

# CHILDREN'S IMAGES OF THE SUPREME COURT: A PRELIMINARY MAPPING

GREG A. CALDEIRA

Social scientists have offered numerous explanations for the support the public accords to the United States Supreme Court. Easton and Dennis have advanced the contention that such support is at least in part the product of youthful idealization of the Court, and this hypothesis has gained widespread, if tacit, acceptance. This paper argues that their conclusion is largely the consequence of a methodological artifact (the use of fixed-response survey instruments), and offers evidence that most children are not only unaware of the Supreme Court and its functions but demonstrate little or no positive affect toward that institution. If this is so, then why has the Easton-Dennis explanation persisted, despite its implausibility and lack of empirical grounding? One possibility is that the notion of a reservoir of trust in the Supreme Court is a useful rhetorical weapon for both judicial activists and those who advocate judicial restraint. But if public perceptions and evaluations of the Court are not strongly held, we must face the danger that those views will be susceptible to manipulation by people who do know and care about it—political, social, and economic elites.

The United States Supreme Court performs a variety of political roles: interpreting and applying rules, defining boundaries of political authority, supervising lower courts, legislating, representing, legitimating controversial public policies, stabilizing political institutions, and educating (Murphy and Tanenhaus, 1972:33-44). The assumption, whether implicit or explicit, of many commentators on judicial politics has been that the effectiveness of the Supreme Court in performing these roles is significantly affected by how the Court is perceived and evaluated by its various elite and mass publics (Black, 1960; Bickel, 1962; Haines, 1944; Mason, 1956; Murphy, 1962).<sup>1</sup> Popular images of courts, the United States Supreme Court in particular, have only recently become the subject of rigorous empirical analysis,<sup>2</sup> but investiga-

---

For providing me with their data, I am grateful to Fred I. Greenstein, Princeton University, and Sidney G. Tarrow, Cornell University. During the course of writing this paper, I have incurred considerable intellectual debts to Fred I. Greenstein, Walter F. Murphy, and Barbara Young, all of Princeton University. For their helpful comments and criticisms, I am grateful to Richard L. Abel and Austin Sarat. None of these persons bears any responsibility for the final product.

1. See also Justice Samuel Miller's classic statement of the relationship between public opinion and judicial power in *United States v. Lee* (106 U.S. 196, 223, 1882). In *Baker v. Carr* (369 U.S. 186, 277, 1962), Mr. Justice Frankfurter echoed Miller: "The Court's authority—possessed of neither the purse nor the sword—ultimately rests on sustained public confidence in its moral sanction."
2. See, e.g., Kessel (1966), Dolbeare (1967), Dolbeare and Hammond (1968), Murphy and Tanenhaus (1967, 1968a, 1968b, 1970, 1972, 1973, 1974), Casey (1974, 1975), Nagel and Erickson (1966), Walker (1973), Walker *et al.*

tion has become increasingly more sophisticated and many of the issues requiring further research now seem well-defined (Murphy *et al.*, 1973; Murphy and Tanenhaus, 1973, 1974, n.d.; Casey, 1974; see also Wildenmann, 1973; Kommers, 1975).

In the last decade or so, social scientists have developed and presented evidence for numerous explanations of support and nonsupport for the American Supreme Court (see Murphy *et al.*, 1973; Casey, 1974). The particular explanation that I propose to evaluate in this paper is that diffuse support for the Supreme Court is, at least in part, a product of temporary childhood idealization of the Court. Though these idealized images of the Court become more realistic as citizens mature, a residuum of positive orientations is said to remain. This proposition, suggested by publications of the Chicago Study of Political Socialization (e.g., Easton and Dennis, 1969), seems to have gained at least the tacit acceptance of students of the judicial process.<sup>3</sup> However, it has not generated much *critical* comment from those who work in the subfields of either political socialization or law and society (but cf. Greenstein, 1972, 1975).

Perhaps even more important than the test of the Easton-Dennis hypothesis is a mapping of children's perceptions and evaluations of the Supreme Court. To present a tentative portrait of youthful images of the Court is another task of this paper. In the last section I will return to some speculations about the implications of children's images of the Court for the functioning of that institution in the American political system.

### I. THE EASTON-DENNIS HYPOTHESIS

In *Children in the Political System: Origins of Political Legitimacy* (1969)<sup>4</sup> David Easton and Jack Dennis reported data collected from a sample of over 10,000 white, middle class children in grades two through eight. Children's images of the Supreme Court, they concluded, are of a "very special sort" (1969:278). First of all, children perceive the Supreme Court as the political authority least likely to "make mistakes." In grade four, children are unable

---

(1972), Klein (1972), and Giles (1973). For a more complete listing, see Caldeira (1975) or Sarat (1974, 1977).

3. See, for example, the approving citations in Murphy and Tanenhaus (1974: 1042 nn. 11, 12), Murphy *et al.* (1973b:33ff.), Casey (1974:390-91), Engstrom and Giles (1972:631-32), Dennis (1975: *passim*), Walker (1973:53-54, nn. 41-43), and Sarat (1974:6-7).

For citations in the literature of public opinion/political socialization, see Devine (1972) and Nimmo (1974).

4. There are, of course, numerous reports by the Chicago Project. For an intellectual history, see Greenstein (1972). The major works are Easton and Dennis (1969) and Hess and Torney (1967). I have chosen to focus on the Easton-Dennis volume because its theoretical orientation is more relevant to the concerns of political scientists.

to distinguish the performance of the Court from that of the government and President. But as the child matures, he or she becomes more and more aware of the fallibility of the other political authorities (government, President, senator, policeman); however, perception of the Court as relatively infallible remains stable. Thus the Court is increasingly perceived as an institution that the child can depend upon. Second, children in the seventh grade and older rank the Court as more “knowledgeable” (“knows more than others”) than any other political authority, even the President. Third, the Court’s importance (“makes important decisions”) becomes apparent as the child grows older; by grade eight, in fact, “the government and the Supreme Court run a very close second and third . . .” to the President (1969:268). Placing these last two bits of data together, it appears that the growth of children into adolescents coincides with their recognition of the Supreme Court as a political leader (Easton and Dennis, 1969:253, Table 12-1). Fourth, from the fourth grade on children perceive the Court as more powerful (“can punish people”) than other political authorities; indeed, as children grow older, their estimate of the Court’s power increases sharply. Fifth, even though the Court is perceived by the children as a remote institution—one less likely “to help me if I needed it” than other political authorities—it does draw a positive rating.

