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PERCEPTIONS OF JUDICIAL BIAS IN THE MISSISSIPPI JUDICIARY

by

Allyson T. Avant

A thesis submitted to the faculty of the University of Mississippi in partial fulfillment of the requirements of the Sally McDonnell Barksdale Honors College.

Oxford

May 2020

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ABSTRACT

Perceptions of Judicial Bias in the Mississippi Judiciary
(Written by Allyson Avant under the direction of Dr. Sue Ann Skipworth)

The purpose of this study is to explore Mississippians' opinions towards the Mississippi state judiciary and further examine any differences in such opinions across race, gender, knowledge, and education levels. In doing so, it is possible to gain further understanding of the ways that historical context and knowledge influence perceptions of the state judiciary. Data collected from an anonymous survey of approximately 500 individuals shed some light on the perceptions Mississippians have towards the state judiciary. While many of the results were generalizable across various demographics, African Americans consistently held more negative views of their state judiciary than their White counterparts. Responses showed that race was the most important factor in understanding opinions of the Mississippi judiciary, while knowledge, gender, and education level proved to be less important.

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CHAPTER ONE: INTRODUCTION

In 1996, Curtis Flowers was accused of murdering four individuals in a Winona, Mississippi furniture store. As expected, Flowers was tried by a jury of his peers—but while Winona’s population is divided almost equally among African Americans and Whites, there was not a single African American on the jury. Flowers, a black man, was tried and convicted by an all-white jury and sentenced to death. Flowers appealed his case, and the Mississippi Supreme Court reversed and remanded the decision back to the lower court for a new trial, because his right to a fair trial had been violated. The prosecution barred African Americans any place on the jury, and it was decided that Flowers had been denied a trial by a jury of his peers. A second trial reached the same conclusion, still with only a single African American on the jury, and once again, the Mississippi Supreme Court reversed and remanded the decision due to prosecutorial misconduct. In both cases, attorneys for the prosecution worked to keep African Americans out of the courtroom during jury selection (Harvard Law Review).

The third trial started much the same way, with the prosecution using all fifteen peremptory strikes (actions used during jury selection) to block African Americans from gaining a single spot on the jury. After the third trial was also reversed and remanded

based on *Batson v. Kentucky*¹, the fourth and fifth trials ended in mistrials. A mistrial, as defined by Lexico, is a trial that is deemed invalid due to errors in court proceedings. Evidence suggests that the prosecution used several of its peremptory strikes to, once again, deny African Americans a spot at the table during Flowers' trial. During Flowers' sixth trial, one African American was seated as a juror, even after several others were blocked. For the final time, Flowers was convicted and sentenced to death. He appealed his conviction based on a *Batson* claim, but the Mississippi Supreme Court affirmed the decision of the lower court. The Supreme Court of the United States vacated the judgement and remanded it, but the Mississippi Supreme Court once again upheld the decision of the lower Mississippi courts. Mr. Flowers, it seemed, had received his final death sentence. In 2019, the Supreme Court of the United States once again reversed the decision made by the Mississippi Supreme Court, citing prosecutorial misconduct. It was evident, in their opinion, that the prosecution used the jury selection process to limit the number of African Americans seated on the jury—a clear violation of the United States Constitution (*Flowers v. Mississippi, 2019*).

Winona, Mississippi is infamous when it comes to struggles with race. In 1963, Fannie Lou Hamer and other civil rights activists were arrested on false charges, jailed, and beaten by white policemen during a stop in Winona (Lee, 2000). These racial tensions did not disappear easily, and in many ways, they continued to play out during

¹ *Batson v. Kentucky*: “The Court found that the prosecutor's actions violated the Sixth and Fourteenth Amendments of the Constitution. Relying heavily on precedents set in *Strauder v. West Virginia* (1880) and *Swain v. Alabama* (1965), Justice Powell held that racial discrimination in the selection of jurors not only deprives the accused of important rights during a trial, but also is devastating to the community at large because it ‘undermines public confidence in the fairness of our system of justice.’ Without identifying a ‘neutral’ reason why the four blacks should have been excluded from the jury, the prosecutor's actions were in violation of the Constitution.” Found on Oyez.com. Link: <https://www.oyez.org/cases/1985/84-6263>.

each of Curtis Flowers' six trials. The prosecution worked hard to keep African Americans out of the courtroom during each of his trials. When African Americans were allowed to be seated, juries found themselves gridlocked along racial break-downs, with neither side willing to give in. Whites on the jury remained convinced that Flowers was guilty and deserving of the death penalty, while African Americans refused to convict. Eventually, one man on the Mississippi Supreme Court—the only African American serving at the time, and currently the only African American on the bench—wrote a dissent that called for a reversal on grounds of prosecutorial misconduct.

Winona is certainly not the only town in Mississippi where racial tensions remain, and Curtis Flowers is only one man among many. His case and so many others affect the ways that Mississippians see and understand their state court system. True, most cases do not receive the notoriety and attention that Flowers' did, due in large part to the high-profile nature of the Supreme Court of the United States. But instances like this—where juries do not reflect the communities they are serving and judges and attorneys repeatedly turn a blind eye (or willfully participate in unfair procedures)—cause some Mississippians to have more and more negative feelings toward the state courts. Specifically, Mississippians who do not feel represented or understood may perceive the judiciary differently than those who feel protected by the courts. This thesis uses the history of the state and data collected through a survey to gauge Mississippians' knowledge of their state court system, analyze perceptions of the courts among different demographics, and understand the different influences on opinions of the judiciary in Mississippi. It also explores whether or not inferences about and perceptions of the Supreme Court of the United States also apply to the state courts.

CHAPTER TWO: JUDICIAL HISTORY AND CONTEXT

“The Court’s authority—possessed of neither the purse nor the sword—ultimately rests on sustained public confidence in its moral sanction.” -Justice Felix Frankfurter, *Baker v.*

Carr (1962)

The American judiciary is comprised of two separate systems: a federal system and a system belonging to each of the states. The federal judiciary is built upon Article III of the United States Constitution, Section I of which reads, “The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.” In other words, the federal government is required by the U.S. Constitution to have only one court, and Congress has the power to establish or dissolve any other courts. In the federal system, Congress has established both U.S. Circuit and District Courts in addition to the Supreme Court of the United States, which was established by the United States Constitution. According to Article III, Section II of the Constitution, the United States Supreme Court, as well as other courts, exists to dissolve “controversies” between opposing parties.

Likewise, individual states form their own courts through their own state constitutions. Each state has at least one appellate court of last resort—often styled as the

“Supreme Court” of the state—as well as lower court systems like justices of the peace and county courts, among others. While terminology may vary from state to state, the system is fashioned much like the larger federal court system, with most state constitutions establishing one final-resort court and several lower-level courts. Even so, the Supreme Court of the United States always holds the ultimate authority if the United States Constitution is implicated—even over cases which have been decided in state supreme courts.

The United States judiciary is truly an institution that is dependent on the approval of the American people. Without the support of the American public, decisions handed down by the judiciary would carry no weight, because the elected branches would refuse to enforce judicial decisions. As Justice Frankfurter and other justices have noted, the judiciary’s power to interpret the law lies in the hands of the American people. For this reason, trust in the judiciary is important. According to Jamieson and Hardy (2008), the judiciary enjoys more support and trust from the public than the other branches of government. They show that 66% of the American public trusts the United States Supreme Court a “great deal” or “fair amount.” This is true even among state courts, whereby individuals demonstrated higher levels of trust in state courts than the presidency (Jamieson and Hardy, 2008). While the courts may benefit from higher levels of trust and confidence than other political institutions, responses from a 2017 survey conducted by GBA Strategies for the National Center for State Courts reveal that in general, many individuals seem to be unhappy with some aspect of their state judiciary. For example, 47% of respondents indicated a belief that judges in their state make decisions based more on their own beliefs and political power than on an objective

review of facts and the law. In a 1999 national survey conducted by the National Center for State Courts, 44% of respondents agreed that “Courts are out-of-touch with what’s going on in their community.” As such, the courts are at risk to problems of distrust, perceptions of bias, and ultimately a lack of legitimacy among the public. Thus, it is important to examine factors that may influence trust levels in the courts such as descriptive representation in the courts, knowledge of the courts, and judicial selection methods.²

