

## **U.S. Voters Weigh in on *Brown v. Plata*, Case Involving Prison Overcrowding**

If the public had its way, overcrowded and unsanitary prison conditions would not be sufficient reason for judges to order prisoners released. According to a recent national poll of registered voters by [Fairleigh Dickinson University's PublicMind™](#) just 25% of voters agree that prisoners would need to be let go if prisons were badly overcrowded and prisoners' health conditions poor, while 63% say "even though conditions are bad, the court cannot order criminals to be released."

The Supreme Court of the United States issued its own decision on this matter today in the case of *Brown v. Plata*, a suit over chronically overcrowded prisons in California. "It's no surprise that the public holds its own interests in much higher regard than health and safety of prisoners or even prison guards," said Peter Woolley, a political scientist and director of the poll.

But important differences can be seen among various segments of the population. For example, men are more sympathetic than women. While one in five women (19%) say some prisoners should be released, a third of men (32%) say some prisoners should be released. Also, voters under the age of 30 split on the question (42%-43%) while older voters, by 2-to-1 margins or more, are against allowing courts to order prisoner release. And three of four conservatives (74%) are against the idea of court-ordered releases but only half of liberals (48%). Finally, white voters by 3-to-1 say the courts can't order prisoner releases for overcrowding, but black voters split on the question, 50%-41%.

The court's 5-4 ruling today narrowly confirmed a lower court decision ordering the state of California to reduce its prison population from roughly 200% of capacity to 137% of capacity on the grounds that severe overcrowding has led to violations of prisoners rights, in particular by hampering the ability of the state to deliver to prisoners adequate health care and treatment for mental illness.

"While our current Supreme Court has a mixed record with respect to recognizing various rights of those accused of crimes, it has generally declined to give extensive constitutional protections to those already behind bars," according to [Bruce Peabody](#), professor of political science at FDU and editor of the book [The Politics of Judicial Independence](#). "The Court's ruling today is therefore somewhat surprising. In recognizing that California prison overcrowding violates the Constitution, the Court has gone against the wishes of eighteen states who asked for more deference on the issue, and it has extended rights to a group—prisoners—who have historically not received much judicial protection. Of course, the conditions in California appear to be fairly extreme, and the Court's decision was closely divided."

The public opinion research center at [Fairleigh Dickinson University](#) conducted a national poll this year focusing on four prominent cases being considered by the highest court: *Brown v. Entertainment Merchants*, *Brown v. Plata*, *Arizona Christian School Tuition Organization v. Winn*, and *Alford v. Greene*. The poll of 800 registered voters nationwide was conducted by telephone using both landlines and cell phones from March 21, 2011, through March 28, 2011, and has a margin of error of +/-3.5 percentage points.

**Methodology, Questions, and Tables**

The most recent survey by Fairleigh Dickinson University's PublicMind was conducted by telephone from Mar. 21, 2011, through Mar. 28, 2011, using a randomly selected national sample of 800 registered voters. The margin of error for a sample of 800 randomly selected respondents is +/- 3.5 percentage points. The margin of error for subgroups is larger and varies by the size of that subgroup. Survey results are also subject to non-sampling error. This kind of error, which cannot be measured, arises from a number of factors including, but not limited to, non-response (eligible individuals refusing to be interviewed), question wording, the order in which questions are asked, and variations among interviewers. PublicMind interviews are conducted by Opinion America of Cedar Knolls, NJ, with professionally trained interviewers using a CATI (Computer Assisted Telephone Interviewing) system. Random selection is achieved by computerized random-digit dialing. This technique gives every person with a land-line phone number (including those with unlisted numbers) an equal chance of being selected. Landline households are supplemented with a separate, randomly selected sample of cell-phone-only-households, interviewed in the same time frame. The total combined sample is mathematically weighted to match known demographics of age, race and gender.

This case involves a question of overcrowded prisons in one state... Some people argue that.... Others argue that... Which comes closer to your view?

...the prisons are so over-crowded, and the health conditions so poor, that some prisoners have to be let go.

... even though conditions are bad, the court cannot order criminals to be released.

Rotate order	All	Ideology			Age				gender		Ethnicity		
		lib	mod	cons	18-29	30-44	45-59	60+	men	Wom	Whites	Afr-Am	Hisp.
Have to let them go	25%	40	29	16	42	22	29	20	32	19	22	41	26
Can't order them released	63%	48	61	74	43	70	63	67	61	66	67	50	63
Unsure	11%	12	10	10	15	8	8	13	8	14	11	8	10

**Question Wording and Order**

Questions US1 through USP3E preceded this series and were released on March 30. Four questions were asked in this subsequent series...

Now let me ask you about some cases that the US Supreme Court is considering...

**ROTATE ORDER OF CASES**

[Schwarzenegger v. Entertainment Merchants]

SC1a. Recently, some states have passed laws that forbid the sale of violent video games to children under 18. How much have you heard or read about this issue...READ?

- a lot
- some
- just a little
- or nothing.
- [DK=nothing]

SC1b. Some people say... ROTATE. Others say...ROTATE Which comes closer to your view?

... states do not have the right to decide that some video games are too violent for people under 18, any more than they have the right to decide what literature or fairy tales are too violent for people under 18, and that these decisions must be left to parents.

...states have a right to regulate the sale of violent video games in order to protect people under 18, the same way they regulate the sale of cigarettes, alcohol, or pornography to protect people under 18.

DO NOT READ  
Left to parents  
Regulate  
DK

[Schwarzenegger v. Plata]

SC2. This case involves a question of overcrowded prisons in one state...

Some people argue that... ROTATE. Others argue that...ROTATE. Which comes closer to your view?

...the prisons are so over-crowded, and the health conditions so poor, that some prisoners have to be let go.

... even though conditions are bad, the court cannot order criminals to be released.

DO NOT READ  
Release  
Can't release  
DK

[Arizona Christian School Tuition Organization v. Winn]

SC3A. This court case involves a state that allows a discount on taxes for parents who send their children to private schools, including schools with religious affiliations.

Have you heard about this case?

Yes  
No  
DK

SC3b. Some people argue that... ROTATE. Others argue that...ROTATE. Which comes closer to your view?

...so many parents send their kids to schools with a religious affiliation that the state is supporting religious schools.

...the state is not supporting religious schools, it is simply supporting the parents' right to choose schools...

DO NOT READ  
It is supporting religious schools  
It is supporting parents' right to choose.  
DK

[ Alford v. Greene]

SC4. This case is about a girl who was interrogated at school for two hours by state authorities without her parents' knowledge.

Have you heard about this case?

Yes

No  
DK

Some people argue that... ROTATE. Others argue that...ROTATE. Which comes closer to your view?

...she had to be interrogated without her parents' knowledge because the questioning was about possible abuse at home.

...authorities must inform the parents before they interrogate a child, unless there is a court order or an immediate danger.

Interrogate  
Inform parents  
DK

#### Sample Characteristics

##### Gender

Male	50
Female	50

##### Party ID

Democrat	31
Ind. Lean Dem.	12
Independent	15
Ind. Lean Rep.	14
Republican	23
Other/ref.	4

##### Age

18-29	12
30-44	25
45-59	30
60+	30
ref.	2

##### In addition to being American, would you say you are...?

White	68
Black	13
Hispanic or Latino	9
Asian	4
Other/ref.	5

##### Census regions

Northeast	21
North central	24
South	34
West	20

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