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Declining Approval in the Supreme Court of the United States

Gabriella Thompson
gmt35@uakron.edu

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DECLINING APPROVAL IN THE SUPREME COURT OF THE UNITED STATES

Gabriella Thompson

Honors Research Project

Department of Political Science

The University of Akron

April 26, 2024

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Introduction

American citizens are granted several freedoms by the Bill of Rights in the United States Constitution. The First Amendment to the Constitution established protections for the rights of assembly, petition, press, religion, and speech, the lattermost of which enables people to express ideas without fear of experiencing suppression at the hands of their government. Therefore, the general public is empowered to hold various opinions about the institutions that wield authority over them. Measuring public opinion is a crucial endeavor to those in power, as such work yields intuition for how different branches of government are perceived over time. Typically quantified in terms of approval ratings, public opinion for the executive branch and the legislative branch varies frequently; public opinion for the judicial branch, however, is generally stable with values greater than that of its counterparts. The federal judiciary is helmed by the Supreme Court of the United States, a ruling body comprised of eight associate justices and one chief justice. The U.S. Supreme Court only hears cases of distinct significance, and the ramifications of its decisions are felt far and wide. Those who sit on the Supreme Court are not directly chosen by constituents in an election, insulating their jurisdiction in comparison to the U.S. President and U.S. Congress. Despite historical trends, approval in the Court is currently undergoing a drastic decline. In this study, I explain changing attitudes of Americans concerning political issues relative to notable verdicts by the Supreme Court through examination of previous studies pertaining to judiciary approval and interviews with registered voters on the subject, gathering evidence in support of several causal relationships which explain the phenomenon occurring.

Literature Review

Measurements of public opinion are instrumental in efforts to understand how people perceive those institutions which govern them. Such survey methods were not regularly utilized in conducting political research until relatively recently — the first concrete record of approval, or disapproval, pertaining to any branch of federal government was published by Dr. George H. Gallup in 1935. He found that New Deal programs enacted by President Franklin D. Roosevelt were not particularly popular among Americans, with about 60 percent of respondents objecting to the high cost of implementing said initiatives (Waxman 2019). The statistician continued his polling work with the American Institute of Public Opinion, an organization that he founded and would later serve as the namesake for. While he honed techniques for surveying, Gallup focused on gathering data relative to the White House; once his forecast for the 1936 presidential election came to fruition, Gallup started to receive recognition as the leading figure at gauging citizens' sentiments toward their Commander in Chief (Waxman 2019). Increases in both computation and application of approval ratings for presidents of the United States precipitated similar processes involving other establishments within the American government system, like the Supreme Court. In contrast to the executive and legislative branches, the judicial branch does not directly answer to the will of the people through election, operating independently with the exception of checks and balances. Moreover, the Supreme Court of the United States "...cannot initiate legislation or execute laws; it can only overturn the decisions of the Congress and President or add its own interpretation to the law where legislation is ambiguous" (Ansolabehere and White 2020, 365). A historical view of the Court as an apolitical institution resulted in its assumption of a subsidiary role as a subject for public opinion measurement. When the judiciary did appear in polls, Gallup led the charge once again, covering matters from President Roosevelt's failed attempt to expand

the number of justices sitting on the Court in 1937 and the landmark decision made by the Court during the *Brown v. Board of Education of Topeka* case in 1954. Aside from these surveys about divisive topics, consistent evaluations for the Supreme Court would not be orchestrated until the latter half of the 20th century (Handberg 1984, 5).

What is considered to be the first precise probe of approval for the Supreme Court of the United States was administered by Louis Harris & Associates in 1966. After identifying a sample of Americans which could be extrapolated to draw representative conclusions on a national basis, the consulting firm presented their participants with the following question: “As far as the people running the Supreme Court are concerned, would you say you have a great deal of confidence, only some confidence, or hardly any confidence at all in them?” (Caldeira 1986, 1212). Though this inquiry gained little traction with Louis Harris & Associates, who repeated their study just twice over the five years that followed, it landed a permanent slot in the General Social Survey by the National Opinion Research Center at the University of Chicago. Since 1972, the General Social Survey has been conducted nearly every single year, yielding tremendous amounts of data (Caldeira 1986, 1212). The fluctuation of approval ratings for the Supreme Court as witnessed by the National Opinion Research Center and other polling organizations can be attributed to several factors contained under the general umbrella of societal change. During the 1970s and the 1980s, when opinions about the judiciary were finally being recorded steadily, the public demonstrated greater support after the Watergate political scandal that resulted in the resignation of President Richard Nixon and less support, which was experienced by most government entities at the time, in response to a period of economic downturn (Caldeira 1986, 1213). As quantified by pollsters, the Court achieved a comparative level of favorability that typically does not undergo drastic changes over short spans of time. Observations of such stability, from a statistical perspective,

reinforce the deduction that the judicial branch wields "...a basic level of support within society, but the groups which make up the Court's supporters change over time in reaction to the changes in the Court's policies and ongoing political events" (Handberg 1984, 11).

There are some caveats to approval ratings which must be accounted for in the process of ascertaining this information. One's personal feelings regarding the Supreme Court of the United States, or any other governmental institution, may or may not affect their overarching judgments of how well its members execute jurisdiction. For instance, an individual who disagrees with the Court's decisions in many cases could still exhibit loyalty to the entity. 'Confidence' in the Court is frequently viewed as "...a measure of general satisfaction with the contemporary performance of the institution", yet different understandings of what the term means through the lens of public opinion creates room for variability in polling responses, and a margin of error in turn (Gibson et al. 2003, 361). The results in a past study where confidence was acknowledged as a combination of contentment and allegiance showed a minimal impact on the measure from particular verdicts rendered by the Court, which "...seems to reflect to some considerable degree what we think of as specific support-satisfaction in general with the outputs of the institution" (Gibson et al. 2003, 364). While the demographic groups which favor or oppose the Supreme Court shift according to prevalent issues during each session, trends indicate that most of the disillusionment surrounding the Court is rooted in how cases encompassing personal freedoms are decided (Ansolabehere and White 2020, 373). The 1973 *Roe v. Wade* ruling that found a constitutional premise protecting the right to an abortion is a principal example of the aforementioned dynamic — both major political parties in the United States framed the Court's controversial verdict into their platforms, leading to "polarization and party realignment that...define the abortion landscape" (Greenhouse 2012, 77). In past years, it was quite difficult for political scientists to identify rising or falling rates of

approval in the Supreme Court as being caused by one specific decision reached by those sitting on the bench — rather, changes in public opinion were credited to various factors, both internal and external to the establishment (Greenhouse 2012, 78).

