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Declining Trust in Congress: Effects of Polarization and Consequences for Democracy

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Abstract: Why has Congress, once a widely trusted institution, experienced such a uniquely dramatic decline in the public’s confidence, and what are the consequences for democracy? This article sets out to systematically address these questions. First, I discuss how we can gauge Americans’ levels of trust in Congress. Second, I examine trends over time in public trust in Congress, looking both partisan differences within this measure, and also overall differences in comparison to other institutions. Third, I examine various ways in which the much-noted rise in party polarization in Congress might explain the downward trend in Americans’ trust in that institution. Finally, I explore one potentially important consequence of declining trust in the legislative branch: Americans’ willingness to obey laws. The results suggest that those interested in the problem of declining trust in government would be wise to focus their attention on Congress. Compared to other institutions, the problem in Congress appears more severe, more intractable, and carries greater political consequences.

Introduction

Since 1972, Gallup has periodically asked Americans how much “trust and confidence” they have in each of the three branches of the federal government. That year, Americans reported approximately equal levels of trust in the judicial, executive, and legislative branches, with 66%, 73%, and 72%, respectively, selecting the “great deal” or “fair amount” categories. Forty-two years later, in 2014, the numbers tell quite a different story. Trust in the judicial branch held relatively steady over this period, registering at 61% in 2014. Trust in the executive fell to 43%. But the most precipitous decline, by far, was for the legislative branch, the US Congress. In 2014, only 28% of Americans said they had a great deal or fair amount of trust in Congress – a drop of 44 points. Incredibly, one out of every five Americans expressed no trust at all in their Congress.

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Americans said they had no trust or confidence at all in our legislative branch of government.

Why has Congress, once a widely trusted institution, experienced such a uniquely dramatic decline in the public’s confidence, and what are the consequences for democracy? This article sets out to systematically address these questions. First, I discuss how we can gauge Americans’ levels of trust in Congress. Second, I examine trends over time in public trust in Congress, looking both at partisan differences within this measure, and also overall differences in comparison to other institutions. Third, I examine various ways in which the much-noted rise in party polarization in Congress might explain the downward trend in Americans’ trust in that institution. Finally, I explore one potentially important consequence of declining trust in the legislative branch: Americans’ willingness to obey laws.

**Measuring Trust in Congress**

Polling organizations in the US have asked three varieties of questions related to trust in Congress:

As you know, our federal government is made up of three branches … Let me ask you how much trust and confidence you have at this time in … the Legislative branch, consisting of the US Senate and House of Representatives – a great deal, a fair amount, not very much, or none at all?¹

I am going to name some institutions in this country. As far as the people running these institutions are concerned, would you say you have a great deal of confidence, only some confidence, or hardly any confidence at all in them? … Congress²

I am going to read you a list of institutions in American society. Please tell me how much confidence you, yourself, have in each one – a great deal, quite a lot, some, or very little? … Congress³

The differences in these questions raise concerns about how appropriate each is for addressing the questions posed in this study. One initial issue is that two

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¹ Twenty complete observations between 1972 and 2014 (Gallup).
² Fifty two complete observations between 1971 and 2014 (Harris, National Opinion Research Center).
of the questions do not even mention the word “trust.” Instead, they ask about “confidence.” The remaining question lumps these two terms together. Should these terms be considered equivalent, or would doing so be conflating different concepts? From a technical linguistic standpoint, equating these two terms seems reasonable. After all, Roget’s Thesaurus lists “confidence” as the first synonym for “trust.” However, it does not necessarily follow that these two terms are equivalent in the mind of the American public. If not, then the present analysis of trust should ignore data related only to “confidence.”

Survey evidence seems to support the idea that Americans largely equate trust and confidence. In 1978, the National Opinion Research Center (NORC, which employs the second question) asked respondents who had completed their survey, “When we ask about ‘confidence’ in these questions, what does that word mean to you? Is there a word or phrase that would be more clear than ‘confidence’ but would describe the same idea?” Respondents were permitted to mention anything they wanted. The most common answer NORC received to this open-ended question was the term “trust” (Smith 1981, p. 169). When Americans who are asked about Congress say they have little confidence, they generally mean they have little trust. Throughout the rest of this article, I use these terms interchangeably.

