

## SCOTUS: Biden reforms widely supported as majority say they lack confidence in America's top court

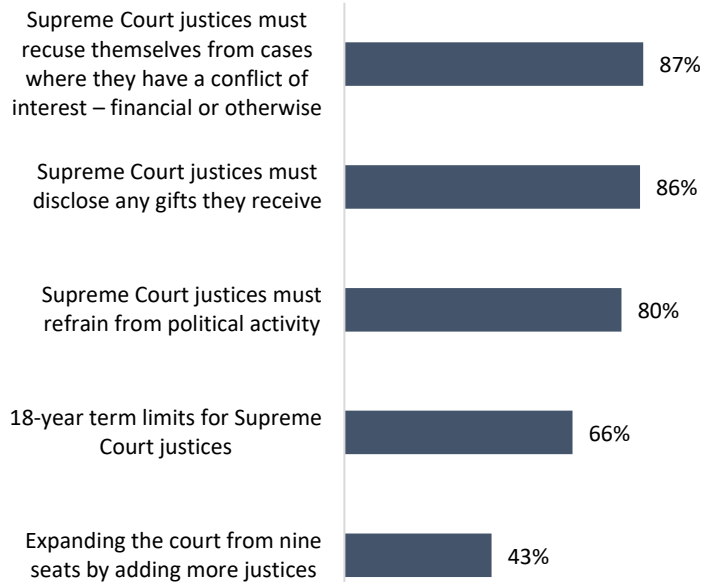
*Trump and Harris supporters disagree on assessments of political leanings, impartiality of Supreme Court*

**August 28, 2024** – The future of the Supreme Court, and whether it needs sweeping reforms as proposed by current President Joe Biden, will likely be a key issue during this presidential election.

New data from the non-profit Angus Reid Institute finds broad support from Americans for elements of the code of conduct proposed by Biden including a requirement for justices to recuse themselves in cases involving a conflict of interest (87% support), gift disclosure (86%) and a ban on political activity (80%). A majority – but a smaller one (66%) – supports an 18-year term limit for judges. There is division over another measure, not included in Biden's reforms but previously proposed by Democrats, to expand the court, which sees the support of two-in-five (43%) and opposition of one-third (35%).

Notably, ethics requirements as detailed above receive strong majority support across political lines. At least four-in-five likely voters for both presidential candidates – Republican former President Donald Trump and Democrat Vice President Kamala Harris – support gift disclosure (83% Trump supporters, 93% Harris supporters), and rules around conflicts of interest (86% Trump, 92% Harris) and political activity (79% Trump, 88% Harris). A slim majority (52%) of Trump supporters also support term limits.

### Percentage who support the following proposed reforms to the Supreme Court of the United States (All respondents, n=2,002)



#### **METHODOLOGY:**

The Angus Reid Institute conducted an online survey from Aug. 19-23, 2024 among a representative randomized sample of 2,002 American adults who are members of [Angus Reid Forum USA](#). For comparison purposes only, a probability sample of this size would carry a margin of error of +/- 2 percentage points, 19 times out of 20. Discrepancies in or between totals are due to rounding. The survey was self-commissioned and paid for by ARI. Detailed tables are found at the end of this release.

Americans' support of these Supreme Court reforms comes as a majority (64%) say they have "not a lot" or no confidence in the country's highest court. However, confidence varies by political leanings. A majority (55%) of Trump supporters express confidence in the Supreme Court, while fewer than one-in-six (14%) likely Harris voters say the same. Meanwhile, Trump backers are more likely to describe the Supreme Court as impartial (64%) than Harris supporters (20%).

#### **CONTACT:**

Angus Reid, Chairman: [angus@angus.org](mailto:angus@angus.org) @AngusReid

Jon Roe, Research Associate: 825.437.1147 [jon.roe@angusreid.org](mailto:jon.roe@angusreid.org)

Overall, half (47%) of Americans believe the court is either mostly or completely biased. And Americans are divided as to what is the primary consideration when it comes to Supreme Court rulings – politics or the law itself. Two-in-five (40%) say the former, while slightly more (44%), including a majority (63%) of Trump supporters, say it is the latter.

### **More Key Findings:**

- Americans lean towards believing the Constitution should be open to modern interpretation than not. Half (48%) say the Constitution should be viewed as a “living document”, while two-in-five (39%) believe it should be “set in stone”.
- With six Republican-appointed justices on the Supreme Court, more than two-in-five (46%) say they believe the majority of the justices are “right leaning”, while one-in-eight (13%) disagree and say they are more “left leaning”. One-in-six (17%) believe the Supreme Court justices neither lean left nor right.
- Trump supporters offer a wide range of assessments of the justice system. Three-quarters (72%) say they lack confidence in federal law enforcement, but a majority (61%) are confident in local police. They have less confidence in their own state’s criminal courts (41%) than the Supreme Court (55%).
- Harris supporters are most confident in federal law enforcement (49%) but are less so in local law enforcement (43%), criminal courts in their own state (36%) and the Supreme Court (14%).