Descriptive Representation

Descriptive representation in the courts is one factor that may impact perceptions of legitimacy and trust in the judiciary. A 2017 survey conducted by GBA Strategies for the National Center for State Courts reveals that many American citizens believe that their courts are not representative enough of the districts that they represent. Only 15% of state judicial positions are held by people of color, though non-white individuals make up about 40% of the United States population (Robbins et al, 2019). Furthermore, eighteen states have never had an African American state supreme court justice: Alaska, Arizona, Delaware, Hawaii, Idaho, Iowa, Kansas, Maine, Montana, Nebraska, New Hampshire, New Mexico, North Dakota, Rhode Island, South Dakota, Utah, Vermont, and Wyoming (Robbins et al, 2019). While a larger portion of the judiciary is made up of women (36%), seventeen states have only a single woman on their supreme court (Robbins et al, 2019). A lack of representation on the court lends itself to questions about judicial

² While the literature makes distinctions between terms like “confidence,” “trust,” and “legitimacy,” these terms are all used interchangeably to describe positive perceptions of the courts in this thesis.

legitimacy within the state courts. Research suggests that African American support for the judiciary increases when more African Americans are found on the bench. On the contrary, the same study suggests that more African American representation brings down white levels of trust in the judiciary, which may in turn reduce overall levels of trust in the courts (Scherer and Curry, 2010).

Historically, the legal profession has been dominated by white males, which contributes to more skepticism of the judiciary by women and racial minorities (Hurwitz and Lanier, 2003). In Mississippi specifically, women in the legal profession are more likely to perceive gender-based bias than men (Winkle and Wedeking, 2006). According to Winkle and Wedeking, “Women, whether attorneys or judges, are consistently more aware of the core problems and far more likely than men to observe, experience, and report incidents of biased treatment” (pg. 34). While Hurwitz and Lanier (2003) suggest that women have been slowly closing this gap, racial minorities are still unable to find as much representation on the bench. Both structural and political factors influence a lack of diversity, like judicial selection, level of the court, ideology, and regional demographic variations. While Hurwitz and Lanier cannot point to one single influencer of diversity on the bench, it seems that a combination of factors affect the ease with which political minorities like women and racial minorities reach the bench. Winkle and Wedeking note that while patronizing behavior toward women is clearly diminishing, an unevenness in respect and treatment owed and received still persists to some extent.

Sun and Wu (2006) found in their research that racial minorities tend to be more skeptical of the judiciary, on average, than whites. Separate research concluded that African Americans are more skeptical of judicial fairness overall than Whites or Latinos

(Rottman and Hansen, 2001; Rottman et al, 2003). White males are the most confident in the court system overall, and perceptions of the courts were based largely on attitudes toward the criminal justice system and social inequality. Furthermore, race was a better predictor of variation in perceptions and attitudes than was gender (Sun and Wu, 2006).

Knowledge of the Courts

Knowledge of the judiciary serves as another factor that influences trust levels in the courts. Jamieson and Hardy (2008) find a positive relationship between knowledge of the judiciary and trust of the judiciary. Not only does knowledge impact basic trust in the courts, there is also evidence that a greater amount of ignorance about the judiciary leads to a higher perception of bias among those individuals (Jamieson and Hardy, 2008; Gibson et al, 1998)³.

Civic education is also an important factor. Americans who had at least some level of civic education had a greater understanding of the government, including the judicial branch, which led to higher levels of trust among those individuals. At the very least, some evidence indicates that exposure to information about the courts also amounts to exposure to symbolism of the American judiciary, which serves to perpetuate myths of fairness, justice, and distance from politics (Gibson and Caldeira, 2009). As previously noted, knowledge of the judiciary significantly influences trust in the courts. Few United States Supreme Court cases actually receive enough media attention for the public to

³ Here, bias is defined as a set of circumstances or influences that change the way a judge or justice would normally perceive information or make decisions.

learn about the inner workings of the court system (Collins and Cooper, 2012), though the court often prefers that this is the case. Even fewer state court cases reach a level of prominence that attracts the attention of the general public. So, while the judiciary as a whole—including the state courts—gain greater levels of legitimacy from the public than the other branches of government, the public tends to know more about the Supreme Court of the United States than they do about lower courts and state courts. A lack of knowledge about the judiciary at the state court level could potentially lead to higher levels of distrust and perceptions of bias among state populations. Alternatively, a lack of knowledge about the courts could lead some individuals to approve of the courts more readily based on their perceptions of judicial symbolism (Gibson and Caldeira, 2009c). These findings also seem to be consistent with public approval of judicial confirmations. As such, this study will take a closer examination of the relationship between knowledge and attitudes towards courts in Mississippi.

Judicial Selection Methods

Lastly, judicial selection methods can influence the way individuals perceive the courts as being fair, legitimate, and trustworthy. According to a survey conducted by GBA Strategies for the National Center for State Courts in 2017, 53% of respondents believed that too many judges in their state courts won the position on the basis of personal connections or political influence and not due to qualifications. Research suggests that judicial appointments are the true culprit behind distrust in the American court system (Glennon and Nownes, 2016). Many Americans, especially those who have little education or political knowledge, are skeptical of judicial appointments because of

their familiarity with elections to fill other government positions. Because the judiciary seems to stand alone in appointments, members of the public perceive this difference to be negative or bad. Unfamiliarity breeds distrust. Distrust in the courts lowers levels of institutional legitimacy within the judiciary (Glennon and Nownes, 2016). Overall, the research conducted by Glennon and Nownes seems to suggest that Americans are more trusting of elected officials, even when those officials are members of the judiciary. The average citizen is unable to distinguish the judiciary as being different or separate from the executive and legislative branches and therefore has no reason to be skeptical of judicial elections. Though voters may not recognize institutional differences between the judiciary and the other branches of government, they are still able to make important distinctions about judicial elections (Bonneau and Hall, 2009). In fact, for competitive elections, voters are able to distinguish qualified candidates, and realize that judges are political actors (Bonneau and Hall, 2009). If states choose to select their judges by appointment instead of election, they are often unwittingly decreasing perceptions of judicial legitimacy among the American public (Glennon and Nownes, 2016). On the flip side, judicial elections do not seem to degrade legitimacy (Bonneau and Hall, 2009).

Though there is much that is unknown about the public's opinion on judicial selection, partisan elections seem to serve the purpose of keeping judges accountable to the public or to voters (Dudley, 1997). At the very least, partisan elections create the illusion that judges are accountable to the public. While there is evidence to suggest that judicial elections increase accountability to the public, there is less consensus on whether or not this is positive. Since the judiciary is supposed to operate as an institution separate from the pressures of politics in order to promote justice, there is an argument that

elections—whether of a partisan or nonpartisan nature—create an unhealthy relationship between the judiciary and the public. One argument in favor of judicial elections, though, is that judges ought to be responsible and accountable to the public, as would any other public official (Johnson et al, 1978). There are several arguments against the use of judicial elections. Some of these include a failure to recruit the best talent available to the judiciary, a lack of independence from judiciaries that are elected, and elections that fail to be a meaningful way of allowing the public to control judges and judicial policy (Dubois, 1979). While elections may increase legitimacy of the courts in ways that appointments do not (Glennon and Nownes, 2016), they may also contradict the inherent purpose of the judiciary—to remain unbound by the public in decision-making.

Jamieson and Hardy's (2008) research asserts that while many voters found no fault in a judicial election, the same individuals believed contributions to judicial campaigns to be worrisome. In many cases, the public tends to believe that campaign contributions can sway or affect a judge's decision-making ability once on the bench. Especially in states with partisan judicial elections, members of the electorate are more willing to distrust the judicial system or at least have some perception of judicial bias. Overall, the research conducted by Jamieson and Hardy showed that an increased trust in the judiciary correlated with an increased understanding in the organization and function of the judiciary. In contrast, some research suggests that the nature of political campaigns—which includes a great deal of advertisement—undermine the legitimacy of the court and make the public view the judiciary as simply one of many political institutions (Gibson and Caldeira, 2009b). A 2014 survey conducted by the National Center for State Courts confirm the belief that judicial elections undermine public trust in

the judiciary (Kowal, 2016). In the survey, respondents who live in states that elect judges “were more likely to agree that judges ‘make decisions based more on their beliefs and political pressure’” (pg. 21). Separate research by Gibson et al (2011), however, helps to reconcile the two ideas: elections seem to enhance judicial legitimacy, but not all campaign practices succeed in doing so, like ad campaigns. Additionally, Gibson observed in 2008 that judges are able to discuss policy preferences without harming judicial legitimacy. He asserts that courts seem to have a deeper reservoir of goodwill than state legislatures, though it is unclear if “partisan” behavior diminishes legitimacy (Gibson, 2008).