Remarking that “the elevation of the impersonal institutions to a paramount position of respect (for older children) is particularly evident for the Supreme Court,” Easton and Dennis advance the following argument (1969:278-79):

Our data do not penetrate very deeply into the child’s attitudes toward this body. But even with the cursory material we have, the esteem the Court commands from the children is of a very special sort . . . Unlike many of the sentiments for and perceptions of other objects of authority, in this case all but one of the ratings are relatively stationary or increase with age. The Court is seen as rarely making mistakes, and this holds up across the grades. In grade 4 the children consider that it makes important decisions a lot of the time, and this judgment increases to all the time by grade 8. Similarly, its power . . . and knowledge . . . increase markedly with the age of the child.

Whether in each new generation of adults this is an important source of the public image of a special sagacity, wisdom, and prudence not enjoyed by other authorities, and of the peculiar sanctity that has surrounded the Supreme Court even in the face of unpopular decisions, we cannot say. Nor can we even begin to speculate whether this sentiment has anything to do with the willingness of many members of the system to tolerate decisions by the Court that run ahead of popular conviction, as the school desegregation decision *Brown v. Board of Education*. But at the very least we can infer that a high level of regard for this impersonal unit in the structure of authority has been built up in children by the time they are ready to leave elementary school.

There are, of course, a multitude of problems in drawing such inferences, even tentatively. To mention but one: there is insufficient evidence that attitudes toward the Supreme Court have any demonstrable impact on behavior (Schuman, 1972; Weinstein, 1972).<sup>5</sup> Yet even if we were to grant that the conclusions of Easton and Dennis can fairly be inferred from their data, questions remain about the research methods used to obtain those data. One frequent criticism has been the lack of minority subpopulations in the sample:

No Negro children were included, and school districts were sampled to minimize the presence of other "ethnic groups." Rural and small town America were not represented; the smallest city used has a population of over 100,000. Hence the sample turns out to be disproportionately white, Protestant, Anglo-Saxon, urban and suburban, and upper status. [Sears, 1968: 571-72]

Other data on public evaluations of the Court demonstrate significant differences across subpopulations—for example, there is a moderate relationship between race and diffuse support of the Supreme Court (Murphy *et al.*, 1973:20-23; cf. Hirsch and Donohew, 1968). Thus one could reasonably expect that the positive orientations toward the Court, reported by Easton and Dennis, are not necessarily shared by all preadults.

Exclusive reliance on fixed-choice items has also drawn fire (Connell, 1971; Greenstein, 1972; Merelman, 1973; Sears, 1968). Sears was especially critical of the Chicago Study's survey instrument (1968:573):

The basic method for measuring a child's "concepts" is to offer a series of alternatives and see which he picks. Thus he may choose the flag and the Statue of Liberty as "the two best pictures to represent America" from a group of other pictures. It seems indeed likely that the young child has a dim idea of what America is and, if pressed, will at least associate the flag and the Statue of Liberty with it. But to conclude from this that these symbols are "crucial points of focus" is stretching it.

That children think of political parties simply in terms of their candidates is concluded from the fact that children know which party the President belongs to but are relatively unfamiliar with "political parties." . . . The arguments proceed thus, by deduction from indirect data, when it would have been more straightforward (though more expensive) simply to ask children what they thought of first when they heard the word "Democrats." . . . The fixed-response-alternative approach used throughout the study is fine for determining the child's affects toward political stimuli, but it is inappropriate for obtaining the contents of his thought.

Greenstein adds that there are

a number of points at which to question whether a particular distribution of responses presented by the authors reflects moderately well formed subjective structures in the child's mind or whether it

---

5. There is also considerable doubt about the relationship between "early learning" and adult attitudes and behavior. See the debate between Searing *et al.* (1973), Searing and Schwartz (1974), on the one side, and Greenstein (1974) and Clarke and Kenski (1974), on the other.

merely results from responses to incomprehensible stimuli provided by the questionnaire . . . . If . . . one follows Sears's advice and simply asks children as old as the highest age group in the Chicago sample to say what they think of when they hear of "the Supreme Court" . . . , one finds virtually *no* awareness of the real world institution, but rather an immediate tendency to construct *de novo* the attributes that an institution described by such awesome terms as "supreme" and "court" *must* have: "I haven't heard anything about that, but I suppose it's where they try people if they've done really bad things" is a common response. [1972:101-102]<sup>6</sup>

Quite clearly, then, there is a need for data on children's images of the Supreme Court collected with very different, and more sensitive, instrumentation:

## II. A QUALITATIVE AND QUANTITATIVE ANALYSIS OF CHILDREN'S IMAGES OF THE SUPREME COURT

This examination relies on data on preadult images of the Supreme Court taken from Greenstein and Tarrow's Project on Comparative Political Socialization. Relatively extended (thirty-to-sixty minute) tape-recorded interviews were conducted with small samples of children in Britain, France, and the United States during the 1969-1970 academic year and then submitted to intensive qualitative and quantitative content analysis.<sup>7</sup> The goal of the principal investigators was to examine certain standard assumptions about differences in political culture and socialization among and within the three nations, as well as black-white differences in the United States. Of course, as in all secondary analyses, there are items one would have left out or included; nevertheless, the data serve present purposes reasonably well. The basic American data were gathered from twenty-five black and eighty-six white children ten through fourteen years old.<sup>8</sup> Here I focus on the white children.

A series of open-ended questions was designed to elicit the child's perceptions of major political roles and institutions, including the Supreme Court. Although there is ample precedent for such an unstructured inquiry (e.g., Coles, 1975), this series is unusual because it is preceded by the statement:

A new child comes to your school. He comes from another country. He says to you: "There are some things about the United States that I don't understand. Tell me what they are."<sup>9</sup>

To elicit the child's perception of the Supreme Court, the interviewer added: "Suppose he says: 'Tell me what the Supreme Court

6. On the stability of children's responses, see Kolson and Green (1970) and Vaillancourt (1973).

7. For other reports of this project, see Greenstein and Tarrow (1970), Greenstein *et al.* (1970, 1974), Greenstein (1975), and Caldeira and Greenstein (1978).