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### **CONTACT:**

Angus Reid, Chairman: [angus@angus.org](mailto:angus@angus.org) @AngusReid

Jon Roe, Research Associate: 825.437.1147 [jon.roe@angusreid.org](mailto:jon.roe@angusreid.org)

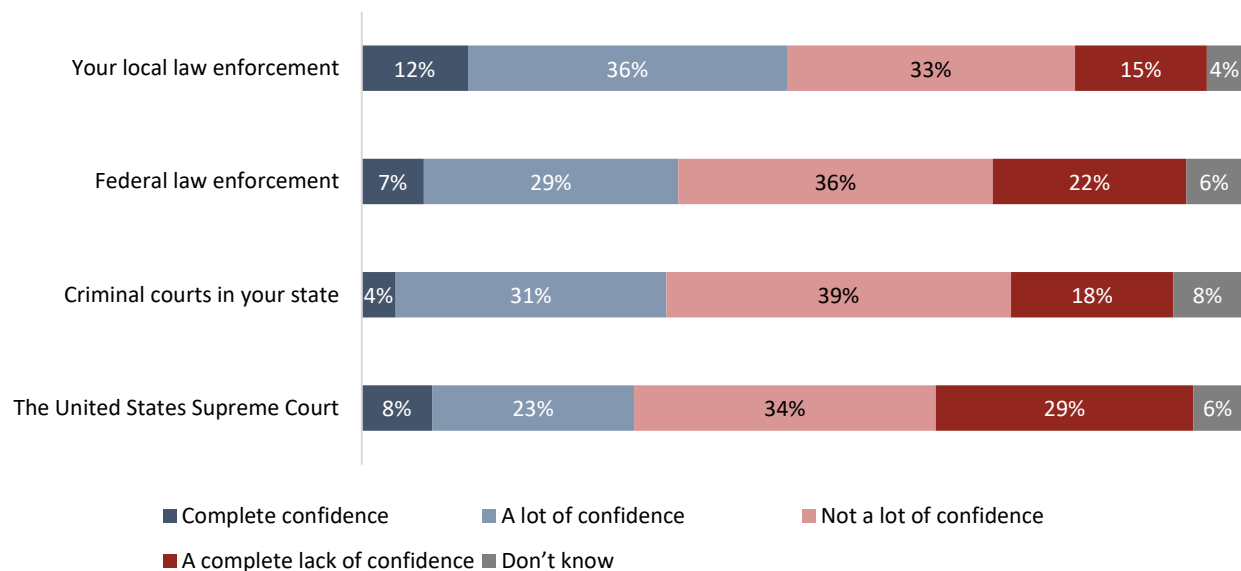
**Part One: Confidence in the justice system**

**Majority lack confidence in Supreme Court**

The last few years have been controversial for the Supreme Court. In 2022, [it overturned Roe v. Wade](#), a long-standing decision that had protected the right to an abortion and had been reaffirmed in multiple cases since the initial 1973 ruling. This changed the scope of reproductive rights across the United States, as many state governments followed the ruling by [rolling back abortion laws](#). This year also saw the country’s highest court grant [presidents broad immunity from criminal prosecutions for official acts committed in office](#) and [roll back a 40-year precedent which has weakened government regulatory agencies](#).

As the dust settles on these pivotal decisions, Americans are more likely than not to lack confidence in various elements of the justice system. On local law enforcement, Americans are split between expressing confidence (48%) and doubt (48%). Otherwise, a majority say they have “not a lot” or “a complete lack of confidence” in federal law enforcement (58%), criminal courts in their state (58%) and the Supreme Court (64%), the latter of which fares the worst by this metric:

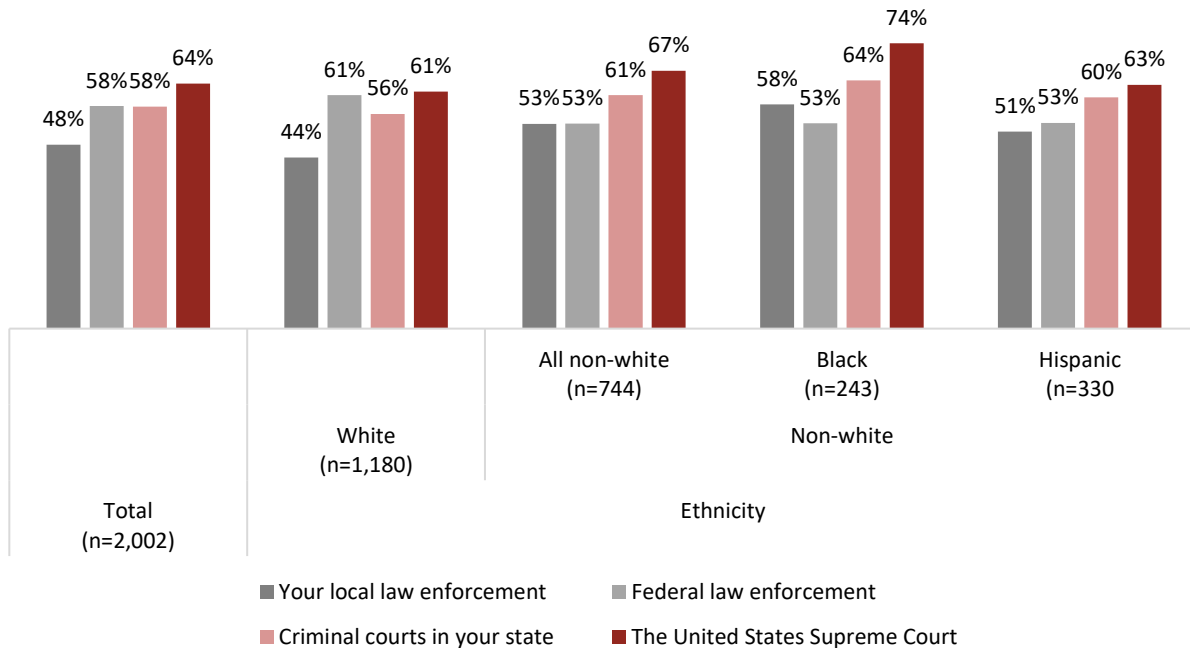
**How much confidence do you have in each of these elements of the American justice system?  
(All respondents, n=2,002)**



A slim majority (52%) of white Americans say they have confidence in their local law enforcement. Otherwise, a majority of every ethnicity say they do not have confidence in all elements of the justice system. Whites are notably more distrustful of federal law enforcement (61% say “not a lot” or “a complete lack of confidence” in it) than non-whites (53%), while Black Americans are the most likely to lack confidence in local law enforcement (58%), criminal courts in their state (64%) and the Supreme Court (74%).

There is still a significant [racial disparity in the U.S. prison system](#). Blacks are more likely to be incarcerated than whites and stay longer than average in jail.

Percentage who say they have 'not a lot' or 'a complete lack' of confidence in the following

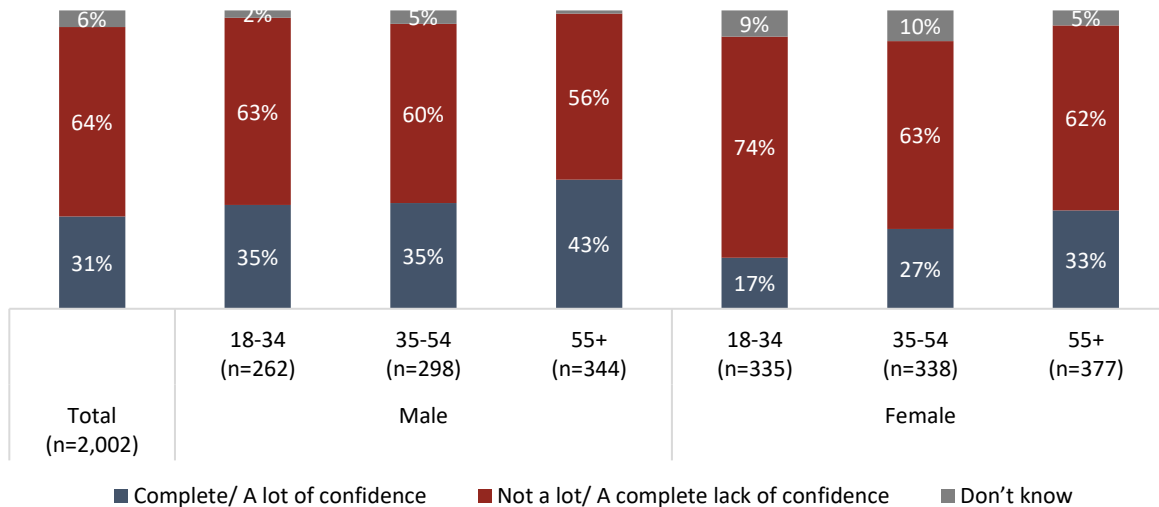


Focusing specifically on the Supreme Court, a majority of all demographics say they lack confidence in the highest court in the country. Men older than 54 (43%) are the most likely to say they have “complete” or “a lot of confidence” in the Supreme Court, while women aged 18- to 34-years-old (17%) are the least likely. For women that age, the overturning of *Roe v. Wade* perhaps weighs heavily in that assessment of the Supreme Court. Two-in-five (42%) 18- to 34-year-old women say [reproductive rights is one of the top issues facing the country](#). They are also the most likely to say they will place [“a great deal of weight” on that issue when it comes to deciding their vote for president](#).