The ebb and flow of favorability experienced by the Supreme Court of the United States began to decline in the late 2000s and early 2010s following a significant surge at the start of the 21st century, which was felt by all American governmental institutions during a ‘rally ‘round the flag effect’ after the terrorist attacks on September 11th, 2001. Once the patriotic popularity from this circumstance simmered down, public opinion percentages returned to a typical range before decreasing. Throughout the tenure of Democrat President Barack Obama, who assumed office in 2009 as the first African American elected to the White House, the judicial branch was generally seen as more liberal than conservative (Haglin et al. 2021, 966); an opposing view documented over the course of Republican President George W. Bush’s time in the executive branch provides further evidence for correlation between the public’s political ideologies and their perceptions of governing entities (Haglin et al. 2021, 963). Existing research regarding a presidential influence on approval for the Supreme Court has found that alterations of these ratings can be attributed to tendencies of “Policy-motivated citizens [to] (1) want the president of their party to change the Court in their partisan and ideological image, (2) assume that the president influences the Court in this manner, and therefore (3) update their assessment of the Court’s job performance in light of their presidential copartisanship status” (Bartels and Kramon 2022, 172). Thus, the degree to which an individual’s beliefs aligns with those held by the head of their chosen party will impact the degree to which an individual is satisfied with the work conducted by the other branches of government. The presidential influence bears potential to exert a greater impact on approval than that of the Court’s actual verdicts, for the power of appointment wielded by the executive branch

produces recognition as a primary authority over judiciary members (Bartels and Kramon 2022, 184). Witnessed with distinct relevance during each of the last few presidencies, “...Americans’ alienation from government as an enterprise negatively colors their views of the judiciary. The Supreme Court is guilty by association” (Haglin et al. 2021, 965).

Over the last decade, especially through the Donald Trump presidency and its aftermath, the Supreme Court of the United States has fallen so out of favor with the American people that a point of no return may be on the judicial horizon. President Trump received a unique opportunity to appoint three of the nine justices currently sitting on the bench with the retirement of Anthony Kennedy and the deaths of Antonin Scalia and Ruth Bader-Ginsburg, all Associate Justices. The confirmation of Trump’s final nominee to the Court formed a six-to-three conservative majority, though Chief Justice John Roberts has sided with the liberal minority on several occasions. Since the composition was solidified, the overall ideology of the Court is discerned as markedly more conservative than that which the general public subscribes to (Jessee et al. 2022, 2). Epitomizing this perspective was the landmark decision in *Dobbs v. Jackson Women’s Health Organization*, a ruling that nullified both *Roe v. Wade* and *Planned Parenthood v. Casey* in a shocking reversal of nearly five decades of legal precedent (Tumin 2022). The reaction to *Roe v. Wade*’s overturning was immediate, as multiple polling organizations chronicled sharp increases of negative attitudes toward the Court. A survey by Gallup, Inc. in September of 2022 — three months after *Dobbs v. Jackson Women’s Health Organization* was decided — recorded the highest rating of disapproval for how the Court handles its job since 2009. Approximately 42 percent of respondents to Gallup expressed their belief that the Court was too conservative, the highest statistic gathered since the measure was first logged in 1993 (Brenan 2023). When asked about their confidence in the Court as part of the 2022 General Social Survey, which collected data from May 5th through December

20th, about 36 percent of respondents answered that they felt “hardly any” (“Public Confidence in the U.S. Supreme Court is at its Lowest Since 1973” 2023). The Pew Research Center examined demographic differences of those in favor of versus those in opposition to the Court, finding that women, African Americans, adults younger than 30 years old, and people who have completed a college education are more likely to foster pessimistic perspectives relevant to the judicial branch (Lin and Doherty 2023). Repealing *Roe v. Wade* and weakening the state of reproductive rights in the country was not the only contentious verdict reached by this current cast of the Roberts Court — by “expanding gun owners’ rights to carry firearms in public, allowing business owners to refuse to work with lesbian and gay customers, striking down President Joe Biden’s student loan forgiveness plan, and constraining Biden’s power to combat climate change”, the conservative majority has estranged itself from many Americans, especially those with liberal beliefs (Brenan 2023). In due time, such self-imposed separation could affect whether the Supreme Court of the United States is acknowledged as a legitimate institution of government by the general public (Strother and Garadian 2022, 122).

Hypotheses

Hypothesis 1: Members of the Democratic Party are less likely to approve of the current Supreme Court of the United States.

According to historical trends, it is more probable for the Supreme Court of the United States to be perceived by the public as being too liberal when the president of the United States is a Democrat rather than a Republican. Likewise, it is more probable for the Supreme Court to be perceived by the public as being too conservative when the president is a Republican rather than a Democrat (Haglin et al. 2021, 963). Closely tied to the executive influence on popular opinion regarding the judiciary is “presidential copartisanship”, or alignment of an individual’s choice of political party with that of the Commander in Chief; constituents often assume that the president personally determines the ideological leaning exhibited by the Court and may consequently base their approval for the latter entity on their approval for the former figure as a result (Bartels and Kramon 2022, 172). While the executive branch is currently helmed by a Democrat, support for the judicial branch is expected to be low among members of the Democratic Party.

The Supreme Court under President Joe Biden swings strongly toward the right end of the political spectrum with a ratio of one liberal justice for every three conservative justices, as long as Chief Justice John Roberts does not vote alongside the minority, during any given case. This six-to-three supermajority was established throughout the tumultuous presidency of Donald Trump, who recruited Neil Gorsuch, Brett Kavanaugh, and Amy Coney Barrett to fill Associate Justice vacancies. The appointment of Barrett to succeed Ruth Bader Ginsburg was the finishing touch for conservative control of the Court, as the ideological leaning of the ruling body shifted to resemble the beliefs that are held by members of the Republican Party (Jessee et al. 2022, 3). Thus, Democrats — and other Americans who subscribe to different political ideals — are prone

to disillusionment as it concerns the Court. President Biden did nominate the newest judge sitting on the nation's highest bench; Associate Justice Ketanji Brown Jackson became the first African American woman to serve on the Supreme Court of the United States after her confirmation in April of 2022. The liberal to conservative ratio for the Court did not change, though, as Jackson filled the vacancy created by Stephen Breyer's retirement (Jackson 2022).

Hypothesis 2: Women are less likely to approve of the current Supreme Court of the United States.