A second issue relates to the particular aspect of Congress that respondents are prompted to think about. The first and third questions prompt respondents to think about the overall Congress, while the second question asks specifically about the “people running” Congress. In the context of job approval (not trust), some research suggests that Americans draw meaningful distinctions between Congress as an institution, as opposed to the collection of people in Congress (Hibbing and Theiss-Morse 1995, pp. 42–46). In particular, Americans give lower job approval ratings to the people in Congress than to the institution itself. If the distinction between an institution and people in that institution similarly leads to different levels of trust, then the present study would require separate analyses for each of these two referents.

Lipset and Schneider (1987, pp. 89–93) conduct a question-wording experiment to test whether specifying “the people running” an institution, as opposed to just the institution itself, affects the level of confidence that Americans report. Although their results show a slight tendency to rate the institution of Congress as more trustworthy than those running Congress, these differences are not statistically significant (3 points or less). Unlike the case of job approval, Americans’ trust in Congress and trust in those running Congress appear to be highly similar.

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4 Thirty-five percent mentioned trust. Interestingly, only three percent mentioned “approval” – another concept that polling organizations often ask about in regard to Congress.
A final issue relates to the specific options that respondents are able to choose among when asked to rate their level of trust and confidence. Unlike questions regarding job approval, none of the trust questions prompts a simple black-or-white answer. One of the questions three possible responses, the others each four. On this matter, Lipset and Schneider find that differences in the number and wording of response options significantly affects the percentage of subjects selecting the first option (“great deal”). In other words, no single one of these questions can be fairly used to characterize Americans’ level of trust in Congress in an absolute sense.

Nevertheless, these questions can provide useful information about Americans’ trust in Congress in a relative sense. That is, they can be used to analyze whether trust is increasing or decreasing from one point in time to another. And, if similar questions are asked about other institutions, comparisons can also be made regarding differences in trust across institutions.

Since no single question can be said to capture the absolute level of trust, and all three questions ask about the same essential concept, the changes in each measure over time should track closely with one another, allowing them to be combined into a single time series. I do just that, employing a statistical method commonly used for this purpose (Stimson 1991). The result is a single, yearly measure of trust in Congress running from 1971 to 2014. Not surprisingly, this combined measure is highly correlated with each of the individual measures, thus demonstrating that it effectively captures a central element that is common to all three questions. In the following section, I discuss what the trends in this measure look like.

Trends in Congressional Trust

Figure 1 displays the changes in public trust in Congress over the past 44 years. Throughout the 1970s and 1980s, it is generally the case that most Americans had at least a fair amount of trust in Congress. Around 1992 there is a sharp drop in trust. This is followed by a partial recovery during the late 1990s and into the 2000s – though never back to the high water mark of 1977. After 2001, trust in

5 Sometimes certain pollsters alter the wording of the third question to include an additional response option (“none at all”). In combining measures, I treat such questions as a distinct, fourth question wording. For each question format, I combine the two highest categories as my measure of trust. Correlations between each question format and the combined measure are 0.98 (“trust and confidence”), 0.95 (“people running”), 0.92 (“confidence,” 4 options), and 0.72 (“confidence,” 5 options).
Congress begins a steady decline of about two and a half points a year, ultimately reaching its nadir in the most recent readings in 2014.

One interesting question is whether the trend for trust in Congress is any different among citizens who call themselves Democrats than among those who call themselves Republicans.\(^6\) Investigating this question requires access to partisan breakdowns of the data. While such data is not available in every year, Figure 2 presents the partisan breakdown for 28 of the years between 1973 and 2014.\(^7\) Percentages on the vertical axis represent those selecting either of the two highest categories of confidence in Congress. The blue and red blocks of color represent, respectively, periods of Democratic control of Congress and Republican control of Congress. Unshaded areas represent periods of split-party control.

The clearest trend in these data is that the pattern of declining trust in Congress observed in Figure 1 is replicated among both Democrats and Republicans. (Independents, not pictured here for visual clarity, also share the same pattern.)

\(^6\) For visual clarity, Figure 2 does not display Independents, who are sometimes higher, sometimes lower, and sometimes between the two parties in terms of trust in Congress.

\(^7\) Data are from the General Social Survey (GSS) Cumulative file, which employs the second style of question wording discussed in the previous section.
From this observation we can conclude that the overall decline is not driven by any one partisan group in particular. Whatever forces are affecting our trust in Congress, they are affecting Americans of all partisan stripes. This observation comports with a similar finding regarding overall trust in government (Alford 2001, pp. 39–41).

