches-down.aspx> (accessed October 16, 2014).

Various scholars have questioned the influence of the judicial branch on the public's opinion. Todd Collins and Christopher Cooper's text "A Court of Public Opinion? Influences on Judicial Decision Making in the U.S. Supreme Court", examines the "salience" of a case by measuring its level of importance to the public using the Case Salience Index, also known as CSI.²¹⁰ When used, this measure proved that "salience, at least with regard to Supreme Court analysis, does not necessarily work in an "all or nothing" fashion."²¹¹ Meaning there are other reasons that factor into how the public views the judicial system and its cases but cases may be decided based on the current mood of the public in high and even low profile cases.²¹² For instance, the authors found that as the public became more liberal, so did the decisions of cases judges presided over.²¹³ This is rather interesting considering the judicial branch is primarily insulated due to its "limited press coverage when compared to other branches of the national government."²¹⁴ This allows the Judicial branch to fly under the radar as larger issues progress in the media and allows the public "to hold the Court in higher regard than the other two branches, although even Supreme Court support has been eroding in recent years."²¹⁵ On the other hand, the judicial branch is also very political, just as the other branches. Judges are not going to jeopardize the validity of the judicial branch by going against public opinion but rather judges use public opinion when addressing their legal opinion to further their personal views and preferred policies.

²¹⁰ Collins, Todd A, and Christopher A. Cooper. "A "Court" of Public Opinion? Influences on Judicial Decision." n.d.

²¹¹ Ibid.

²¹² Ibid.

²¹³ Ibid.

²¹⁴ Ibid.

²¹⁵ Ibid.

Other scholars Casillas, Enns and Wohlfarth believe "...justices must often act strategically in the opinion writing, adjusting to shifts in the public mood in order to ensure the efficacy of their decisions."²¹⁶ Thus public opinion is essential to the decisions made by justices and the reason for the public's historically favorable view of the Supreme Court. Recently, public opinion has not been as heavily regarded as the public disagrees with the Supreme Court's decision of some high profile cases. Casillas, Enns and Wohlfarth also suggest that "public influences of the Supreme Court decisions is real, substantively important, and most pronounced in nonsalient cases."²¹⁷ This logic agrees with Collins and Cooper as they also believe the saliency of a case is important to the Court. The short and long-term effects of public opinion are well documented in analyses by scholars and the results of public opinion polls.

The Judicial branch has a completely different set of responsibilities and roles in the Federal government process. While the Legislative and Executive branches are comprised of elected officials and others driven by political appointees, judges governing the Judicial branch are strictly Presidential appointees. According to "American Government: Power and Purpose" the U.S. court systems is divided into two systems, the Federal court and the State court.²¹⁸ The Federal court system consists of district courts and a court of appeals, while the state court system consists of trial courts, state appellate courts and a state supreme court.²¹⁹ Upon request and if/when appropriate, cases are elevated to the U.S. Supreme Court for review and determination. It should be noted that

²¹⁶ Casillas, Christopher, Peter Enns, and Patrick Wohlfarth. "How Public Opinion Constrains the U.S. Supreme Court." *American Journal of Political Science*, 2010: 74-88.

²¹⁷ Ibid.

²¹⁸ Ansolabehere, Stephen, Benjamin Ginsberg, Theodore Lowi, and Kenneth Shepsle. *American Government: Power and Purpose*. New York, NY: W. W. Norton & Company, Inc., 2010.

²¹⁹ Ibid.

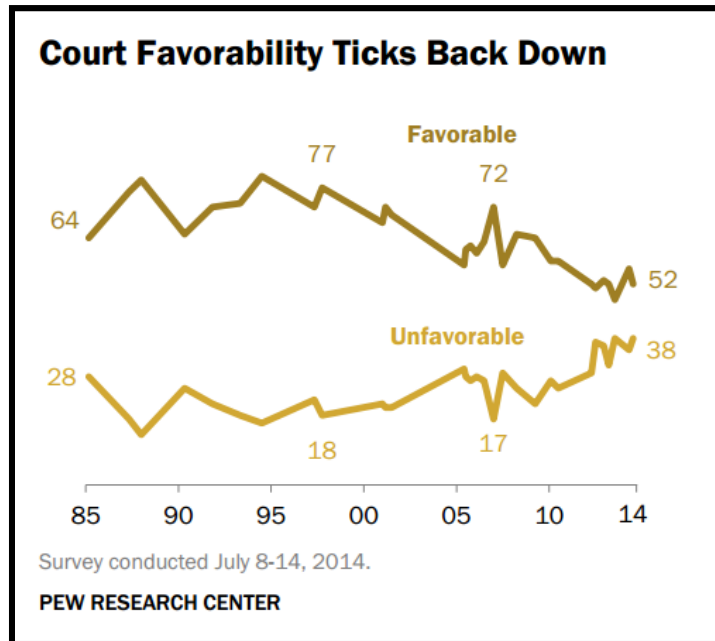
approximately “99 percent of all court cases in the United States are heard in state courts.”²²⁰ This chapter will focus on the remaining less than 1 percent of cases heard in the U.S. Supreme Court. These cases are more susceptible to scrutiny in the media and with the public’s views of reception of the court’s determinations. These cases that are elevated to the Supreme Court are also directly tied to political research polling questions and public opinion data.

Cases heard by the Supreme Court are selective in nature and have no specific reason for being heard but there are a few criteria: (1) cases must have complex issues related to Federal law(s) or fall within Federal jurisdiction, (2) have major social interests or unusual circumstances, (3) be of interest to a Justice and (4) when a lower court “...blatantly disregards a past Supreme Court decision.”²²¹ According to Thomson Reuters’ website “FindLaw”, the Supreme Court receives about 10,000 cases annually for “petitions for certiorari”, but only hears about 80 of them. These select cases of high saliency establish that the Court chooses cases based on a focused criterion and this research suggests public opinion plays a major role in the decisions of these cases. Scholars note the importance public preference and opinion plays in policy development and implementation. Also, other elected officials depend on the opinions of the public to maintain support.

²²⁰ Ansolabehere, Stephen, Benjamin Ginsberg, Theodore Lowi, and Kenneth Shepsle. *American Government: Power and Purpose*. New York, NY: W. W. Norton & Company, Inc., 2010.

²²¹ Thomson Reuters. "How Does the U.S. Supreme Court Decide Whether to Hear a Case?" FindLaw. n.d. <http://litigation.findlaw.com/legal-system/how-does-the-u-s-supreme-court-decide-whether-to-hear-a-case.html> (accessed February 23, 2015).

Figure 19: Court Favorability Ticks Back Down²²²



Trust in the judicial branch has been relatively steady for the past several decades, dipping only below 50 percent once in the last 15 years.²²³ Political polls historically show that the majority of Americans trust the judicial branch and the Supreme Court. However, the judicial branch is at its lowest trust levels ever. The Pew Research Center conducted a survey of 1,805 people based on telephone interviews using a random sample of adults.²²⁴ The most recent survey conducted in July 2014 asked respondents, “Is your overall opinion of the Supreme Court very favorable, mostly favorable, most unfavorable, or very unfavorable?”²²⁵ Approximately 52 percent of respondents approve of the Supreme Court, while 38 percent disapprove of the Supreme Court (see Figure 19

²²² Pew Research Center. Shifting Views of Supreme Court's Ideology Among Liberals, Conservatives. July 31, 2014. <http://www.people-press.org/2014/07/31/shifting-views-of-supreme-courts-ideology-among-liberals-conservatives/> (accessed February 10, 2015).

²²³ Ibid.

²²⁴ Ibid.

²²⁵ Pew Research Center. July 2014 Political Survey. Final Topline Survey, Washington, D.C.: Pew Research Center, 2014.

above).²²⁶ Of the 52 percent of respondents that approved of the Supreme Court, 8 percent were “very favorable” and an overwhelming 44 percent were “mostly favorable”.²²⁷ This illustrates that while the majority of Americans approve of the Supreme Court, most are not “very favorable” of the work they do. On another note, of the 38 percent of Americans that disapprove of the Supreme Court, 14 percent were “very unfavorable” and 24 percent acknowledged that they were “mostly unfavorable”.²²⁸ When reviewing this survey historically, the Supreme Court was its most favorable in July 1994, when 80 percent of people viewed the Supreme Court favorably, compared to a mere 48 percent in July 2013, when approval was at its lowest ever.²²⁹ Appendix C displays the full topline data on the Supreme Court from 1985 to 2014.

Overall, Americans have viewed the Supreme Court as favorable since March 1985 (when this question was originally asked by the Pew Research Center), where favorability has also never dropped below 45 percent in its history.²³⁰ However, for the last 5 years, Americans have not been as confident as they have been about the Supreme Court as in the past as favorability has not reached above 70 percent since 2007.²³¹ Race also plays an important role in the Court’s unfavorability as more minorities have an unsatisfactory opinion of the Supreme Court. The Pew Research Center also reports that in March 2013 when minorities were asked their opinions of the Supreme Court, they were more dissatisfied than Caucasian respondents. About 61 percent of African Americans and 58 percent of Hispanic were “unfavorable” of the Supreme Court,

²²⁶ Pew Research Center. July 2014 Political Survey. Final Topline Survey, Washington, D.C.: Pew Research Center, 2014.

²²⁷ Ibid.

²²⁸ Ibid.

²²⁹ Ibid.

²³⁰ Ibid.

²³¹ Ibid.

compared with about 49 percent of Caucasians. This survey was conducted right after the Supreme Court's ruling on the constitutionality of the Affordable Care Act of 2010 (*National Federation of Independent Business et al. v. Sebelius, Secretary of Health and Human Services*) and right before the major ruling on the specific parts of the Voting Rights Act of 1965 (*Shelby County v. Holder*), which are discussed below. These publically scrutinized Court decisions may have played a role in the decline of confidence in minorities, who are greatly affected by the results of the decisions, especially the *Shelby County v. Holder* ruling.

