

Marquette Law School Supreme Court Poll – September 8-15, 2020

Thank you for taking the time to complete this survey. This survey is being conducted on behalf of Marquette University.

We're conducting a survey about your views on issues facing the country today. Your participation is completely voluntary and your responses will be kept confidential. No one will ever try to sell you anything as a result of your responses.

Q1.

Some people are registered to vote and others are not. Are you registered to vote in the precinct or ward where you now live, or aren't you?

RESPONSE OPTIONS:

1. Yes, registered to vote
2. No, not registered to vote

Q2.

Some people seem to follow what's going on in politics most of the time, whether there's an election going on or not. Others aren't that interested. How often do you follow what's going on in politics...?

RESPONSE OPTIONS:

1. Most of the time
2. Some of the time
3. Only now and then
4. Hardly at all

Q3.

Here is a list of institutions in American society. How much confidence do you have in each one?

- A. The US Supreme Court
- B. Congress
- C. The Presidency
- D. Your state Supreme Court or highest court in your state
- E. The Police

RESPONSE OPTIONS:

1. A great deal
2. Quite a lot
3. Some
4. Very little
5. None at all

Q8.

Of the three branches of US government, which one do you trust the most?

RANDOMIZE RESPONSE OPTIONS:

1. The US Congress (the legislative branch)
2. The Presidency (the executive branch)
3. The US Supreme Court (the judicial branch)

Q9.

If the election for president were being held today and the candidates were [IF RND_00=0: Joe Biden, the Democrat, Donald Trump, the Republican,] [IF RND_00=1: Donald Trump, the Republican, Joe Biden, the Democrat,] Jo Jorgensen, the Libertarian, and Howie Hawkins, the Green Party, for whom would you vote?

RESPONSE OPTIONS

1. Biden
2. Trump
3. Jorgensen
4. Hawkins
5. Vote for someone else
6. Would not vote

Q10.

In general, would you describe the US Supreme Court as...?

RESPONSE OPTIONS

1. Very conservative
2. Conservative
3. Moderate
4. Liberal
5. Very liberal

Q11.

What is your guess as to whether a majority of the current US Supreme Court Justices were appointed by [IF RND_00=0: Democratic or Republican] [IF RND_00=1: Republican or Democratic] presidents?

RESPONSE OPTIONS

1. Definitely a majority appointed by Democratic presidents
2. Probably a majority appointed by Democratic presidents
3. Probably a majority appointed by Republican presidents
4. Definitely a majority appointed by Republican presidents

Q12.

If the Supreme Court rules against the president in a case, does the president have the power to ignore that ruling, or is the president required to do as the ruling says?

RESPONSE OPTIONS:

1. The president has the power to ignore the ruling
2. The president is required to do as the ruling says

Q13.

Does the Supreme Court have the power to review laws passed by Congress and to declare them invalid if they conflict with the Constitution?

RESPONSE OPTIONS:

1. Yes, the Supreme Court has this power
2. No, the Supreme Court does not have this power

Q14.

When Congress fails to act, should the president have the power to make laws on his own?

RESPONSE OPTIONS:

1. Yes, president should be able to make laws
2. No, president should not be able to make laws

Q15.

Some justices of the Supreme Court are better known than others. For each of these names, have you never heard of them, heard of them but don't know enough to have an opinion of them, have a favorable opinion, or have an unfavorable opinion?

- A. Samuel Alito
- B. Stephen Breyer
- C. Ruth Bader Ginsburg
- D. Neil Gorsuch
- E. Elena Kagan
- F. Brett Kavanaugh
- G. John Roberts
- H. Clarence Thomas
- I. Sonia Sotomayor

RESPONSE OPTIONS:

1. Never heard of
2. Heard but not enough
3. Favorable opinion
4. Unfavorable opinion

Q24.

How important is the choice of the next Supreme Court justice to you personally?

RESPONSE OPTIONS:

1. Very important
2. Somewhat important
3. Not too important
4. Not at all important

RANDOMIZE THE PRESENTATION ORDER OF Q25 AND Q26.

Q25.

If a nominee for the US Supreme Court is qualified and has no ethical problems, would US Senators be justified or not justified in voting against that nominee simply because of how they believe the Justice would decide cases on issues such as abortion, gun control, or affirmative action?

RESPONSE OPTIONS:

1. Justified in voting against the nominee
2. Not justified in voting against the nominee

Q26.

If a nominee for the US Supreme Court is qualified and has no ethical problems, would US Senators be justified or not justified in voting against that nominee simply because the Senator is from a different political party from the president who made the nomination?