8. For a fuller discussion of the samples and methods, see Greenstein and Tarrow (1970) and Greenstein (1975).

9. For a presentation of the entire interview-sequence, see Greenstein and Tarrow (1970:535-36).

is?" (Probe: "What does it do?")." If the first item did not establish the child's awareness of the Supreme Court, the interviewer then asked, "Have you heard of the Supreme Court?" This sequence obviously constrains the respondent less than does the fixed-choice format. "The simple expedient of placing the child in a free-response situation sometimes elicits findings both contrary to and evidently more accurate than those reported in previous research using fixed-choice items" (Greenstein, 1975:1375-76).

In the process of generating quantitative data from interview responses, one loses much of the richness and complexity of political imagery; coding categories, no matter how carefully conceived, do not exhaust the meaning of respondents' comments. To permit more subtle interpretation of the findings presented here I shall present copious, but not exhaustive, examples of verbatim responses, and note how these qualitative data complement or contradict the quantitative analysis. Here, first of all, are four complete portions of the interview sequence on the Supreme Court—the first two rich in cognitive complexity, the second two relatively impoverished and much more characteristic of the modal response of children.

Jack, the son of a businessman, is a bright ten-year-old.

[Suppose the child says, "Tell me what the Supreme Court is?"] Oh, I forgot that one . . . well, it handles the country's business. Say there's a mix-up in the state, in some state or something like that. Well, I'll just take a problem that's gone up to the Supreme Court right now . . . something about desegregation or something like that. They would probably take it to the Court, just like a regular court but it's, it's supposed to be the most supreme in the United States . . . it's the most important probably. It just handles the most important business concerning the country and the states, I think that's about all I know of . . . [Have you heard of anybody who is on the Supreme Court? . . . Ever?] Hmm, Warren Burger, I think his name is . . . Earl Warren, or something like that. I can't remember really. I think Warren Burger has something to do with it.

Of particular note in Jack's response are the references, however indirect, to litigation emanating from the states that will eventually in an authoritative decision in the Supreme Court; to the Supreme Court's national policy making power ("most important business"); and to a specific field of public policy, desegregation. Moreover, Jack can name two Chief Justices—a feat few adults could manage. But notice the "textbook" quality of Jack's response; he is grasping for cognitive straws. The contrast with responses to the President is striking (cf. Greenstein, 1965a, 1975).

Jerry, a thirteen-year-old, is quite knowledgeable about contemporary public affairs. He is exceptional in his keen grasp of the business of the Supreme Court.

The Supreme Court is the highest judicial branch, well it's the judicial branch of the legislative branch of the United States. And the Supreme Court takes, it is the one that has all of the, takes all of the big decisions that go along with justice, right now it's integration in the South. The Supreme Court wants to integrate all these schools by September of 1970 and the southern government is very much against this, especially Claude Kirk of Florida. He doesn't like what the Supreme Court is trying to do. He says we should do, we should leave schools alone, just like they are right now instead of being pushed together, what the Supreme Court wants.

One must remember, however, that these two children are atypical, and even they lack an understanding of the basics of judicial decision making.

At the other extreme are children who manifest absolutely no familiarity with the Court or its functions. In addition to lack of information, their responses bring into sharp relief the tendency of children to construct *de novo* descriptions of the Supreme Court. Here is the answer of Sandra, a twelve-year-old in a Connecticut school.

The Supreme Court uh PAUSE I'm going to say the wrong thing. Does it have to do with the Senators? No, I'm on the wrong track . . . Court, it makes me think of when I hear the court, the Supreme Court. Like supreme, it makes me think like a higher, uh, like a higher place, like you just say you have a higher place MUMBLES like supreme, above, above something else.

Mark, another twelve-year-old, contributes an interesting response demonstrating willingness to "help" the interviewer but no knowledge of the Court.

Well you go to room 201 and there's a teacher there. You walk up to that teacher and you say, oh, hi, Mrs. Smith. And she'll tell you all about it because I am not qualified. I know a lot of things but I know a little about a lot of things LAUGH. [Well, what do you know about the Supreme Court?] Nothing LAUGHS. [Now, here's a guy. He doesn't know anything at all . . . He's just heard this word "Supreme Court." What do you tell him?] It's just the Court of the land. That's about all I can tell him because I don't know. [Well, what does it do?] Mrs. Smith would know. [Why do we have a Supreme Court?] Oh, well, practically everything we have is for the good of the country. But I can't, I don't know what the function of the Supreme Court is.

Unlike many children, Mark is hesitant to conjure up false images of the Court despite repeated probes; others gladly offer some plausible description of a "supreme court."

Table 1, which presents levels of awareness of political institutions and roles among children in the sample, strongly supports Greenstein's point that they lack any *real* knowledge of the Supreme Court. Even using generous coding criteria, less than half are able to articulate a "detailed" description—accurate or inaccurate—of the Supreme Court. "Detailed" description includes stereotypes demonstrating that the child has been exposed to some information, even if not correct, that might serve as a basis for

TABLE 1  
LEVELS OF POLITICAL AWARENESS OF POLITICAL INSTITUTIONS AND ROLES

	President	Congress	Supreme Court	Legislator	Mayor	Political Parties
Detailed: more than one image given; includes inaccurate stereotypes showing that the child has been exposed to information.	82.6% (71)	52.3% (45)	45.9% (39)	47.7% (41)	62.8% (54)	68.6% (59)
Sparse: not more than one image, including inaccurate stereotypes.	100.0%	69.7% (15)	80.8% (30)	89.6% (36)	92.8% (26)	81.4% (11)
Recognizes that the institution is public but without either "detailed" or "sparse" information.	0.0	7.0 (6)	3.5 (3)	1.2 (1)	3.5 (3)	2.3 (2)
Claims to have heard of role but gives no information.	0.0	18.6 (16)	14.0 (12)	8.1 (7)	3.5 (3)	4.7 (4)
Has not heard of role or is in error in thinking he has.	0.0	7.3 (2)	1.2 (1)	1.2 (1)	0.0	11.6 (10)
Other, ambiguous, uncodable.	0.0	7.4 (2)	1.2 (1)	0.0	0.0	0.0
Total	100.0%	100.0%	100.7% <sup>a</sup>	100.1% <sup>a</sup>	100.0%	100.0%

a. Rounding error



“motivated” political participation—for example, the common perception that the Supreme Court is the highest court (i.e., the court where the most terrible crimes go). However, more than four-fifths do make an intelligible comment, one that is “detailed,” “sparse,” or demonstrates recognition that the institution is public. But if one considers only “detailed” and “sparse” responses, almost a fifth are unable to offer even an inaccurate characterization of the Supreme Court. The children, as I noted earlier, are eager to please the interviewer with some sort of response, even when they have absolutely no knowledge, by constructing images in reaction to the words “supreme” and “court.”

