

TO: Interested Parties
FROM: Take Back The Court Action Fund
DATE: June 14, 2022
RE: 2020 Biden Coalition Strongly Supports Supreme Court Expansion

New polling conducted by Take Back The Court Action Fund and YouGov Blue¹ finds that the 2020 Biden Coalition strongly supports Supreme Court expansion, disapproves of the Court’s job performance, and opposes the Court’s reportedly imminent decision to end *Roe v. Wade*’s guarantee of abortion rights. Progressive criticism of the Supreme Court resonates strongly with these voters, as well as with current Biden skeptics.

2020 Biden Voters Strongly Disapprove of the Supreme Court

By an overwhelming margin, Biden 2020 voters disapprove of the job the Supreme Court is doing: Only 16 percent of these voters approve of the Court’s job performance, while 67 percent disapprove — including a near-majority, 48 percent, who *strongly* disapprove. Approval of the Court is low among all voters, as well: Overall, only 36 percent of voters approve of the job the Supreme Court is doing, while 44 percent disapprove. Voters are more likely to strongly disapprove of the Court than strongly approve by a greater than two-to-one margin; strong disapproval far outpaces strong approval even among men and voters 65 and older.

<i>Do you [approve or disapprove] of the job the Supreme Court is doing?</i>							
	Strongly Approve	Somewhat Approve	Somewhat Disapprove	Strongly Disapprove	Total Approve	Total Disapprove	Net Approve
All Voters	13	22	15	29	36	44	-8
2020 Biden	4	11	19	48	16	67	-52
Democrats	7	15	18	43	22	61	-40
Independents	11	23	14	29	34	44	-10
Men	18	25	14	28	43	42	+1
Women	9	21	16	29	30	45	-15

¹ METHODOLOGY: Online sample of 1,026 voters fielded by YouGov Blue from May 13 to May 16, 2022. Margin of error: +/-3.5%. Margin of error is larger for subgroups.

18-29	10	19	19	27	28	46	-17
30-44	11	21	17	27	33	44	-11
45-54	14	18	14	34	32	48	-16
55-64	11	26	11	31	37	42	-6
65+	18	26	14	28	44	42	+2
White	14	24	15	29	38	43	-5
Black	7	16	17	31	23	49	-25
Hispanic*	14	20	12	37	34	49	-15

Nearly three-quarters of 2020 Biden voters (71 percent) say the Supreme Court does not reflect their values; only 15 percent say it does. Less than a third of voters overall (31 percent) and of Independents (29 percent) say the Court reflects their values; 45 percent of both groups say it does not.

2020 Biden Voters Strongly Disagree With The Supreme Court’s Assault on Abortion Rights

More than three-quarters of 2020 Biden voters (77 percent) disagree with the potential Supreme Court ruling overturning *Roe v. Wade* — including a whopping 71 percent who *strongly* disagree. Among all voters, only 39 percent agree with the potential ruling², and strong disagreement exceeds strong agreement even among Independents, Moderates, and those who somewhat disapprove of Biden’s job performance.

Recently, a draft Supreme Court ruling revealed the Court is very likely to overturn Roe v. Wade, the landmark precedent that has guaranteed women abortion rights for fifty years, in the near future. As a result of the decision, abortion will immediately be banned in many states, and Republicans are already preparing a nationwide abortion ban. Do you [agree or disagree] with the Supreme Court ruling overturning Roe v. Wade?

	Strongly Agree	Somewhat Agree	Somewhat Disagree	Strongly Disagree	Total Agree	Total Disagree	Net Agree
All voters	26	13	8	43	39	50	-11

² Other recent polling has found even stronger support for retaining *Roe*’s protection of abortion rights. An NPR/PBS NewsHour/Marist survey conducted May 9-13 [found](#) 64 percent of Americans would not like to see the Court overturn *Roe*.

2020 Biden Voters	6	7	6	71	13	77	-64
Democrats	8	9	9	66	18	75	-57
Independents	28	10	7	41	38	48	-10
Women	23	10	8	48	34	56	-22
Very Liberal	11	2	2	85	13	87	-74
Liberal	3	5	5	80	8	85	-77
Moderate	12	18	13	41	30	54	-24
Biden Job: Strongly Approve	14	6	5	69	20	73	-53
Biden Job: Somewhat Approve	7	15	7	61	22	68	-46
Biden Job: Somewhat Disapprove	7	12	15	56	19	71	-52

Large majorities of 2020 Biden voters found three abortion-based criticisms of the Supreme Court convincing.