Related:

- [Game Change: Invigorated young Democrats give Harris slight lead over Trump](#)
- [DNC Bump?: Harris extends lead over Trump with base built on youth vote](#)

**How much confidence do you have in the Supreme Court of the United States?**

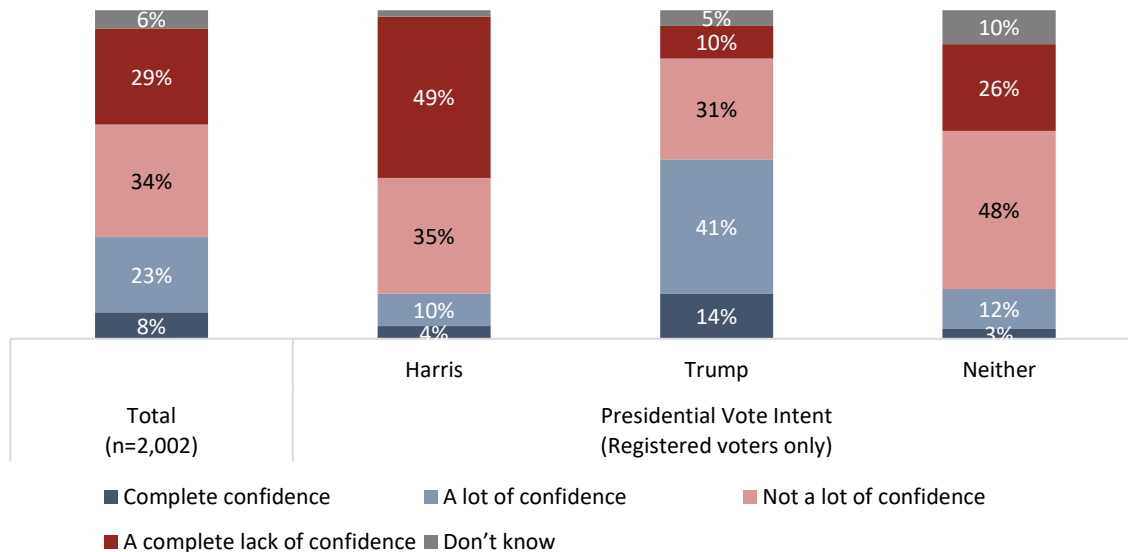


**Trump supporters more confident than Harris supporters**

Of the current nine Supreme Court justices, six were nominated by Republicans, including three by former president Donald Trump, who is once again the Republican nominee for president this election cycle. Perhaps it is then unsurprising that those who intend to vote for Trump are much more confident (55%) in the Supreme Court than those who intend to vote for the Democratic nominee, Vice President Kamala Harris (14%). However, confidence among Trump supporters is not universal, with two-in-five (41%) expressing they have “not a lot” or “a complete lack of confidence” in the Supreme Court.

On other elements of the justice system, Trump supporters show high variance. They are distrustful of federal law enforcement (72% “not a lot” or “a complete lack of confidence” in it) but confident in local law enforcement (61% “complete” or “a lot of confidence”). Harris supporters are split over federal law enforcement, while more distrustful of local law enforcement and criminal courts in their own state ([see detailed tables](#)).

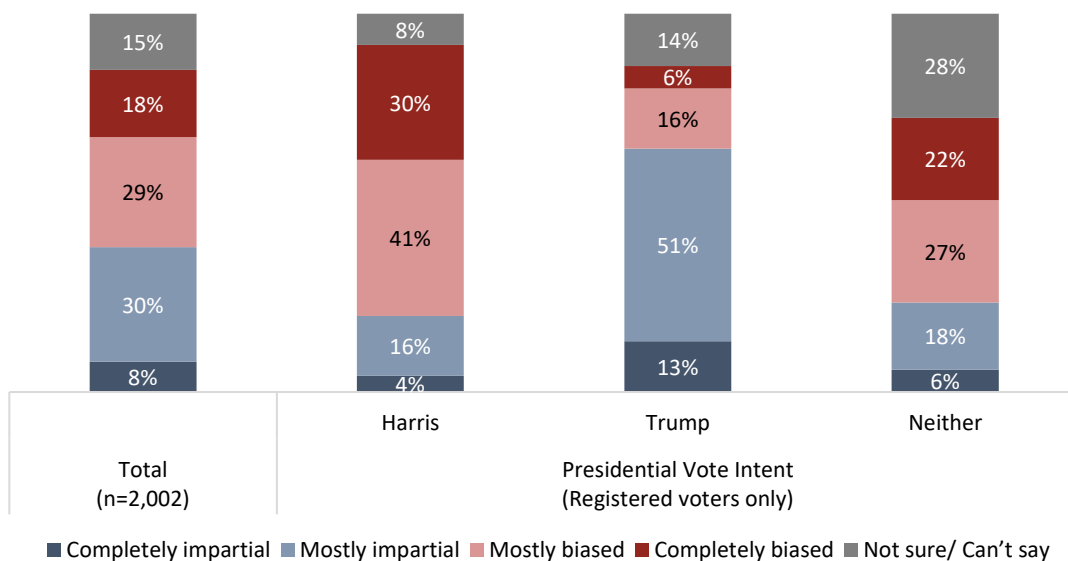
**How much confidence do you have in the Supreme Court of the United States?**