The following examples illustrate the coding categories; I have indicated each “image” by italics.

1. *Detailed:*

Well, it's the *highest court in the country* and it's, that's where all the laws and things have to go through and everything else and they're the ones that send it back and that 'n check them out . . . . They either send them (laws) to the President to get, you know, signed, or you know, *think that it's against the constitution, they'll send it back and have it redone.*

2. *Sparse:*

The Supreme Court is, well, oh, *it is part of the government*; it's a when the other courts don't know what to do they send their problems to the Supreme Court and they solve it.

3. *Recognizes that the institution is public:*

The Supreme Court is, *well, oh, it is part of the government*; it's a place where you go to, well I just don't know.

4. *Claims to have heard of the role but gives no information:*

OK, yeh, well . . . . It's a court and it's a supreme court, you know, supreme and court. That's all I know about it.

5. *Has not heard of role or is in error:*

I don't know that one either . . . . I don't . . . . Let's say, let's say anything LAUGHS. Many, let's see, Supreme Court PAUSE. I'll take a guess. Many men, let's see, sit around the table and discuss different businesses. I don't know LAUGHS if that's right or not. But that's all I can think of . . . .

Children's awareness of a number of other political institutions and roles provides a set of benchmarks for analytic purposes. The President, as the “Best-Known American” (Greenstein, 1965b, 1966), is the subject of the most “detailed” political characterizations. Because of the functions he performs for citizens (e.g., simplifying political reality, symbolizing the government) and his centrality in the political system (Greenstein, 1965b, 1966, 1974), this relatively rich imagery is to be expected. Perhaps the one theme that emerges from this table is that, except for the Presidency, political institutions and leaders are remote from children's minds. It is noteworthy that “political parties,” so important in the functioning of mass democracies, are given such thin descriptions by white American children. The mayor, Congress, and legis-

lators—all are much less vivid to white children than is the President. For the purposes of this paper, however, the most important datum is that the Supreme Court is the least visible. If all but the Presidency lack substantial visibility, the Supreme Court is the least visible. Even if one relaxes the coding criteria to include respondents in the “sparse” category as well, the picture of political awareness that emerges is only slightly different.

Table 2, presenting the number of images offered by respondents, elaborates on these findings. It demonstrates that there is an enormous amount of variance in the ability of preadults to expound on the most visible judicial institution in the world. About one-fifth of these children are quite articulate about the Court and its functions, a proportion comparable to that among adults (Casey, 1974; cf. Converse, 1964; Field and Anderson, 1969; Pierce, 1970; Nie and Anderson, 1974; RePass, 1974). Congress is the only institution for which more respondents are unable to offer a single image, and there is no institution about which more children possess only one image or less.

TABLE 2  
NUMBER OF IMAGES OF POLITICAL ROLES AND INSTITUTIONS

<i>Number of Images</i>	President	Congress	Supreme Court	Legislator	Mayor	Political Parties
None	0.0% (0)	30.2% (26)	20.9% (18)	10.5% (9)	17.4% (15)	20.9% (18)
One	0.0% (0)	41.8% (36)	53.5% (46)	52.4% (45)	48.8% (42)	47.6% (41)
Two	0.0 (0)	11.6% (10)	32.6% (28)	41.9% (36)	31.4% (27)	26.7% (23)
Three	3.5 (3)	22.1 (19)	25.6 (22)	26.7 (23)	24.4 (21)	26.7 (23)
Four	3.5 (3)	17.4 (15)	15.1 (13)	15.1 (13)	20.9 (18)	14.0 (12)
Five	3.5 (3)	11.6 (10)	5.8 (5)	5.8 (5)	5.8 (5)	8.1 (7)
Six	14.0 (12)	4.7 (4)	0.0	0.0	0.0	3.5 (3)
Seven	23.3 (20)	2.3 (2)	0.0	0.0	0.0	0.0
Eight or more	17.4 (15)	0.0	0.0	0.0	0.0	0.0
Total	99.9% <sup>a</sup>	99.9% <sup>a</sup>	100.0%	100.0%	100.4% <sup>a</sup>	99.9% <sup>a</sup>

a. Rounding error.

TABLE 3  
SPECIFIC IMAGES OF THE SUPREME COURT

	% <sup>a</sup> (N)
It tries cases	26.7 (23)
Some notion of the appellate process, of levels of courts	17.4 (15)
Constitutionality: some notion of the Court ruling on the constitutionality of laws	3.5 (3)
Legal decisions: it makes legal decisions, solves legal problems	23.3 (20)
Trappings of office: marble buildings, robes, etc.	0.0 (0)
Helps the President	2.3 (2)
Role defined with respect to other governmental officials: reference to Court telling President what to do, etc.	4.7 (4)
Discusses selection of Supreme Court Justices	0.0 (0)
Ordinary court	4.7 (0)
Highest court: where the most terrible crimes go	31.4 (27)
Tries assassins	12.8 (11)
Traffic violations	1.2 (1)
Other: any bona fide image not included in the list above	24.4 (21)

a. As a result of multiple images by respondents the percentages do not sum to one hundred.

If fewer children are aware of the Supreme Court than Easton and Dennis would lead us to believe, what image is held by those who *do* have some knowledge of the institution? Table 3 addresses this question. Perhaps most striking is the fact that so few white American children (3.5 percent) articulate some notion of judicial review of the constitutionality of administrative and legislative action. This finding closely parallels the figures reported for American adults (Murphy and Tanenhaus, 1968b; Casey, 1974; Sarat, 1977). It is clear that, in the minds of both children and adults, the Supreme Court's role as a constitutional court occupies little cognitive space.

The Supreme Court is most frequently perceived as a trier of cases. A pair of responses illustrates this mode of conceptualization.

. . . I think the Supreme Court is where, like, if someone murders someone and they don't know whether he did it or not and they capture this guy they think did it. They take him to court, like, and they have a trial. Then they see if he's guilty and how many people think he is and they have about three of these trials. And, if the person is not guilty and innocent, then, I don't really know, but I think they go out and they have to find the real guy who killed him.  
 . . . it's a court where they hold trials and they see if the person's guilty or not guilty. Well, if a man is innocent, they see if he's innocent or guilty.