Past scholarly research has focused on the reasons Justices' have a difficult time separating their personal beliefs from their responsibilities as a neutral party in the decision making and review process, while others have reviewed the Courts involvement in the government's separation of powers mantra. Very little research has been conducted to review the public's opinion of the Judicial branch in wake of major recent events affecting public opinion. This section will analyze the public's opinion of the Supreme Court and will review cases where the public has overwhelmingly disapproved of the Supreme Court's decisions, which are subsequently the years of the greatest decline in confidence and historically low dissatisfaction. These cases will illustrate why the approval ratings have declined.

Figure 20: Most Important Problem Facing the U.S.²³²

Most Important Problem Facing the U.S.

What do you think is the most important problem facing this country today?

	Jul 7-10, 2014	Aug 7-10, 2014	Sep 4-7, 2014
	%	%	%
Dissatisfaction with government	16	18	18
Economy in general	15	14	17
Immigration/Illegal aliens	17	15	12
Unemployment/Jobs	14	12	12
Foreign policy/Foreign aid/Focus overseas	3	7	6
Federal budget deficit/Federal debt	6	3	6
Healthcare	8	9	5
Ethics/Moral/Religious decline	4	6	5
Terrorism	1	*	4
Poverty/Hunger/Homelessness	3	5	3
Education	5	4	3
Gap between rich and poor	1	3	3
Wars/War (nonspecific)/Fear of war	1	3	3
Situation in Iraq	*	1	3
Judicial system/Courts/Laws	3	1	3
Race relations/Racism	2	1	3

Responses listed by at least 3% of Americans are shown.
 * Less than 0.5%

GALLUP

Historical Cases Affecting Public Trust and Confidence

The historical decline in the public's views of the Judicial branch can be attributed to a number of cases over the course of the last 10 years in which polling shows a significant decline following the decisions. These cases examined are also salient in nature and have been under major media and political scrutiny, of which the public is more likely to have an educated opinion on. Cases where the public is not as

²³² Gallup. Since 9/11, Fewer Americans Say Terrorism Top Problem. September 10, 2014. <http://www.gallup.com/poll/175721/fewer-americans-say-terrorism-top-problem.aspx> (accessed October 10, 2014).

well-versed in are less likely to have a solid opinion of their views of the effects of the case in their personal life or its effect on the country. In addition to the overall political polls used in this research, scholars have also researched the possibility that Supreme Court judges are highly politicalized, meaning their decisions are based off of the current political climate not an unbiased and impartial view in combination with the law. This allows justices to continue to uphold the Constitution and insert their own political nuances in the review and decision of a case. Some newer decisions may contradict prior decisions on related cases and set new precedence on a matter. This can make the public untrusting of the overall Judicial branch, its justices and its role in the Federal government process.

Public opinion is valuable to the judicial system, as Gregory Caldeira and James Gibson describe in their text, “The Etiology of Public Support for the Supreme Court”, and define support “as an attitude by which a person orients himself to an object either favorably or unfavorably, positively or negatively. Such an attitude may be expressed in parallel action.”²³³ The authors continue by acknowledging that it is difficult for political institutions to survive without positive support and that all institutions need a “reservoir” of goodwill.²³⁴ The Judicial system has maintained a history of positive support from the public as the Court has maintain the highest level of satisfaction from the public than any other branch since the early 1970’s, as depicted above in Figure 18. This reservoir of support and insulation for major media scrutiny, allows the Court to maintain high

²³³ Caldeira, Gregory, and James Gibson. "The Etiology of Public Support for the Supreme Court." *American Journal of Political Science*, 1992: 635-664.

²³⁴ Ibid.

regards with the public, even in wake of several dissatisfactory decisions in the last five years.

The following cases illustrate the public's disapproval with the Supreme Court's decisions on a number of cases of high salinity. The decisions made in these cases match the corresponding decline in public opinion in political research polls. The final decisions of cases (including: *Citizens United v. Federal Election Commission*, *National Federation of Independent Business et al. v. Sebelius, Secretary of Health and Human Services*, and *Shelby County v. Holder*) coincide with the public's lowest approval percentages of the Supreme Court in 2010, 2012 and 2013. Using scholarly sources and polling results, this section will examine why these cases caused the public to view the Supreme Court unfavorably and the impact of these case decisions on Americans.

Citizens United v. Federal Election Commission (Decided on January 21, 2010)

On January 21, 2010, the Supreme Court struck down a measure which allows corporations (including foreign corporations and firms) to provide undisclosed amounts of money to political election campaigns via electioneering, bypassing governmental oversight and reversing regulation on campaign spending.²³⁵ The impact of this decision lifts restriction on political campaigns and also, provides corporations the option to push their political agendas without any disclosures to the government or citizens. This case sets a powerful precedent for the influencing of elections through special interests organizations. According to Lee Fang's, article "Never Mind Super PACs: How Big Business Is Buying the Election", the law still prohibits "foreign corporations from

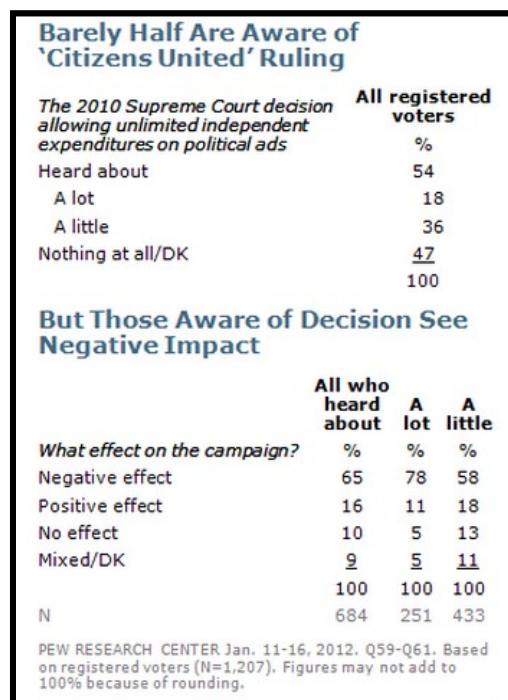
²³⁵ Fang, Lee. "Never Mind Super PACs: How Big Business Is Buying the Election." *The Nation*, September 17, 2012: 11-17.

participating directly in elections” but organizations are taking advantage of the overall Supreme Court decision.²³⁶ This decision will have an effect on future elections. Alan Grayson, former Democratic Congressman from Florida says corporations now “...have the right to bribe, the right to buy elections, the right to punish the elected representatives who take a stab at doing what’s right.”²³⁷ The decision punishes the small companies and individuals who lobby and support candidates the right way, not by waving large sums of money to force support. The decision also removes any fairness from elections and campaigning allowing for a lack of moderation and control. A lack of control in a democracy is problematic and unsettling for oversight in government and politics.

²³⁶ Fang, Lee. "Never Mind Super PACs: How Big Business Is Buying the Election." *The Nation*, September 17, 2012: 11-17.

²³⁷ Baumann, Nick. "Grayson: Court's Campaign Finance Decision "Worst Since Dred Scott"." *Mother Jones*. January 22, 2010. <http://www.motherjones.com/mojo/2010/01/grayson-courts-campaign-finance-decision-worst-dredd-scott> (accessed March 29, 2015).

Figure 21: Barely Half Are Aware of ‘Citizens United’ Ruling²³⁸



The majority of Americans, unfortunately, did not follow this issue as many were unaware of the decision and the effects to the future of fair elections in the U.S. The Pew Research Center conducted a survey two years after the ruling and asked respondents “How much, if anything, have you heard about a 2010 Supreme Court decision allowing corporations and individuals to spend as much as they want on political ads for or against candidates as long as they don’t coordinate with the candidates or campaigns. Have you heard a lot, a little, or nothing at all about this?”²³⁹ A total of 54 percent of respondents have heard about the ruling, including 18 percent that heard “a lot” about the ruling and

²³⁸ The Pew Research Center. Super PACs Having Negative Impact, Say Voters Aware of ‘Citizens United’ Ruling. January 17, 2012. <http://www.people-press.org/2012/01/17/super-pacs-having-negative-impact-say-voters-aware-of-citizens-united-ruling/> (accessed March 15, 2015).

²³⁹ Ibid.

36 percent that heard “a little”.²⁴⁰ The remaining 47 percent of respondents heard nothing at all about the ruling.²⁴¹ After this question, a follow-up question was given only to the 54 percent that heard about the ruling and were asked about the impact to campaigns.²⁴² Over half, 65 percent, responded that there will be a negative effect on upcoming elections.²⁴³ This is a complicated political matter that focuses solely of major corporations and firms and pushes out small businesses and minor interests groups but will affect the entire election system.

National Federation of Independent Business et al. v. Sebelius, Secretary of Health and Human Services (Decided on June 28, 2012)

The Affordable Care Act (ACA) was proposed by President Barack Obama and enacted by Congress to fix the healthcare system by “(i) eliminating the ability of insurance companies to discriminate based on pre-existing conditions and strictly limiting pricing based on age, (ii) requiring individuals who lack access to an affordable employer-based insurance option to purchase private insurance (with subsidies for individuals from 100 to 400% of the Federal Poverty Level (FPL), and (iii) expanding eligibility for Medicaid to include all adults with income less than 138% of the FPL.”²⁴⁴ The controversy with the law rested with two of the three issues above, (ii) and (iii), with the mandate requiring citizens to pay a penalty tax for not participating in the healthcare plan and the other with the requirement of states to expand Medicaid eligibility or risk

²⁴⁰ The Pew Research Center. Super PACs Having Negative Impact, Say Voters Aware of ‘Citizens United’ Ruling. January 17, 2012. <http://www.people-press.org/2012/01/17/super-pacs-having-negative-impact-say-voters-aware-of-citizens-united-ruling/> (accessed March 15, 2015).