**Half call the Supreme Court 'biased'**

When asked to assess the Supreme Court as either “impartial” or “biased”, Americans are more likely to say the latter (48%), which is perhaps what is sapping confidence in the country’s highest court. Only one-in-five (20%) likely Harris voters say they believe the Supreme Court is impartial, while three-times as many Trump voters (64%) say the same:

**Do you believe the Supreme Court is impartial or biased?**

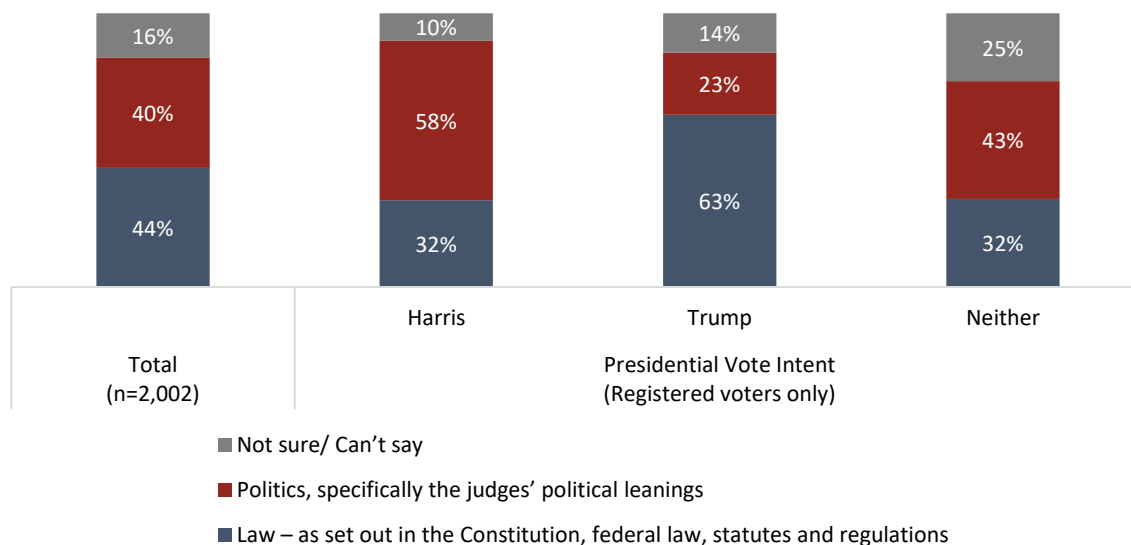


**Majority of Harris backers believe politics a greater consideration than law for SCOTUS**

Further, in the eyes of many, politics plays a more important role when the Supreme Court makes decisions than does law itself. Two-in-five (40%) believe this although they are slightly outnumbered by those who say law is the more important consideration (44%).