Since the Supreme Court does not "try" cases except in several extraordinary contingencies, these images are essentially inaccurate and reflect the tendency of children to concoct ad hoc descriptions of unknown political phenomena. The "trial" imagery is natural for a child who has no particular knowledge of the Court; he simply extrapolates the "trial" function from the court of first instance to the Supreme Court, perhaps as a result of exposure to television.

Almost as common is a description of the Court as "the highest court, where the most terrible crimes go." For children receiving the stimuli "supreme" and "court," it is quite logical to conclude that such an institution *must* be the "highest" and therefore the court where the most "serious" crimes go:

It's a court . . . I think it's above all other courts . . . like if you go to this court and you, you don't think it's good enough for you, you go to the next highest . . . I think that's the extreme court.  
 . . . it's a court, it's the highest in the world. And if someone does something really bad, then they go there for court . . . for killing about five people at a time.

A diffuse reference to "legal decisions" is also frequent. Such imagery does not necessarily indicate any awareness of the Court or its functions; once again, a child may be constructing such a description *de novo*. Some examples illustrate the image of the Court as a legal "problem-solver."

. . . if people get in trouble, they go to the Supreme Court and it helps them to solve this problem. . . .  
 . . . if you killed the President, you could probably go to the Supreme Court instead of going to a regular court. And everyone from all over the country would be there like on the jury and like they decide instead of just like people from around where you live if you were guilty or not. . . .  
 . . . if there's any criminal cases and they can't be decided by other courts . . . they take it to the highest court and that's where it makes the highest decisions. . . .

More realistic, and also quite prevalent, is some notion of the appellate process, a feeling for the flow of litigation through the judicial system:

... when people are on trial they go to one court that's not as high as the Supreme Court and they get asked the question and if they can't find out the real answer, if he's guilty or not, they then, if they keep putting him to higher courts and then finally it gets raised to the Supreme Court. . . .

... it's the one that decides whether a person is guilty or innocent in . . . or when lower courts have decided something and he says, "Well, I want another trial." So he goes up to a higher court . . . and it gets up to the Supreme Court.

... it is a higher court, just than one court that you might find in Hartford and they take, well, they take . . . the man that has been accused of everything and he's been in so many courts and they probably take something to the Supreme Court to have the trial there. . . .

Of the four images mentioned most frequently, only the references to the appellate process seem to reflect a sophisticated grasp of the legal system.

Interestingly enough, quite a few children think of the Court as an institution that "tries assassins," a place "where assassins go," "tries presidential assassins." There are a number of plausible explanations for such a linkage. Perhaps children, consciously or subconsciously, associate the Court with Earl Warren's chairmanship of the commission that investigated the assassination of President Kennedy. Or perhaps children perceive the government as a monolith; it would therefore be natural to think that the judicial branch would come to the aid of a stricken chief executive (cf. Dolbeare, 1967; Casey, 1975; and Murphy *et al.*, 1973). It is also possible that an image of "trying presidential assassins" is only a specific instance of the general perception that the Court is a place "where the most terrible crimes go."

... when President Kennedy was assassinated . . . it went to the Supreme Court. . . .

... where cases are judged on a high level such as the case of killing some kind of representative with murder, one of the Senators, or people running for the Presidency, or the Presidency period. Or any other executives of the government. . . .

... where they take the very important cases such as the assassinations such as that of Robert F. Kennedy . . . . They would take it to the Supreme Court.

Most likely, however, these grisly images are a function of the 1960s—the children search for a crime terrible enough to merit a "supreme court" and come up with the recent memories of the assassinations of President Kennedy, Senator Robert F. Kennedy, and Martin Luther King, Jr. Of course, none of these explanations is mutually exclusive, and none of them can be subjected to a conclusive test with these data.

In the context of a discussion of partisanship, Greenstein has remarked: "we find that political feelings, evaluations, and attachments form well before the child learns the relevant support-

ing information" (1965a:72). Even if children do not possess an accurate view of the Supreme Court, therefore, they might still form strong affective attachments to it. Table 4, displaying the distribution of affective orientations toward the Supreme Court among the sample, contains some intriguing results. The most surprising is that, in an open-ended context, more than four-fifths of the children's imagery is affectively neutral. Their descriptions, according to our coding criteria, are "colorless" and "express no feeling about the institution or what it does." From a reading of Easton and Dennis, one forms the expectation that children's imagery of the Supreme Court should be strongly positive—commanding such comments as "gives us freedom," "says what is good," "is wise," and so on. It is therefore noteworthy that only a sixth of the sample expresses positive affect toward the Supreme Court, even using very generous categorizations. On the other hand, none of the children in the entire sample expresses either negative or mixed affect toward the Supreme Court—an important finding in itself. There is greater idealization of other roles and institutions, such as the legislator, President, Mayor, and Congress, more than twice as much for the first three as there is for the Court. Though the Supreme Court is less disliked than are other roles and institutions, it also is the object of greater indifference. Even in comparative terms, then, the Court does not command a large reservoir of support among children that might affect their attitude and behavior as adults.

### III. CONCLUSIONS AND SPECULATIONS

How do the data I have presented square with the assertions of Easton and Dennis concerning the special socializing role of the Supreme Court in American political life? At the very least, it seems manifest that they have overstated their case. If most children are not conscious of the Supreme Court and its functions, then it is highly improbable that they perceive it as the political authority least likely to "make mistakes," that they feel it is more "knowledgeable" or "powerful" than other political authorities, or that they develop affectively positive orientations toward it. Thus the "youthful idealization" explanation of diffuse support for the Supreme Court seems to have little empirical basis. It seems evident that the data Easton and Dennis collected are in large part methodological artifacts, the result of their uncritical and monistic use of closed-ended instrumentation.