<i>Next you will see a series of criticisms some people make about the Supreme Court. For each one, indicate how convincing or unconvincing you find the criticism.</i>	2020 Biden Voters	
	Very Convincing	Total Convincing
For generations, access to abortion has given American women control over their own bodies and the power to make decisions that are right for themselves, their families, and and their lives. But now the Supreme Court is about to take away that freedom by overturning <i>Roe v. Wade</i> , which will lead to abortion bans and even criminal prosecution for having an abortion.	62	84
During their confirmation hearings, Republican Supreme Court justices said <i>Roe v. Wade</i> was an “important precedent” and “settled law.” But now that they have their lifetime appointments, these same justices are about to overturn <i>Roe</i> and usher in abortion bans across the country.	58	79
Anti-abortion politicians have spent decades and millions of dollars to put ideologues on the Supreme Court who would end abortion rights as we	58	77

know them. Now, those justices are doing just that. No judge should come between you and your control over your own body.		
---	--	--

2020 Biden Voters Support Supreme Court Expansion; Support Grows With More Information

2020 Biden voters support adding justices to the Supreme Court by a large margin — and support increased as they heard more about the proposal.

	Strong Support	Total Support	Support- Oppose
<i>Do you [support or oppose] increasing the number of justices on the Supreme Court?</i>	32	60	+45
<i>Supporters of expanding the Supreme Court by adding justices say the Court is out of touch with America and should be rebalanced to make it more representative of the whole country. Opponents of expanding the Supreme Court say the Court should remain at its current size, and Congress shouldn't interfere with the Court's size. Do you support or oppose increasing the number of justices on the Supreme Court?</i>	35	66	+52
	Strong Agree	Total Agree	Agree- Disagree
<i>Supreme Court justices serve lifetime terms, and it only takes 5 justices to issue a ruling that affects all Americans. Some people say this is too much power in the hands of a small number of people who are not accountable to voters, and that we should add seats to the Court to reduce the power of individual justices. Do you agree or disagree?</i>	44	73	+62

When asked to choose between common criticisms of expansion and pro-expansion rebuttals, more than three-quarters of 2020 Biden voters preferred the pro-expansion rebuttal.

<i>Which of the following statements is closer to your view, even if neither perfectly matches it?</i>	2020 Biden Voters
The Supreme Court is a neutral body and should be left as it is,	23

independent and free from interference from politicians	
The Supreme Court is already political and should be expanded and rebalanced to reflect the whole country, not just one political faction	77
<i>Which of the following statements is closer to your view, even if neither perfectly matches it?</i>	
Changing the number of seats on the Supreme Court is inappropriate. The Court should be left alone; nine seats is the proper number. It is important to have stability by maintaining the same number.	17
The Constitution gives the President and Congress the power to change the size of the Supreme Court, and they have done so several times in our history. Nine justices may have made sense in the 1800s when the world was less complex, but not now. Thirteen justices would mean one justice to oversee each circuit court of appeals, like we had in the past.	83

Respondents were asked which of several reasons for expanding the Court are good reasons. The five best-performing reasons were embraced by roughly 60 percent of 2020 Biden voters:

- To make the Court representative of all Americans (67 percent)
- To rebalance the Court (63 percent)
- To strengthen our democracy (62 percent)
- To restore legitimacy to the Court (61 percent)
- To put in place a Supreme Court that will protect voting rights and democracy (57 percent)

2020 Biden Voters Find Criticism of the Supreme Court’s Partisanship Convincing; Information About Republican Dominance of the Court Increases Support For Expansion

When asked an open-ended question about how long the Court has been in Republican hands, half of 2020 Biden voters said it has been 16 or fewer years since the Supreme Court last had a majority appointed by Democratic presidents. When told that in fact Republicans have held a majority on the Court for more than 50 years, 84 percent of 2020 Biden voters — and a majority of all voters — support expanding and rebalancing the Court.

In fact, Republican appointed justices have had a majority on the Supreme Court for more than 50 consecutive years. Do you think the Supreme Court should be expanded and rebalanced to better reflect the views of the American people, or should it remain as it is even if it is out of step with a majority of Americans?

	All Voters	2020 Biden Voters
Expanded and Rebalanced	52	84
Remain as it is	48	16

2020 Biden voters found three criticisms of the Supreme Court that center the Republican Party’s dominance of the Court and the Court’s role in imposing a right-wing agenda on America convincing.