In 2022, the Supreme Court of the United States ruled the right to an abortion does not have a constitutional basis and should be regulated by state governments instead of the federal government. The *Dobbs v. Jackson Women's Health Organization* verdict reversed the precedent established during 1973 by *Roe v. Wade*, a landmark case of the Court over its fifty-year lifespan. Women were directly impacted by this controversial decision — female residents in states such as Alabama and Missouri lost abortion access shortly after the ruling was handed down (Tumin 2022). A general support of legalized abortion procedures in the United States has been observed through polling since before *Roe v. Wade* became the law of the land, for more than 60 percent of men and women alike affirmed “The decision to have an abortion should be made solely by a woman and her physician” in a 1972 survey directed by George Gallup (Greenhouse 2012, 76).

The dynamics of advocacy for abortion in the United States did experience change as the issue was ensnared in a culture war spearheaded by religious institutions like the Roman Catholic Church, which countered proponents of the right to an abortion with arguments for a right to life (Greenhouse 2012, 75-77). Aside from concern about eroding separation of church and state, the overturning of *Roe v. Wade* — thereby relegating the authority to either protect or persecute those seeking abortions to each state — was viewed as a slap to the faces of women across the country

at the hands of the Supreme Court. By creating conditions under which the bodily autonomy for tens of millions of Americans could easily be infringed upon, the Court has effectively alienated a significant demographic group within the electorate. The measurement of approval for how the Court handles its job by Gallup, Inc. returned to the all-time low of 40 percent in the immediate aftermath of *Dobbs v. Jackson Women's Health Organization* (Brenan 2023); it is anticipated that such negative sentiments are still held by many female voters almost two years after the fact.

Hypothesis 3: Individuals belonging to racial and ethnic minority groups are less likely to approve of the current Supreme Court of the United States.

The existing makeup of the Supreme Court of the United States includes four white men, two white women, one Black man, one Black woman, and one Hispanic woman. Compared with previous compositions, this Court is the most diverse iteration of the judicial branch in American history — over the two centuries [and counting] since its founding, only eight out of 116 justices were not white men. Six of those justices have been female, and four of those justices have been people of color (Wilson and Griggs 2024). The Supreme Court of today broke the glass ceiling in a number of ways, yet representation for racial and ethnic minorities is still lacking overall. Such dynamics were explored in previous research about the subject of Supreme Court representation, which determined that “...a shared social identity between members of the public and nominees would predict public support” even if there were contrasts in terms of political beliefs (Badas and Stauffer 2018, 137).

Data gathered in a survey conducted by the *Los Angeles Times* prior to the confirmation of Clarence Thomas to the Supreme Court in 1991 showed greater support for the conservative judicial candidate from liberals who are African American as opposed to liberals who are white (Badas and Stauffer 2018, 133). A similar trend was observed in the Cooperative Congressional

Election Study of 2009, for Hispanic conservatives indicated greater support for the nomination of Sonya Sotomayor, a liberal judge, than non-Hispanic conservatives (Badas and Stauffer 2018, 135). The positive correlation between shared identity and level of loyalty serves as evidence for the importance of representation to individuals who are historically underrepresented. The Court is customarily considered to be a bastion that protects “...unpopular religious and racial minority groups from majoritarian oppression” (Klarman 2011, 101); however, recent rulings like *Students for Fair Admissions v. Harvard*, which reversed precedent in finding the use of affirmative action during college admissions processes unconstitutional, opened a door to further jeopardization of diversity (Totenberg 2023). Certain demographic groups do support decisions on a case-by-case basis, yet overall approval for the judicial branch as expressed by racial and ethnic minorities is forecasted to be lower.

Methodology

Dependent Variables

The dependent variable of this study is approval for the Supreme Court of the United States of America. Benchmarks for the dependent variable are established from data recorded by the National Opinion Research Center at the University of Chicago through their General Social Survey. Beginning in 1972, the General Social Survey has been conducted on a rotating annual and biannual basis, gathering 34 years' worth of data on the beliefs and behaviors of Americans. Participants were asked to describe the amounts of confidence felt toward specific governmental institutions, with inquiries about the Supreme Court appearing in each but two of these surveys. Respondents report confidence according to a qualitative range of "a great deal" to "only some" to "hardly any", with an auxiliary option of "don't know" available as well (Davern et al. 2024). Such a scale yields results which are much more comprehensive than that of simple "approve" or "disapprove" polls.

This study measures approval for the Court on a quantitative scale that ranges from 1, the lowest possible confidence, to 100, the highest possible confidence. To synthesize the qualitative and quantitative data, the numerical values registered during the investigative stage of this study will be attributed to the illustrative values logged over the General Social Survey. A response of 100 percent to 50 percent approval shall constitute "a great deal" of confidence. A response of 49 percent to 25 percent approval shall constitute "only some" confidence. A response of 24 percent to 1 percent approval shall constitute "hardly any" confidence. The response of "don't know" is selected sparingly by participants in the General Social Survey — across 32 polls administered, the proportion of "don't know" answers exceeded 6 percent just once, while a majority of those

figures fall between 1 percent and 4 percent (Davern et al. 2024). Consequently, said response is disregarded from this study.

Independent Variables

The independent variables of this study are three different demographic characteristics of the electorate. First, ‘political party affiliation’ refers to electoral parties that voters associate — or do not associate — with. In this study, political affiliations of interest are with the Democratic Party, the Republican Party, and Independent voters. Second, ‘sex’ is the biological traits used to define organisms as male or female. Voter registration in the United States of America requires the presentation of identification such as a driver’s license, on which individuals report their sex. Third, ‘race’ and ‘ethnicity’ are both social constructs derived from shared physical features and cultural practices, respectively. The population of the United States encompasses countless racial and ethnic groups that Americans represent. These characteristics are particularly relevant to this study due to their corresponding roles in shaping the American experience, which bears a serious influence on how people perceive governing institutions.

Measurements for the independent variables are produced through self-identification by participants of this study. Political party affiliation, sex, and race/ethnicity are among the various categorizations examined within the General Social Survey. As support for the Supreme Court is concerned, the National Opinion Research Center at the University of Chicago disseminates data with separate breakdowns for “age, subjective class identification, highest [educational] degree, condition of health, Hispanic [origins] specified, marital status, political [party] affiliation, race, sex, and citizenship status” that are compiled into total representations of the surveyed populace (Davern et al. 2024). Because racial and ethnic minorities are grouped together as an independent variable for this study, the statistics for race — classified as white, Black, or other in the General

Social Survey — and ethnicity — classified as being either of Hispanic/Latino/Spanish origin or not of Hispanic/Latino/Spanish origin in the General Social Survey — will be considered jointly during analysis (Davern et al. 2024).