In sum, perceptions of American courts depend largely on descriptive representation, knowledge of the courts, and judicial selection method. Many Americans do not understand the inner workings of their state and local courts but still craft opinions of them based on these three factors. Each state judiciary is a unique combination of these factors, and Mississippi’s climate of little descriptive representation, minimal knowledge of the courts, and nonpartisan election as the chosen judicial selection method creates an interesting narrative. This thesis considers all of these factors, as well as Mississippi’s history and racial past, to analyze Mississippians’ perceptions of their state court system.

CHAPTER THREE: PERCEPTIONS OF THE MISSISSIPPI JUDICIARY

This study applies the various factors impacting attitudes toward the judiciary as discussed in Chapter I to the judicial system in Mississippi. Mississippi is an interesting state to examine due to its intense racial history, lack of descriptive representation in the state court system, and lower overall levels of education, all of which may play a significant role in public opinion of the court. Judicial selection method and level of education are primary variables examined in explaining levels of public perceptions of the Mississippi Supreme Court, as well as the rest of the state judiciary. It is also important to consider the way that descriptive representation on the bench may play a part in examining the degree to which Mississippians trust the judiciary; race and gender will also be considered as influential variables and factors influencing attitudes towards the Mississippi Supreme Court.

Why is understanding perceptions of the judiciary in Mississippi important? Each state has the power to define and organize its own judicial system, which includes the process of judicial selection. In Mississippi, judges are chosen through nonpartisan election. This gives the people of the state the power to choose the judges that sit on the bench in both local courts and the Supreme Court of Mississippi. Also, as previously mentioned, the history of race relations within the state as well as lower levels of

education could influence attitudes toward the courts. This creates the question: to what extent are Mississippians skeptical of the judicial selection method used by their state? Furthermore, are there differences in trust levels across specific demographics like race, education level, and gender?

This research examines what Mississippians know—or believe—to be true about the judiciary in their state, as well as the opinions they hold about the process of judicial selection. Additionally, this thesis breaks down these opinions across demographics such as race, gender, and education to see if there is any variation across these identity markers, which help to explain how individuals in Mississippi perceive the judicial system. The research scrutinizes two questions: First, what are Mississippians' opinions of their state judiciary? Second, are there any significant differences in the perceptions of the Mississippi judiciary between the following groups: African Americans and Whites; males and females; and those with college degrees versus those who do not? Ultimately, these results will provide greater insight into the perceptions of the Mississippi judiciary and any differences that may exist across certain demographic groups.

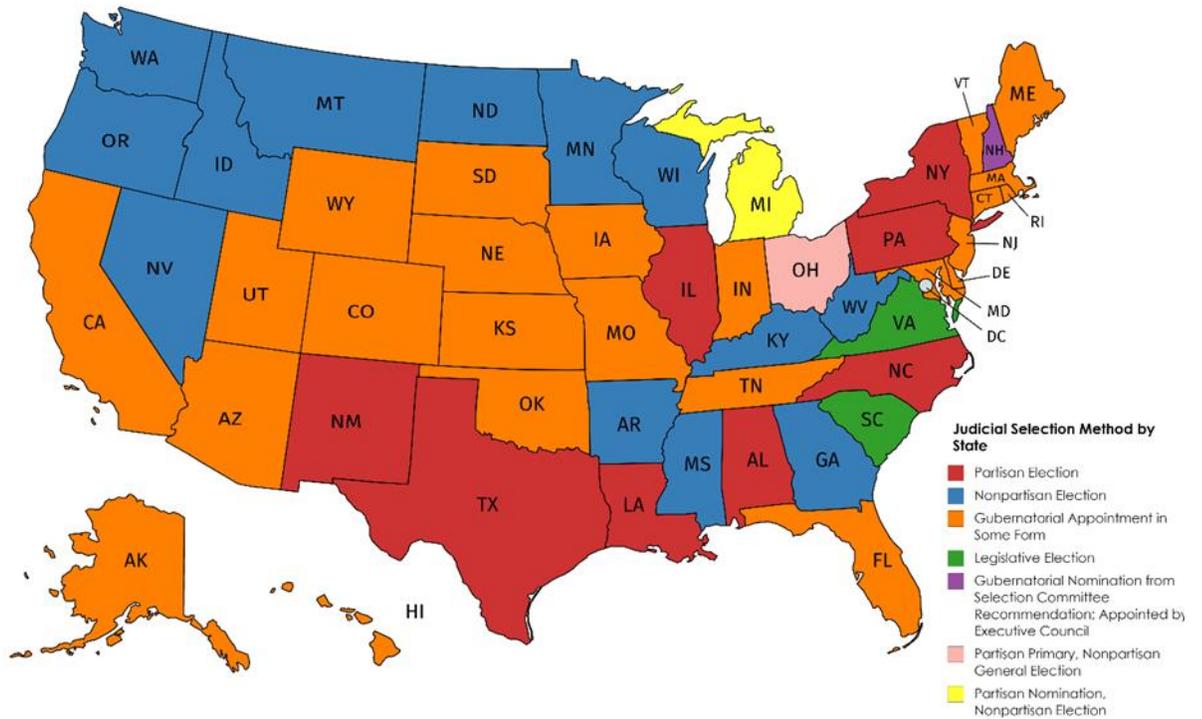
It is expected that this research will yield some of the same results previously discussed, though—as mentioned—Mississippi's unique history and political climate could create different perceptions of the judiciary. Since Mississippians vote for their Supreme Court justices in nonpartisan elections, the data may reveal higher levels of distrust among non-white citizens and women, who are less likely to find equal, descriptive representation in the courts (Robbins et al, 2019). Additionally, there could be higher levels of distrust among individuals who have less knowledge about the judicial system and judicial selection process, as Jamieson and Hardy (2008) suggest. The data

gathered may also expose a greater perception of judicial bias among non-white Mississippians than among white Mississippians, as well as more skepticism of the judicial selection process among those who are racial minorities and less educated. Mississippians should follow patterns of national discontent with judicial selection, especially as they relate to certain aspects of the state judiciary being unrepresentative of the general public (most commonly, race and gender).

Judicial Selection Method in Mississippi

When taking all of the state courts into consideration, there are fifteen varieties of judicial selection methods (Schotland, 2007). These varieties include nonpartisan elections, partisan elections, and different methods of appointment involving governors and state legislatures (*Figure 1*). Even in states that utilize elections to choose judges, most judges are initially appointed to their position in order to fill a vacant seat. In many of these cases, a retention election is held to give the people a voice. In fact, 87% of the nation's judges regularly face the electorate to retain their seat (Hall, 2006). Judicial selection is one of the most complex systems in America due to the fact that it varies by both state and court level. While twenty-four states allow governors to appoint justices to their highest court, eight of those same states allow their citizenry to elect judges in lower court systems (NCSC, Methods of Judicial Selection). Twenty-four states use some variation of gubernatorial appointment to select their judges, twenty-five use some sort of election, and one state, New Hampshire, uses "gubernatorial nomination from selection committee recommendation with appointment by executive council" (NCSC, Methods of Judicial Selection).

Figure 1. Judicial Selection Method by State



Created with mapchart.net ©

*Source: National Center for State Courts,

http://www.judicialselection.us/judicial_selection/methods/selection_of_judges.cfm?state=

In Mississippi, judges are selected in nonpartisan elections. *Figure 1* shows that this is also the case in Arkansas, Georgia, Idaho, Kentucky, Minnesota, Montana, Nevada, North Dakota, Oregon, Washington, West Virginia, and Wisconsin. Variation in selection methods can create a lack of knowledge among the general public about judicial selection practices and as a result present concerns for perceptions of trust in the court system. While there is very little data to outline public opinion concerning the judiciaries

in states with nonpartisan elections, there have been a few polls and surveys conducted in Idaho, Minnesota, and West Virginia. In Idaho, for instance, 67% of polled voters believe that the decision-making of their elected judges is influenced by campaign contributions (NCSC). In Minnesota, 59% of polled voters would say the same about their judicial officials (NCSC). In West Virginia, 37% of voters approved of judicial selection by merit, 36% by nonpartisan election, and 19% by partisan election (NCSC). This thesis will further this line of inquiry specifically for Mississippi by examining the following hypothesis:

Hypothesis I: Among Mississippians, those with knowledge of judicial selection method in Mississippi (nonpartisan election) are more likely to express negative perceptions of the Mississippi courts.