²⁴¹ Ibid.

²⁴² Ibid.

²⁴³ Ibid.

²⁴⁴ Gostin, Lawrence, and Emily Whelan Parento. "Better Health, But Less Justice: Widening Health Disparities after *National Federation of Independent Business v. Sebelius*." *Notre Dame Journal of Law, Ethics & Public Policy*, 2013: 481-512.

losing Federal funding.²⁴⁵ The ACA will afford millions of people access to healthcare for themselves and their families without the risk of discrimination or costly insurance plans.

On June 28, 2012, the Supreme Court decided to uphold a part of the Affordable Care Act and repeal another section of the law after hearing arguments from twenty-six states, several individuals and members of the National Federation of Independent Business.²⁴⁶ With a vote of 5-4, the Court reversed the state mandate to make the Medicaid expansion optional without penalty but upheld the mandate for non-participants to pay a penalty. Justices Anthony M. Kennedy, Samuel Alito, Jr., Antonin Scalia and Clarence Thomas are the four Justices that rejected both mandates, while Ruth Bader Ginsburg, John G. Roberts, Jr., Stephen G. Breyer, Sonia Sotomayor and Elena Kagan voted in favor of both mandates.²⁴⁷

Americans overall do not support a government-run healthcare system, like the ACA, as most would prefer to have it privately operated. Gallup polled the public in 2010 and in 2011 on their thoughts of the then-proposed ACA. Respondents were asked “Which of the following approaches for providing healthcare in the United States would you prefer: a government-run healthcare system, (or) a system based mostly on private health insurance?”²⁴⁸ In 2011 the majority, 61 percent of respondents, answered “system

²⁴⁵ Gostin, Lawrence, and Emily Whelan Parento. "Better Health, But Less Justice: Widening Health Disparities after National Federation of Independent Business v. Sebelius." *Notre Dame Journal of Law, Ethics & Public Policy*, 2013: 481-512.

²⁴⁶ *Ibid.*

²⁴⁷ Liptak, Adam. "Supreme Court Upholds Health Care Law, 5-4, in Victory for Obama." *The New York Times*. June 28, 2012. <http://www.nytimes.com/2012/06/29/us/supreme-court-lets-health-law-largely-stand.html> (accessed March 14, 2015).

²⁴⁸ Gallup. *Health & Healthcare. Final Topline*, Washington, D.C.: Gallup, 2011.

based on private insurance”, while 34 percent responded a “government-run system”.²⁴⁹ The response the year before in 2010 was roughly the same, the majority supported privately run healthcare. See Appendix D for the public’s view on the government’s responsibility for healthcare for the public.

In a 2012 poll conducted by The New York Times and CBS News, “More than half of Americans said the decision in the health care case was based mainly on the justices’ personal or political views. Only about 3 in 10 of them said the decision in the case was based mainly on legal analysis.”²⁵⁰

Specifically, a partisan review of the Supreme Court reveals Republicans are specifically unsatisfied with the Supreme Court ruling and the majority of Democrats were more favorable (see Figure 22 below). Near the end of 2012, 38 percent of Republicans were favorable of the decision, while 64 percent of Democrats and 50 percent of Independents were favorable.²⁵¹ Specifically for Republicans, this view of the Supreme Court during this time represents a drop of 42 percent between 2008 and 2012, the lowest rating in five years.²⁵² Overall, Democrats are historically critical of the Supreme Court, during the administration of Democrat President Barack Obama, as favorability has not dropped below 60 percent.²⁵³

²⁴⁹ Gallup. Health & Healthcare. Final Topline, Washington, D.C.: Gallup, 2011.

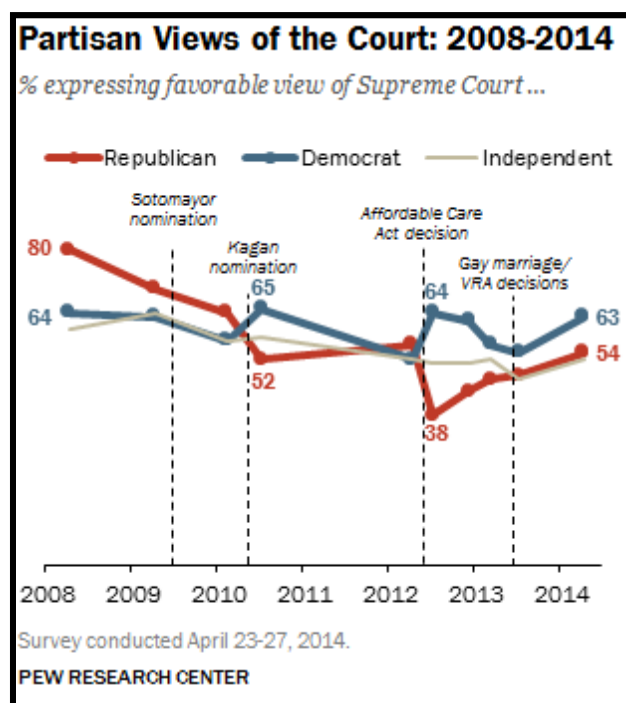
²⁵⁰ Kopicki, Allison, and Adam Liptak. "Public's Opinion of Supreme Court." The New York Times. July 18, 2012. <http://www.nytimes.com/2012/07/19/us/politics/publics-opinion-of-court-drops-after-health-care-law-decision.html> (accessed March 14, 2015).

²⁵¹ The Pew Research Center. Supreme Court Favorability Rebounds. Complete Report, Washington, D.C.: The Pew Research Center, 2014.

²⁵² Ibid.

²⁵³ Ibid.

Figure 22: Partisan Views of the Court: 2008 – 2014²⁵⁴



Shelby County v. Holder (Decided on June 25, 2013)

On June 25, 2013, the Supreme Court narrowly struck down parts of the Voting Rights Acts of 1965, including Section 5 and 4(b), by a vote of 5-4.²⁵⁵ Section 5 required certain Southern states to seek permission for changes in voting-related requirements and Section 4(b) defined the formula used to determine which states fit the profile.²⁵⁶ The Voting Rights Act of 1965, which loosened requirements state's placed on voting for minorities, mostly African Americans, was signed into law by President Lyndon

²⁵⁴ The Pew Research Center. Supreme Court Favorability Rebounds. Complete Report, Washington, D.C.: The Pew Research Center, 2014.

²⁵⁵ Heller, Joel. "Shelby County and the End of History." *The University of Memphis Law Review*, 2013: 357-412.

²⁵⁶ *Ibid.*

Johnson.²⁵⁷ The Act recognized that “African Americans in the South faced tremendous obstacles to voting, including poll taxes, literacy tests, and other bureaucratic restrictions to deny them the right to vote. Minorities also risked harassment, intimidation, economic reprisals, and physical violence when they tried to register or vote. As a result, very few African Americans were registered voters, and they had very little, if any, political power, either locally or nationally.”²⁵⁸

According to survey results from the Pew Research Center, African Americans were very interested in the days before the Supreme Court’s 2013 decision on *Shelby County v. Holder*, as polls indicated that the majority were “very interested” in the decision. The Pew Research Center conducted a poll on the three major decisions that were being finalized in the same week: (1) the legalization of gay marriage, (2) affirmative action in the college admissions process and (3) the current importance of certain sections of the Voting Rights Act of 1965.²⁵⁹ When respondents were asked “Thinking about some cases the Supreme Court will decide on next week... How interested are you in whether parts of the Voting Rights Act are still necessary?” 56 percent of African Americans were “very interested” in the Court decisions considering the decision will affect this group the most in upcoming elections, just as the original act did in 1965 (see Figure 23 below).²⁶⁰ On the other hand, only 32 percent of Caucasians responded that they were “very interested” in the 2013 Court decision of voting rights.²⁶¹

²⁵⁷ Our Documents. Voting Rights Act (1965). n.d. <http://www.ourdocuments.gov/doc.php?doc=100> (accessed February 28, 2015).

²⁵⁸ Ibid.

²⁵⁹ The Pew Research Center. Final Court Rulings: Public Equally Interested in Voting Rights, Gay Marriage. June 24, 2013. <http://www.people-press.org/2013/06/24/final-court-rulings-public-equally-interested-in-voting-rights-gay-marriage/> (accessed March 10, 2015).

²⁶⁰ Ibid.

²⁶¹ Ibid.

In reviewing the political partisan disparities, Democrats were more interested in the voting rights decision than Republicans.²⁶² And the public's interest in the decision was parallel to the number of people that disapproved of the decision a week later. See Appendix E for the public's view on the *Shelby v. Holder* decision.

While the Pew Research Center focused research on measuring the public's interests in the Court decision, there were no specific polls on the approval on the actual Court decision and written opinion by the Justices. However, approval ratings from ABC News/Washington Post which examined the public's opinion the week following the Supreme Court's decision found that, 51 percent of respondents disapproved of "striking down part of the Voting Rights Act, while only 33 percent approve of the removal of several important measures in the original bill that required states to justify changes in their voting laws, to protect the rights of minorities and the elderly."²⁶³ African Americans, especially, disapproved of the decision, with 71 percent of respondents disagreeing with the decision.²⁶⁴ On the other hand, Hispanics and Caucasians were on the fence on the decision as 50 percent of Hispanics disapproved and 48 percent of Caucasians disapproved.²⁶⁵ The polling results show across the demographic board (race, sex, age, education, and political affiliation) that the public and even some high ranking political officials disapproved with the decision. The only demographic that did not reach close to 50 percent approval were "republicans" and the "very conservative", as

²⁶² The Pew Research Center. Final Court Rulings: Public Equally Interested in Voting Rights, Gay Marriage. June 24, 2013. <http://www.people-press.org/2013/06/24/final-court-rulings-public-equally-interested-in-voting-rights-gay-marriage/> (accessed March 10, 2015).