If my findings are valid, what is the significance of children's attitudes, perceptions, and knowledge of the Supreme Court? Is

TABLE 4  
LEVELS OF AFFECT TOWARD POLITICAL ROLES AND INSTITUTIONS

	President	Congress	Supreme Court	Mayor	Legislator
Positive affect: helpful, commands respect, or awe, idealized, deferred to, specialist in moral judgments, gives freedom, says what is good, is wise, capable, solicitous	37.2% (32)	27.9% (24)	16.3% (14)	32.6% (28)	38.3% (33)
Mixed affect: respondent expresses favorable and unfavorable affect toward the institution or role	0.0	1.2 (1)	0.0	1.2 (1)	0.0
Negative affect: respondent expresses dislike or disapproval of the institution, description of its duties is negative, hurts or annoys the country, wastes time, does nothing but talk, doesn't do anything	2.3 (2)	1.2 (1)	0.0	1.2 (1)	0.0
Neutral affect: colorless description, respondent expresses no feeling about the institution or what it does	60.5 (52)	41.9 (36)	66.3 (57)	61.6 (53)	55.8 (48)
Does not know anything about the institution or what it does	0.0	25.6 (22)	17.4 (15)	3.5 (3)	5.8 (5)
Other, ambiguous, uncodable	0.0	2.4 (2)	0.0	0.0	0.0
Total	100.0%	100.2% <sup>a</sup>	100.0%	100.1% <sup>a</sup>	99.9% <sup>a</sup>

a. Rounding error.

there a theoretical structure that can relate these early attitudes—or lack of concern—to adult knowledge, attitudes, and behavior? Studies of adult populations also show relatively little knowledge of and affect for the Supreme Court. This suggests that there is *some* continuity from childhood to adulthood. Apparently most people never achieve an appreciation of the Supreme Court significantly more sophisticated than that of the children discussed here. Murphy and Tanenhaus have suggested that the best mode of accounting for attitudes toward the Supreme Court is a “learning model” (1974:1042). If a person has no previous base of information, one can be fairly certain that recent information will control his perceptions and evaluations of the Supreme Court: “. . . diffuse support . . . is a function of attitudes that were conditioned early in life and perhaps modified by later learning.” The data presented here, taken in the context of a “learning model,” indicate a potential for high volatility in the public’s response toward the Supreme Court.

One caveat needs to be expressed. The data I have presented describe children ten to fourteen years old; I have none for late adolescents.<sup>10</sup> It is quite possible that they acquire affectively more positive and cognitively richer images of the Supreme Court between the ages of fifteen and eighteen—although our data on adults counsel against such a line of thought. Perhaps high school civics courses, typically given in the senior year, reorient students toward the Supreme Court; but research has shown that the civics curriculum has little impact on the development of youthful political attitudes (e.g., Langton and Jennings, 1968). Furthermore, data from more than one source suggest that age is strongly and negatively related to diffuse support for the Court (Murphy *et al.*, 1973). It is not clear, however, that such a relationship holds when one introduces controls for other variables, such as partisanship, public policy views, specific support, and so on. Ideally, a cohort analysis or perhaps a panel design (cf. Murphy and Tanenhaus, 1973) is needed to separate generational, historical, and life-cycle effects on public perceptions of the Supreme Court.

What, then, is the import of the fact that children apparently neither idealize nor know much about the Supreme Court? One implication is that because public perceptions and evaluations of the Supreme Court are not thoroughly crystallized, they will be very susceptible to manipulation by people who do know and care about the Court—political, social, and economic elites. Another

10. Nor need I emphasize the fact that these children come from schools in a pair of eastern cities; thus the ever-present problem of variance from sample to sample hangs like a “brooding omnipresence” over any generalizations.



implication is that children's naïve images of the Court are significantly at odds with "reality." If, as adults, these children discover that the Supreme Court "makes law," and does not merely "interpret the Constitution," this conflict between "image" and "reality" may lead to confusion about the proper role(s) of the Court and to anger at it for betraying their naïve preconceptions.

The data presented here are quite unequivocal regarding the "early learning" or "childish trust" hypothesis; given so little evidence for it, one cannot help but wonder about the source and the staying power of the explanation. Easton and Dennis do not cite any literature on the Court that appeared before 1960, so there is no explicit link with the past. I would speculate, however, that the notion of youthful idealization goes at least as far back as Jerome Frank's *Law and the Modern Mind* (1930). In that seminal book, Frank sketches what he conceives to be the "basic myth of the legal system."

Only a limited degree of legal certainty can be attained. The current demand for exactness and predictability in law is incapable of satisfaction because a greater degree of legal finality is sought than is procurable, desirable, or necessary. If it be true that greater legal certainty is sought than is practically required or attainable, then the demand for excessive legal stability does not arise from practical needs. It must have its roots not in reality but in a yearning for something unreal. Which is to say that the widespread notion that law either is or can be made approximately stationary and certain is irrational and should be classed as an illusion or a myth. [1930:11-12]

"What," Frank asks, "is the source of this basic legal myth?" The answer, he suggests, resides in childhood: "attitudes formed in early years persist and play important roles in the views and opinions of adult life" (1930:13). Summarizing the complex chain of reasoning, Frank explains the reason for this "trust" in a mythical stability:

Because . . . they have not yet relinquished the childish need for an authoritarian father and unconsciously have tried to find in the law a substitute for those attributes of firmness, sureness, certainty, and infallibility ascribed in childhood to the father. [1930:21]

Frank argued that though some jurists (e.g., Cardozo, Pound) moved toward a more realistic conception of the law, only Mr. Justice Oliver Wendell Holmes, "The Completely Adult Jurist," "abandoned, once and for all, the phantasy of a perfect, consistent, legal uniformity and has never tried to perpetuate the pretense that there is or can be one. He has put away childish longings for a father-controlled world and it is for that reason . . . that he has steadfastly urged his followers to do likewise" (1930:253).

References to childhood and adulthood idealization of the Supreme Court abound in the literature. Thurman Arnold, one of the toughest-minded of the "Legal Realists," remarked that the

Supreme Court is "regarded as the font of . . . near infallibility. . ." (1935:196). Mr. Justice Robert H. Jackson maintained: "People seem to think that the Supreme Court, whatever its defects, is still the most detached, dispassionate, and trustworthy custodian our system affords for the translation of the abstract into concrete constitutional demands" (1954:23). Or, as Alpheus Thomas Mason has asserted, "Americans find in the Supreme Court a sense of security not unlike that instilled by the British Crown" (1962:1386).