Beyond any impact that judicial selection method may have on Mississippians' perception of the courts, there are two additional arguments that could potentially explain why Mississippians' perceptions of the judiciary: a lack of descriptive representation in the courts and the diploma divide.

Descriptive Representation in Mississippi Courts: Race and Gender

Mississippi is a state fraught by negative, and often violent, race relations. For decades, white supremacy was institutionalized in the state by slavery and Jim Crow

laws. The effects of those institutions persist today, manifesting in politics and culture alike. Because of a history that promotes the agenda of white males, many women and minorities may perceive greater bias against them in the judiciary. Due to the intense racial history in Mississippi, during which African Americans have been enslaved, disenfranchised, and threatened by civilian violence and governmental abuse, there could be a stark difference in judicial perceptions held by white Mississippians and non-white Mississippians. Research findings reveal that African Americans are significantly more likely to believe that socially disadvantaged groups were treated worse by the courts (Sun and Wu, 2006) and were less likely than Whites or Latinos to believe that courts follow fair procedures (Rottman and Hansen, 2001). As noted in Chapter II, Sun and Wu (2006) also found that race was a better overall predictor of variation than gender. While research suggests that institutional legitimacy is increased among African Americans when there are more African Americans in the judiciary, an increase in racial representation leads to a decrease in legitimacy among whites (Scherer and Curry, 2010). Since whites make up a majority of the population in Mississippi, increased African American representation on the bench may lead to a decrease in overall legitimacy. Though the population of Mississippi is 37.8% African American (U.S. Census Bureau, 2019), the Mississippi state court is made up of only approximately 16% racial minorities, which may contribute to lower levels of trust and legitimacy among racial minorities (Reddick, Nelson, Caulfield 2009). Arnesen and Peters (2018) found that politically marginalized groups typically sought representation in higher numbers. These groups—often made up of women and racial minorities—were more likely to deem representative institutions legitimate. Taking descriptive representation into

consideration, this study examines perceptions of the Mississippi judiciary and considers potential differences in those perceptions across races.

Both minorities and women often have a much harder time earning a seat on the bench than do white and male judges. When it comes to judicial selection, some research finds that most minorities and women seem to earn their seats due to a merit selection process (Reddick, Nelson, and Caufield 2009), while other research suggests that selection systems play no apparent part in systematic judicial diversity (Hurwitz and Lanier, 2003). In Mississippi, a state that uses a nonpartisan election to select judges, only 15.7% of judges are minorities and/or women (Reddick, Nelson, and Caufield 2009). Overall, more liberal governments and constituencies tend to produce more minority and women judges than their more conservative counterparts (Hurwitz and Lanier, 2003). Additionally, diversification of state courts seems to be slowly increasing over time, with women making more headway and earning more seats as an overall subgroup than minorities (Reddick, Nelson and Caufield 2009). Women have begun to take up more and more of the legal profession, which in turn provides them with more opportunities to climb higher up the judicial ladder, while minorities continue to lag slightly behind (Hurwitz and Lanier, 2009). Women make up 51.5% of the population of Mississippi (U.S. Census Bureau, 2019), but there is only one woman presiding on the bench of the Mississippi Supreme Court out of a possible nine seats (State of Mississippi Judiciary, 2019). Because women and minorities tend to find less descriptive representation within the judiciary—especially in Mississippi—there could be less faith in the judiciary among these groups.

Hypothesis II: Among Mississippians, African Americans are more likely to demonstrate negative perceptions of the Mississippi Courts than others.

Hypothesis III: Among Mississippians, females are more likely to demonstrate negative perceptions of the Mississippi courts than males.

Effects of Knowledge: The Diploma Divide

As noted in Chapter II, knowledge of the judiciary and formal civics education can play a significant role in influencing attitudes towards the courts. It is also possible that educational attainment is significant. In addition to racial components of politics in Mississippi, important distinctions can be made about voters who have college degrees versus those who do not. Race and education intertwine to create specific voting patterns. The “diploma divide,” a phenomenon which primarily occurs among white voters, explains the differences between voting preferences of college-educated and non-college-educated voters (Harris, 2018). The diploma divide is largely a symptom of racism; when controlling for racist ideology, the diploma divide disappears (Harris, 2018). *Figure 2* shows that according to exit polling conducted by CNN during the 2018 midterm elections, 61% of whites without a college degree identify as Republican, while 53% of whites with a college degree are Democrats. In contrast, 76% of non-whites without a college degree are Democrats. When looking specifically at the breakdown of Mississippi voters during the same election, *Figure 3* shows that large majorities of whites voted for

the Republican candidate, Senator Wicker, across all education levels, though non-college-educated whites have a slightly higher percentage of support for the Republican candidate (87% non-college-educated to 81% college educated). While there do seem to be some gaps among white voters due to education levels nationally, there is less variation among Mississippians specifically. According to the U.S. Census Bureau, of the Mississippians aged 25 and older, 83.9% of Mississippians hold at least a high school diploma, while only 21.8% hold a bachelor's degree or higher. An even smaller portion of the population holds graduate or professional degree, at about 8.3% of the Mississippi public. Lower levels of judicial knowledge and civics education tend to correlate with lower levels of trust (Jamieson and Hardy, 2008; Gibson et al, 1998), so the Mississippians with the highest levels of education are expected to exhibit higher levels of trust in the Mississippi court system.

Hypothesis IV: Among Mississippians, those with lower levels of education are likely to exhibit more negative perceptions of the courts than those with higher levels of education.

Figure 2. Education, Race, and National Partisanship

Education and race			
	Democrat	Republican	No Answer
White college graduates 31%	53%	45%	2%
Whites no degree 41%	37%	61%	2%
Non-whites college grads 10%	77%	22%	1%
Non-whites no degree 18%	76%	22%	2%
18778 Respondents			

*Source: CNN Politics, “Exit Polls 2018.” Link to CNN Exit Poll data:
<https://www.cnn.com/election/2018/exit-polls/national-results>

Figure 3. Education, Race, and Voting in Mississippi

Education and race			
	Baria	Wicker	No Answer
White college graduates 27%	17%	81%	2%
Whites no degree 37%	11%	87%	2%
Non-whites college grads 7%	80%	15%	5%
Non-whites no degree 29%	84%	14%	2%
1290 Respondents			

*Source: Exit Polls 2018: Mississippi.” Link to CNN exit poll data:
<https://www.cnn.com/election/2018/exit-polls/mississippi>

CHAPTER FOUR: DATA

This research is an attempt to gauge perceptions of the judiciary in Mississippi based on a variety of factors, as well as compare these results to national data. Thus, basic knowledge of the courts and judicial selection method are used to provide some explanation for how Mississippians perceive their state judiciary. Perceptions of the courts can be influenced by demographic factors like race, education level, and gender, as well as institutional factors like judicial selection method. Data for this study was gathered by an anonymous survey in Qualtrics and distributed through social media, email, and Blackboard. The survey consisted of eighteen questions, after respondents clicked through two slides confirming that respondents were willing to participate and over the age of eighteen years old. The survey was open and accessible from late October 2019 to mid-January 2020. During this time, various groups on campus were contacted (like the Sally McDonnell Barksdale Honors College, as well as some minority engagement clubs) and asked to distribute the survey to their members via email. The survey was also sent to students in the Political Science Department using the Course Message function. Furthermore, the link was shared on Facebook profile, where several friends and family members chose to share the link on their own timelines. This partial use of snowball sampling helped recruit the bulk of respondents.