Procedures

This study was completed between the months of January, 2024 and April, 2024. The data generated over the course of this study were collected via interviews with two registered Democratic voters, two registered Republican voters, and two registered Independent voters. Those who engaged with this study volunteered to do so in response to a call for participants published on the social media platforms of Facebook and LinkedIn. Interviews were conducted virtually by phone call or video meeting, depending on the preferred communication method of each participant, and lasted for approximately 30 minutes. At the beginning of every interview, participants were asked to share some background information about themselves before delving into the prepared questions, which read as follows:

- 1) What is your current political party affiliation? Has your affiliation ever changed?
What factors influence your choice of party?
- 2) What political issues are important to you? Do any issues directly impact your voting decisions?
- 3) On a scale of 1-100, with 1 being the lowest confidence and 100 being the highest confidence, how would you rate your current approval for the U.S. President and U.S. Congress?
- 4) On a scale of 1-100, with 1 being the lowest confidence and 100 being the highest confidence, how would you rate your current approval for the U.S. Supreme Court?

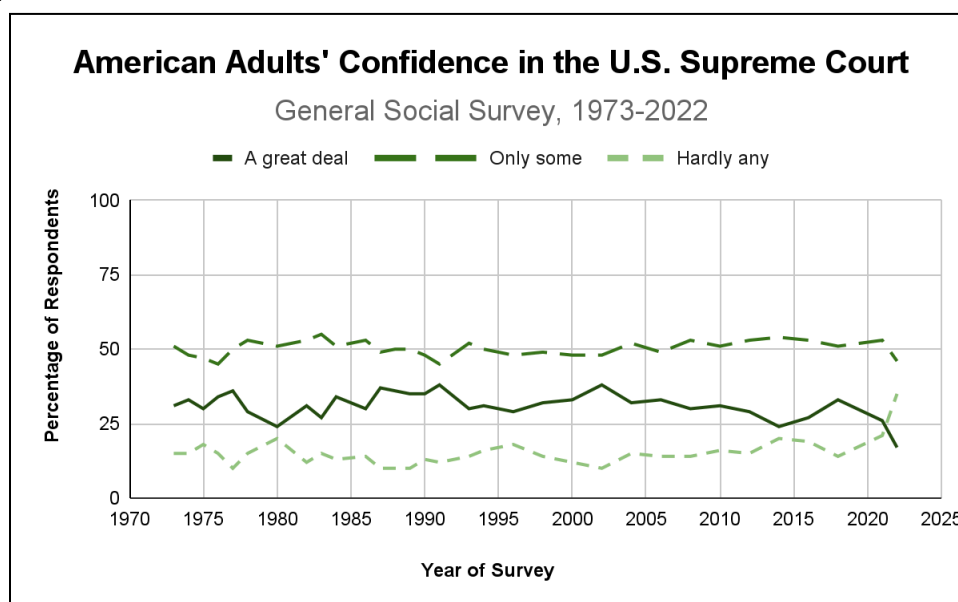
- 5) Has your opinion on the Supreme Court changed over the last five years? What factors influence your opinion on the Supreme Court?
- 6) Has the Supreme Court rendered any decisions over the last five years that you either strongly agree or strongly disagree with?
- 7) Do you believe the Supreme Court has become more or less partisan over the last five years?
- 8) Do you think the American people should have a say in who is appointed to the Supreme Court?
- 9) Would you support any measures, such as expansion or term limits, to reform the Supreme Court in the future?
- 10) Aside from this interview, when was the last time you had a conversation about the Supreme Court with someone else?

After discussion of the prepared questions, participants were given an opportunity to query the interviewer on relevant material if they wished to continue the conversation. It should be noted that conflation of ‘confidence’ and ‘approval’ as written in the third and fourth questions could cause confusion; one’s confidence in the ability of the Supreme Court to execute responsibilities may differ from one’s approval for decisions rendered by the Supreme Court. Several interviews had already been administered when the discrepancy was noticed, so the prepared questions were not revised to ensure that the remaining participants received the same experience as their peers. Therefore, a margin of error will be taken into account during analysis.

Results

The results, both qualitative and quantitative, generated from the interviews conducted in this study are presented in Tables 1 through 3. Said findings provide some support for each of the three hypotheses tested, though the data gathered are not strong enough to firmly establish causal relationships between the dependent variable and independent variables. These results do share another glimpse into which recent decisions by the Supreme Court are most disputed amidst the general public and demonstrate that personal agreement with a ruling does not necessarily impact faith in the Supreme Court as an institution. To put the findings from this study into perspective, Figures 1 through 5 display data from the General Social Survey. Figure 1 illustrates longitudinal trends for confidence in the Supreme Court of the United States. Since 1973, the percentage of respondents who indicated they felt “only some” toward the Supreme Court has consistently ranged from upper forties to lower fifties; the share of “a great deal” responses fluctuates from lower twenties to upper thirties, and the share of “hardly any” responses reached upper tens in just six of the 32 polls in which approval of the Supreme Court was gauged (Davern et al. 2024).

Figure 1. American Adults’ Confidence in the U.S. Supreme Court – General Social Survey, 1973-2022



The largest changes for confidence in the Supreme Court were observed during the most recent General Social Survey, which was conducted in 2022 with a sample of 4,149 individuals (Davern et al. 2022). Compared to data yielded by the 2021 General Social Survey, the responses for “a great deal” and “only some” dropped to about 17 percent and 46 percent from nearly 26 percent and 53 percent separately, while the responses for “hardly any” skyrocketed to approximately 35 percent from roughly 21 percent (Davern et al. 2024). Though the statistics for “a great deal” of confidence and “hardly any” confidence in the Court decreased and increased respectively from 2018 to 2021 (Davern et al. 2024), the drastic shifts witnessed during 2022 can be attributed to the contentious ruling in *Dobbs v. Jackson Women’s Health Organization*, a landmark reversal of precedent on abortion rights in the United States of America (Tumin 2022).

Through the aftermath of *Dobbs v. Jackson Women’s Health Organization*, constituents from across the political spectrum expressed distaste for those Supreme Court justices who voted to overturn *Roe v. Wade*; members of the electorate that align themselves with the Democratic Party were particularly alienated from the judiciary by this decision, as shown in Figure 2 below.