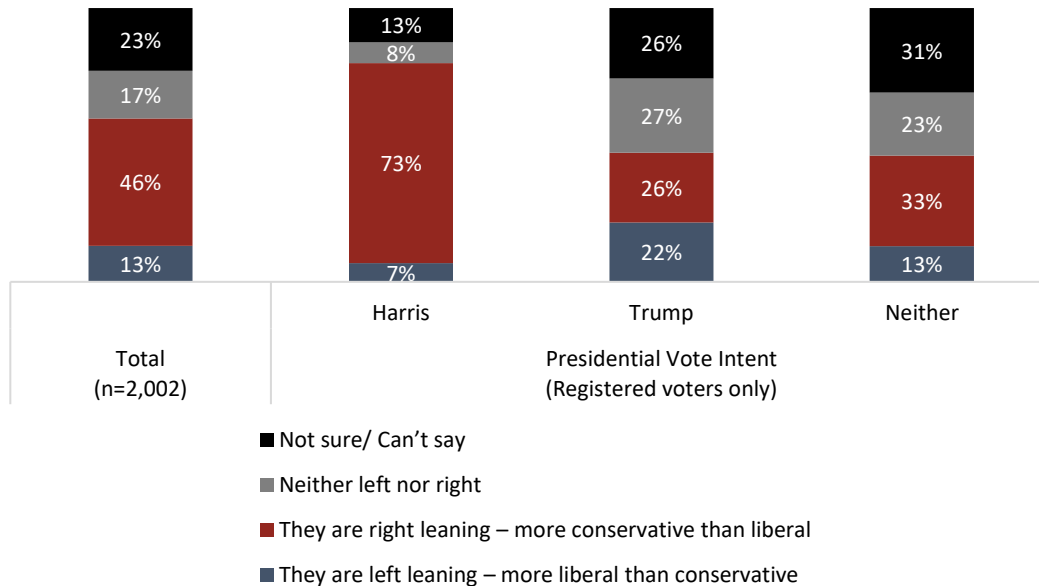
Current Harris supporters are more likely to believe politics are the more important factor than law (58%), while a majority (63%) of current Trump backers believe the Supreme Court’s primary consideration is law itself:

**What do you believe is a greater consideration when it comes to the decisions the United States Supreme Court makes?**



It is perhaps the politics of the judges themselves that has many Harris supporters believing that the Supreme Court is biased, as noted above. With a Republican-nominated majority sitting on the bench, three-quarters (73%) of likely Harris voters say the Supreme Court is right-leaning. Trump supporters are near evenly split between believing the court is left leaning (22%), right leaning (26%) and neither leaning to the right nor to the left (27%):

**Do you believe the majority of the justices on the United States Supreme Court lean one way or another on the political spectrum or not?**



**Part Two: Supreme Court reforms**

**Broad support for Biden's proposed reforms**

More than a week after he dropped out of the 2024 presidential race, President Joe Biden published [an op-ed in the Washington Post](#) detailing a series of proposed reforms to the Supreme Court in response to the ruling the court made [in July granting presidents broad immunity from criminal prosecution for official acts while in office](#). The reforms include a term-limit of 18 years and a code of conduct enforcing rules on gifts, conflicts of interest, and political activity. The Supreme Court had adopted [its own code of conduct](#) for the first time after controversies over gifted vacations to Justices Clarence Thomas and Samule Alito, however it was criticized for lacking [an enforcement mechanism](#).

Overall, there is broad support for rules on political activity (80%), gift disclosure (86%) and conflicts of interest (87%). Two-thirds (66%) also support an 18-year term limit for Supreme Court justices.

However, Americans are split over the concept of expanding the bench. [Democrats have tried and failed to advance legislation](#) to add four more seats to the Supreme Court to politically rebalance the bench. [Democrats argued](#) that Republicans have appointed 15 of the last 19 justices despite losing the popular vote in seven of the last eight presidential elections. Two-in-five Americans (43%) support adding more seats to the Supreme Court, but nearly as many (37%) do not with one-in-five (20%) uncertain:

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 Jon Roe, Research Associate: 825.437.1147 [jon.roe@angusreid.org](mailto:jon.roe@angusreid.org)



Percentage who support the following proposed reforms to the Supreme Court of the United States							
	Total (n=2,002)	Male			Female		
		18-34 (n=262)	35-54 (n=298)	55+ (n=344)	18-34 (n=335)	35-54 (n=338)	55+ (n=377)
Supreme Court justices must recuse themselves from cases where they have a conflict of interest – financial or otherwise	87%	85%	83%	94%	80%	82%	93%
Supreme Court justices must disclose any gifts they receive	86%	85%	86%	91%	82%	80%	91%
Supreme Court justices must refrain from political activity	80%	78%	80%	90%	70%	76%	85%
18-year term limits for Supreme Court justices	66%	68%	70%	62%	69%	61%	66%
Expanding the court from nine seats by adding more justices	43%	52%	37%	33%	47%	47%	40%

**Trump voters strongly support rules on conflict of interest, gifts**

There is even agreement across political lines when it comes to a code of conduct on conflicts of interest, gift disclosure and political activity. However, Trump supporters are much less enthusiastic about an 18-year term limit, although a majority still support it. Three-in-five (62%) likely Trump voters oppose expanding the Supreme Court bench, which is supported by three-in-five (62%) Harris supporters:

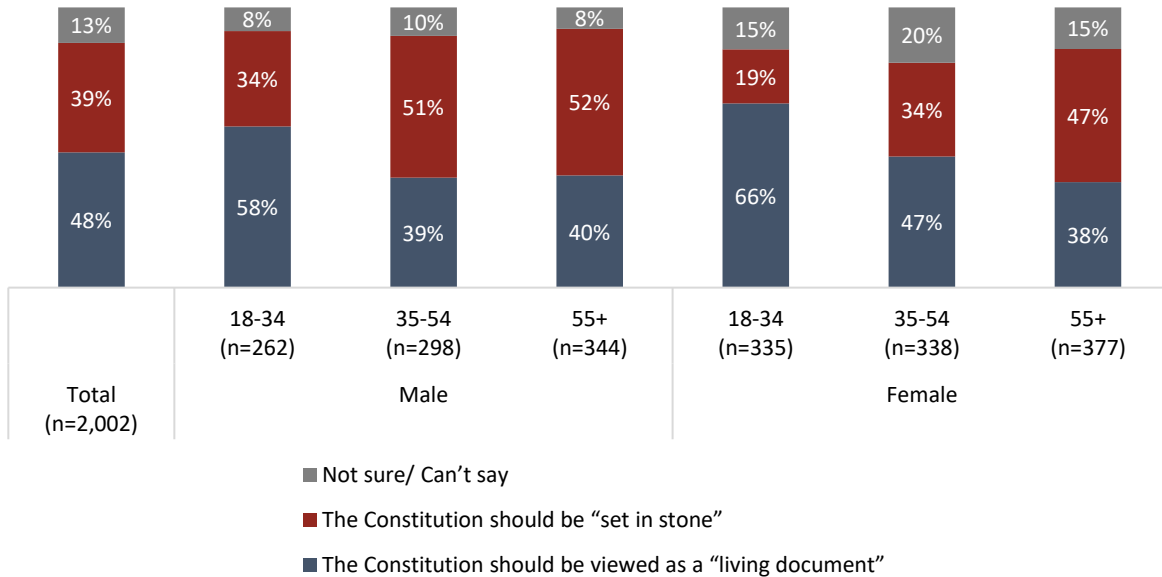
Percentage who support the following proposed reforms to the Supreme Court of the United States				
	Total (n=2,004)	Presidential Vote Intent (Registered voters only)		
		Harris	Trump	Neither
Supreme Court justices must recuse themselves from cases where they have a conflict of interest	87%	92%	86%	83%
Supreme Court justices must disclose any gifts they receive	86%	93%	83%	79%
Supreme Court justices must refrain from political activity	80%	88%	79%	69%
18-year term limits for Supreme Court justices	66%	84%	52%	59%
Expanding the court from nine seats by adding more justices	43%	62%	24%	34%

### The Constitution – a “living document” or “set in stone”?

One of the core views underpinning current decisions by the Republican-appointed majority on the Supreme Court is “originalism” or that the Constitution should be interpreted only as it was written at the time of its writing. The six Republican-appointed judges sitting on the Supreme Court are either former or current members of the Federalist Society, an organization that brought originalism to the legal mainstream. While fundamentally, the Constitution is a “living document”, it can be and has been amended, there are many who feel the initial Constitution should hold primacy and that it should be interpreted only as it would have been at the time.

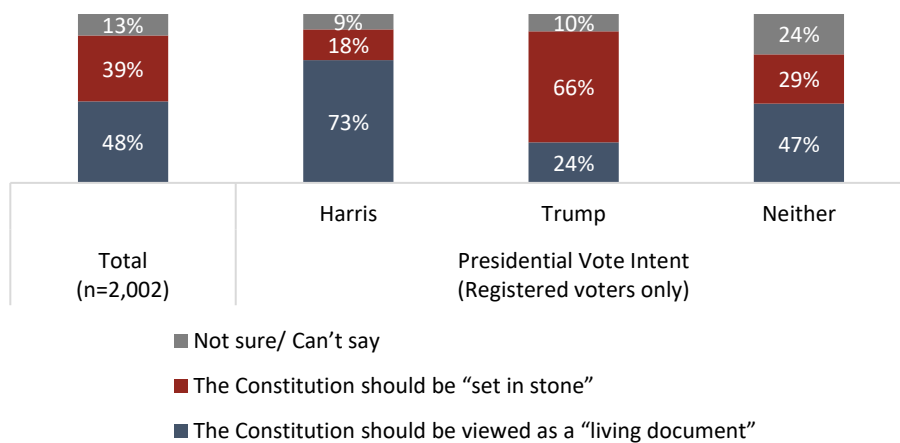
Half (48%) of Americans believe the Constitution should be a “living document” and interpreted and changed based on the standards and realities of modern times. Fewer, but still two-in-five (39%) believe instead the Constitution should only be interpreted exactly as it was written by the founding fathers. Older Americans are more likely than younger ones to believe the Constitution should be “set in stone”:

**Views on the Constitution: should it be a "living document" or "set in stone"?**



Views on the Constitution and its interpretation fall along political lines. Three-quarters of likely Harris voters believe the Constitution is a "living document", while two-thirds (66%) of those who intend to support Trump believe it should be "set in stone":