The survey included demographic questions like race, education level, and gender, in order to get an accurate picture of the different people represented in the data. These answers are used in the analysis as independent variables. Respondents were also asked if they knew their state’s judicial selection method, as well as if they had ever voted in a judicial election. Beyond these basic demographic- and knowledge-based questions, a series of attitudinal questions were used to gauge perceptions of state courts—specifically, the Mississippi Supreme Court. The simplest question asked was whether or not the respondent believed that judges should be elected or appointed. More in-depth questions about the perceived impact of campaign contributions on bias and overall confidence in the Mississippi court system were included. The most extensive attitudinal questions were:

- In your opinion, does the word “hard-working” describe the Mississippi courts very well, well, not very well, or not well at all?
- In your opinion, does the phrase “fair and impartial” describe the Mississippi courts very well, well, not very well, or not well at all?
- In your opinion, does the phrase “takes the needs of the people into account” describe the Mississippi courts very well, well, not very well, or not well at all?
- Which statement comes close to your own view?
 - In general, judges in Mississippi courts reflect the values of the communities and understand the challenges facing the people who appear in their courtrooms.

- Too many judges in the Mississippi courts don't understand the challenges facing people who are in their courtrooms and need to do a better job of getting out in the community and listening to the people.

These questions were taken directly from surveys conducted by the National Center for State Courts and the Brennan Center, which will allow for a comparison between Mississippi and the national responses. Breaking down the responses to these questions should provide a clearer picture of the expectations Mississippians have for the ways that the judiciary functions, as well as perceptions of bias within the Mississippi Supreme Court.⁴

The survey generated approximately five hundred complete responses. Including partial responses, the total count reaches almost six hundred respondents. These respondents varied in age from eighteen to eighty-two. Most of the respondents were White, with several non-whites: African Americans, Hispanics/Latinos, Asians, Native Americans, Pacific Islanders, and a few Mixed-Race individuals (*Figure 4*). Respondents were also heavily female, with just over four hundred female responses. Several different education levels were represented. From most-representation to least, education levels were: high school diploma and GED, Bachelor's degree, Master's degree, Associate's degree, Professional/Doctorate degree, and some high school. *Figure 5* shows the breakdown of education level in respondents.

⁴ A question also asked respondents how long they had lived in Mississippi. A majority of Mississippians had lived in the state for more than ten years.

Figure 4. Race of Respondents.

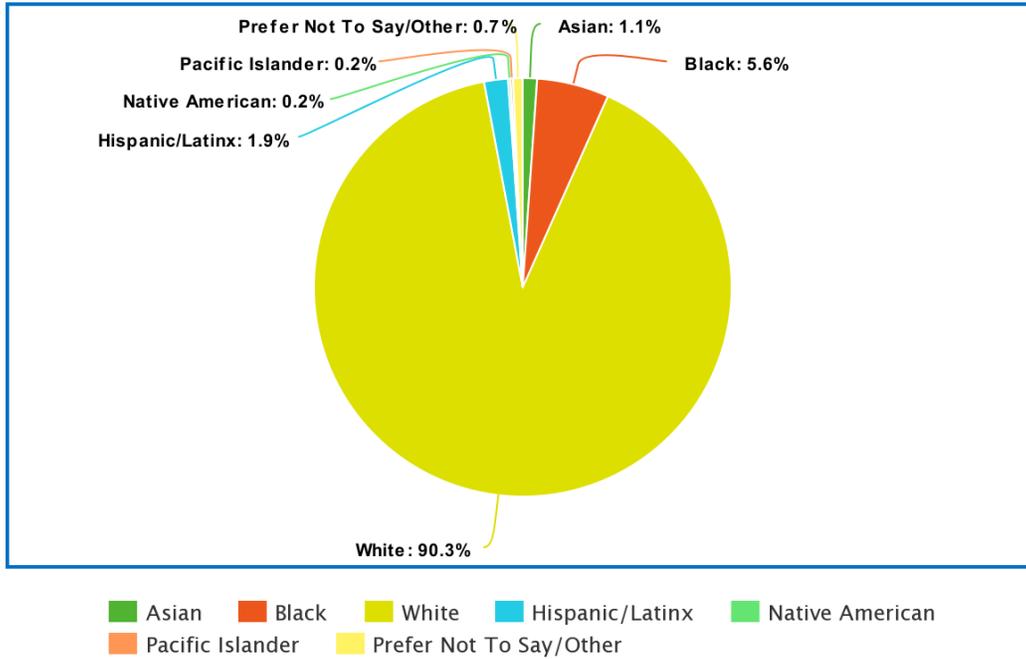
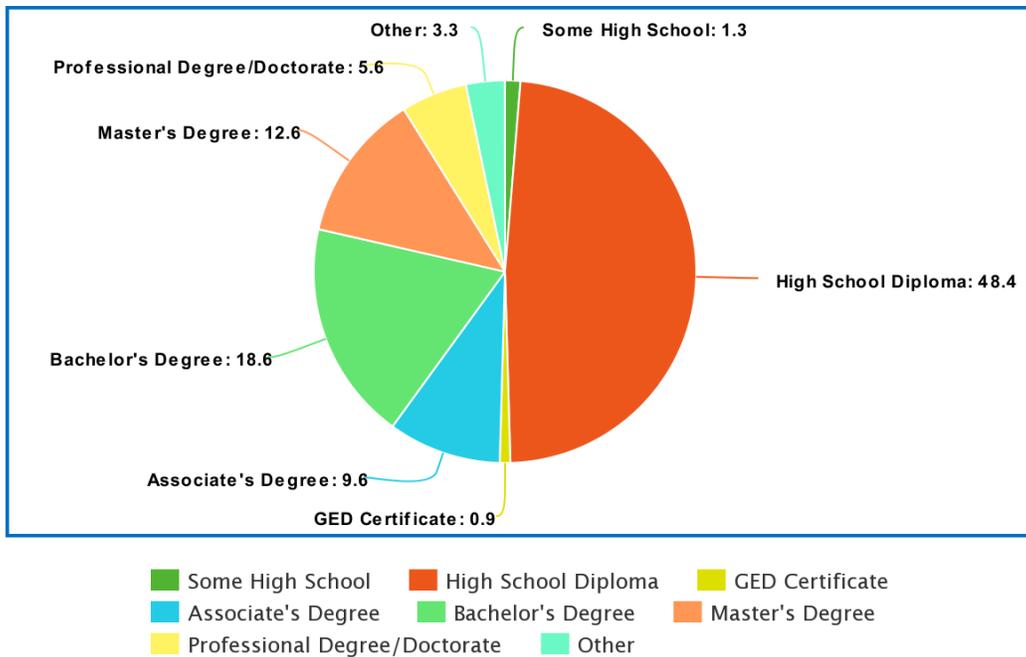


Figure 5. Education Level of Respondents.



Several different states were represented among respondents, including Alabama, Alaska, Arkansas, Arizona, California, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Wisconsin. The vast majority of respondents were from Mississippi, while most other respondents were also from Southern states. Overall, Mississippians made up about 69.7% of respondents, while the out-of-state respondent rate was about 30.3%. These states represent a variety of judicial selection methods, including partisan elections, nonpartisan elections, legislative elections, and gubernatorial appointment.

These questions serve as the basis for testing all four hypotheses: Mississippians who know and understand judicial selection method in Mississippi are more likely to be skeptical of the process, African American Mississippians are more likely to demonstrate negative perceptions of the Mississippi courts than Whites, female Mississippians are more likely to demonstrate negative perceptions of the Mississippi courts than males, and Mississippians with lower levels of education are likely to exhibit more negative perceptions of the courts than those with higher levels of education. This research will help clarify the beliefs that Mississippians hold about their government, specifically the judiciary. Gauging these perceptions helps us understand judicial legitimacy in Mississippi and may indicate how to increase judicial legitimacy within the Mississippi courts moving forward.

CHAPTER FIVE: FINDINGS

As previously discussed, there were several expected potential outcomes. First, that those who know Mississippi's chosen judicial selection method (nonpartisan election) will exhibit more negative perceptions of the Mississippi judiciary and judicial selection method than those who do not. Next, it is expected that African Americans would be more skeptical of the Mississippi judiciary than other Mississippians, due to historical and contextual racial prejudices in Mississippi. Additionally, it is expected that women would be more likely to demonstrate negative perceptions of the judiciary because there are fewer women on the bench. Lastly, those with lower levels of education would exhibit more negative perceptions of the courts than those with higher levels of education, due to greater familiarity with the government and its functions. When analyzing the data, some of these hypotheses were immediately confirmed, while others did not yield expected results.