Figure 2. Confidence in the U.S. Supreme Court by Political Affiliation – 2022 General Social Survey

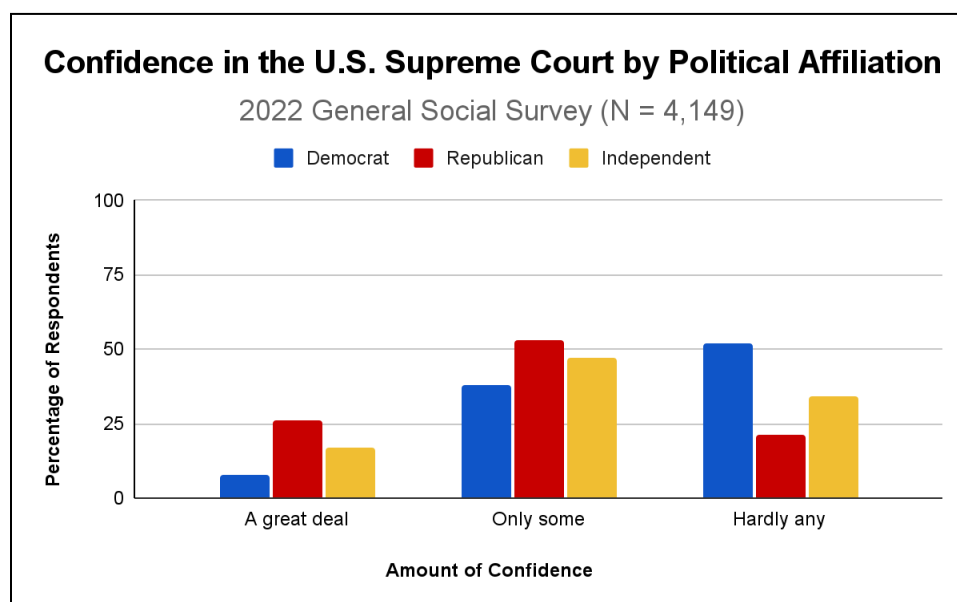
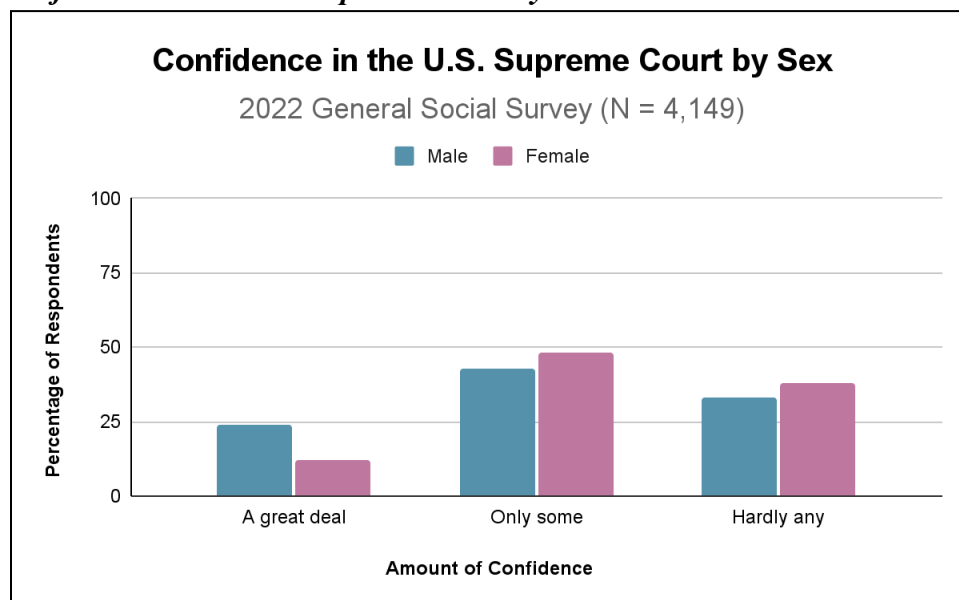


Figure 2 depicts the breakdown of confidence in the Supreme Court of the United States via the 2022 General Social Survey by affiliation with the Democratic and Republican political parties, alongside Independent voters. With current President Joe Biden having been unable to diminish the six-to-three supermajority constructed by former President Donald Trump thus far, the sharp decrease of confidence in the Supreme Court detected among Democrats in 2022 may carry on for several years to come. It is worth noting that other downward trends in this measure were recently observed for Republican and Independent respondents as well — from the 2018 General Social Survey to the 2021 General Social Survey, proportions of Republicans and Independents with “hardly any” confidence in the Court jumped from around 8 percent and 16 percent apiece to about 26 percent and 22 percent, as responses for “a great deal” of confidence in the Court fell from nearly 41 percent and 29 percent to an estimated 28 percent and 25 percent (Davern et al. 2024). While the decline in Republican confidence over those years can be credited, in part, to the “presidential copartisanship” theory (Bartels and Kramon 2022, 171), continuing reductions in each political affiliation from 2021 to 2022 is evidence for polarization on a larger scale.

Figure 3. Confidence in the U.S. Supreme Court by Sex – 2022 General Social Survey