Despite the fact that the overall pattern of declining trust is shared, the figure also displays intriguing partisan differences. Most notably, with a single exception, whenever the Democratic Party has held a majority of seats in both the House and Senate (years shaded in blue), Democrats in the general public have been more trusting of Congress than have Republicans. Conversely, whenever the Republican Party has controlled both chambers (shaded in red), Republicans in the general public have been more trusting than have Democrats. During periods of split-party control, Democrats and Republicans generally display nearly equal levels of trust. Thus the overall pattern shows that partisans are more likely to trust Congress when it is controlled by their own party. This finding carries important implications for American politics. It is often said that Americans are so politically unaware that they “do not even know which party controls Congress” (e.g. McKenzie and Tullock 2012, p. 368). In contrast to this common stereotype, the data in Figure 2 show that, regardless of how they may perform on knowledge

**Figure 2:** Trust in Congress among Democrats and Republicans, 1973–2014.
quizzes, partisans do in fact recognize when party control of Congress changes hands, and such changes have demonstrable effects on their attitudes towards Congress. As such, these data contribute to a growing body of research suggesting that Americans know more about Congress than they are usually given credit for.\(^8\)

I turn next to a comparison of trends in trust across the three branches of the federal government. Using the same dataset as in Figure 2, Figure 3 plots the level of trust for the US Supreme Court, the executive branch, and the Congress. One initial question is whether the public distinguishes at all between the various branches of government, or whether trust is fundamentally “generic” such that trust in each of the three branches essentially moves in tandem in response to generalized feelings of trust or satisfaction.\(^9\)

\begin{figure}
\centering
\includegraphics[width=\textwidth]{trust_graph.png}
\caption{Trust in the Supreme Court, the Executive, and Congress, 1973–2014.}
\end{figure}

\(^8\) For example, Jones and McDermott show that standard measures underestimate the true level of knowledge of party control (2009, pp. 46–49), and that Americans who are of the same ideological or partisan ilk as the majority party are more likely to approve of Congress than those who are compatible with the minority party (2002; 2009, pp. 49–96). Similarly, Keele (2005) shows that partisans are more trusting of government overall when their party controls Congress.

\(^9\) See Richardson, Houston, and Hadjiharalambous (2001) for an argument that they are distinct, and Stimson (2004, p. 154), for an argument that they are largely generic.
While there may well be a generic element to trust in across the three branches (for example, all three measures rise around the time of the 9/11 attack), there appear to be real differences as well. In particular, the pattern of trust in the Supreme Court looks quite different from that of the executive branch and Congress. Trust in the Supreme Court is relatively stable over time, never fluctuating more than 11 points during the entire period. In contrast, trust in the executive and in Congress display much larger ranges – 31 points and 37 points, respectively. Furthermore, whatever trend does exist for trust in the Supreme Court, it is clearly not a decline. The high point for trust in the Supreme Court occurs near the middle of the series, in 1989 (90%), and the low point occurs near the beginning of the series, in 1980 (79%). This represents a difference from the other two series, whose lowest points tend to be in more recent years.

The series for trust in the executive branch and for trust in Congress are more similar to each other than to that of the Supreme Court. In fact, the average level of trust in the executive (69.3%) is virtually identical to that of Congress (70.8%). These two series weave back and forth across each other over the years such that about 40% of the time the executive is more trusted than Congress, and about 60% of the time Congress is more trusted than the president. This relative similarity is actually a bit surprising, since studies of job performance ratings find that presidents receive consistently higher job approval than does Congress (Hibbing and Theiss-Morse 1995). When it comes to trust, however, Americans appear to put Congress and the president on more equal footing. This observation provides further evidence that trust and job performance represent two distinct concepts, and should not be conflated by those who study them.

Despite some similarities between trust in the executive and in Congress, there are also significant differences. More importantly, these differences do not appear to be random. Rather, they seem to correspond to salient political events. For example, Americans display more trust in Congress than in the executive during the Watergate scandal in the mid-1970s and during the Monica Lewinski scandal in the late-1990s. On the other hand, Americans display more trust in the executive than in Congress during events such as the first Gulf War and the 9/11 terrorist attacks – times when Americans tend to rally around the most salient symbol of American government (Mueller 1970).