Knowledge of State Courts

To gauge how much the general public knows about their state judiciaries, respondents were asked a simple question: How are Supreme Court justices selected in your state? Among respondents from Mississippi, about fifty percent correctly indicated that Supreme Court justices in the state were elected, while the other half incorrectly supposed that justices were appointed. In the sixty-one out-of-state respondents, about 72% correctly identified their state's chosen method of judicial selection, while about 28% answered incorrectly. While there were significantly fewer responses from out-of-state individuals than Mississippians, these findings suggest that Mississippians may know less about their state Supreme Court than residents of other states. When looking at the results broken down by race, gender, and education, they followed the trend of all Mississippians. About half of the respondents in each of these categories answered correctly, while the other half did not.

Later in the survey, respondents were asked the question, "Have you ever voted in an election to fill the position of Mississippi Supreme Court Justice?" Only 16.7% of respondents from Mississippi indicated that they had voted in a judicial election, while 48.9% said that they had never voted in a judicial election, and 34.4% of Mississippians were unsure if they had ever voted in a judicial election. Taken together, these responses indicate that Mississippians do not know much about their state judiciary, and many of them have never engaged with the Mississippi Supreme Court through the judicial selection process; at the very least, they do not remember doing so. It is possible that a lack of participation and lack of knowledge could be linked. If Mississippians do not

regularly participate in judicial elections, they are less likely to know about or understand the judicial selection process.

Opinions About Judicial Selection

To gauge respondents' opinions about judicial selection methods they were initially asked, "Do you believe judges should be appointed or elected?" 32% of all respondents indicated that they believed judges should be appointed, while the remaining 67% of respondents preferred election as a method of judicial selection. Results were similar among Mississippians. About 34% of Mississippians preferred judicial appointment, while the remaining 66% favored judicial elections.

To further develop opinions of judicial selection method, respondents were asked to narrow down their choices. Those who preferred appointment were given these choices: appointed by governor, gubernatorial appointment from nominating commission, appointment by governor and approved by commission, or gubernatorial appointment from nominating commission with approval from state legislature. Their responses are shown below, in *Figure 6*. The largest coalition of respondents preferred gubernatorial appointment from a nominating committee with approval from the legislature.

Respondents who chose election were also asked to narrow down their preferences with the choices of nonpartisan election and partisan election, shown in *Figure 7*.

Overwhelmingly, respondents preferred nonpartisan election, with 83% choosing it as their preferred method of judicial selection. Only 17% of respondents favored partisan elections over nonpartisan elections. This reflects prior research (Glennon and Nownes,

2016), which asserted that many Americans prefer election to appointment because elections are familiar political processes.

Figure 6. Appointment Preferences

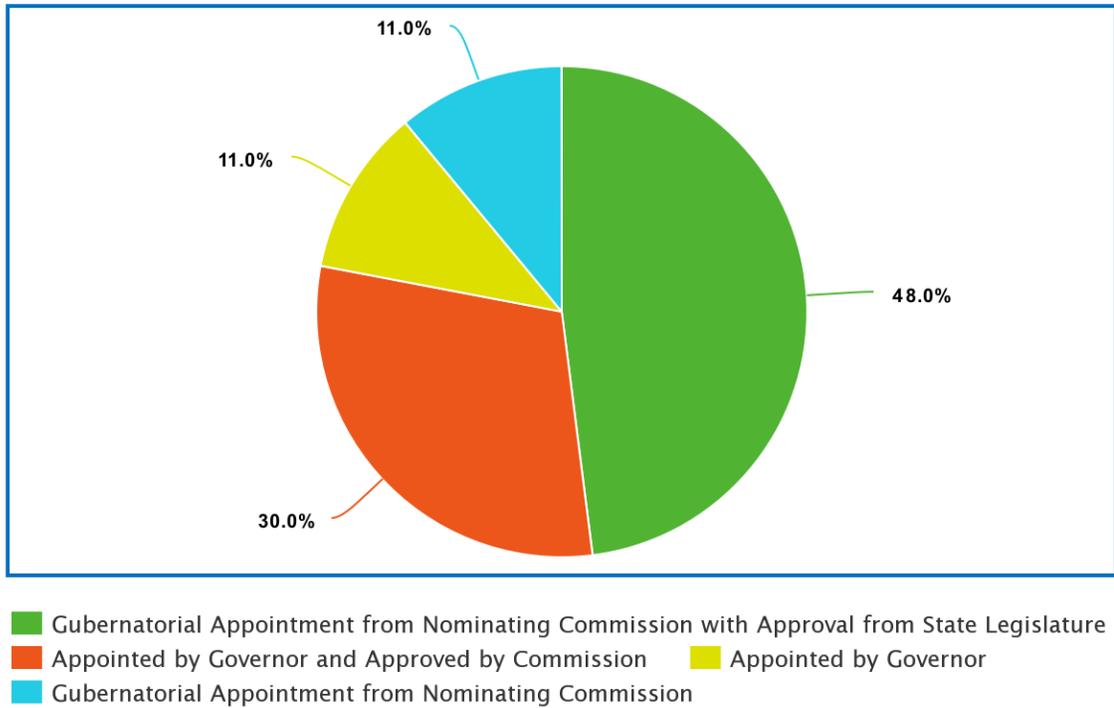
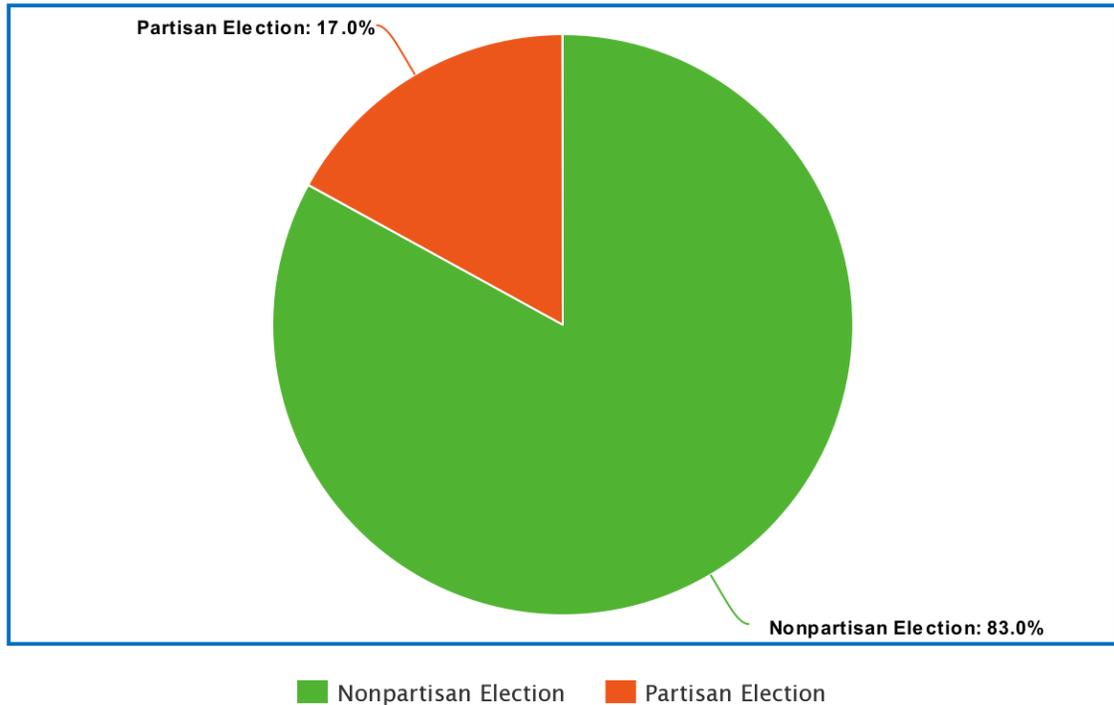


Figure 7. Election Preferences



Perceptions of the Courts Among Mississippians

After evaluating respondents’ knowledge of the state courts and their beliefs about judicial selection, it was important to gauge their perceptions of the state courts themselves and compare these perceptions with national responses. Several of these questions were taken straight from surveys conducted each year by the National Center for State Courts, so Mississippians can be directly compared with national data, as shown in *Table 1*.

The first question asked respondents about bias and campaign contributions. It read, “To what extent do you believe campaign contributions influence judges and

judicial decisions?” Respondents were able to choose between three answers: none, some, and a great deal. Overall, 4.9% of respondents believed that campaign contributions played no role in influencing judges and judicial decisions, while 48.7% believed contributions had some influence and 46.5% of respondents believed that contributions influenced judges a great deal.