Faced with the staying power of the notion of youthful idealization, I would speculate that its life has been much prolonged because it has, from time to time, proved an invaluable fulcrum in the debate among lawyers, judges, and social scientists about the proper role of the Supreme Court in American political life. For members of the Frankfurter-Wechsler-Hand-Bickel school of "judicial restraint," the notion provides a handy link in their argument—the Court has a reservoir of trust which it might lose if became too "active;" thus the Court should exercise "restraint." Similarly, for members of the Black-Wright-Douglas-Warren school of "judicial activism," the notion can be used to justify that activism—the Court has a reservoir of trust which it will retain regardless of specific decisions; thus the Court should assume a more "active" role. The notion of "youthful idealization" has been—and, I suspect, will continue to be—the *deus ex machina* of lawyers and social scientists of varying ideologies who wish to persuade readers or listeners to accept their own normative view of the Supreme Court.

The conclusion that one must draw from the lack of information or affect among both children and adults is that the Supreme Court does not have a tremendous store of legitimacy. A person's views of it are largely a product of whether the person likes or dislikes particular decisions.<sup>11</sup> This lack of general legitimacy helps to explain why the Supreme Court is often so powerless to attain compliance with its most controversial decisions, such as school desegregation, the rights of criminal defendants, or school prayers.

---

11. This is a speculative generalization, and clearly has exceptions. It does not apply to most legal professionals, who are both knowledgeable about and have a stake in respecting legal institutions. For a study demonstrating the legitimacy that the Supreme Court has for federal judges, see Caldeira (1977).

## REFERENCES

- ARNOLD, Thurman (1935) *The Symbols of Government*. New Haven: Yale University Press.

- BICKEL, Alexander M. (1962) *The Least Dangerous Branch: The Supreme Court at the Bar of Politics*. Indianapolis: Bobbs-Merrill.
- BLACK, Charles L. (1960) *The People and the Court: Judicial Review in a Democracy*. New York: Macmillan.
- CALDEIRA, Greg A. (1975) "Comparative Judicial Politics: The Political Roles of Judges in Democratic Systems." Unpublished paper. Princeton: Princeton University.
- (1977) "Lower Court Judges and the American Supreme Court: The Power of Legitimation." Unpublished paper. Iowa City: The University of Iowa.
- CALDEIRA, Greg A. and Fred I. GREENSTEIN (1978) "Partisan Identification and Political Socialization in Three Democracies," 94 *Political Science Quarterly* (forthcoming).
- CASEY, Gregory (1974) "The Supreme Court and Myth: An Empirical Investigation," 8 *Law & Society Review* 385.
- (1975) "The Theory of Presidential Association: A Replication," 19 *American Journal of Political Science* 19.
- CLARKE, James W. and Henry C. KENSKI (1974) "Letter to the Editor," 68 *American Political Science Review* 722.
- COLES, Robert (1975) *The Mind's Fate: Ways of Seeing Psychiatry and Psychoanalysis*. Boston: Little, Brown.
- CONNELL, R. W. (1971) *The Child's Construction of Politics*. Melbourne: Melbourne University Press.
- CONVERSE, Philip E. (1964) "The Nature of Belief Systems in Mass Publics," in David E. Apter (ed.) *Ideology and Discontent*. New York: Free Press.
- (1970) "Attitudes and Non-Attitudes: Continuation of a Dialogue," in Edward R. Tufte (ed.) *The Quantitative Analysis of Social Problems*. Reading, Mass.: Addison-Wesley.
- DAHL, Robert A. (1957) "Decision-Making in a Democracy: The Supreme Court as a National Policy-Maker," 6 *Journal of Public Law* 279.
- DENNIS, Jack (1975) *Political Socialization Research: A Bibliography*. Beverly Hills: Sage Professional Papers in American Politics 04-002.
- (1975) "Mass Public Support for the U.S. Supreme Court." Paper delivered at a meeting of the American Association for Public Opinion Research, Itaska, Illinois.
- DEVINE, Donald (1972) *The Political Culture of the United States*. Boston: Little, Brown.
- DOLBEARE, Kenneth (1967) "The Public Views the Supreme Court," in Herbert Jacob (ed.) *Law, Politics, and the Federal Courts*. Boston: Little, Brown.
- DOLBEARE, Kenneth and Phillip E. HAMMOND (1968) "The Political Party Basis of Attitudes toward the Supreme Court," 32 *Public Opinion Quarterly* 16.
- EASTON, David (1965) *A Systems Analysis of Political Life*. New York: John Wiley.
- (1975) "A Re-Assessment of the Concept of Political Support," 5 *British Journal of Political Science* 435.
- EASTON, David and Jack DENNIS (1969) *Children in the Political System: Origins of Political Legitimacy*. New York: McGraw-Hill.
- ENGSTROM, Richard and Michael GILES (1972) "Expectations and Images: A Note on Diffuse Support for Legal Institutions," 6 *Law & Society Review* 631.
- FIELD, John O. and Ronald E. ANDERSON (1969) "Ideology in the Public's Conceptualization of the 1964 Election," 33 *Public Opinion Quarterly* 380.
- FRANK, Jerome (1930) *Law and the Modern Mind*. New York: Brentano's.
- GILES, Michael (1973) "Lawyers and the Supreme Court: A Comparative Look at Some Attitudinal Linkages," 35 *Journal of Politics* 480.
- GREENSTEIN, Fred I. (1965a) *Children and Politics*. New Haven: Yale University Press.
- (1965b) "Popular Images of the President," 122 *American Journal of Psychiatry* 523.
- (1966) "The Best-Known American," 4 *Trans-Action* 12 (November).