Most relevant to the present study is the fact that while Americans’ trust in the executive and Congress have both tended to decline in recent years, this trend is much less pronounced for the executive (and the Supreme Court) than it is for

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10 The difference is not statistically significant.
11 On this point, see also Patterson and Caldeira (1990). For an alternative view see, for example, Stimson (2004).
Congress. For example, one of the lowest levels of trust in the executive occurs early in the series, in 1973 (57%), while one of the highest levels occurs late in the series, in 2002 (79%). Accordingly, if we fit an overall trend line to the executive trust data, the result suggests an average decline of only about three percentage points in trust per decade. In contrast, the overall trend line for congressional trust indicates an average decline of about 6 points per decade – twice as steep a drop.\footnote{Furthermore, a linear trend alone accounts for more than half the variance in congressional trust, but less than a quarter of the variance in executive trust.}

To summarize, over the past 44 years there has been a dramatic decline in Americans’ level of trust in Congress. This decline is not restricted to any one partisan group, but has occurred across the political spectrum. When compared to the pattern of trust in other national institutions, the magnitude of the decline for Congress is unique, making it a case of special concern. As such, it is particularly important to increase our understanding of why this decline has taken place. This is the question to which this study now turns.

**Explaining the Decline of Public Trust in Congress: The Role of Polarization**

Next to declining trust in government, one of the most widely-discussed changes in American politics over the past four decades has been the increase in party polarization among political elites. This change has been particularly pronounced in Congress – to the point where the most common measures of elite polarization in America are derived from congressional voting behavior. As recently as the 1970s, it was not uncommon to find many congressional Democrats who shared similar policy preferences to some congressional Republicans. Since then, however, the level of policy disagreement between the average congressional Democrat and the average congressional Republican has grown steadily – so much so, that some scholars say there is now no common ground whatsoever between the two parties (see McCarty, Poole, and Rosenthal 2006).

The fact that the decline in Americans’ trust in Congress almost perfectly coincides with the increase in party polarization in Congress suggests that there may be a connection between the two. While at first glance this seems like a simple story, in fact, it is much more complicated. Even if one stipulates that congressional polarization leads to a decline in congressional trust, it is not clear exactly what the causal mechanism behind such a relationship might be. As I discuss further below, congressional polarization is associated with several closely
related phenomena. These phenomena all display similar trends over time during the period in question. The task at hand, then, is to distinguish among these different, related aspects of polarization in order to determine which one, if any, is the most likely explanation for declining trust in Congress.

To the extent that public trust in a political actor is influenced by the performance of that actor, causal explanations for trust tend to fall into one of four general categories:\textsuperscript{13}

- Outcome quality
- Ideological congruence
- Technical competence
- Procedural manner

This categorization is particularly useful here because it also helps distinguish among four distinct avenues through which congressional polarization might affect trust in Congress.

In terms of policy outcomes, theories of trust argue that citizens are more trusting in government when government is seen as effective in solving or avoiding problems – particularly economic problems. For example, some studies look at how higher unemployment decreases trust (e.g. Patterson and Caldeira 1990). Although unemployment does not appear to be correlated at all with polarization, there is another economic variable that is correlated: income inequality. Research suggests that increases in party polarization in Congress are strongly related to increases in income inequality (McCarty, Poole, and Rosenthal 2006). In this context, one possible reason that polarization might depress trust in Congress is that during periods of higher polarization, Americans notice a greater degree of income inequality. Many Americans are unhappy with higher income inequality. As the institution responsible for enacting the nation’s laws on taxing, spending, and economic regulation, Congress is perceived to be at least partly responsible for either producing or failing to prevent this undesirable outcome. As a result, Americans lose trust in the ability of Congress to deliver desirable outcomes.

Regarding ideological congruence,\textsuperscript{14} theories of trust argue that the farther away citizens perceive government policies to be from their own policy preferences, the less trusting they are. Research at the level of the individual citizen provides empirical support for this notion (Miller and Borrelli 1991; Hetherington

\textsuperscript{13} Similar classification schemes are suggested by Jones (2013) and Rahn and Rudolph (2005). For research on how trust is also affected by the psychology of the evaluator, see, for example, Keele (2007).