2020 Biden Voters		
<i>Next you will see a series of criticisms some people make about the Supreme Court. For each one, indicate how convincing you find the criticism.</i>	Very Convincing	Total Convincing
Our government is supposed to represent all of us. But our unelected Supreme Court has been controlled by Republican-appointed justices for more than 50 years, and they impose a right-wing agenda on America even when voters choose Democrats. The Court has gutted voting rights and allowed corporations to spend unlimited secret money influencing elections — and now it’s about to defy the will of the people and make abortion illegal. By expanding and rebalancing the Court, we can make it work for all of us, not just one narrow ideological faction.	57	83
We all deserve the opportunity to live healthy, happy lives — and our government is supposed to be a way we work together for the common good. But our Supreme Court has been captured by right-wing extremists who use it to impose their partisan agenda on the rest of us — banning abortion, eroding voting rights, blocking environmental protections and commonsense gun safety measures, and favoring big corporations over working people.	55	80
America’s Declaration of Independence said governments derive their legitimacy from the consent of the governed. Elections are how the people express their will. But even though Republicans have lost the popular vote in 7 of the last 8 presidential elections, Republican-appointed justices have controlled the Supreme Court for more than 50 years — longer than most Americans have been alive. And now the Court is imposing its unpopular political agenda on the whole country. A Supreme Court controlled for more than 50 years by a single political party that imposes an unpopular agenda does not have the consent of the governed, and is not legitimate.	50	76

America is supposed to be a democracy, but Republicans have stacked the deck to seize power. By weighing some votes more than others, the Senate and Electoral College give Republicans an advantage. When Republicans win these unfair elections, they use their power to stack the deck even more, through gerrymandering and changing election rules to help themselves. The judges they appoint share their hostility to democracy and strike down voting rights laws, making it easier for Republicans to stop Black people from voting — and helping Republicans win more elections.	56	81
--	----	----

Biden Skeptics Agree With Progressive Criticisms of the Supreme Court And Support Expanding The Court When Told Of GOP Dominance

Biden skeptics — those who somewhat disapprove of his job performance, but do not strongly disapprove — agree with many progressive criticisms of the Supreme Court and find messages detailing its role in imposing an unpopular right-wing agenda on America convincing. A plurality of these voters support Supreme Court expansion — and this plurality becomes a strong majority when given information about Republican dominance of the Court.

Views of the Supreme Court Among Those Who Somewhat Disapprove of Biden Job Performance	
	%
Disapprove of Supreme Court	61
SCOTUS does not reflect values	63
Disagree with SCOTUS overturning <i>Roe</i>	71
Support for expansion (unaided)	41 (net +12)
Support for expansion (when informed about duration of GOP control)	67

Several progressive criticisms of the Court appear to resonate with these Biden skeptics:³

- For generations, access to abortion has given American women control over their own bodies and the power to make decisions that are right for themselves, their families, and and their lives. But now the Supreme Court is about to take away that freedom by

³ More than 60 percent of those who somewhat disapprove of Biden’s job performance found each of these messages convincing, though because of split samples the number of respondents in this segment is too small to draw firm conclusions.

overturning *Roe v. Wade*, which will lead to abortion bans and even criminal prosecution for having an abortion.

- America is supposed to be a democracy, but Republicans have stacked the deck to seize power. By weighing some votes more than others, the Senate and Electoral College give Republicans an advantage. When Republicans win these unfair elections, they use their power to stack the deck even more, through gerrymandering and changing election rules to help themselves. The judges they appoint share their hostility to democracy and strike down voting rights laws, making it easier for Republicans to stop Black people from voting — and helping Republicans win more elections.
- We all deserve the opportunity to live healthy, happy lives — and our government is supposed to be a way we work together for the common good. But our Supreme Court has been captured by right-wing extremists who use it to impose their partisan agenda on the rest of us — banning abortion, eroding voting rights, blocking environmental protections and commonsense gun safety measures, and favoring big corporations over working people.

Conclusions

The 2020 Biden coalition strongly disapproves of the Supreme Court and its likely decision to curtail abortion rights. Even though they underestimate how long Republicans have controlled the Court, these voters support expansion; when they learn how long Republicans have held a Court majority they overwhelmingly support expansion. They find a variety of progressive criticisms of the Court convincing.

Take Back The Court Action Fund's research finds that even voters who currently somewhat *disapprove* of President Biden's job performance (regardless of who they voted for in 2020) respond well to progressive criticism of the Supreme Court, including to messages that emphasize the role the Supreme Court plays in blocking progressive priorities and enforcing a right-wing agenda.