²⁶³ ABC News/Washington Post. Many Criticize Voting Rights Ruling; Partisan Splits on Gay Marriage Continue. Polling, New York City: ABC News/Washington Post, 2013.

²⁶⁴ Ibid.

²⁶⁵ Ibid.

noted in the poll.²⁶⁶ These two groups fought to preserve state individuality from government regulated racial segregation to deter minorities from voting and registering to vote in many counties.

Paul Wiley's text "Shelby and Section 3: Pulling the Voting Rights Act's Pocket Trigger to Protect Voting Rights After *Shelby County v. Holder*" describes the criticism the Court received from various scholars on the disappointment from leaders on the decision, from Attorney General Eric Holder to President Barack Obama.²⁶⁷ Attorney General Eric Holder believes "Preclearance has proven to be an effective mechanism that puts on hold any new voting changes until they have been subjected to a fair, and thorough, review."²⁶⁸ This process regularly resulted in approvals for impartial voting changes."²⁶⁹ Holder continues about how the decision has not been a worthy change for the country but a rather setback for minorities in well-known states with racial problems during elections.²⁷⁰

²⁶⁶ ABC News/Washington Post. Many Criticize Voting Rights Ruling; Partisan Splits on Gay Marriage Continue. Polling, New York City: ABC News/Washington Post, 2013.

²⁶⁷ Wiley, Paul M. "Shelby and Section 3: Pulling the Voting Rights Act's Pocket Trigger to Protect Voting Rights After *Shelby County v. Holder*." *Washington & Lee Law Review*, 2014: 2115-2153.

²⁶⁸ Ibid.

²⁶⁹ Ibid.

²⁷⁰ Ibid.

Figure 23: Racial Differences in Interest in Major Court Decisions²⁷¹

Racial Differences in Interest in Major Court Decisions			
<i>% 'very interested' in the Supreme Court's decision on...</i>	Gay marriage	Voting rights	Affirmative action
	%	%	%
Total	35	35	31
Men	32	36	28
Women	38	35	34
White	37	32	25
Black	23	56	56
18-29	35	25	27
30-49	32	36	32
50-64	40	39	32
65+	35	38	31
Republican	39	32	25
Democrat	38	44	42
Independent	34	30	27

PEW RESEARCH CENTER June 20-23, 2013. Whites and blacks include only those who are not Hispanic.

Civil rights issues have been a long standing concern for many Americans long before the civil rights movement even took place in the 1950's. The U.S. issues with racial disparities are deeply rooted in those who recall that only 50 years ago, minorities were disbarred from voting in elections, in addition to other racial inequalities of unequal pay, poor education and inadequate support from the Federal government. Hateful acts of discrimination based on race, color, sex, sexual orientation and religion go hand-in-hand with the social norms in society in the past but the Supreme Court decision reversed most of the protection for minorities.

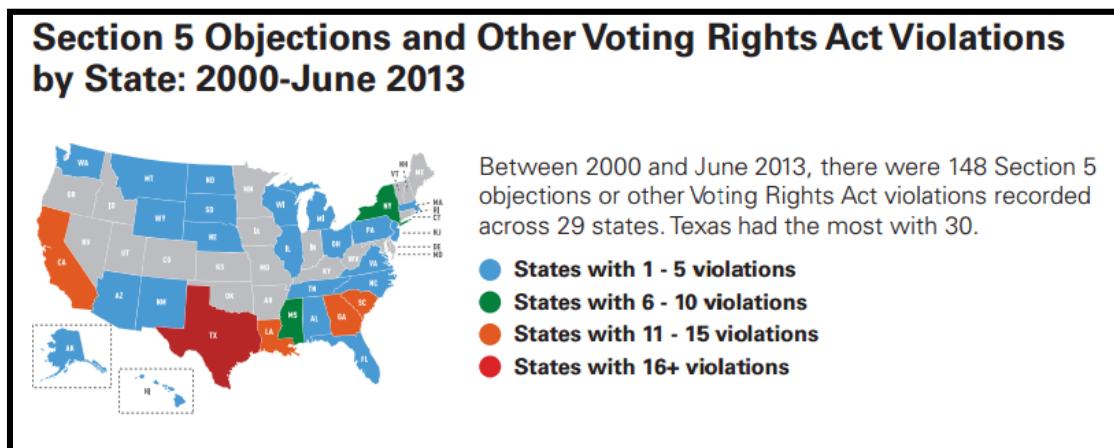
²⁷¹ The Pew Research Center. Final Court Rulings: Public Equally Interested in Voting Rights, Gay Marriage. June 24, 2013. <http://www.people-press.org/2013/06/24/final-court-rulings-public-equally-interested-in-voting-rights-gay-marriage/> (accessed March 10, 2015).

A year after the Supreme Court's decision, recent studies show violations of voting rights by state. The Leadership Conference on Civil and Human Rights released a report in 2014 on their key findings on the effects of the Supreme Court sticking down key parts of the Voting Rights Act and found four main issues: "(1) racial discrimination in voting remains a significant problem in our democracy; (2) the problem of racial discrimination in voting is not limited to one region of the country; (3) voting discrimination occurs most often in local elections; and (4) discrimination in voting manifests itself in many ways, and new methods continue to emerge."²⁷² These issues of racial discrimination in voting have not changed as some of the Justices have stated in written opinions. Many of the same problems minorities faced at the polls in the 1960's are still resonated in the nature of voting 50 years later. The Leadership Conference on Civil and Human Rights also found that from 2000, there have been 148 separate examples of discrimination, which had the capacity to impact elections for up to tens of thousands of voters.²⁷³ The following figure illustrates where these violations have occurred:

²⁷² The Leadership Conference. The Persistent Challenge of Voting Discrimination: A Study of Recent Voting Rights Violations by State. Washington, D.C.: The Leadership Conference, 2014.

²⁷³ Ibid.

**Figure 24: Section 5 Objections and Other Voting Rights Act Violations by State:
2000-June 2013²⁷⁴**



As depicted above, Texas has over 16 violations of the Voting Rights Act. Other states with double-digit violations include: California, Louisiana, Georgia, South Carolina, Mississippi and New York. Other detailed instances of voting rights violations include the City of Calera in Alabama’s plan to redistrict city zones which would eliminated the city’s only African American district and other U.S. cities recently violated voting rights by eliminating polling places in Alaska Native villages.²⁷⁵ There are 10 other issues that have occurred in southern states after the Shelby County v. Holder since 2013 in Arizona, Texas, Alabama, Georgia, Florida and North Carolina.²⁷⁶ This data supports the public’s disapproval of the Supreme Court’s decision and also further substantiates the disappointment of President Barack Obama and Attorney General Eric Holder.

²⁷⁴ The Leadership Conference. The Persistent Challenge of Voting Discrimination: A Study of Recent Voting Rights Violations by State. Washington, D.C.: The Leadership Conference, 2014.

²⁷⁵ Ibid.

²⁷⁶ Ibid.

Conclusion

The Judicial branch is one of the more respected branches in government. The cases reviewed in this section are a small multitude of cases where the public disagrees with the decisions made by Federal judges. There are other cases that share similar disapproval and effect public opinion. The Judicial branch has an opportunity to quickly rebound from their recent low ratings. The public historically has high regard for the rule of law and is highly favorable of prior rulings. In any events, the Judicial branch has a responsibility to the public to fairly interpret the laws and make conscious assessments of cases based on the current environment of the country. These decisions affect individuals, corporations and the Federal government.

Chapter 5: Conclusion

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The public's mistrust in Federal government has been developing over the course of the last several decades, building with time as Congress fails, the Executive branch breaks down and the Judicial branch encounters missteps. But one thing is certain; the public is not satisfied with the government. This research reviewed the public's opinion of the Federal government, by each branch, and determined that the public is currently displeased with all three branches for one reason or another. Using public opinion data allowed this research to pinpoint the exact events in history that shifted the public's views from satisfactory to unsatisfactory. Public opinion can be attributed to one's values towards various issues, problems, people or events. Public opinion is also one of the most influential ways for the public's views to be heard. The government and politicians study public opinion polls to form policy and validate their votes on certain issues. This makes the public's opinion very valuable and highly regarded.

Chapter 1 illustrated that of the three branches of government, the public is least satisfied with Congress due to three reasons (1) the public's low confidence in Congress' effectiveness through several major historical events, (2) mistrust in the overall political system and (3) the members of the Congress being extremely polarized.

Mistrust in Congress has developed over a long period of time starting in the 1960's and then progressing up until the historic low ratings of today. Several scholars acknowledge that during the 1960's, Americans were becoming more educated and more socially conscious, as the state of social and racial issues began to take shape. Distrust with government, including Congress, grew as the civil right movement and women's

equality movement swept the country. By the 1970's, while minorities gained the right to vote, less Americans were exercising their voting rights as then-President Jimmy Carter highlighted "the gap between our citizens and our government has never been so wide..."²⁷⁷ According to Gallup, the public does not have over 50 percent approval of Congress until the 1990's, after high poverty rates, an increase in unemployment and the collapse of the economy during the 1980's.²⁷⁸ An extremely polarized government during the 1990's, with a Democratic President (Bill Clinton) and a Republican controlled House and Senate Committee made for a steep decline in the number of bills passed, including the delay of an appropriations bill which shutdown the government in 1995. The Republican-controlled government refused to compromise and resulted in a 26 day shutdown during the Christmas of 1995. After the attacks on September 11th, trust in Congress decreased and continued eleven years later until the lowest levels ever in 2011, with only 36 percent in 2011.²⁷⁹

In addition to changes over a period of time, the public also believes mistrust is due to Congressional members being out-of-touch with the public and members being too focused on personal interests. Brooks and Cheng's study of public confidence reveal that independent of state-specific issues that the public appreciates; trust is based directly on the Congressional member's overall effectiveness in office. Furthermore, the mistrust in government is limited to confidence in Congress' overall effectiveness, not specific to a individual Congressional member.