\textsuperscript{14} Some studies refer to this concept as “policy output” (Hibbing and Theiss-Morse 1995).
Declining Trust in Congress

1998), although similar tests at the aggregate level are lacking. Party polarization may depress trust in Congress because it decreases the proportion of legislators who are ideologically moderate (McCarty, Poole, and Rosenthal 2006). Meanwhile, the typical American holds moderate policy positions. So, during periods of higher polarization Americans notice that the policies being espoused in Congress are less representative of their own, moderate policy preferences than was the case during periods of lower polarization. As a result, they lose trust in the ability of Congress to represent their policy preferences.

Levi (2003) theorizes that the factor “competence and effectiveness” is a key element of public trust in government. As the legislative body in the federal government, one of Congress’s central job requirements is the ability enact laws. When Congress successfully passes bills, this signals it has the requisite technical competence to perform its central function. The fewer bills it is able to pass, the more that its competence in this area may be called into question. Consistent with this general idea, Binder (2003) finds that the higher the percentage of salient bills that fail to pass in Congress, the lower the average job performance rating of Congress. In this light, a third reason that polarization might depress trust in Congress is that higher polarization in Congress increases legislative gridlock (Jones 2001). As polarization increases, Americans notice that Congress is less productive, thereby losing trust in its ability to legislate effectively.15

Finally, Hibbing and Theiss-Morse (1995) argue that Americans care about the nature of the process by which an institution functions, and that disliked aspects of congressional processes are a major source of public dissatisfaction with that body. One process-related concern that has received particular attention from scholars is partisan conflict. Citizens have an aversion to conflictual aspects of the legislative process (Hibbing and Theiss-Morse 1995; Funk 2001). As a result, when Congress behaves in a bipartisan fashion, Americans are more likely to approve of its performance (Ramirez 2009) and to have greater confidence in it (Harbridge and Malhotra 2011). Although ideological polarization is not the only source of partisan conflict (Lee 2009), it is also true that as the parties in Congress become more ideologically polarized, Democrats and Republicans will disagree more on policy, thus injecting more partisan conflict into legislative debates and votes. Hearing more about partisan conflict in Congress, Americans lose trust that it can legislate in an amicable, cooperative fashion.

In all, there are at least four different ways by which increased party polarization may have decreased trust in Congress: because it is associated with greater income inequality; because it decreases the proportion of ideological moderates

15 See Rahn and Rudolph (2005, p. 537) for a similar argument regarding trust in local government.
in Congress; because it decreases the ability of Congress to be legislatively productive; because it is associated with greater partisan conflict on votes. All four of these are things that Americans seem to dislike, and therefore any one of them could potentially be responsible for declining trust in Congress.

To test these four alternative explanations for the decline in congressional trust, I first create yearly measures for each concept. Income inequality is measured as the share of aggregate income in the US going to the richest five percent of families.\textsuperscript{16} I measure ideological moderates in Congress using the average percentage of moderates in the House and Senate as reported by McCarty, Poole, and Rosenthal in their study of congressional polarization.\textsuperscript{17} I measure legislative productivity as the sum of the number of bills passed in the House and Senate.\textsuperscript{18} I measure the degree of partisan conflict on votes as the absolute difference between the percentage of Democrats voting yes and the percentage of Republicans voting yes on each congressional roll call vote, averaged across all votes in each chamber.\textsuperscript{19}

Before examining their effects on trust, I check whether or not each factor’s change over time runs in the expected direction. The first two data columns in Table 1 list the low and high values of each measure, as well as the year in which each of these values occurred. The third column lists the correlation of

<table>
<thead>
<tr>
<th>Table 1: Patterns in Four Aspects of Polarization.</th>
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<td><strong>Low Value</strong></td>
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<td>Income Inequality</td>
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<tr>
<td>Ideological Moderates in Congress</td>
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<tr>
<td>Legislative Productivity</td>
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<td>Partisan Conflict on Votes</td>
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See text for description of measures and sources. All correlations are statistically significant at \( p<0.05 \).

\textsuperscript{16} Source: US Census Bureau, Current Population Survey, 2014 Annual Social and Economic Supplement. Results are similar if the Gini coefficient of family income is used instead. The most recent data point for both inequality series is 2013, leaving one fewer data point in models that include this variable.

\textsuperscript{17} For a detailed explanation see McCarty, Poole, and Rosenthal (2006). Updated data are posted at www.voteview.com/Political_Polarization_2014.htm. Results are similar if the difference in party means is used instead.