RESPONSE OPTIONS:

1. Justified in voting against the nominee
2. Not justified in voting against the nominee

Q27.

Should nominees to the Supreme Court be required to publicly declare how they would vote on controversial cases such as gun rights or abortion rights before they are confirmed to the Court?

RESPONSE OPTIONS:

1. Should declare positions
2. Should not be required to declare positions

Q28.

How should Supreme Court justices interpret the law? Should they...?

RESPONSE OPTIONS:

1. Read the text of the law as written
2. Use the commonly understood meaning at the time the law was written
3. Interpret the law as it applies to current circumstances

Q29.

Which is more important to you, that Supreme Court justices decide cases with the outcome you prefer or that they interpret the law according to a consistent judicial philosophy regardless of the outcome?

RESPONSE OPTIONS:

1. Decide the outcome you prefer
2. Apply a consistent judicial philosophy

Q30.

Should justices of the Supreme Court support the positions of one of the political parties when making decisions or should they ignore the positions of any party?

RESPONSE OPTIONS:

1. Should support party positions
2. Should ignore party positions

Q31.

Should justices of the Supreme Court consider public opinion about a case when making decisions or should they ignore public opinion?

RESPONSE OPTIONS:

1. Should consider public opinion
2. Should ignore public opinion

Q32.

Should justices of the Supreme Court follow previous decisions whenever possible or should the Court overturn previous decisions if a majority of the Court believes the case was wrongly decided?

RESPONSE OPTIONS:

1. Follow previous decisions
2. Overturn if a majority think it was wrongly decided

RANDOMIZE THE PRESENTATION ORDER OF Q33 AND Q34.

Q33.

In February 2016, following the death of Justice Antonin Scalia, Republican Senate Majority Leader Mitch McConnell announced that the Senate would not consider or hold hearings on any nominee President Obama might name during an election year. In March, Obama nominated Judge Merrick Garland to the Supreme Court. The Senate did not hold a hearing and the nomination expired in January 2017. Was [u]not[/u] holding a hearing on the nomination the right thing or the wrong thing to do?

RESPONSE OPTIONS:

1. Right thing to do
2. Wrong thing to do

Q34.

If there is a vacancy on the Supreme Court during the 2020 presidential election year and President Trump nominates someone, what should the Senate do?

RESPONSE OPTIONS:

1. Hold hearings
2. Not hold hearings

Q35.

How much do you favor or oppose the following proposals affecting the Supreme Court?

- A. Increase the number of justices on the US Supreme Court
- B. Have judges serve a fixed term on the court rather than serving life terms
- C. Limit the ability of the Supreme Court to review and set aside acts of Congress as unconstitutional

RESPONSE OPTIONS:

1. Strongly favor
2. Favor
3. Oppose
4. Strongly oppose

Q38.

In general, what most often motivates Supreme Court justices' decisions?

RESPONSE OPTIONS:

1. Mainly politics
2. Mainly the law

Q39.

How should Supreme Court justices base their decisions? On their interpretations of...?

RESPONSE OPTIONS:

1. What the US Constitution was understood to mean when it was originally written
2. The Constitution as a document whose meaning may have evolved over time

Q40.

How much do you favor or oppose the following possible Supreme Court decisions?

GRID ITEMS, RANDOMIZE:

- A. Overturn Roe versus Wade, thus strike down the 1973 decision that made abortion legal in all 50 states.
- B. Strike down the 2010 health care reform law, also called Obamacare, by declaring it unconstitutional.
- C. Strike down as violating the Second Amendment laws that limit the types and capacities of gun magazines that can be sold or possessed.
- D. Rule that under the First Amendment, religiously affiliated schools are generally exempt from employment discrimination laws with respect to those employees whose jobs involve conveying religious beliefs.

- E. Rule that a federal agency may not write regulations unless their substance is explicitly set forth in legislation passed by Congress.
- F. Rule that laws that make it harder as a practical matter for supporters of one party but not the other to vote are unconstitutional.
- G. Rule that religious social service organizations that refuse to certify same-sex couples as foster parents may be excluded from being one of the local organizations allowed to operate a public foster placement program.

RESPONSE OPTIONS:

- 1. Strongly favor
- 2. Somewhat favor
- 3. Somewhat oppose
- 4. Strongly oppose
- 77. Don't know

Q47.

How much do you favor or oppose the following recent Supreme Court decisions?