²⁷⁷ Lipset, Seymour M, and Williams Schneider. "The Decline Of Confidence in American Institutions." *Political Science Quarterly* 98, no. 3 (1983): 379-402.

²⁷⁸ Saad, Lydia. "Americans Express Historic Negativity Toward U.S. Government." Gallup. September 26, 2011. <http://www.gallup.com/poll/149678/americans-express-historic-negativity-toward-government.aspx> (accessed October 1, 2011).

²⁷⁹ Ibid.

Research from Ezra Klein and Nolan McCarty also reveal the extreme polarization in Congress and its effects on the public's trust in Congress providing partisan support. The distance between Republicans and Democrats has never been as wide-ranging as it has in the last few years. This polarization makes it difficult to pass important appropriations bills to fund the Federal government, as well as, difficulty working with the President to confirm key leadership positions in the Executive and Judicial branches. Congress has impaired the effectiveness of the Federal government resulting in severe mistrust by the public, as evident in political research polls.

Chapter 2 explained the connection between low levels of confidence in the Executive Branch after September 11th and the historical events indicated by political research polls. Specifically, polls show that four major problems handled by Federal officials have caused the public to mistrust the Executive branch, including (1) the emergency response during Hurricane Katrina, (2) the data collection program and the leaking of personal information by the NSA, (3) the issues with the ACA implementation, and (4) the bleak economic outlook for the poor.

Hurricane Katrina became one of the most destructive natural disasters to hit the United States but more poor families were affected by the tragedies due to negligence from the Federal government failing to upgrade levees, the purposeful redirection of flood waters from wealth neighborhoods to poorer neighborhoods with lower property values. There was also a lack of attention and adequate public assistance given to the most impoverished residents displaced by the storm. Overall, about 55 percent of respondents rated the government's response as "only fair" or "poor" while specifically,

African Americans were even more displeased with the government's response as 77 percent rated the government's response as "only fair" or "poor".^{280 281}

With the NSA, the public was concerned with the lack of information about the surveillance program before the leak of military and personal information by Edward Snowden. As a result, public outcry about trusting government began to mount as the public became aware of the extent of the surveillance program and the types of activities monitored, including phone calls and emails. Approximately 56 percent of the public agreed that they are not as well informed as they should be, compared to only 39 percent that disagreed. In another poll, 19 percent of responded listed "to control/spy/be nosy" as possible purposes for surveillance data, while 16 percent responded "to gather evidence on non-terror crimes".²⁸²

The delayed implementation and lack of support for governmental involvement in healthcare made the public mistrust the government's control of the ACA. In 2014, four years after President Barack Obama and Congress approved the law, 53 percent of the public disapproved of the healthcare mandate, an increase of 9 percent since the law was enacted.²⁸³

Finally, the working poor are concerned with their financial situation and most Americans believe the government can do a better job to help reduce the income gap. The

²⁸⁰ Pew Research Center. Hurricane Katrina Survey. Topline, Washington, D.C.: Pew Research Center, 2005.

²⁸¹ Pew Research Center. Hurricane Katrina Survey. Complete Report, Washington, D.C.: Pew Research Center, 2005.

²⁸² Pew Research Center. Few See Adequate Limits on NSA Surveillance Program. July 26, 2013. <http://www.people-press.org/2013/07/26/few-see-adequate-limits-on-nsa-surveillance-program/> (accessed December 16, 2014).

²⁸³ Pew Research Center. 2014 Political Polarization and Typology Survey. Topline Survey, Washington, D.C.: Pew Research Center, 2014.

current formula the government uses to determine poverty is based on spending patterns during the 1950's and do not account for the cost of living and economic environment of the U.S. by today's standards. About 79 percent of the public believes the government is out-of-touch with its citizens, compared to 66 percent in 2000.²⁸⁴ The Executive branch has had a difficult time maintaining support over the last 15 years as the public expects to be informed of policies affecting their personal privacy, have better and faster relief in the aftermath of a storm regardless of income levels, less governmental involvement in healthcare and a reduction in the income gap.

Chapter 3 examined the Judiciary Branch in wake of several high profile cases being heard by the Supreme Court where the majority of the public disagreed with the Judges' overall ruling. The Judicial branch has the best approval ratings with the public traditionally, but in recent years the branch has hit historical lows in approval ratings. These low approval rating correspond to the rulings on three cases including: (1) *Citizens United v. Federal Election Commission*, (2) the *National Federation of Independent Business et al. v. Sebelius, Secretary of Health and Human Services*, and (3) *Shelby County v. Holder*. In all three cases, the majority of the public disagreed with the ruling by the Supreme Court.

In *Citizens United v. Federal Election Commission* ruling, the majority of the public were not aware of the ruling, but those that were felt it would have a negative effect on election campaigns. About 54 percent of the public heard about the ruling, but

²⁸⁴ Krogstad, Jens Manuel, and Kim Parker. Public is sharply divided in views of Americans in poverty. September 16, 2014. <http://www.pewresearch.org/fact-tank/2014/09/16/public-is-sharply-divided-in-views-of-americans-in-poverty/> (accessed January 10, 2014).

only 18 percent of those respondents heard “a lot” about it.²⁸⁵ Of the respondents that heard “a lot” about it, about 78 percent of the group were aware of the negative impacts it would have on elections.²⁸⁶ The ruling struck down a section of the Bipartisan Campaign Reform Act of 2002, which put restrictions on the amount of money corporations were allowed to spend on election campaigns. Restrictions also required the corporations to spend this money within a certain timeframe before the election. The Supreme Court decision lifted those restrictions and allowed corporations to spend unlimitedly.

In *National Federation of Independent Business et al. v. Sebelius, Secretary of Health and Human Services*, 61 percent of respondents would have preferred a “system based on private insurance”, compared to only 34 percent who prefer a “government run system”.²⁸⁷ Specifically on the Supreme Court ruling, most Americans believe the ruling to uphold the mandate requiring participants to pay a penalty tax was a decision “based mainly on the justices’ personal or political views” not on any necessary legal analysis.²⁸⁸ Polls indict overall disapproval of the healthcare system, as currently implemented.

The *Shelby County v. Holder* decision struck down portions of the Voting Rights Act of 1965, requiring certain states to seek permission to make any voting related changes to protect minority voters from discrimination and intimidation when voting. The original legislation required pre-clearance for poll taxes, literacy tests and other bureaucratic restrictions to deny people the right to vote. Polls indicated that the majority

²⁸⁵ The Pew Research Center. Super PACs Having Negative Impact, Say Voters Aware of ‘Citizens United’ Ruling. January 17, 2012. <http://www.people-press.org/2012/01/17/super-pacs-having-negative-impact-say-voters-aware-of-citizens-united-ruling/> (accessed March 15, 2015).

²⁸⁶ Ibid.

²⁸⁷ ABC News/Washington Post. Many Criticize Voting Rights Ruling; Partisan Splits on Gay Marriage Continue. Polling, New York City: ABC News/Washington Post, 2013.

²⁸⁸ Kopicki, Allison, and Adam Liptak. “Public’s Opinion of Supreme Court.” The New York Times. July 18, 2012. <http://www.nytimes.com/2012/07/19/us/politics/publics-opinion-of-court-drops-after-health-care-law-decision.html> (accessed March 14, 2015).

of the public, 56 percent, believe the original act is still necessary to protect minorities and the elderly from voting discrimination.²⁸⁹ African Americans were particularly dissatisfied with the ruling as 71 percent of respondents disagreed with the decision.²⁹⁰

This research found the public's decreasing views of the Federal government to be consistent with the results of political opinion surveys conducted by Gallup, Pew Research and other research organizations. While the public disapproves of the performance of the Federal Government, public opinion changes and improves with time and while this current research will not be the last to examine the public's opinion of the Federal government; it should serve as a moment in history where the public disapproved of the Federal government more than any other time on record. Public opinion data can illustrate how important public opinion is to the Federal government and the degree to which citizens trust and approve of the government and its Federal officials. As long as there are political research polls, there will be room to further challenge the Federal government's ability to serve the citizens of the United States.

This thesis will conclude with the significance of public opinion and the limitations of public opinion data and recommendation of areas where the Federal government can improve, in hopes to educate policymakers and regain the public's trust and confidence.

²⁸⁹ ABC News/Washington Post. Many Criticize Voting Rights Ruling; Partisan Splits on Gay Marriage Continue. Polling, New York City: ABC News/Washington Post, 2013.

²⁹⁰ Ibid..

Significance

The study of public opinion is critical to measure the public's views on an issue in a nonbiased way. Polls help to determine the majority's outlook on the government and specifically on government officials, programs, and policies. In addition, the results of topline data reveals the details of the population sample, including, sex, race, income, education, religion, and political affiliation. It also illustrates how public support or disapproval will affect the overall government in changing administrations and political climates. It is difficult to study the branches of government individually considering the effects of one branch is often dependent or related to the actions of another.