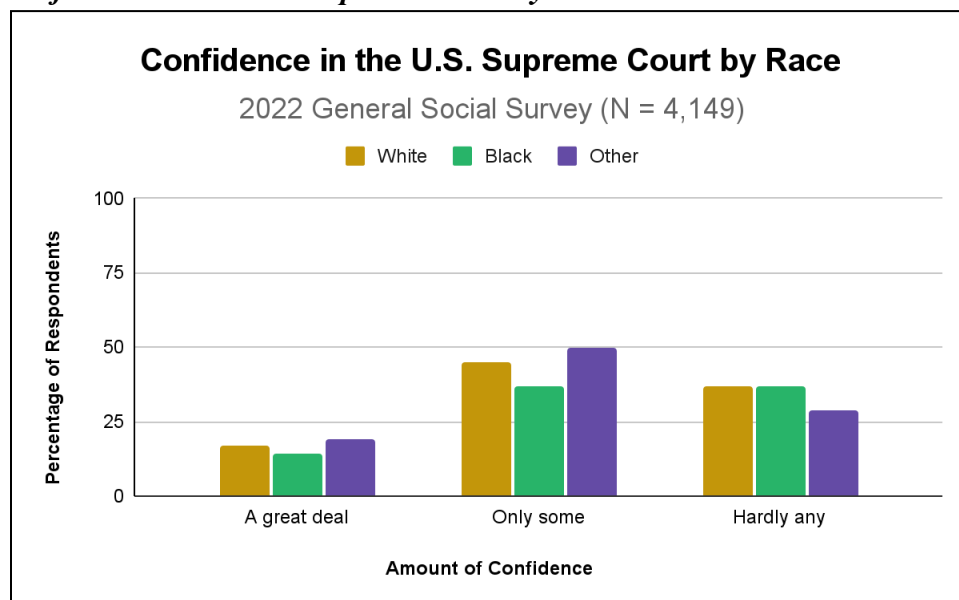


As the demographic group directly impacted by the ruling in *Dobbs v. Jackson Women's Health Organization*, women conveyed significantly less faith toward the Supreme Court when posed with questions regarding institutional confidence during the next General Social Survey. Figure 3, located on the previous page, portrays the breakdown of confidence in the Supreme Court of the United States for the 2022 General Social Survey by biological sex. Since the 2018 General Social Survey, the ratios of men and women who indicate “a great deal” of confidence in the Court have fallen from the region of 34 percent and 31 percent, respectively, to 24 percent and 12 percent; meanwhile, “hardly any” responses by men and women both began at nearly 14 percent, with the former growing to about 33 percent and the latter growing to about 38 percent (Davern et al. 2024). The rights to abortion and other methods of reproductive healthcare in the United States of America have been backed by individuals of both sexes for decades, even prior to the landmark verdict in *Roe v. Wade* (Greenhouse 2012, 76); over the next few years after *Roe v. Wade* was decided during 1973, General Social Survey measurements for “a great deal” of confidence and “only some” confidence in the Supreme Court were steadily positive as “hardly any” confidence in the Supreme Court remained relatively low (Davern et al. 2024). However, the rates of change for the aforementioned female responses almost double and triple those of their male counterparts, signaling that women are especially unlikely to favor the Court in the near future.

In addition to the supermajority of six conservatives justices to three liberal justices, the demographic composition of the Supreme Court excludes more racial and ethnic minorities than it includes — with only two Black justices and one Hispanic justice sitting on the bench, there is a six-to-three majority held by their white colleagues. The lack of equal representation for people of color as a whole acts as a distancing factor in terms of institutional loyalty, which can affect

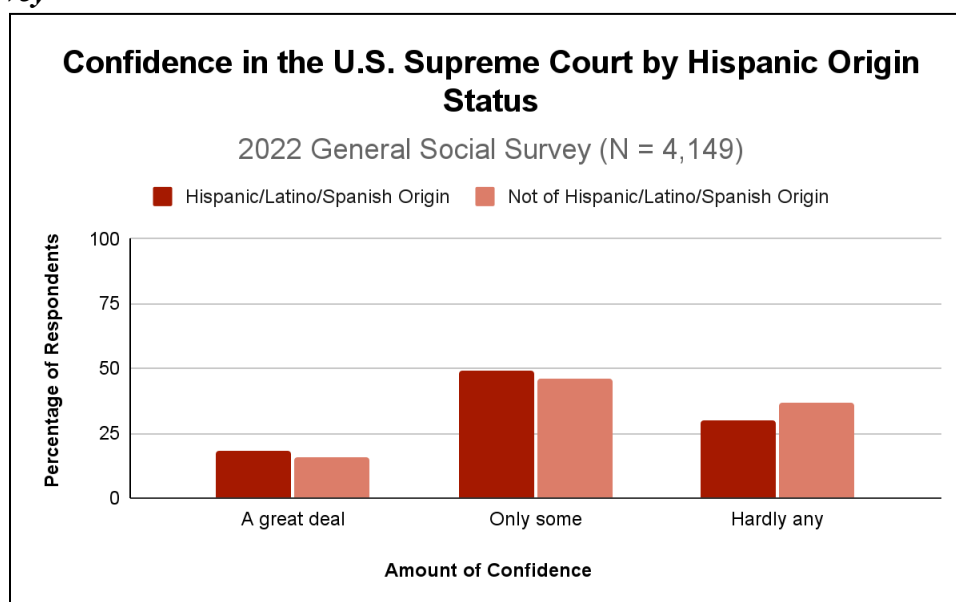
institutional confidence in turn, yet faith with regard to the Supreme Court may ebb and flow in various patterns for different groups. Data regarding race and ethnicity from the General Social Survey are now analyzed via separate lenses, though the means of reporting such demographic information has evolved considerably since the General Social Survey commenced in 1972. The classification of respondents as white, Black, or other is an acknowledgment of how “Americans have traditionally seen race as a matter of black and white...with minimal allowance for other races” (Smith 1988, 9). Given that race is a social construct, shifts in the definition of race over time require alteration of how it is measured by organizations such as the United States Census Bureau, the National Opinion Research Center, etc. A growing number of groups sorted into the “other” category extended its proportion relative to the “white” and “Black” categories, with the largest increase coming from Hispanic individuals, most of whom were considered white before based on appearance; also incorporated into “other” races are people identifying as Asian, Pacific Islander, or American Indians (Smith 1988, 9). Below, Figure 4 presents the breakdown of confidence in the Supreme Court of the United States in the 2022 General Social Survey by race.

Figure 4. Confidence in the U.S. Supreme Court by Race – 2022 General Social Survey



At first glance, Figure 4 seems to suggest that both Black respondents and respondents of other races have greater faith in the Supreme Court than white respondents; however, examining data from the penultimate General Social Survey reveals the opposite. From the 2021 General Social Survey to the 2022 General Social Survey, the indications for “a great deal” and “only some” confidence in the Court decreased as the indications for “hardly any” confidence in the Court increased across the board. Approximately 12 percent less and 16 percent more respondents of other races expressed “a great deal” confidence and “hardly any” confidence, respectively, as around 8 percent less Black respondents expressed “only some” confidence in 2022, the largest developments observed in each measure (Davern et al. 2024). Such trends corroborate the impact of *Dobbs v. Jackson Women’s Health Organization*, as racial minorities typically utilize abortion services at higher rates — during 2019, an estimated 24 abortions for 1,000 Black women and 12 abortions for every 1,000 Hispanic women were received, juxtaposed with around 7 abortions for every 1,000 white women (Alfonseca 2022). Hispanic origin status is also accounted for through its own breakdown for the General Social Survey, though said code was not utilized until 2000.