- (1972) Review of David Easton and Jack Dennis, *Children in the Political System: Origins of Political Legitimacy*, 87 *Political Science Quarterly* 98.
- (1973) "Letter to the Editor," 68 *American Political Science Review* 720.
- (1974) "What the President Means to Americans: Presidential 'Choice' Between Elections," in James David Barber (ed.) *Choosing the President*. Englewood Cliffs, N.J.: Prentice-Hall.
- (1975) "The Benevolent Leader Revisited: Children's Images of Political Leaders in Three Democracies," 69 *American Political Science Review* 1371.
- GREENSTEIN, Fred I., Valentine HERMAN, Robert STRADLING, and Elia ZURICH (1970) "Queen and Prime Minister: The Child's Eye View," 369 *New Society* 635.
- (1974) "The Child's Conception of the Queen and the Prime Minister," 4 *British Journal of Political Science* 257.
- GREENSTEIN, Fred I. and Sidney G. TARROW (1970) *Comparative Political Socialization: Explorations with a Semi-Projective Procedure*. Beverly Hills: Sage Professional Papers in Comparative Politics 01-009.
- HAINES, Charles Grove (1944) *The Role of the Supreme Court in American Government and Politics*. Berkeley and Los Angeles: University of California Press.
- HESS, Robert and Judith TORNEY (1967) *The Development of Political Attitudes in Children*. Chicago: Aldine.
- HIRSCH, Herbert and Leon DONOHEW (1968) "A Note on Negro-White Differences in Attitudes toward the Supreme Court," 49 *Social Science Quarterly* 557.
- JACKSON, Robert H. (1954) *The Supreme Court in the American System of Government*. Cambridge, Mass.: Harvard University Press.
- KESSEL, John H. (1966) "Public Perceptions of the Supreme Court," 10 *Midwest Journal of Political Science* 167.
- KLEIN, James H. (1972) *Lawyers and Appellate Judges: The Influence of Role Conceptions on Support for Courts*. Ph.D. Dissertation, Department of Politics, Princeton University.
- KOLSON, Kenneth and Justin GREEN (1970) "Response Set Bias and Political Socialization Research," 57 *Social Science Quarterly* 527.
- KOMMERS, Donald P. (1975) "Comparative Judicial Review and Constitutional Politics," 77 *World Politics* 282.
- LANGTON, Kenneth and M. Kent JENNINGS (1968) "Political Socialization and the High School Civics Curriculum in the United States," 62 *American Political Science Review* 852.
- MARSH, David (1971) "Political Socialization: The Implicit Assumptions Questioned," 1 *British Journal of Political Science* 453.
- MASON, Alpheus Thomas (1956) *Harlan Fiske Stone: Pillar of the Law*. New York: Viking Press.
- (1962) "Myth and Reality in Supreme Court Decisions," 48 *Virginia Law Review* 1385.
- MERELMAN, Richard M. (1973) "Political Reasoning in Adolescence: Some Bridging Themes." Paper delivered at the Annual Meeting of the American Political Science Association, New Orleans.
- MULLER, Edward N. (1970) "The Representation of Citizens by Political Authorities: Consequences for Regime Support," 70 *American Political Science Review* 1149.
- MURPHY, Walter F. (1962) *Congress and the Court: A Case Study of the American Political Process*. Chicago: University of Chicago Press.
- MURPHY, Walter F. and Joseph TANENHAUS (1967) "Constitutional Courts, Public Opinion, and Political Representation." Paper delivered at the Meetings of the International Political Science Association, Brussels.
- (1968a) "Public Opinion and the Supreme Court: The Goldwater Campaign," 32 *Public Opinion Quarterly* 31.
- (1968b) "Public Opinion and the United States Supreme Court: A Preliminary Mapping of Some Prerequisites for Court Legitimation of Regime Changes," 2 *Law & Society Review* 357.

- (1970) "The Supreme Court and Its Elite Publics: A Preliminary Analysis." Paper delivered at the Meetings of the International Political Science Association, Munich.
- (1972) *The Study of Public Law*. New York: Random House.
- (1973) "Diffuse Support for the United States Supreme Court: Operationalizing and Testing a Learning Model." Unpublished manuscript. Princeton: Princeton University.
- (1974) "Explaining Diffuse Support for the U.S. Supreme Court: An Assessment of Four Models," 40 *Notre Dame Lawyer* 1037.
- (1976) "Diffuse Support for the United States Supreme Court: A Learning Model." Paper delivered at a conference on Alienation and Support for Political Institutions, Stanford.
- (n.d.) *Public Opinion and the American Supreme Court*. (forthcoming).
- MURPHY, Walter F., Joseph TANENHAUS, and Daniel KASTNER (1973) *Public Evaluations of Constitutional Courts: Alternative Explanations*. Beverly Hills: Sage Professional Papers in Comparative Politics 01-045.
- NAGEL, Stuart and Robert ERICKSON (1966) "Editorial Reactions to Supreme Court Decisions on Church and State," 30 *Public Opinion Quarterly* 647.
- NIE, Norman and Kristi ANDERSON (1974) "Mass Belief Systems Revisited: Political Change and Attitude Structure," 26 *Journal of Politics* 540.
- NIMMO, Daniel (1974) *Popular Images of Politics*. Englewood Cliffs, N.J.: Prentice-Hall, Inc.
- PIERCE, John G. (1970) "Party Identification and the Changing Role of Ideology in American Politics," 14 *Midwest Journal of Political Science* 25.
- RePASS, David (1974) "Levels of Rationality Among the American Electorate." Paper delivered at the Annual Meeting of the American Political Science Association, Chicago.
- SARAT, Austin (1974) "Law and Public Opinion: A Critique." Unpublished manuscript. Amherst, Mass.: Amherst College.
- (1977) "Studying American Legal Culture: An Assessment of Survey Evidence," 11 *Law & Society Review* 427.
- SCHUMAN, Howard (1972) "Attitudes vs. Action versus Attitudes vs. Attitudes," 36 *Public Opinion Quarterly* 342.
- SEARING, Donald D. and Joel J. SCHWARTZ (1974) "Letter to the Editor," 68 *American Political Science Review* 725.
- SEARING, Donald D., Joel J. SCHWARTZ and Alden E. LIND (1973) "The Structuring Principle: Political Socialization and Political Belief Systems," 67 *American Political Science Review* 415.
- SEARS, David O. (1968) Review of Robert Hess and Judith Torney, *The Development of Political Attitudes in Children*, 38 *Harvard Educational Review* 571.
- VAILLANCOURT, Pauline (1973) "The Stability of Children's Survey Responses," 37 *Public Opinion Quarterly* 373.
- WALKER, Diane (1973) *Public Attitudes toward the Legal Justice System: Contact and Support*. Ph.D. Dissertation, Department of Political Science, University of North Carolina.
- WALKER, Diane, Richard RICHARDSON, Oliver WILLIAMS, Thomas DENYER, and John McGAUGHY (1972) "Contact and Support: An Empirical Assessment of Public Attitudes toward the Police and Courts," 51 *North Carolina Law Review* 45.
- WEINSTEIN, Alan G. (1972) "Predicting Behavior from Attitudes," 36 *Public Opinion Quarterly* 355.
- WILDENMANN, Rudolph (1973) "Attitudes of Judges as a Subject of Comparative Study: Design, Theory, and Method of an Empirical Study of Judges in Germany." Paper delivered at the Meetings of the International Political Science Association, Montreal.