



**GREENBERG QUINLAN ROSNER** RESEARCH

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To: Interested Parties

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## **Broad Bi-Partisan Consensus Supports Reforms to Supreme Court** *Americans View Court as too Political*

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The Supreme Court has very lackluster job performance ratings and is viewed as overly political by Americans, who support a wide range of reforms for our nation's highest court. The current antipathy towards the court is shared by Americans across the political and demographic spectrum, including every partisan group. This leads to a broad, cross-partisan consensus in support of a series of reforms to the Court, including more disclosure of outside activities, abolishing lifetime appointments, and broadcasting Court proceedings on TV, radio and the Internet.

Recent decisions on campaign finance, from *Citizens United* to *McCutcheon*, have only increased the public's distrust of the court. After hearing arguments on both sides of the debate, an overwhelming majority of Americans disagree with the *Citizens United* ruling, including Democrats, Independents and Republicans, and among every demographic group. Meanwhile, a wide margin of Americans disagree with Chief Justice Roberts and his conservative colleagues and believe the *McCutcheon* ruling will lead to more corruption in our political system with agreement, again, crossing political and demographic lines.

In a time of intense partisan polarization in this country, the most remarkable thing about these results is the extraordinary cross-partisan consensus on these issues. Despite disagreement among some political leaders, Americans of all ideologies and political stripes are in virtual lockstep on these issues.

This memo is based on a survey of 1,004 Americans over the age of 18, conducted for Democracy Corps by Greenberg Quinlan Rosner from April 16-24, 2014. It has a margin of error of 3.1 percent at the 95 percent confidence level.

### **Court gets poor job ratings, seen as putting political views ahead of legal analysis.**

Just 35 percent of Americans give the Supreme Court a positive job performance rating, indicating substantial dissatisfaction with what was once one of the country's more trusted institutions. Dissatisfaction with the Court crosses party lines, though Democrats actually give it slightly higher ratings than Independents or Republicans.



By a nearly two-to-one ratio, Americans say Supreme Court Justices OFTEN let their own personal or political views influence their decisions rather than deciding cases based on legal analysis. It should be noted that this was a more difficult test than similar questions in other surveys that have asked if the Court SOMETIMES lets personal or political views influence their decisions. This survey indicates that a strong majority of Americans believe this is a usual occurrence in their rulings. A majority of every political group agrees on this measure with Democrats, again, a bit less negative about the court.

There is general agreement across demographic groups on these two questions, with majorities of nearly every demographic group giving the Court lackluster performance ratings and believing it puts political views ahead of the law. It is notable, however, that belief that the Court is too political is higher with white Americans and older Americans.

**Table 1: Supreme Court Job Performance**

<i>How would you rate the job performance of the U.S. Supreme Court -- excellent, good, just fair, or poor?</i>	<b>Tot.</b>	<b>Dem.</b>	<b>Ind.</b>	<b>Rep.</b>
Excellent	6	8	4	6
Good	29	35	25	27
Fair	39	36	42	38
Poor	24	18	28	26
Excellent or Good	35	43	29	33

**Table 2: Supreme Court Decision Making**

<i>Now I'm going to read a pair of statements. Please tell me which of the following is closer to your point of view, even if neither is exactly right.</i>	<b>Tot.</b>	<b>Dem.</b>	<b>Ind.</b>	<b>Rep.</b>	<b>Over 50</b>	<b>White</b>
The current U.S. Supreme Court justices often let their own personal or political views influence their decisions	60	54	63	62	66	65
The current U.S. Supreme Court justices usually decide their cases based on legal analysis without regard to their own personal or political views.	36	42	34	33	30	32
Net Personal Views – Legal Analysis	+24	+13	+30	+29	+36	+33

### **Citizens United, McCutcheon decisions very unpopular, seen as corrupting.**

When presented with a neutral description of the *Citizens United* ruling along with two equally balanced arguments from both sides of the debate – including opposition arguments used by top *Citizens United* defenders Mitch McConnell and James Bopp – an overwhelming 80 percent majority of Americans oppose the decision, including 71 percent who are strongly opposed. Opposition to the ruling is universal, even including 77 percent of the few Americans that give the Court positive job performance ratings, and there is again remarkable cross-partisan agreement



on this issue with Democrats, Independents and Republicans all showing at least 70 percent majorities opposed to the decision. Every demographic group is overwhelmingly opposed to the ruling.