Next, the survey asked, “How much confidence do you, yourself, have in the Mississippi court system?” Respondents were given these given these answer choices: a great deal of confidence, some confidence, not very much confidence, and no confidence at all. Most people responded that they had some confidence in the Mississippi court system (58.1%), while 27.4% indicated that they did not have very much confidence in the Mississippi court system. Few people chose the extremes, with 9.5% reporting a great deal of confidence and 5% reporting none at all. Nationally, confidence in state courts was 65% in 2019, down by 11% since 2018 (GBAO, 2020).

After asking respondents to indicate their level of confidence in the Mississippi courts, a few questions asked them to evaluate the truth of a few statements. The first of these was the question, “In your opinion, does the word ‘hard-working’ describe the Mississippi courts very well, well, not very well, or not well at all?” Overall, respondents answered “well” most often, at 48%. 43.3% of respondents indicated that the word “hard-working” did not describe the Mississippi courts very well at all, with very few respondents answering either of the extremes, very well (2.7%) and not well at all (5.9%). To compare, 55% of national respondents said that they believed their state courts to be “hard-working” in 2019 (GBAO, 2020).

Respondents were also asked about their perceptions of the fairness of the courts. It did this by asking a question that read, “In your opinion, does the phrase ‘fair and impartial’ describe the Mississippi courts very well, well, not very well, or not well at all?” Similar to the results for “hard-working,” most respondents indicated that the phrase “fair or impartial” described the Mississippi courts well (44.2%), with almost as many respondents saying that the phrase did not describe the courts very well at all (43.3%). Nationally, about 54% of respondents said that they believed their state courts to be fair and impartial in 2019 (GBAO, 2020).

Next, respondents (specifically Mississippians) were asked if they believed that the courts understood the issues that they faced on a daily basis. Approximately 49.6% stated the courts take the needs of the people into account “very well” or “well” while 50.3% responded with “not very well” or “not well.” 59% of national respondents said that they believed their state courts “took the needs of the people into account” (GBAO, 2020).

Finally, to further narrow down opinions and perceptions about the Mississippi courts understanding issues that ordinary Mississippians face, the survey asked the question, “Which statement comes closer to your own view?” Respondents were asked to choose between two options:

- In general, judges in Mississippi courts reflect the values of the communities and understand the challenges facing the people who appear in their courtrooms.

- Too many judges in Mississippi courts don't understand the challenges facing people who appear in their courtrooms and need to do a better job of getting out into the community and listening to people.

Overall, the majority of respondents chose the second option, with 59% saying that Mississippi courts do not understand the challenges facing Mississippians. Only 41% percent of respondents believed that Mississippi courts reflect the values of Mississippians and understand the challenges that Mississippians face. There was only a slight difference among national respondents for this question, with 45% of respondents choosing the first option (GBAO, 2020).

Table 1. Comparing National Data to State Data

	National Data	Mississippi Data
Confidence in the courts	65%	68%
Hard-working	55%	54%
Fair and impartial	54%	44%
Know the needs of the people	59%	50%
Judges understand their communities	45%	41%

**Note: All national data was taken from GBAO's 2020 report for the National Center for State Courts.*

Difference in Perceptions of the Courts by Knowledge

Hypothesis I predicted that those who could correctly identify the state's chosen method of judicial selection (nonpartisan election) would hold more negative perceptions

of the court. A difference of means test was utilized to determine if a significant difference in mean responses pertaining to perception of the courts existed between those who knew of the judicial selection process and those who did not. After analyzing the data, this did not seem to be the case. There were no significant differences between Mississippians who knew the state’s judicial selection method (respondents who correctly selected election) and those who did not (respondents who incorrectly selected appointment) in terms of their perceptions of the courts. These results are shown below, in *Table 2*.

Table 2. Sample Statistics for Knowledge Using Difference of Means

	Knowledge (Election)		No Knowledge (Appointment)		t-test
	M	SD	M	SD	
Contributions bias	2.36	0.55	2.44	0.62	-1.218
Confidence	2.25	0.73	2.18	0.69	0.903
Hard-working	2.46	0.66	2.50	0.63	-0.582
Fair and impartial	2.50	0.71	2.56	0.67	-0.763
Needs of the people	2.49	0.65	2.54	0.67	-0.621
Judges understand their communities	1.55	0.50	1.56	0.50	-0.094

Note: * = *statistically significant at the 0.05 level*

** = *significant at the 0.01 level*

M = Mean. SD = Standard Deviation. Contributions affecting bias range from 1 (none) to 3 (a great deal). Confidence in the courts ranges from 1 (a great deal) to 4 (no confidence at all). Describing the courts as hard-working, fair and impartial, and taking the needs of the people into account are all ranged from 1 (very well) to 4 (not well at all). Lastly, asking participants to choose a question that is closest to their own view ranges from 1 (the courts reflect their communities) to 2 (the courts are out of touch).

Difference in Perceptions of the Courts by Race

After examining the data, it became clear that there was often a significant difference in the mean responses between African Americans and Whites in their perceptions of the Mississippi Courts. These results are shown in *Table 3*, in which high values illustrate more negative perceptions of the courts. All in all, race was an important factor in understanding perceptions about the Mississippi state courts, confirming Hypothesis II. There is something different about the way that African Americans perceive the courts in comparison to their white counterparts, and that may have a lot to do with the history and context of the state.⁵

African Americans differed from Whites in confidence levels, with 42.9% indicating that they did not have very much confidence in the Mississippi court system. There were no African Americans who reported a great deal of confidence, and 17.9% said that they had no confidence at all in the Mississippi court system. 49.3% indicated some confidence. Among African Americans, 57.1% indicated that they believe the word “hard-working” does not describe the Mississippi courts very well at all. There were no African Americans who reported feeling that the word “hard-working” was an accurate description of the courts. African Americans overwhelmingly chose answer choice “not very well” (53.8%) and “not well at all” (26.9%) when asked if the phrase “fair and impartial” described the Mississippi courts. Zero African Americans chose “very well”, and only 19.2% chose “well.” African Americans indicated that in their opinion, the courts do not take the needs of the people into account with 64% stating the courts take

⁵ Very few African Americans responded to the survey, so these generalizations are made based on a small sample size.

the needs of the people “not very well” and another 14% percent chose “not well at all.” There were no African Americans who believed that the phrase “takes the needs of the people into account” describe the Mississippi courts “very well.” Lastly, African Americans most often indicated that judges do not understand the issues facing people in their courtrooms, with over 88% of African American respondents choosing the second option when asked which statement came closer to their own view.

Table 3. Sample Statistics for Race Using Difference of Means

	White		African American		t-test
	M	SD	M	SD	
Knowledge of Selection	1.52	0.50	1.33	0.50	1.268
Contributions affect bias	2.40	0.58	2.61	0.57	-1.800
Confidence in the Courts	2.25	0.69	2.79	0.74	-4.020**
Hard-working	2.49	0.64	3.00	0.67	-4.059**
Fair and Impartial	2.55	0.71	3.08	0.69	-3.703**
Courts know the needs of the people	2.52	0.65	2.93	0.60	-3.202**
Judges understand their communities	1.57	0.50	1.88	0.33	-3.173**

Note: * = statistically significant at the 0.05 level

** = significant at the 0.01 level

M = Mean. SD = Standard Deviation. Knowledge of selection ranges from 1 (not being knowledgeable) to 2 (being knowledgeable). Contributions affecting bias range from 1 (none) to 3 (a great deal). Confidence in the courts ranges from 1 (a great deal) to 4 (no confidence at all). Describing the courts as hard-working, fair and impartial, and taking the needs of the people into account are all ranged from 1 (very well) to 4 (not well at all). Lastly, asking participants to choose a question that is closest to their own view ranges from 1 (the courts reflect their communities) to 2 (the courts are out of touch).

Difference in Perceptions of the Courts by Gender and Education Level

There does not appear to be any significant differences in mean responses pertaining to perceptions of the court based on gender or education. *Table 4* shows the sample statistics of male and female responses, while *Table 5* shows the sample statistics of Mississippians with and without a college education. Mean responses between males and females were not significantly different from one another, nor were the mean responses of Mississippians with college educations versus those without.