The use of opinion polls has growth significantly in the last thirty years as news media increasingly refers to opinion polls as a news source. The Pew Research Center lists several stories where public support has been responsible for changes in an administration's plan. One of the major cases includes the failed impeachment of Bill Clinton's after his high popularity ratings among citizens rated a 71 percent in February 1998.²⁹¹ Democrats then rallied and increased seats in the House of Representatives, where the opposite usually happens for a second term president.²⁹² As public opinion continues to become more valuable for national media, polling will continue to influence all branches of government, including future policy and programs.

²⁹¹ Kohut, Andrew. "But What Do the Polls Show?" The Pew Research Center. October 14, 2009. <http://www.pewresearch.org/2009/10/14/but-what-do-the-polls-show/> (accessed March 24, 2015).

²⁹² Ibid.

Limitations

While public opinion data is the most viable opinion to measure approval, it is also constantly adjusting to changes in political views and softening overtime. Also, many research surveys are conducted at different intervals. Some are monthly and are based on the salinity of the subject, while insignificant issues are tested sporadically. Furthermore, issues or topics the public is concerned about at one moment may change based on new events and issues facing the country and subsequently the government's response to those issues. Overall in public opinion, the public does not keep the same opinion forever. And as new issues arise and the media changes focus to the next crisis, attitudes adjust accordingly. However, if the same problems keep resurfacing then opinion may not change as rapidly.

Areas for Future Study

After researching the causes of the public's negative opinion of the Federal government, it opened up new areas for review of the rest of the U.S. government system, including: state government, tribal government and local government. Few scholars have compared the lower levels of government to the Federal level to discuss the differences in the public's view of their performance. This comparison may help to explain why trust in the Federal government has dramatically declined over the last several decades, especially when state and local governments are stable. Perhaps a realignment of responsibilities from the Federal level to State level, where leadership is more trusted and performs better. Also, comparisons to other countries may offer some clues about the changing

levels of public trust in the Federal government as a whole and in the different branches of government.

Recommendation

While it is impossible for the Federal government to please every citizen, with every new policy and decision made, it is possible for the government to do better within the context of *public trust*. Poll results illustrate that the main reason for the decline in confidence in government is most citizens do not trust the government to do what is right most of the time. And when the public does not trust the government, they also mistrust the officials in charge to run the government and the overall government system. In a perfect world, the government will adjust its policies and decisions based on the needs of the public, not the desires of politics. The following recommendations may increase the public's confidence in the government:

1. ***Better transparency of poorly performing Federal programs.*** Americans expect better transparency of Federal programs, especially in wake of badly performing programs. Programs and initiatives should be reviewed annually to determine if duplicative tasks across several agencies are necessary and consolidate when prudent. In cases where programs are similar and work can be merged, expedited steps should be taken to quickly mitigate wasteful spending and improve government efficiencies. The public is very concerned about wasteful spending and abuse of their tax dollars. Better transparency will highlight the mistakes of the Federal government but it will also reveal to the public that the government is making progress to focus on correcting its problems and making them public

instead of covering it up. Any good leader knows how to admit mistakes to its citizens and move towards rectifying the problems. Mistrust grows when citizens are not informed of problems until a catastrophic event reveals the mistakes made.

2. ***More accountability of ineffective Federal officials.*** In the aftermath of a crisis the public wants immediate answers to indicating officials at fault and a solution to fix the problem for the future. More than anything the public wants someone held accountable. In many instances, blame falls to the head of the organization and very rarely does the staff level person get reprimanded, even if they were the source of the error. It is very difficult in the government to fire employees; many are simply transferred to other offices within the organization or seek employment elsewhere in government. In the private sector it is much easier to fire ineffective employees and the government should adopt these procedures to rid the government of failing employees.
3. ***More information to the public.*** Another complaint of government bureaucracy is the release of pertinent information to the public. Many feel the government is too secretive and where possible should divulge more information on how tax dollars are being spent. Others believe that the limit of information allows the government to spend funding unnecessarily and without consequence from the public. In some cases, the public does not receive information on initiatives and programs that impact them directly (i.e. NSA surveillance). Releasing reports to the public on expenditures would be a large task but would ease some of the mistrust of government spending.

4. *More bipartisanship between political parties in Congress.* One of Congress' main concerns from the public is political polarization. Congress has a difficult time working together to enacted legislation on time and spends an inordinate amount of time on legislation which has no real benefit to the public (i.e. naming postal facilities. Congress should do a better job working together to give the public a united front in the Legislative branch. There are no real consequences for Congress when they are gridlocked in a political battle. The only ones suffering from Congressional gridlock are their constituents. The best fix involves better strategy planning between the parties to come to middle ground which allows all parties to engage in negotiation. This will effectively give Congress the capacity to increase their rating with the public.

"If people can't trust not only the executive branch but also don't trust Congress, and don't trust federal judges, to make sure that we're abiding by the Constitution with due process and rule of law, then we're going to have some problems here." – President Barack Obama (2013)²⁹³

²⁹³ Obama, Barack. "Statement by the President." White House. June 7, 2013. <http://www.whitehouse.gov/the-press-office/2013/06/07/statement-president> (accessed December 16, 2014).

Appendices

Appendix A

Pew Research Center – Final Topline – October 2013 Political Survey

ASK ALL:				
Thinking more generally ...				
Q.18 Some people say they are basically content with the federal government, others say they are frustrated, and others say they are angry. Which of these best describes how you feel?				
	<u>Basically content</u>	<u>Frustrated</u>	<u>Angry</u>	(VOL.) <u>DK/Ref</u>
Oct 9-13, 2013	12	55	30	3
Sep 25-29, 2013	17	51	26	5
Jan 9-13, 2013	20	58	19	3
Sep 22-Oct 4, 2011	17	58	21	3
Aug 17-21, 2011	11	60	26	3
Feb 22-Mar 1, 2011	22	59	14	5
Aug 25-Sep 6, 2010	21	52	23	4
Apr 1-5, 2010	23	52	21	4
Mar 11-21, 2010	19	56	21	5
Early January, 2007	21	58	16	5
Early October, 2006	21	54	20	5
March, 2004	32	52	13	3
Mid November, 2001	53	34	8	5
June, 2000	28	53	13	6
February, 2000	33	54	10	3
October, 1997	29	56	12	3

Source: Pew Research Center. October 2013 Political Survey. Final Topline Survey, Washington, D.C.: Pew Research Center, 2013.

Appendix B

Pew Research Center – Final Topline – October 2013 Political Survey

ASK ALL:

Q.19 How much of the time do you think you can trust the government in Washington to do what is right? Just about always, most of the time, or only some of the time?

	Just about always	Most of the time	Only some of the time	(VOL.) Never	(VOL.) DK/Ref
Oct 9-13, 2013	3	16	68	12	1
Jan 9-13, 2013	3	23	67	6	2
Sep 22-Oct 4, 2011	3	17	72	7	2
Aug 17-21, 2011	3	16	72	8	1
Feb 22-Mar 1, 2011	4	25	65	4	2
Aug 25-Sep 6, 2010	3	21	65	10	1
Apr 1-5, 2010	5	20	61	13	1
Mar 11-21, 2010	3	19	65	11	2
January, 2007	3	28	63	5	1
February, 2006	4	30	59	6	1
Mid-September, 2005	3	28	63	4	2
Mid-March, 2004	4	32	59	4	1
February, 2000	5	35	56	3	1
May, 1999	3	28	62	5	2
February, 1999	4	27	64	4	1
November, 1998 ¹	4	22	61	11	2
February, 1998	5	29	61	4	1
October, 1997	3	36	59	2	*

¹ The November, 1998 survey was conducted Oct. 26-Dec. 1, 1998. The question asked, "How much of the time do you trust the government in Washington to do the right thing? Just about always, most the time, or only some of the time?"

Source: Pew Research Center. October 2013 Political Survey. Final Topline Survey, Washington, D.C.: Pew Research Center, 2013.

Appendix C

Pew Research Center – Final Topline – July 2014 Political Survey

ASK ALL:								
Q.29 Is your overall opinion of [INSERT ITEM; RANDOMIZE ITEMS A-B FOLLOWED BY C LAST] very favorable, mostly favorable, mostly UNfavorable, or very unfavorable? [INTERVIEWERS: PROBE TO DISTINGUISH BETWEEN "NEVER HEARD OF" AND "CAN'T RATE."] How about [NEXT ITEM] ? [IF NECESSARY: Just in general, is your overall opinion of [ITEM] very favorable, mostly favorable, mostly UNfavorable, or very unfavorable?] [INTERVIEWERS: PROBE TO DISTINGUISH BETWEEN "NEVER HEARD OF" AND "CAN'T RATE."]								
		----- Favorable -----			----- Unfavorable -----			(VOL.)
		Total	Very	Mostly	Total	Very	Mostly	Never heard of
a. The Supreme Court								(VOL.)
Jul 8-14, 2014		52	8	44	38	14	24	Can't rate/Ref
Apr 23-27, 2014		56	11	44	35	12	23	
Jul 17-21, 2013		48	7	41	38	14	24	
Mar 13-17, 2013		52	7	45	31	10	21	
Dec 5-9, 2012		53	8	45	36	12	24	
Jun 28-Jul 9, 2012		51	10	41	37	14	23	
Apr 4-15, 2012		52	11	41	29	10	20	
July 1-5, 2010		58	9	49	25	8	17	
Feb 3-9, 2010		58	8	50	27	8	19	
Mar 31-Apr 6, 2009		64	8	56	21	6	15	
April, 2008		65	15	50	25	7	18	
July, 2007		57	12	45	29	9	20	
January, 2007		72	18	54	17	3	14	
July, 2006		63	7	56	27	8	19	
February, 2006		60	16	44	28	10	18	
Late October, 2005		62	12	50	27	10	17	
July, 2005		61	12	49	28	10	18	
June, 2005		57	8	49	30	8	22	
July, 2001		70	15	55	20	6	14	
March, 2001		72	15	57	20	5	15	
January, 2001		68	18	50	21	8	13	
October, 1997		77	13	64	18	6	12	
May, 1997		72	16	56	22	5	17	
July, 1994		80	18	62	16	3	13	
May, 1993		73	17	56	18	4	14	
November, 1991		72	18	54	21	5	16	
May, 1990		65	10	55	25	7	18	
January, 1988		79	14	65	13	2	11	
May, 1987		76	13	63	17	2	15	
Roper: March 1985		64	17	47	28	7	21	

Source: Pew Research Center. July 2014 Political Survey. Final Topline Survey, Washington, D.C.: Pew Research Center, 2014.

