



---

WASHINGTON, DC - 202-548-2680  
JACKSONVILLE, FL - 904-261-2444

---

### HOW THE POLL WAS CONDUCTED

**This poll was commissioned by First Liberty Institute. It was conducted by Mason-Dixon Polling & Strategy, Inc. of Jacksonville, Florida from November 3 through November 6, 2021. A total of 1,100 registered voters were interviewed nationwide by telephone.**

**Those interviewed were randomly selected from a nationwide voter registration list that included both land-lines and mobile phones. Quotas were assigned in order to reflect voter registration by state.**

**The margin for error, according to standards customarily used by statisticians, is no more than  $\pm 3$  percentage points. This means that there is a 95 percent probability that the "true" figure would fall within that range if all voters were surveyed. The margin for error is higher for any subgroup, such as a gender or age grouping.**

**QUESTION: Several months ago, President Biden authorized a Commission to study proposals on reforming the Supreme Court of the United States. The 36 members of the commission, appointed by President Biden, have heard from witnesses chosen solely by the Commission and received public comment to conduct its review of the Supreme Court. Do you believe this commission appointed by President Biden, will or will not adequately represent your views on court reform?**

	<u>NATIONWIDE</u>	<u>GENDER ID</u>		<u>PARTY</u>			<u>AGE</u>	
		<u>MALE</u>	<u>FEMALE</u>	<u>DEMS</u>	<u>REPS</u>	<u>INDS</u>	<u>&lt;50</u>	<u>50+</u>
<b>WILL</b>	<b>33%</b>	<b>30%</b>	<b>36%</b>	<b>65%</b>	<b>3%</b>	<b>28%</b>	<b>36%</b>	<b>31%</b>
<b>WILL NOT</b>	<b>55%</b>	<b>61%</b>	<b>49%</b>	<b>18%</b>	<b>89%</b>	<b>60%</b>	<b>48%</b>	<b>60%</b>
<b>NOT SURE</b>	<b>12%</b>	<b>9%</b>	<b>15%</b>	<b>17%</b>	<b>8%</b>	<b>12%</b>	<b>16%</b>	<b>9%</b>

**QUESTION: The Commission may suggest that the United States Constitution be changed by adding one or more amendments to reform the U.S. Supreme Court. Would you support or oppose amending the U.S. Constitution to reduce the independence and authority of the U.S. Supreme Court?**

	<u>NATIONWIDE</u>	<u>GENDER ID</u>		<u>PARTY</u>			<u>AGE</u>	
		<u>MALE</u>	<u>FEMALE</u>	<u>DEMS</u>	<u>REPS</u>	<u>INDS</u>	<u>&lt;50</u>	<u>50+</u>
<b>SUPPORT</b>	<b>19%</b>	<b>17%</b>	<b>21%</b>	<b>26%</b>	<b>8%</b>	<b>22%</b>	<b>24%</b>	<b>15%</b>
<b>OPPOSE</b>	<b>67%</b>	<b>70%</b>	<b>65%</b>	<b>52%</b>	<b>85%</b>	<b>66%</b>	<b>59%</b>	<b>73%</b>
<b>UNDECIDED</b>	<b>14%</b>	<b>13%</b>	<b>14%</b>	<b>22%</b>	<b>7%</b>	<b>12%</b>	<b>17%</b>	<b>12%</b>

**QUESTION: Do you support or oppose amending the U.S. Constitution to change the structure of the U.S. Supreme Court?**

	<u>NATIONWIDE</u>	<u>GENDER ID</u>		<u>PARTY</u>			<u>AGE</u>	
		<u>MALE</u>	<u>FEMALE</u>	<u>DEMS</u>	<u>REPS</u>	<u>INDS</u>	<u>&lt;50</u>	<u>50+</u>
<b>SUPPORT</b>	<b>23%</b>	<b>16%</b>	<b>29%</b>	<b>44%</b>	<b>2%</b>	<b>20%</b>	<b>31%</b>	<b>17%</b>
<b>OPPOSE</b>	<b>66%</b>	<b>72%</b>	<b>61%</b>	<b>39%</b>	<b>96%</b>	<b>65%</b>	<b>54%</b>	<b>75%</b>
<b>UNDECIDED</b>	<b>11%</b>	<b>12%</b>	<b>10%</b>	<b>17%</b>	<b>2%</b>	<b>15%</b>	<b>15%</b>	<b>8%</b>