\textsuperscript{18} Source: Office of the Clerk, US House of Representatives, Résumé of Congressional Activity. Results are similar if a measure of salient enactments is used instead.

\textsuperscript{19} For example, if a vote was supported by 80% of Democrats and only 30% of Republicans, the party difference would be 50 points (80-30). This measure is sometimes called the Rice Index of Party Difference.
each measure with time. As expected, all four variables are significantly correlated with time, and in the predicted direction. Between 1971 and 2014, income inequality has risen, ideological moderation in Congress has decreased, legislative productivity in Congress has decreased, and partisan conflict in Congress has increased.

The last column in Table 1 shows the bivariate correlation between each aspect of polarization, and the trust in Congress series that was presented in Figure 1 (without controlling for the effects of any of the other three aspects). All of the four measures display the relationship with trust that one would expect: income inequality and partisan conflict are each negatively associated with trust in Congress, and ideological moderation and legislative productivity are both positively associated with trust in Congress. Although the relative strength of these individual relationships vary, all are statistically significant. In theory, then, any or all of these factors could play a part in explaining the decline in congressional trust. As mentioned earlier, however, a complicating factor is that they are all significantly correlated with time, and therefore they are all highly correlated with each other. Before drawing any definitive conclusions, it is necessary to analyze the independent effect of each measure on congressional trust after controlling for the effects of all the other measures.

Model 1 in Table 2 presents the results of a multivariate regression analysis of the effects of each aspect of polarization on congressional trust, holding all other aspects constant. The most important finding here is that when all these variables are forced to compete with each other, the only one that has a statistically significant impact on congressional trust is partisan conflict. This result suggests that the main reason why these other three measures appeared to be

| Table 2: Aspects of Polarization that Affect Trust in Congress. |
|---------------------------------|----------------|---------------|----------------|
|                                | Model 1 | Model 2 | Model 3 |
| Income Inequality               | 0.23    | 0.00    | 0.00    |
| Ideological Moderates in Congress | –0.13  | –0.80** | –0.83** |
| Legislative Productivity        | 0.00    | 0.00    | 0.00    |
| Partisan Conflict on Votes      | –0.97** | 0.00    | 0.00    |
| Time                            | 0.03    | 0.00    | 0.00    |
| Constant                        | 84.56*  | 62%     | 78.32** |
| Explained Variance              | 62%     | 67%     | 66%     |
| Number of Cases                 | 43      | 44      | 44      |

See text for description of measures and sources. *Statistically significant at p<0.05; **statistically significant at p<0.001.
related to trust in Table 1 was only because their pattern of variation over time was similar to that of partisan conflict. Once partisan conflict is held constant at one value, independent variation in the other three factors has no discernable effect on trust.\textsuperscript{20}

One way to assess the magnitude of the impact of partisan conflict is to look at how much of the variation in congressional trust it explains. Model 2 removes the non-significant variables, using partisan conflict as the only explanatory variable. By itself, partisan conflict explains a hefty two-thirds of the total temporal variation in Americans’ trust in Congress. Another way to think about the magnitude of the impact is to observe the size of the regression coefficient. In Model 2, the size of the coefficient for partisan conflict indicates that for every one point increase in the partisan difference between the parties on votes, trust in Congress decreases by 0.8 percentage points. In the data, the low value for partisan conflict (21.3 point difference, 1972) and the high value (64.9 point difference, 2014) are 43.6 points apart. According to the model, this 43.6 point increase in party conflict can account for a drop in trust of almost 35 percentage points.

As a final test of the power of partisan conflict, Model 3 tests whether the passage of time still produces any decline in trust after accounting for the effect of partisan conflict. To do so, it adds to the model a variable representing time (1971=0, 1972=1, etc.). The results demonstrate that once partisan conflict is controlled for, the time variable has no explanatory power. In other words, partisan conflict explains of the temporal decline in Americans’ trust on Congress between 1971 and 2014.

\textbf{Consequences of Distrust in Congress}

As Marc Hetherington (2005) has noted, studies of trust have more commonly tried to explain its causes than its consequences. Nevertheless, identifying consequences is important. Does it really matter if fewer Americans trust Congress? The public may complain a lot about the legislative branch, but talk is cheap. If distrust in Congress does not affect any political behaviors, then it may be a waste of time to examine its origins. On the other hand, if distrust in Congress has the potential to change how citizens interact with government or with each other in society, this increases the importance of understanding these attitudes.