Figure 5. Confidence in the U.S. Supreme Court by Hispanic Origin Status – 2022 General Social Survey



Currently, the quantification of Hispanic origin status — and a lack thereof — is the only pool of information pertaining to ethnicity that is available to analyze on the General Social Survey’s data explorer platform. The ethnic groups comprising Hispanic origin as defined by the National Opinion Research Center are (1) Mexican (2) Mexican American (3) Chicano/Chicana (4) Puerto Rican (5) Cuban, and (6) ‘Other’ (Davern et al. 2024). Since Hispanic origin status was added as a separate dissection to the General Social Survey several decades later, its data for confidence in the Supreme Court is far less longitudinal. Located on the previous page, Figure 5 portrays the breakdown of confidence in the Supreme Court of the United States in the 2022 General Social Survey by Hispanic origin status. Similarly to Figure 4, an initial inspection of Figure 5 yields the impression that respondents of Hispanic, Latino, or Spanish origin have greater faith in the Supreme Court than respondents who do not identify with that origin. Rates of change between 2021 and 2022 for Hispanic confidence are reductions equal to about four percentage points for indications of “a great deal” of confidence and 12 percentage points for indications of “only some” confidence as indications of “hardly any” confidence swelled by almost 13 percentage points (Davern et al. 2024); the decline in “a great deal” of confidence and the climb in “hardly any” confidence demonstrated by respondents who are not of Hispanic, Latino, or Spanish origin were moderately more prominent than that of the former group, yet there remains an overarching downward movement witnessed in public opinion of the judiciary.

Considering these trends, the interviews conducted during this study produced evidence which, to certain extents, supports the three hypotheses. On the following page, Table 1 lists the political party affiliation, sex, and race/ethnicity as reported by each of the six interviewees who volunteered to participate in the study, along with their current approval for the Supreme Court of the United States as ranked on a least-to-greatest scale beginning with 1 and ending with 100.

As delineated previously, the scale of approval from this study’s interviews is standardized with the qualitative range developed for the General Social Survey by designating 100 percent to 50 percent approval as “a great deal” of confidence, 49 percent to 25 percent approval as “only some” confidence, and 24 percent to 1 percent approval as “hardly any” confidence. According to those earmarkings, four of six interviewees felt “a great deal” of confidence in the Supreme Court, and the remaining two interviewees expressed “only some” confidence and “hardly any” confidence. When the average rates of approval by political affiliation are calculated, Hypothesis 1 is supported — the Democratic interviewees indicated a mean 47.5 percent approval, while the Republican interviewees and Independent interviewees indicated a mean 52.5 percent approval. Hypothesis 2 is supported by average rates of approval for sex, as male interviewees divulged a mean 65 percent approval while female interviewees divulged a mean 43.75 percent approval.

Table 1. Interviewees’ Approval for the U.S. Supreme Court by Party, Sex, and Race/Ethnicity

	Party Affiliation	Sex	Race/Ethnicity	Approval for the Supreme Court
Interviewee 1	Independent	Female	White	50
Interviewee 2	Democrat	Male	Asian	75
Interviewee 3	Republican	Female	Black	45
Interviewee 4	Democrat	Female	Asian	20
Interviewee 5	Independent	Male	White	55
Interviewee 6	Republican	Female	White	60

Note: Qualitative information displayed in the “Party Affiliation”, “Sex”, and “Race/Ethnicity” columns was self-identified by interviewees. Quantitative information displayed in the “Approval for the Supreme Court” column are the numerical values given by interviewees when asked to rate their approval for the Supreme Court from 1 to 100 (see Question 4 under the Procedures heading in the Methodology section).

The average rates of approval concerning race and ethnicity supported Hypothesis 3 with the white interviewees recording a mean 55 percent approval, the lone Black interviewee recording 45 percent approval, and the Asian interviewees recording a mean 47.5 percent approval. Despite the affirmations of all hypotheses formulated for this study, the interview data does not bear the necessary weight to declare that causal relationships between approval for the Supreme Court of the United States and political party affiliation, sex, and race/ethnicity indeed exist.

Table 2 serves as a directory of cases on which the Supreme Court of the United States has issued rulings in the last five years, with a barometer of the interviewees' relevant stances.

Table 2. Interviewees' Opinions on Decisions Rendered by the U.S. Supreme Court

	<i>Biden v. Nebraska (2023)</i>	<i>Students for Fair Admissions v. Harvard (2023)</i>	<i>Arizona v. Navajo Nation (2023)</i>	<i>Dobbs v. Jackson Women's Health Organization (2022)</i>	<i>Gonzalez v. Google LLC (2022)</i>	<i>McGirt v. Oklahoma (2020)</i>
Interviewee 1	Strongly agree	Strongly agree	N/A	Strongly agree	N/A	N/A
Interviewee 2	N/A	N/A	N/A	Strongly disagree	N/A	N/A
Interviewee 3	N/A	Strongly disagree	N/A	Strongly disagree	N/A	Strongly agree
Interviewee 4	N/A	Strongly disagree	N/A	Strongly disagree	N/A	N/A
Interviewee 5	Strongly agree	N/A	Strongly disagree	Strongly disagree	Strongly agree	N/A
Interviewee 6	N/A	Strongly agree	N/A	Strongly agree	N/A	N/A

Note: Interviewees were asked to identify any recent Supreme Court decisions that they either strongly agreed with or strongly disagreed with (see Question 6 under the Procedures heading in the Methodology section). Each of the above-named cases, which are arranged in descending chronological order by the date decided, were brought up by at least one or more interviewees. The value "N/A" is used where an interviewee did not mention that specific case during their discussion.

To gain insight as to why interviewees ranked their approval in the judiciary as such, they were asked to name recent rulings, if any, by the Supreme Court that inspired feelings of either strong agreement or strong disagreement. As anticipated, the decision in *Dobbs v. Jackson Women’s Health Organization* was discussed during every single interview. *Students for Fair Admissions v. Harvard*, the ruling on which deemed affirmative action unconstitutional when employed in college admissions, arose in four of six interviews. Of the cases covered, *Biden v. Nebraska* — involving President Joe Biden’s plan to forgive student loan debt in 2022 — is the most recent ruling and was broached by two interviewees. The additional verdicts from *Arizona v. Navajo Nation*, *Gonzalez v. Google LLC*, and *McGirt v. Oklahoma* were propounded by one interviewee each. Although *Dobbs v. Jackson Women’s Health Organization* was strongly disagreed with by twice as many interviewees as those who strongly agreed with it in this study, only one member of the former bracket indicated the equivalent of “hardly any” approval for the Supreme Court.