**Views on the Constitution: should it be a "living document" or "set in stone"?**



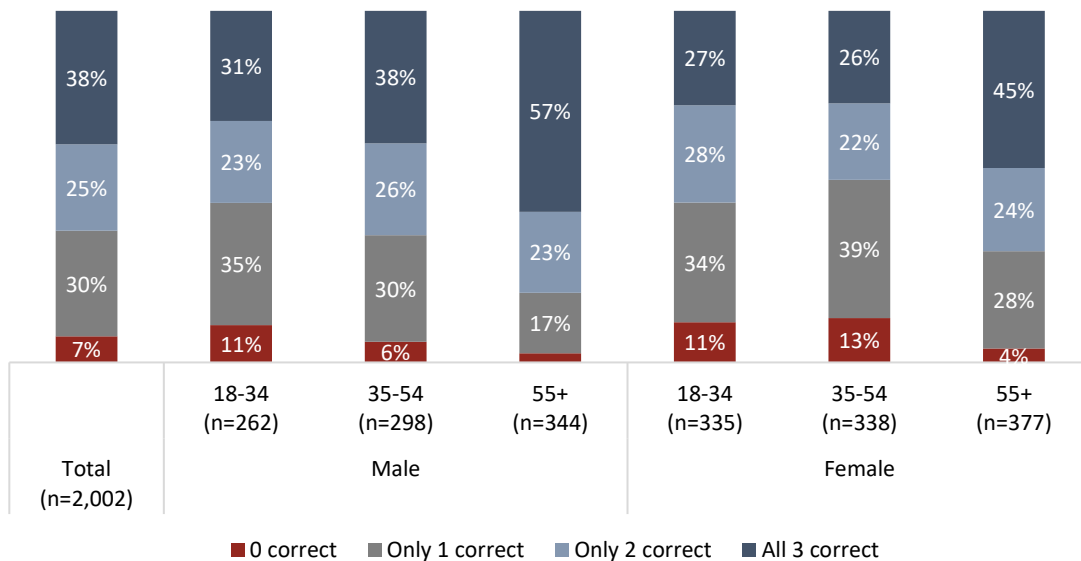
**Part Three: Supreme Court knowledge**

**How well do Americans know who is on the Supreme Court?**

The Supreme Court has become a regular topic of conversation given its recent controversial and impactful rulings, and given [the scandals embroiling some of its justices](#). When presented with a

randomized list of six names, including the names of three current Supreme Court justices and three decoy names, a majority of Americans can correctly identify at least two justices. Older Americans are more likely to correctly recognize the names of justices than younger ones:

**Identifying Supreme Court judges from a list of six with three true names and three false names**

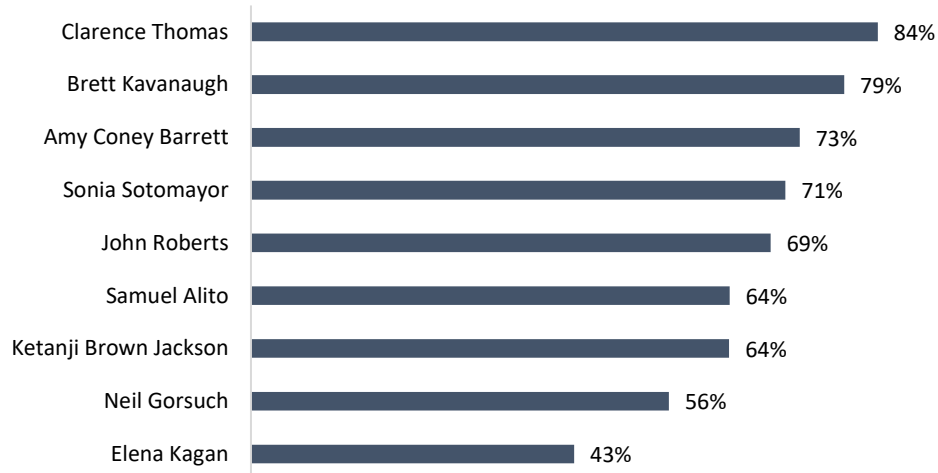


**Thomas, Kavanaugh most correctly identified justices**

Perhaps the two most recently controversial justices Thomas – [entangled in the recent ethics scandal](#) – and Brett Kavanaugh – [who had sexual assault allegations levelled against him during his confirmation process](#) and faced later [calls for his impeachment when further misconduct allegations surfaced](#) – are also the most readily recognized.

Elena Kagan, who was confirmed to the Supreme Court in 2010, is the least recognized name on the current bench:

**Most correctly identified Supreme Court justices**



*For detailed results by age, gender, region, education, and other demographics, [click here](#).*