In theory, there are two basic types of behaviors that trust might affect. First, to the extent that trust in an institution reflects attitudes towards the particular

\textsuperscript{20} Emphasizing this point further, the signs for income inequality and ideological moderates are not even in the correct direction after controlling for partisan conflict.
people currently serving in that institution, variations in trust may affect voters’ subsequent choices for specific candidates in elections. For example, Hetherington (1999) finds that greater trust in government makes Americans more likely to vote for the presidential candidate from the incumbent party. Second, to the extent that trust in an institution reflects attitudes towards its underlying norms and processes, variations in trust may affect citizens’ subsequent willingness to comply with the decisions emanating from the institution. For example, Tyler and Degoey (1996) find that trust in authorities is the central factor underlying public willingness to obey legal rules.

While it is intriguing to consider how trust in Congress might affect elections,21 unfortunately it is not possible to adequately address this question with standard academic datasets.22 For this reason, I focus here on the issue of compliance with the law. In particular, I investigate two questions. The first, baseline question is whether or not trust in Congress affects Americans’ willingness to obey the law. Congress’s official role in the federal government is to craft and enact the nation’s laws. As such, it follows logically that those who do not trust Congress might be less inclined to comply with laws it created.23 Tyler and Degoey present some evidence of this based on a survey of San Franciscans (1996, p. 336). However, no study analyzes this question using a nationally representative survey.

The second, broader question is how the effect of congressional trust compares to that of other federal institutions. Congress is not the only branch – or even necessarily the most obvious branch – with a connection to the nation’s laws. The US Supreme Court’s official role is to interpret the nation’s laws, and for many Americans it serves as a symbol of the country’s legal system. Additionally, although the connection may be less clear at first glance, the executive branch is also intimately related to the nation’s legal system, especially in terms

21 Hetherington argues that greater trust is electorally beneficial to candidates from the party that is currently in power. While this premise leads to a straightforward expectation in his study of presidential elections, it is more complicated in the case of Congress. Specifically, it is not clear whether greater trust in Congress might help incumbents from both parties defeat non-incumbent challengers, or whether it might help candidates from the ruling majority party to defeat candidates from the opposition minority party – even if those minority party candidates are incumbents. While the former possibility seems slightly more consistent with Hetherington’s argument, the latter possibility is more consistent with existing research on how congressional approval ratings affect elections (e.g. Jones and McDermott 2009).

22 The American National Election Study used by Hetherington does not ask respondents about their trust or confidence in Congress specifically, only about general trust in government. The General Social Survey, utilized in the analyses in the present study, asks about confidence in specific institutions, but does not ask about vote choice in congressional elections.

23 While many laws are also passed by state or local governments, the General Social Survey, used here, does not distinguish between compliance with local as opposed to federal laws.
of enforcement. In particular, the Justice Department is charged with prosecuting violations of the nation’s laws. While there is some research that focuses on the effects of trusting the Supreme Court (e.g. Tyler and Degoey 1996), I am not aware of any studies that compare the relative effects of trust in each of the three branches in order to determine which is most important in predicting compliance.

To investigate these questions, I return to the data from the General Social Survey first presented in Figure 2. In two of these years – 1990 and 1996 – respondents who were asked about their confidence in each of the three branches were also asked, “In general, would you say that people should obey the law without exception, or are there exceptional occasions on which people should follow their consciences even if it means breaking the law?” Pooling together the responses from these 2 years, an average of 42% felt that it was important to always obey the law, while 58% could imagine situations in which it was acceptable to break the law. Using logistic regression, I test how answers to this question are affected by various forms of trust. Table 3 presents the findings.

The first model in Table 3 tests the baseline effect of trust in Congress on compliance. The results confirm that congressional trust has a statistically significant, positive impact on Americans’ willingness to obey the law. To provide a sense of the magnitude of this effect, the right-hand portion of the table reports predictions about the degree of compliance under conditions of greater and lesser trust in Congress. Among those who trust Congress a great deal, 54% are expected to be willing to obey all laws. But among those who have hardly any trust in Congress, only 36% are expected to be willing to obey – a net effect of +18 percentage points. According to these results, then, the level of trust in Congress can mean the difference between having majority or a minority of Americans inclined towards compliance.