Table 3. Interviewees’ Views on Partisanship and Reform for the U.S. Supreme Court

	Partisanship of Court	Support Court Reform	Reform Measures Supported
Interviewee 1	More partisan	No	N/A
Interviewee 2	About the same	Yes	Age limit
Interviewee 3	More partisan	Yes	Age limit
Interviewee 4	More partisan	Don’t know	N/A
Interviewee 5	About the same	Yes	Term limit
Interviewee 6	About the same	Yes	Term limit

Note: Responses in the “Partisanship of Court” column were shared by interviewees when asked about the Supreme Court’s perceived partisanship (see Question 7 under the Procedures heading in the Methodology section). Responses in the “Support Court Reform” and “Reform Measures Supported” columns were shared by interviewees when asked about potential changes made to the Supreme Court (see Question 9 under the Procedures heading in the Methodology section). The values “Don’t know” and “N/A” are used where interviewees could not provide a concrete “Yes”/“No” or specific examples of reform. The value “age limit” refers to enforcing retirement when a justice reaches a specific age; the value “term limit” refers to restricting how many years a justice serves after appointment.

Two interviewees who strongly disagreed with the ruling in *Dobbs v. Jackson Women's Health Organization* expressed “a great deal” of approval for the Court, while another interviewee who felt strong disagreement shared “only some” approval. This variance implies that, as emotionally charged as the matter of abortion rights is, the overturning of *Roe v. Wade* may not be affecting institutional confidence now with the same intensity as from before.

Table 3 presents how the interviewees perceive partisanship within and potential changes to the Supreme Court of the United States. Throughout the last decade, the highest bench in the judicial branch has experienced consequential shifts in terms of its composition, as there are currently six justices who were appointed by Republican presidents and just three justices who were appointed by Democratic presidents. The drawing of party lines between those sitting on the Supreme Court is inevitable, though their voting patterns do vary from time to time. Thus, general public perception could frame the Supreme Court to be more skewed toward one end of the political spectrum than as demonstrated by the justices themselves. None of the interviewees believed that the Supreme Court of today is less partisan in comparison with the Supreme Court of five years ago; three interviewees asserted that the Court has become more partisan, with the other interviewees arguing that the Court is neither more nor less partisan than before, but about the same. A majority of participants for this study favored reforming the Supreme Court in the future, and support was split between establishing an age at which justices must retire versus establishing a maximum number of years for justices' tenure. One participant did not endorse reforming the Court, as another participant was unsure of what end said measures would go to. There was a consensus among interviewees that, juxtaposed with the United States Congress and the President of the United States, the Supreme Court is less likely to be influenced by external entities because its members are appointed, not elected.

Discussion

Multiple elements limited the outcomes of this study. The extremely small sample size in comparison to other polls was especially restrictive, for it prevents the drawing of any significant conclusions from the data. As polling practices evolve, the standard sample typically falls around at least a few hundred individuals, if not thousands (Samohyl 2020). For instance, increasing the sample size of this study from six respondents to 60 respondents would boost the probability that the interview data could be extrapolated to represent populations of a larger scale in the United States of America. Expanding the sample is one means of accounting for margins of error, yet a sample that is too broad will be ineffective (Samohyl 2020). The diversity of the sample in this study needs modification as well — the representation of party affiliations was even, but more women than men and more white people than people of color were interviewed. In particular, a mean percentage of approval for the Supreme Court by Black participants could not be properly calculated since only one of six interviewees identified as Black. With racial and ethnic minority groups, namely African Americans and individuals of Hispanic origin, being underrepresented during previous research endeavors (Allmark 2004, 185), it is crucial to ensure that additional studies address such discrepancies.

Revising the process by which participants were selected for this study may produce results that are more representative of the American general public, should these procedures be repeated during future research on approval ratings for the Supreme Court of the United States. Each of the interviewees volunteered to participate, so the sample was not conducted randomly. Random sampling does “...offer the best information available, at operationally low cost”, but the possibility of sampling error is present nonetheless (Samohyl 2020). Another opportunity for error during the study was pinpointed in the third and fourth interview questions. By asking the

interviewees to quantify their approval for the President, Congress, and the Supreme Court “On a scale of 1-100, with 1 being the lowest confidence and 100 being the highest confidence”, the conflation of ‘approval’ with ‘confidence’ created confusion as to how the interviewees should report their opinions. Some participants did not allow personal accord with specific decisions to cloud judgment of the Court’s abilities, while other participants based judgment of the Court’s performance on whether they concurred with verdicts that were rendered. If another iteration of this study is conducted, the wording of Question 3 and Question 4 must be edited accordingly.

The results of this study show correlation between declining approval in the Supreme Court of the United States and demographic factors such as political party affiliation, sex, and racial/ethnic minority status, yet more precise surveying of a larger, diverse sample is necessary if causation is to be established between these variables. It was forecasted that members of the Democratic Party, women, and individuals belonging to racial and ethnic minority groups would exhibit less approval for the Supreme Court. Of the three hypotheses, Hypothesis 2 received the greatest support with a negative difference of 21.25 percentage points from male interviewees to female interviewees; Hypothesis 3 was supported by negative differences of 10 percentage points and 7.5 percentage points from the white interviewees to the Black interviewee and the white interviewees to the Asian interviewees, as Hypothesis 1 was supported by a negative difference of 5 percentage points from Republican and Independent interviewees to Democrat interviewees. The qualitative information gathered during this study is of even further interest, for there was greater rapport among participants surrounding partisanship in and reform to the Supreme Court than any other subjects discussed. The overturning of *Roe v. Wade* was reinforced as one of the most controversial decisions delivered by the Supreme Court, with every participant expressing profound feelings in regard to the *Dobbs v. Jackson Women’s Health Organization* verdict.

Conclusion

Institutional confidence as held by the general public in the United States of America has regularly oscillated since measurements of public opinion were first collected during the 1930s, yet the sharp decrease of approval for the Supreme Court of the United States that was witnessed in 2022 alarmed pollsters and politicians alike. Such shrinkage occurred after the Supreme Court ruled that the right to an abortion is not protected by the United States Constitution, though this case was one of several disputed decisions reached in recent years. With the judiciary continuing to receive poor marks from many surveys orchestrated by major polling organizations, this study was designed to determine factors which predispose individuals to disapproving of the Supreme Court. While the results obtained cannot comprehensively substantiate the hypotheses that one's political party affiliation, sex, and racial/ethnic minority status will impact their perception of the Supreme Court, this study did identify other verdicts by the Court that divide the electorate and provide a glimpse into how measures to reform the Court could be instituted. As more polls like the General Social Survey are performed and published in the future, a clearer picture of the path that approval ratings for the Supreme Court of the United States have taken shall be revealed.

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