A neutral reading of the recent *McCutcheon* ruling results in another pronounced majority arguing against the Court, with most Americans saying that the ruling makes our political system more corrupt. Independents are the partisan group most likely to see more corruption thanks to *McCutcheon*, but a majority of Democrats and strong plurality of Republicans also agree. Strong majorities or pluralities of every demographic group agree with older Americans and white Americans who are among the most likely to see *McCutcheon leading to* more corruption in the system.

### ■ Table 3: Citizens United Ruling Support

*A recent Supreme Court decision made it possible for outside groups, corporations, unions, and wealthy individuals to spend unlimited amounts of money to influence an election without disclosing the names of the individuals or groups spending the money. Now I'd like to read you two statements about the decision:*

***Opponents of this decision say:*** *This decision has allowed big corporations and wealthy special interests from both sides to spend hundreds of millions of dollars in secret money to try to buy elections, taking power away from regular citizens.*

***Supporters of this decision say:*** *This decision confirmed that Congress does not have the right to muzzle the First Amendment and free speech rights of Americans. It made sure that regular citizens can join together to make sure their voices are heard.*

*Now that you've heard more information, let me ask you, do you support or oppose this decision to allow unlimited spending in elections?*

	<b>Tot</b>	<b>Dem.</b>	<b>Ind.</b>	<b>Rep.</b>
Support	18	17	15	26
Oppose	80	82	84	72
Net Support - Oppose	-62	-64	-69	-46



■ **Table 4: McCutcheon Ruling and Corruption**

*The Supreme Court recently overturned a law that had been on the books for the last forty years that limited the total amount of money any individual may donate to all federal political campaigns and political parties in a single election cycle. Do you think that this decision will result in...*

	<b>Tot.</b>	<b>Dem.</b>	<b>Ind.</b>	<b>Rep.</b>	<b>Over 50</b>	<b>White</b>
More Corruption	51	52	56	47	55	54
Less Corruption	8	11	5	12	7	7
No Difference	38	37	38	41	36	39
Net More – Less Corrupt	+43	+41	+51	+35	+48	+47

### Overwhelming support for nearly every reform proposal tested

Asked to rate their support for seven possible reforms to the court, Americans show enthusiastic support for making the court a more transparent and accountable body. Five of the seven proposed reforms receive support from at least 70 percent of Americans, with the lowest still receiving support from a 59 percent majority. Partisans are again in agreement, with majorities of all ideologies endorsing every reform. There is similar support across demographic groups, with little change in support due to gender, age, or race (although white Americans continue to be slightly more demanding of the court).

The most popular reform is requiring justices to adhere to the U.S. Judicial Code of Conduct – 85 percent of Americans support this reform, 72 percent strongly – with similar numbers saying that outside spending paid for by others should be disclosed by the justices. Term limits also prove popular with the public, including a specific limit of 18 years that is slightly more popular than a simple limit of one term. Television and audio broadcasts of the court’s proceedings are also supported by a super-majority of Americans, with television actually slightly more popular than radio – a further sign that modernization is expected of our highest court. The least popular reform, that the justices post a summary of their financial disclosures online, is still supported by 59 percent of Americans.



■ **Table 5: Supreme Court Reform Proposals**

*After I read each proposal, please tell me whether you support or oppose this proposal...*

	Strongly Support	Total Support	Total Support		
			Dem.	Ind.	Rep.
Require Supreme Court Justices to follow the U.S. Judicial Code of Conduct - the ethical code that binds other federal judges - from which they are currently exempt	72	85	81	86	87
Require Supreme Court Justices to disclose any outside activities paid for by others - such as flights on private planes, speaking fees, and gifts - in their annual financial disclosure reports	67	80	76	81	85
Abolish the practice of lifetime appointments for Supreme Court Justices and instead allow justices to serve only a fixed term of 18 years.*	54	74	80	73	72
Allow television cameras to film the Court's proceedings and broadcast them live to the American people.	49	71	71	72	69
Abolish the practice of lifetime appointments for Supreme Court Justices and instead allow justices to serve only a fixed term.*	53	70	71	69	72
Broadcast live audio of the Court's proceedings over the internet and on the radio.	44	67	69	68	65
Require Supreme Court Justices to post a summary of their financial disclosure reports online.	38	59	62	58	58

\*Asked of half the sample