Appendix D

Pew Research Center – Final Topline – November 2011 Health and Healthcare

14. Do you think it is the responsibility of the federal government to make sure all Americans have health care coverage, or is that not the responsibility of the federal government?			
	Yes, government <u>responsibility</u>	No, not government <u>responsibility</u>	No <u>opinion</u>
2011 Nov 3-6	50	46	4
2010 Nov 4-7	47	50	3
2009 Nov 5-8	47	50	3
2008 Nov 13-16 ^	54	41	5
2007 Nov 11-14 ^	64	33	3
2006 Nov 9-12 ^	69	28	3
2005 Nov 7-10 ^	58	38	4
2004 Nov 7-10 ^	64	34	2
2003 Nov 3-5 ^	59	39	2
2002 Nov 11-14	62	35	3
2001 Nov 8-11 ^	62	34	4
2000 Sep 11-13	64	31	5
2000 Jan 13-16	59	38	3
^ Asked of a half sample.			
15. Which of the following approaches for providing health care in the United States would you prefer -- [ROTATED: a government run health care system, (or) a system based mostly on private health insurance]?			
	Government run <u>system</u>	System based on <u>private insurance</u>	No <u>opinion</u>
2011 Nov 3-6	39	56	6
2010 Nov 4-7	34	61	5
For comparison: Which of the following approaches for providing health care in the United States would you prefer -- [ROTATED: replacing the current health care system with a new government run health care system, (or) maintaining the current system based mostly on private health insurance]?			

Source: Pew Research Center. November 2011 Political Survey. Final Topline Survey, Washington, D.C.: Pew Research Center, 2011.

Appendix E

ABC News/Washington Post – June 2013

	----- Providing benefits 56-41%	Approve-Disapprove Allowing gay marriage in CA 51-45%	----- Striking down part of VRA 33-51%
All			
Democrats	68-31	62-33	29-57
Republicans	36-62	29-69	43-42
Independents	64-33	59-39	31-53
Liberals	79-20	75-22	27-58
Moderates	65-31	62-33	31-55
Conservatives NET	38-61	31-68	37-47
Somewhat cons.	44-54	38-60	34-53
Very cons.	27-73	19-80	42-37
18-39	67-30	61-33	36-48
40-64	54-44	47-50	33-54
65-plus	41-56	36-60	32-52
Men	52-45	45-51	37-51
Women	60-36	57-40	30-52
Whites	57-40	51-44	33-48
Blacks	54-44	53-45	26-71
Hispanics	52-43	47-51	40-50
College grads	63-33	60-36	30-52
Non-grads	54-44	47-49	35-51

Source: ABC News/Washington Post. Many Criticize Voting Rights Ruling; Partisan Splits on Gay Marriage Continue. Polling, New York City: ABC News/Washington Post, 2013.

Bibliography

- ABC News/Washington Post. *Many Criticize Voting Rights Ruling; Partisan Splits on Gay Marriage Continue*. Polling, New York City: ABC News/Washington Post, 2013.
- Amedee, George et al. *Advancing Excellence and Public Trust in Government*. Lanham: Lexington Books, 2011.
- Ander, Steve, and Jeffrey Jones. "Gallup." *Americans Praise Gov't Work on Natural Disasters, Parks*. July 12, 2013. <http://www.gallup.com/poll/163487/americans-praise-gov-work-natural-disasters-parks.aspx?version=print> (accessed December 5, 2014).
- Ansolabehere, Stephen, Benjamin Ginsberg, Theodore Lowi, and Kenneth Shepsle. *American Government: Power and Purpose*. New York, NY: W. W. Norton & Company, Inc., 2010.
- Baumann, Nick. "Grayson: Court's Campaign Finance Decision "Worst Since Dred Scott"." *Mother Jones*. January 22, 2010. <http://www.motherjones.com/mojo/2010/01/grayson-courts-campaign-finance-decision-worst-dredd-scott> (accessed March 29, 2015).
- Berry, Jeffrey M, and Jerry Goldman. "Congress and Public Policy: A Study of the Federal Campaign Act of 1971." *Harvard Journal on Legislation*, 1972-1973: 331-365.
- Blank, Rebecca. "Why Were Poverty Rates so High in the 1980s?" NBER Working Paper Series, Cambridge, MA, 1991.
- Brooks, Clem, and Simon Cheng. "Declining Government Confidence and Policy Preferences in the U.S.: Devolution, Regime Effects, or Symbolic Change." *Social Forces* (The University of North Carolina Press) 79, no. 4 (June 2001): 1343-1375.
- Caldeira, Gregory, and James Gibson. "The Etiology of Public Support for the Supreme Court." *American Journal of Political Science*, 1992: 635-664.
- Casillas, Christopher, Peter Enns, and Patrick Wohlfarth. "How Public Opinion Constrains the U.S. Supreme Court." *American Journal of Political Science*, 2010: 74-88.
- Census, Bureau of the. *The Decline in American Voter Turnout*. Statistical Brief, U.S. Department of Commerce, 1991.

- Chanley, Virginia. "Trust in Government in the Aftermath of 9/11: Determinants and Consequences." *Political Psychology* (Blackwell Publishing, Inc.) 23, no. 3 (2002).
- Collins, Todd A, and Christopher A. Cooper. "A "Court" of Public Opinion? Influences on Judicial Decision." n.d.
- Dozier, Kimberly. *Senators: Limit NSA snooping into US phone records*. September 27, 2013. <http://bigstory.ap.org/article/senators-limit-nsa-snooping-us-phone-records> (accessed December 18, 2014).
- Duncan, Arne. "Testimony of Secretary Duncan before the Senate Labor, Health and Human Services and Education Appropriations Subcommittee." Department of Education, July 25, 2012.
- Fabian, Jordan. "The Hill." *Key Senate Democrat suggests that he didn't read entire healthcare reform bill*. August 25, 2010. <http://thehill.com/blogs/blog-briefing-room/news/115749-sen-baucus-suggests-he-did-not-read-entire-health-bill> (accessed December 12, 2014).
- Family Guardian Fellowship. *Thomas Jefferson on Politics & Government*. n.d. <http://famguardian.org/Subjects/Politics/thomasjefferson/jeff1210.htm> (accessed March 19, 2015).
- Fang, Lee. "Never Mind Super PACs: How Big Business Is Buying the Election." *The Nation*, September 17, 2012: 11-17.
- Gallup. *Americans' Trust in Executive, Legislative Branches Down*. September 15, 2014. <http://www.gallup.com/poll/175790/americans-trust-executive-legislative-branches-down.aspx> (accessed October 16, 2014).
- Gallup. *Health & Healthcare*. Final Topline, Washington, D.C.: Gallup, 2011.
- . "Presidential Approval Ratings -- George W. Bush." *Gallup*. n.d. <http://www.gallup.com/poll/116500/presidential-approval-ratings-george-bush.aspx?version=print> (accessed November 28, 2012).
- . *Since 9/11, Fewer Americans Say Terrorism Top Problem*. September 10, 2014. <http://www.gallup.com/poll/175721/fewer-americans-say-terrorism-top-problem.aspx> (accessed October 10, 2014).
- Galston, Williams, and Elaine Kamarck. *Change You Can Believe In Needs A Government You Can Trust*. The Third Way Middle Class Program, 2008.

- Gostin, Lawrence, and Emily Whelan Parento. "Better Health, But Less Justice: Widening Health Disparities after *National Federation of Independent Business v. Sebelius*." *Notre Dame Journal of Law, Ethics & Public Policy*, 2013: 481-512.
- Government Accountability Office. "List of Selected Federal Programs That Have Similar or Overlapping Objectives." 2011, 1-25.
- Hahn, Kyu S., and Shanto Iyengar. "Natural Disasters in Black and White: How Racial Cues Influenced Public Response to Hurricane Katrina." 2007.
- Hattem, Julian. *NSA head steps down*. March 28, 2014.
<http://thehill.com/policy/technology/202085-nsa-head-steps-down> (accessed December 16, 2014).
- Heller, Joel. "Shelby County and the End of History." *The University of Memphis Law Review*, 2013: 357-412.
- Hoffer, Peter Charles, William James Hull Hoffer, and N.E.H. Hull. *The Supreme Court: An Essential Guide*. Lawrence: University Press of Kansas, 2007.
- Hollander, Catherine. "Better-than-Expected Economic News, But Still a Long Way to Go." *National Journal*, September 2011.
- In the Matter of Honorable Ira J. Raab*. SCJC No. 91 (New York Court of Appeals, June 10, 2003).
- Klein, Ezra. "14 Reasons Why This is the Worst Congress Ever." *The Washington Post*. July 13, 2012.
- Kohut, Andrew. "But What Do the Polls Show?" *The Pew Research Center*. October 14, 2009. <http://www.pewresearch.org/2009/10/14/but-what-do-the-polls-show/> (accessed March 24, 2015).
- Kopicki, Allison, and Adam Liptak. "Public's Opinion of Supreme Court." *The New York Times*. July 18, 2012. <http://www.nytimes.com/2012/07/19/us/politics/publics-opinion-of-court-drops-after-health-care-law-decision.html> (accessed March 14, 2015).
- Krawzak, Paul. "Ghosts of Shutdown Past." *Congressional Quarterly* 69, no. 9 (February 2011): 460-466.
- Krogstad, Jens Manuel, and Kim Parker. *Public is sharply divided in views of Americans in poverty*. September 16, 2014. <http://www.pewresearch.org/fact-tank/2014/09/16/public-is-sharply-divided-in-views-of-americans-in-poverty/> (accessed January 10, 2014).