The second model in Table 3 allows citizens’ attitudes toward each of the three branches to compete in the same model to see which has the greatest impact on Americans’ propensity to comply with laws. Based on existing research, one might expect to observe some impact on compliance from at least the Supreme Court, and possibly even from the executive branch. And, since these three forms of trust are somewhat correlated with each other,24 it would not be too surprising to see some diminishment in the effect of trust in Congress after controlling for these other factors. But while there is a good theoretical argument why each of these other factors might affect willingness to obey the law, in fact, the results in Model 2 show that the only institution with a significant effect on compliance is Congress. After controlling for Americans’ trust

24 Congress and Supreme Court, r=0.37; Congress and executive, r=0.47; executive and Supreme Court, r=0.42.
Table 3: Effect of Trust in Specific Aspects of Government on Willingness to Obey the Law.

<table>
<thead>
<tr>
<th></th>
<th>Model 1</th>
<th>Model 2</th>
<th>Substantive Effects</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Coef.</td>
<td>p-Value</td>
<td>Coef.</td>
</tr>
<tr>
<td>Trust in Congress</td>
<td>0.37**</td>
<td>0.00</td>
<td>0.37**</td>
</tr>
<tr>
<td>Trust in Executive Branch</td>
<td>0.08</td>
<td>0.36</td>
<td>0.11</td>
</tr>
<tr>
<td>Trust in Supreme Court</td>
<td>-0.62**</td>
<td>0.00</td>
<td>-0.56**</td>
</tr>
<tr>
<td>Explained Variance</td>
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<td></td>
<td>2%</td>
</tr>
<tr>
<td>Number of Cases</td>
<td>1454</td>
<td></td>
<td>1454</td>
</tr>
</tbody>
</table>

See text for description of measures and sources. **statistically significant at p<0.001.
in Congress, neither their trust in the executive branch nor their trust in the Supreme Court has any meaningful impact on Americans’ inclination to comply with the law.

Overall, the evidence suggests that across all three branches, distrust in Congress has the greatest potential for weakening Americans’ compliance with the law. It is important to note that this evidence looks at the effect of differences in trust across individuals, not at differences over time. As such, with only 2 years available for analysis, it remains unclear whether the aggregate decline in trust in Congress has had any ramifications for aggregate inclinations to obey or disobey the law.

Conclusion

These days, it is not uncommon to see politicians, scholars, and journalists wringing their hands about the issue of declining trust in government. Because it is such a complex, multifaceted issue, it can be difficult to know where to direct one’s attention. The evidence presented here suggests that compared to other governmental objects of trust or distrust, Congress should be a central focal point.

First, it is important to focus on Congress because this is where the manifestation of the “trust problem” has been most severe. Over the past four decades, no other branch of American government has seen a larger decline in the level of public trust and confidence. As such, if one is interested in identifying the reasons for the decline in public trust in government overall, one good starting point would be to understand the causes of the decline in trust in Congress specifically.

Second, it is important to focus on Congress because its problems with trust may be the most intractable. We know that the public dislikes partisan conflict. In relative terms, the Supreme Court is generally able to avoid appearing overly partisan because its institutional design largely avoids partisan labels. The executive branch is more partisan than the Supreme Court, but because it is occupied by only one party at a time, it can often appear to have a relatively low level of internal conflict. In contrast, Congress is both inherently partisan and also features both parties within the institution at the same time. In other words, because of its design, it will always have the greatest potential of any of the branches to appear mired in partisan conflict. And not only does Congress have the greatest potential for the appearance of partisan conflict, in practice, it is currently experiencing historic levels of actual partisan conflict. Because conflict is a main driver of distrust in Congress, and because this era of congressional polarization appears to have no end in sight, it is difficult to envision Americans becoming more trusting in Congress anytime soon.
Finally, it is important to focus on Congress because, in comparison to other branches, trust in this branch may have the greatest consequences. Tyler (1990) argues that of all different forms of political behavior, willingness to obey the law is the most crucial to the viability of authority systems. If noncompliance with laws is widespread, government will not be able to effectively perform its basic function of managing society’s problems. In the area of voluntary compliance with laws, the evidence demonstrates that trust in Congress matters greatly, but trust in the Supreme Court and in the executive branch do not. Thus, if a goal of reformers is to lessen the corrosive effects of declining trust on the health of our democracy, they would be wise to concentrate their efforts on Congress.

References


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