

Marquette University: New Law School Poll finds two-thirds of American public approve of U.S. Supreme Court job performance

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MILWAUKEE — A Marquette Law School poll of adults nationwide completed shortly before the death of Justice Ruth Bader Ginsburg finds 66 percent say they approve of the way the U.S. Supreme Court is handling its job, while 33 percent disapprove.

A similarly large 59 percent say they trust the Court the most among the three branches of government, with 24 percent saying they trust the presidency most and 16 percent saying they trust Congress the most.

The level of confidence in any specific branch of government is somewhat limited, with 40 percent saying they have a great deal or quite a lot of confidence in the Court and 45 percent saying they have some confidence. Sixteen percent say they have very little or no confidence in the Court. Table 1 shows the level of confidence that respondents place in each branch of the federal government and in their state supreme court (or highest court) for comparison.

Table 1: Confidence in federal branches of government and state supreme (or highest) court

Institution	A great deal	Quite a lot	Some	Very little	None at all
U.S. Supreme Court	12	28	45	13	3
The presidency	15	16	23	20	25

Congress	3	10	42	35	10
State supreme court	8	27	47	14	4

While nominations to the Court have become highly partisan in recent years, a majority of each partisan group approves of how the Court is handling its job. Approval is highest among Republicans, with 80 percent saying they approve. Among independents, 64 percent approve, while 57 percent of Democrats approve. Those disapproving are 19 percent of Republicans, 34 percent of independents, and 43 percent of Democrats.

With the exception of those who consider themselves very liberal, a majority of each ideological category also approves of how the Court is handling its job, as shown in Table 2.

Table 2: Approval of the Court, by self-described ideology

Ideology	Approve	Disapprove
Very conservative	67	31
Conservative	79	20
Moderate	63	35
Liberal	64	36
Very liberal	45	55

Turning to likely voters: First, [as reported yesterday](#), 50 percent support former Vice President Joe Biden and 40 percent support President Donald Trump. Libertarian candidate Jo Jorgensen is supported by 3 percent and Green Party candidate Howie Hawkins by 2 percent.

Among likely voters who approve of the job the Court is doing, 46 percent say they will vote for former Vice President Joe Biden in the presidential election, while 46 percent will vote for President Donald Trump. Of those who disapprove of the Court's handling of its job, 62 percent support Biden and 24 percent support Trump. Table 3 shows the vote by approval of the Court for all candidates.

Table 3: Presidential vote, by approval of the Court

Court job approval	Biden	Trump	Jorgensen	Hawkins	Vote for someone else	Would not vote
Approve	46	46	2	2	2	2
Disapprove	62	24	4	2	3	4

Among all likely voters, 69 percent approve of the way the Court is handling its job and 30 percent disapprove.

Institutional change

While substantial percentages of the public express approval or confidence in the Supreme Court, there is also considerable support for making changes to the powers and structure of the Court, and some people lack awareness of powers of the Court. While social scientists have usually measured the “legitimacy” of the Court through confidence or approval measures, the possible changes to the institution raise some doubts as to the robustness of support for the institution as currently structured.

One of the hallmarks of the Court’s powers, established in the 1803 Supreme Court decision in *Marbury v. Madison*, is the power of judicial review of laws or government actions to determine, in an appropriate case, if they violate the Constitution. In the poll, 87 percent say the Court has the power to reviews laws passed by Congress, while 13 percent say the Court does not have this power.

Similarly, 82 percent think that that the president must obey rulings of the Court, but 16 percent say the president can ignore a ruling of the Court.

A substantial minority, 41 percent, favor limiting the ability of the Court to review and set aside acts of Congress as unconstitutional, while 58 percent oppose such a change to the Court’s powers.

One popular change would set a fixed term of service on the Court rather than the current lifetime appointments as indicated in the Constitution. Seventy-five percent of respondents favor a limited term, while 25 percent oppose such a change.

Expansion of the Court has become a frequent topic of debate surrounding recent confirmation battles in Congress. Forty-six percent favor increasing the number of justices on the Court, while 53 percent oppose such a structural change.

There are only modest differences between partisans in support for limiting judicial review or for limiting the terms of justices. Support for limiting judicial review is 43 percent among Republicans, 38 percent among independents, and 41 percent among Democrats.

Support for limiting the term of service for justices is higher and also similar across partisan groups. Seventy-four percent of Republicans favor limiting terms, 73 percent of independents and 77 percent of Democrats.

Only on the issue of expanding the number of justices do we see partisan differences, as shown in Table 4, with more Republicans opposed to an expansion, more Democrats in favor and independents somewhat opposed on balance.

Table 4: Support for expanding the number of justices by party identification

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One in four respondents would also support a change to the balance of powers between Congress and the president, with 28 percent saying the president should have the power to make laws on his or her own if Congress fails to act, while 72 percent would reserve this power to the legislative branch.

On this potential change to the structure of the government, 50 percent of Republicans favor this expansion of executive authority while 50 percent oppose the change. Among Democrats, 18 percent favor giving a president this power and 82 percent are opposed. Independents are similar to Democrats on this issue, with 20 percent in favor and 80 percent opposed.

About the Marquette Law School Poll

The survey was conducted Sept. 8-15, 2020, interviewing 1,523 adults nationwide, with a margin of error of +/-3.3 percentage points. There are 1357 likely voters, with a margin of error of +/- 3.6 percentage points. Interviews were conducted by the National Opinion Research Center using its AmeriSpeak Panel, a national probability sample, with interviews conducted online. The detailed methodology statement, survey instrument, topline results, and crosstabs for this release are available at <https://law.marquette.edu/poll/category/results-and-data/>