

June 7, 2012

Approval Rating for Justices Hits Just 44% in New Poll

By ADAM LIPTAK and ALLISON KOPICKI

WASHINGTON — Just 44 percent of Americans approve of the job the [Supreme Court](#) is doing and three-quarters say the justices' decisions are sometimes influenced by their personal or political views, according to a poll conducted by The New York Times and CBS News.

Those findings are a fresh indication that the court's standing with the public has slipped significantly in the past quarter-century, according to surveys conducted by several polling organizations. Approval was as high as 66 percent in the late 1980s, and by 2000 approached 50 percent.

The decline in the court's standing may stem in part from Americans' growing distrust in recent years of major institutions in general and the government in particular. But it also could reflect a sense that the court is more political, after the ideologically divided 5-to-4 decisions in [Bush v. Gore](#), which determined the 2000 presidential election, and [Citizens United](#), the 2010 decision allowing unlimited campaign spending by corporations and unions.

"The results of this and other recent polls call into question two pieces of conventional wisdom," said Lee Epstein, who teaches law and political science at the University of Southern California. One is that the court's approval rating has been stable over the years, the other is that it has been consistently higher than that of the other branches of government, Professor Epstein said.

On the highest-profile issue now facing the court, the poll found that more than two-thirds of Americans hope that the court overturns some or all of the 2010 [health care law](#) when it rules, probably this month. There was scant difference in the court's approval rating between supporters and opponents of the law.

Either way, though, many Americans do not seem to expect the court to decide the case solely along constitutional lines. Just one in eight Americans said the justices decided cases based only on legal analysis.

“As far as the Supreme Court goes, judgments can’t be impersonal,” Vicki Bartlett, 57, an independent in Bremerton, Wash., said in a follow-up interview. “When you make judgments, it’s always personal. But the best hope is that they will do their job within the legal parameters.”

The public is skeptical about life tenure for the justices, with 60 percent agreeing with the statement that “appointing Supreme Court justices for life is a bad thing because it gives them too much power.” One-third agreed with a contrary statement, that life tenure for justices “is a good thing because it helps keep them independent from political pressures.”

Thirty-six percent of Americans said they disapproved of how the Supreme Court was handling its job, while 20 percent expressed no opinion. Though the court’s approval rating has always been above that of Congress — which is at 15 percent in the latest poll — it has occasionally dipped below that of the president.

A Gallup tracking poll conducted at the same time as the new survey by The Times and CBS News had President Obama’s approval rating at 47 percent, but about as many respondents disapproved of his performance.

The court’s tepid approval ratings crossed ideological lines and policy agendas. Liberals and conservatives both registered about 40 percent approval rates. Forty-three percent of people who hoped the court would strike down the health care law approved of its work, but so did 41 percent of those who favored keeping the law.

The court was also expected to decide this month whether a tough [Arizona immigration law](#) conflicts with federal [immigration](#) laws and policies. Perhaps the most contested part of the state law is one that often requires the police there to check the immigration status of people they stop or arrest.

As a general matter, more than 6 in 10 Americans said both the federal and state governments should play a role in addressing illegal immigration. A quarter said the federal government should have sole responsibility, and 11 percent said only state governments should address the matter.

One-third of Americans said the part of the Arizona law allowing the police to question people about their immigration status “goes too far,” and half said it was “about right.” Coverage of Supreme Court arguments in the case in April did not seem to affect public attitudes on the question, which have not changed since 2010.

The responses on immigration split along partisan and racial lines. About half of Democrats but only one in seven Republicans said the law went too far. The recent survey did not have enough black and Hispanic respondents to make fine distinctions among racial and ethnic groups, but

46 percent of those who identified themselves as nonwhite said the provision went too far, compared with 28 percent of non-Hispanic whites.

Asked about the health care case, 41 percent of those surveyed said the court should strike down the entire law, and another 27 percent said the justices should overturn only the individual mandate, which requires most Americans to obtain health insurance or pay a penalty.

Only 24 percent said they hoped the court “would keep the entire health care law in place.”

These numbers have not changed much in recent months and appeared to be largely unaffected by the more than [six hours of arguments](#) in the Supreme Court in March.

Some respondents said their view of the court could drop, depending on how it rules.

“The government is mandating that you have to buy something, and that shouldn’t be the case,” said Chuck Eriksen, 80, an independent of Cardington, Ohio. “I don’t like the whole thing in general. My opinion of the Supreme Court will diminish if they approve of it.”

There was greater Republican opposition to the law than Democratic support. About two-thirds of Republicans in the recent survey said the entire law should be overturned, while 43 percent of Democrats said all of it should be upheld.

More than 70 percent of independents said they wanted to see some parts or all of the law struck down, with more of them saying they hoped to see the whole law overturned. Twenty-two percent of independents said they hoped the entire law would survive.

Responses varied by education, too. Nearly a third of respondents with a college degree said they would like to see the law upheld, compared with about 20 percent of those without a college diploma.

Dr. Gerald Schall, 68, a San Francisco independent, said that he approved of most of the law, but not the mandate, and hoped that the court would follow suit. “If they overturn the whole thing,” he said, “it’ll be like seeing your mother-in-law go over a cliff in your new Lexus.”

The nationwide poll is based on telephone interviews with 976 adults conducted May 31 through June 3 on landlines and cellphones and has a margin-of-sampling error of plus or minus three percentage points.

Adam Liptak reported from Washington, and Allison Kopicki from New York. Marina Stefan and Dalia Sussman contributed reporting from New York.