Table 4. Sample Statistics for Gender Using Difference of Means

	Males		Females		t-test
	M	SD	M	SD	
Knowledge of selection	1.51	0.50	1.52	0.50	-0.118
Contributions affect bias	2.39	0.61	2.43	0.58	-0.652
Confidence in the courts	2.27	0.65	2.27	0.72	-0.024
Hard-working	2.57	0.65	2.51	0.66	0.821
Fair and impartial	2.58	0.79	2.58	0.69	-0.052
Courts know the needs of the people	2.57	0.68	2.52	0.66	0.670
Judges understand their communities	1.56	0.50	1.61	0.49	-0.861

Note: * = statistically significant at the 0.05 level

** = statistically significant at the 0.01 level

M = Mean. SD = Standard Deviation. Knowledge of selection ranges from 1 (not being knowledgeable) to 2 (being knowledgeable). Contributions affecting bias range from 1 (none) to 3 (a great deal). Confidence in the courts ranges from 1 (a great deal) to 4 (no confidence at all). Describing the courts as hard-working, fair and impartial, and taking the needs of the people into account are all ranged from 1 (very well) to 4 (not well at all). Lastly, asking participants to choose a question that is closest to their own view ranges from 1 (the courts reflect their communities) to 2 (the courts are out of touch).

Table 5. Sample Statistics for Education Using Difference of Means

	No College		College		t-test
	M	SD	M	SD	
Knowledge of Selection	1.55	0.50	1.48	0.50	1.306
Contributions affect bias	2.40	0.58	2.44	0.59	-0.780
Confidence	2.30	0.67	2.23	0.72	1.129
Hard-working	2.53	0.62	2.51	0.67	0.312
Fair and impartial	2.58	0.72	2.56	0.72	0.272
Needs of the People	2.52	0.68	2.55	0.66	-0.601
Judges understand their communities	1.63	0.49	1.54	0.50	1.725

Note: * = statistically significant at the 0.05 level

** = statistically significant at the 0.01 level

M = Mean. SD = Standard Deviation. Knowledge of selection ranges from 1 (not being knowledgeable) to 2 (being knowledgeable). Contributions affecting bias range from 1 (none) to 3 (a great deal). Confidence in the courts ranges from 1 (a great deal) to 4 (no confidence at all). Describing the courts as hard-working, fair and impartial, and taking the needs of the people into account are all ranged from 1 (very well) to 4 (not well at all). Lastly, asking participants to choose a question that is closest to their own view ranges from 1 (the courts reflect their communities) to 2 (the courts are out of touch).

CHAPTER SIX: CONCLUSION

The Mississippi state courts represent a wide variety of people, characterized by different demographics. Because the population of Mississippi is so diverse—paired with Mississippi’s turbulent past—perceptions of the state courts held by the citizens that they serve and represent sometimes vary. This thesis used the general topics of descriptive representation, knowledge about the courts, and judicial selection methods to create an in-depth look at perceptions of the Mississippi judiciary. The research also considered demographic information like race, gender, and education level to understand basic differences in respondents, as well as to help determine what specifically impacts perceptions of the courts. Given the history of the state it was suggested that race would be the most pertinent indicator of perceptions of the judiciary, and the data indicate that this assumption was correct. This thesis serves to illustrate the ways that racial tensions and racial history influence and inform perceptions of politics and government. Mississippi may be an extreme example of the ways that politics and race interact, but it is important to understand how Mississippians interpret their government, specifically their state judiciary. Gender and education did not end up being significant indicators of perceptions of the judiciary.

Four hypotheses were tested using an anonymous survey. The first hypothesis assumed that knowledge of judicial selection translated to more negative perceptions of

the Mississippi judiciary. Interestingly, when looking at the data referencing knowledge of judicial selection, it became obvious that about half of the Mississippians surveyed could not correctly identify the state's judicial selection method. So, while the first hypothesis did not seem to be accurate, the lack of judicial selection knowledge among Mississippians could have impacted perceptions of the courts quite a bit. The second and third hypotheses assumed that a lack of descriptive representation in the Mississippi judicial systems, specifically on the Mississippi Supreme Court, would lead to more negative perceptions of the judiciary. While the data did indicate that race plays an important part in understanding perceptions of the judiciary, gender seemed to play a much less important role. African Americans, on the whole, held more negative opinions of the Mississippi judiciary than their white counterparts. Males and females, on the other hand, tended to have similar perceptions of the court, no matter their gender. The final hypothesis assumed that Mississippians with lower levels of education would hold more negative perceptions of the Mississippi judiciary overall than those with higher levels of education. After surveying several hundred Mississippians and analyzing the data, this did not seem to be the case. There were no significant differences in perceptions of the Mississippi judiciary based on education level alone.

All in all, race is an important factor in distinguishing differences among Mississippians' perceptions of the judiciary. While using the selection method of nonpartisan election may lend some credibility to the courts, African Americans are overall more unhappy with the condition of the Mississippi state courts. There is some hope that increased descriptive representation moving forward will help to build more positive perceptions of the courts among African Americans, but as long as institutional

barriers like gerrymandering and voter identification laws exist, African Americans are likely to vote in fewer numbers than their white peers.

As noted at the beginning of this project, *Flowers v. Mississippi* is a demonstration of the ways that the legal, political, and governmental institutions in Mississippi often treat its African American and white citizens differently, as well as a reminder of the work the state needs to do to move forward. Curtis Flowers' case impacts the way that all Mississippians—regardless of their race—perceive their judicial system, though those perceptions are most likely different based on the color of their skin. While all Mississippians have an opportunity to elect judges that they feel better represent and understand their communities, low voter turnout during judicial elections or lack of knowledge/information could prevent real change from taking place soon. As long as large groups of Mississippians, particularly African Americans, remain under-represented and feel as though they are misunderstood, their perceptions of the Mississippi state judiciary are unlikely to change.

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APPENDIX

APPENDIX 1

Survey Used to Gather Data

- What is your current age?
- What is your race?
 - Asian
 - Black/African
 - Caucasian/White
 - Hispanic/Latinx
 - Native American
 - Pacific Islander
 - Prefer not to say
 - Other
- What is your gender?
 - Male
 - Female
 - Prefer not to say
- What is the highest level of education you have received?
 - Some high school
 - High school diploma
 - GED certificate
 - Associate's Degree
 - Bachelor's Degree
 - Master's Degree

- Professional Degree/Doctorate
 - Other
- Are you registered to vote?
 - Yes
 - No
- If yes, in what state are you registered to vote?
 - Choose from one of the 50 states, or “I am not registered to vote”
- If you are registered to vote in Mississippi, how long have you lived in Mississippi?
 - I am not registered in Mississippi
 - Less than five years
 - 5-10 years
 - 10 years or more
- How are Supreme Court justices selected in your state?
 - Election
 - Appointment
 - Unsure
- Do you believe judges should be appointed or elected?
 - Appointed
 - Elected
- If you believe judges should be appointed, how should they be appointed?
 - Appointed by governor
 - Gubernatorial appointment from nominating commission

- Appointment by governor and approved by commission
 - Gubernatorial appointment from nominating commission with approval from state legislature
- If you believe judges should be elected, how should they be elected?
 - Nonpartisan election
 - Partisan election
 - I believe judges should be appointed
- Have you ever voted in an election to fill the position of Mississippi Supreme Court Justice?
 - Yes
 - No
 - Unsure
- To what extent do you believe campaign contributions influence judges and judicial decision making?
 - None
 - Some
 - A great deal
- How much confidence do you, yourself, have in the Mississippi court system?
 - A great deal of confidence
 - Some confidence
 - Not very much confidence
 - No confidence at all

- In your opinion, does the word “hard-working” describe the Mississippi courts very well, well, not very well, or not well at all?
 - Very well
 - Well
 - Not very well
 - Not well at all

- In your opinion, does the phrase “fair and impartial” describe the Mississippi courts very well, well, not very well, or not well at all?
 - Very well
 - Well
 - Not very well
 - Not well at all

- In your opinion, does the phrase “takes the needs of the people into account” describe the Mississippi courts very well, well, not very well, or not well at all?”
 - Very well
 - Well
 - Not very well
 - Not well at all

- Which statement comes closer to your own view?
 - In general, judges in Mississippi courts reflect the values of the communities and understand the challenges facing the people who appear in their courtrooms.

- Too many judges in Mississippi courts don't understand the challenges facing people who appear in their courtrooms and need to do a better job of getting out into the community and listening to people.