- Light, Paul C. "A Government Ill Executed: The Depletion of the Federal Service." *Public Administration Review* 63, no. 3 (May 2008): 413–419.
- . "Excellence in Government." *Government Executive*, October 2011: 26-36.
- Lipset, Seymour M, and Williams Schneider. "The Decline Of Confidence in American Institutions." *Political Science Quarterly* 98, no. 3 (1983): 379-402.
- Liptak, Adam. "Supreme Court Upholds Health Care Law, 5-4, in Victory for Obama." *The New York Times*. June 28, 2012.
<http://www.nytimes.com/2012/06/29/us/supreme-court-lets-health-law-largely-stand.html> (accessed March 14, 2015).
- Marx, Jerry D. *American Social Policy in the 60's and 70's*. n.d.
<http://www.socialwelfarehistory.com/eras/american-social-policy-in-the-60s-and-70s/> (accessed October 21, 2012).
- McCarty, Nolan. "The Policy Consequences of Partisan Polarization in the United States." In *Polarized America: The Dance of Ideology and Unequal Riches*, by Nolan McCarty. 2004.
- Meyers, Roy T. *Late Appropriations and Government Shutdowns: Frequency, Causes, Consequences, and Remedies*. Public Budgeting & Finance, 1997.
- National Commission on Terrorist Attacks Upon the United States. *The 9/11 Commission Report*. August 21, 2004. http://www.9-11commission.gov/report/911Report_Exec.htm (accessed February 2, 2015).
- Newport, Frank. "Trust in Legislative Branch Falls to Record-Low 36%." *Gallup*. September 24, 2010. <http://www.gallup.com/poll/143225/trust-legislative-branch-falls-record-low.aspx> (accessed March 28, 2015).
- Nicholls, Keith, and Steven Picou. "The Impact of Hurricane Katrina on Trust in Government." *Social Science Quarterly*, 2013: 344-361.
- Obama, Barack. "Statement by the President." *White House*. June 7, 2013.
<http://www.whitehouse.gov/the-press-office/2013/06/07/statement-president> (accessed December 16, 2014).
- Office of Inspector General. "Management Deficiency Report: General Services Administration." Office of Inspections, 2010.
- Our Documents. *Voting Rights Act (1965)*. n.d.
<http://www.ourdocuments.gov/doc.php?doc=100> (accessed February 28, 2015).

- Paulsen, Michael Stokes. "The Most Dangerous Branch: Executive Power to Say What the Law Is." *The Georgetown Law Journal*, 1994: 217-345.
- Pawson, Ray, and Geoff Wong. "Public Opinion and Policy-making." *Social Policy & Administration*, 2013: 434-450.
- Rabkin, Jeremy. "Liberty Lawsite." *Competency in Administration: James Q. Wilson and American Bureaucracy*. November 3, 2014. <http://www.libertylawsite.org/liberty-forum/competency-in-administration-james-q-wilson-and-american-bureaucracy/> (accessed November 10, 2014).
- Ramirez, Mark K. "The Dynamics of Partisan Conflict on Congressional Approval." *American Journal of Political Science*, 2009: 681-694.
- Riffkin, Rebecca. "2014 U.S. Approval of Congress Remains Near All-Time Low." *Gallup*. December 14, 2014. <http://www.gallup.com/poll/180113/2014-approval-congress-remains-near-time-low.aspx> (accessed March 21, 2015).
- Saad, Lydia. "Americans Express Historic Negativity Toward U.S. Government." *Gallup*. September 26, 2011. <http://www.gallup.com/poll/149678/americans-express-historic-negativity-toward-government.aspx> (accessed October 1, 2011).
- Shapiro, Robert. "Public Opinion and American Democracy." *Public Opinion Quarterly*, 2011: 982-1017.
- Shipler, David. *The Working Poor*. New York: Alfred A. Knopf, Inc., 2004.
- The Federal Response to Hurricane Katrina Lessons Learned*. Department of Homeland Security, Washington, D.C.: Government Printing Office, 2006.
- The Leadership Conference. *The Persistent Challenge of Voting Discrimination: A Study of Recent Voting Rights Violations by State*. Washington, D.C.: The Leadership Conference, 2014.
- The Pew Research Center. *2014 Political Polarization and Typology Survey*. Topline, Washington, D.C.: The Pew Research Center, 2014.
- . *ACA at Age 4: More Disapproval than Approval*. March 20, 2014. <http://www.people-press.org/2014/03/20/aca-at-age-4-more-disapproval-than-approval/#demographic-differences-in-views-of-health-care-law> (accessed January 30, 2015).
- . *Few See Adequate Limits on NSA Surveillance Program*. July 26, 2013. <http://www.people-press.org/2013/07/26/few-see-adequate-limits-on-nsa-surveillance-program/> (accessed December 16, 2014).

- . "Few See Quick Cure for Nation's Political Divisions." *The Pew Research Center*. December 11, 2014. <http://www.people-press.org/2014/12/11/few-see-quick-cure-for-nations-political-divisions/> (accessed March 29, 2015).
- . *Final Court Rulings: Public Equally Interested in Voting Rights, Gay Marriage*. June 24, 2013. <http://www.people-press.org/2013/06/24/final-court-rulings-public-equally-interested-in-voting-rights-gay-marriage/> (accessed March 10, 2015).
- . "Global Indicators Database." *The Pew Research Center*. n.d. <http://www.pewglobal.org/database/> (accessed March 24, 2015).
- The Pew Research Center. *Hurricane Katrina Survey*. Complete Report, Washington, D.C.: The Pew Research Center, 2005.
- The Pew Research Center. *Hurricane Katrina Survey*. Topline, Washington, D.C.: The Pew Research Center, 2005.
- The Pew Research Center. *January 2014 Political Survey*. Topline, Washington, D.C.: Pew Research Center, 2014.
- The Pew Research Center. *July 2014 Political Survey*. Final Topline Survey, Washington, D.C.: The Pew Research Center, 2014.
- . *Midterm Election Indicators Daunting for Democrats*. May 5, 2014. <http://www.people-press.org/2014/05/05/midterm-election-indicators-daunting-for-democrats/> (accessed December 12, 2014).
- . *Public Trust in Government: 1958-2014*. November 13, 2014. <http://www.people-press.org/2014/11/13/public-trust-in-government/> (accessed December 4, 2014).
- . *Remembering Katrina: Wide racial divide over government's response*. August 28, 2013. <http://www.pewresearch.org/fact-tank/2013/08/28/remembering-katrina-wide-racial-divide-over-governments-response/> (accessed February 1, 2014).
- The Pew Research Center. *September 2012 Political Survey*. Topline Survey, Washington, D.C.: Pew Research Center, 2012.
- . *Shifting Views of Supreme Court's Ideology Among Liberals, Conservatives*. July 31, 2014. <http://www.people-press.org/2014/07/31/shifting-views-of-supreme-courts-ideology-among-liberals-conservatives/> (accessed February 10, 2015).
- . *Super PACs Having Negative Impact, Say Voters Aware of 'Citizens United' Ruling*. January 17, 2012. <http://www.people-press.org/2012/01/17/super-pacs-having-negative-impact-say-voters-aware-of-citizens-united-ruling/> (accessed March 15, 2015).

- The Pew Research Center. *Supreme Court Favorability Rebounds*. Complete Report, Washington, D.C.: The Pew Research Center, 2014.
- The White House. *The Executive Branch*. n.d. <http://www.whitehouse.gov/our-government/executive-branch> (accessed December 10, 2014).
- Thomson Reuters. "How Does the U.S. Supreme Court Decide Whether to Hear a Case?" *FindLaw*. n.d. <http://litigation.findlaw.com/legal-system/how-does-the-u-s-supreme-court-decide-whether-to-hear-a-case.html> (accessed February 23, 2015).
- Troutt, David Dante. "Many Thousands Gone, Again." In *After The Storm*, 3-27. New York: The New Press, 2006.
- U.S. Bureau of Labor Statistics. "A Prolife of the Working Poor." Washington, D.C., 2012.
- U.S. Census Bureau. "The Research Supplemental Poverty Measure." Washington, D.C., 2011.
- Van Wagenen, James S. *A Review of Congressional Oversight: Critics and Defenders*. CSI Publication, 1997.
- Wiley, Paul M. "Shelby and Section 3: Pulling the Voting Rights Act's Pocket Trigger to Protect Voting Rights After Shelby County v. Holder." *Washington & Lee Law Review*, 2014: 2115-2153.

Curriculum Vitae

Lark Renee Adams was born in Arlington, Virginia and primarily raised in Takoma Park, Maryland. Lark is the daughter of the late Paul Adams and Murhl Adams, both of Alexandria, Virginia. In 2007, Lark received a bachelor of science in business management from Bowie State University in Bowie, Maryland. While obtaining her undergraduate degree, she began working as a budget and program analyst for the Bureau of Land Management, in Washington, D.C, a position she has held since 2005. While studying in the government policy and communications program at Johns Hopkins University, she concentrated her studies on examining Federal programs, policies and performance through an examination of public opinion data. Lark currently lives in Fort Washington, Maryland, with her family.