GRID ITEMS, RANDOMIZE:

- A. Ruled that land in Oklahoma granted in the 1830s to the Creek Indian Nation as a reservation retains that status because Congress has not amended the treaties and that the state of Oklahoma therefore could not itself prosecute tribal members for major crimes in the eastern portion of the state, including places such as Tulsa.
- B. Decided colleges can use race as one factor in deciding which applicants to admit.
- C. Decided that laws prohibiting employment discrimination on the basis of sex also apply to discrimination based on sexual orientation of gay, lesbian or transgender individuals.
- D. Decided that a government program that financially supports students attending private schools may include religious schools without violating the Constitution.
- E. Rejected the administration's attempt to end the DACA program that allows young people who were brought to the United States illegally as children to register and avoid immediate deportation.
- F. Upheld the government's permitting private employers with religious or moral objections to choose not to provide contraceptive coverage as part of health plans for their employees.
- G. Struck down a state's law regulating abortion providers on the grounds that it imposed an undue burden on women's access to abortion.

RESPONSE OPTIONS:

- 1. Strongly favor
- 2. Somewhat favor
- 3. Somewhat oppose
- 4. Strongly oppose
- 77. Don't know

Q54.

Do you think recent killings of Black Americans by police, such as George Floyd in Minneapolis, are isolated incidents or part of a larger pattern in the police's treatment of Black Americans?

RESPONSE OPTIONS:

1. Isolated incidents
2. Part of a larger pattern

RANDOMIZE THE PRESENTATION ORDER OF Q55 AND Q56.

Q55.

Overall, how much do you approve or disapprove of the way Donald Trump is handling his job as president?

RESPONSE OPTIONS:

3. Strongly approve
4. Somewhat approve
5. Somewhat disapprove
6. Strongly disapprove

Q56.

Overall, how much do you approve or disapprove of the way the US Supreme Court is handling its job?

RESPONSE OPTIONS:

1. Strongly approve
2. Somewhat approve
3. Somewhat disapprove
4. Strongly disapprove

Q57.

How much do you approve or disapprove of the way Donald Trump is handling the following issues?

GRID ITEMS, RANDOMIZE:

- A. The economy
- B. The coronavirus outbreak
- C. Appointments to the US Supreme Court
- D. The Black Lives Matter protests

RESPONSE OPTIONS:

1. Strongly approve
2. Somewhat approve
3. Somewhat disapprove
4. Strongly disapprove

Q61.

For each of the following, how frequently do you read or watch that source of news?

GRID ITEMS, RANDOMIZE:

- A. Read the newspaper, either in print or online?
- B. Read or learn about the news on social media such as Facebook or Twitter?
- C. Watch the local TV news in your area?

RESPONSE OPTIONS:

1. Everyday
2. A few times a week
3. Once a week
4. Less than once a week
5. Never

Q62.

When it comes to keeping up with the news, which of these national news sources, if any, do you watch or listen to [u]most often[/u]?

RESPONSE OPTIONS:

1. Network news such as on NBC, ABC or CBS
2. Fox News Channel
3. CNN
4. MSNBC
5. PBS NewsHour
6. National Public Radio (NPR)
7. Some other national news source, please specify: [TEXTBOX]
8. Do not watch/listen to national news sources

D1.

Generally speaking, do you usually think of yourself as a Republican, a Democrat, or an Independent?

RESPONSE OPTIONS:

1. Republican
2. Democrat
3. Independent
4. Other/No preference

D2A.

Would you call yourself a strong [IF D1=1: Republican] [IF D1=2: Democrat] or a not very strong [IF D1=1: Republican] [IF D1=2: Democrat]?

RESPONSE OPTIONS:

1. Strong
2. Not very strong

D2B.

Do you think of yourself as closer to the Republican Party or to the Democratic Party?

RESPONSE OPTIONS:

1. Republican
2. Democratic
3. Neither

D3.

Before the coronavirus pandemic, aside from weddings and funerals, how often did you attend religious services?

RESPONSE OPTIONS:

1. More than once a week
2. Once a week
3. Once or twice a month
4. A few times a year
5. Seldom
6. Never

D4.

What is your religious preference?

RESPONSE OPTIONS:

1. Protestant
2. Roman Catholic
3. Other Christian Religion
4. Mormon/Latter-Day Saints
5. Jewish
6. Muslim/Islam
7. Other Non-Christian Religion
8. No Religion

D5.

Would you describe yourself as a "born-again" or evangelical Christian, or not?

RESPONSE OPTIONS:

1. Yes, would
2. No, would not

D6.

In general, would you describe your political views as...?

RESPONSE OPTIONS

IF RND_05=0, SHOW ORDER 1,2,3,4,5

IF RND_05=1, SHOW ORDER 5,4,3,2,1

1. Very conservative
2. Conservative
3. Moderate
4. Liberal
5. Very liberal