**QUESTION: For over 150 years, the United States Supreme Court has had nine justices. “Court-packing” is generally defined as increasing the number of Supreme Court seats, primarily to alter the ideological balance of the court. Do you support or oppose “court-packing”?**

	<u>NATIONWIDE</u>	<u>GENDER ID</u>		<u>PARTY</u>			<u>AGE</u>	
		<u>MALE</u>	<u>FEMALE</u>	<u>DEM</u>	<u>REP</u>	<u>IND</u>	<u>&lt;50</u>	<u>50+</u>
<b>SUPPORT</b>	<b>24%</b>	<b>22%</b>	<b>26%</b>	<b>41%</b>	<b>5%</b>	<b>23%</b>	<b>28%</b>	<b>21%</b>
<b>OPPOSE</b>	<b>65%</b>	<b>73%</b>	<b>58%</b>	<b>44%</b>	<b>88%</b>	<b>64%</b>	<b>57%</b>	<b>71%</b>
<b>UNDECIDED</b>	<b>11%</b>	<b>5%</b>	<b>16%</b>	<b>15%</b>	<b>7%</b>	<b>13%</b>	<b>15%</b>	<b>8%</b>

**QUESTION: In Article 3 of the U.S. Constitution it is stated that federal judges “shall hold their offices during good behavior”. Do you believe that this provision does or does not mean that federal judges and Justices serve lifetime appointments?**

	<u>NATIONWIDE</u>	<u>GENDER ID</u>		<u>PARTY</u>			<u>AGE</u>	
		<u>MALE</u>	<u>FEMALE</u>	<u>DEM</u>	<u>REP</u>	<u>IND</u>	<u>&lt;50</u>	<u>50+</u>
<b>DOES</b>	<b>40%</b>	<b>44%</b>	<b>37%</b>	<b>28%</b>	<b>48%</b>	<b>44%</b>	<b>39%</b>	<b>41%</b>
<b>DOES NOT</b>	<b>44%</b>	<b>39%</b>	<b>48%</b>	<b>56%</b>	<b>35%</b>	<b>41%</b>	<b>45%</b>	<b>43%</b>
<b>NOT SURE</b>	<b>16%</b>	<b>17%</b>	<b>15%</b>	<b>16%</b>	<b>17%</b>	<b>15%</b>	<b>16%</b>	<b>16%</b>

**QUESTION: The Commission has studied whether or not federal judges and Justices of the Supreme Court should be forced to retire at a mandatory age. Do you support or oppose a mandatory retirement age for our most experienced federal judges or Justices?**

	<u>NATIONWIDE</u>	<u>GENDER ID</u>		<u>PARTY</u>			<u>AGE</u>	
		<u>MALE</u>	<u>FEMALE</u>	<u>DEM</u>	<u>REP</u>	<u>IND</u>	<u>&lt;50</u>	<u>50+</u>
<b>SUPPORT</b>	<b>59%</b>	<b>57%</b>	<b>60%</b>	<b>78%</b>	<b>43%</b>	<b>54%</b>	<b>65%</b>	<b>54%</b>
<b>OPPOSE</b>	<b>35%</b>	<b>38%</b>	<b>33%</b>	<b>14%</b>	<b>54%</b>	<b>40%</b>	<b>26%</b>	<b>42%</b>
<b>UNDECIDED</b>	<b>6%</b>	<b>5%</b>	<b>7%</b>	<b>8%</b>	<b>3%</b>	<b>6%</b>	<b>9%</b>	<b>4%</b>

**QUESTION: The authors of the U.S. Constitution granted federal judges and Justices lifetime appointments. The Founders believed this would insulate the judiciary from political fights and provide the independence needed to interpret the law free from outside political pressure. Do you support or oppose lifetime appointments to the U.S. Supreme Court?**

	<u>NATIONWIDE</u>	<u>GENDER ID</u>		<u>PARTY</u>			<u>AGE</u>	
		<u>MALE</u>	<u>FEMALE</u>	<u>DEM</u>	<u>REP</u>	<u>IND</u>	<u>&lt;50</u>	<u>50+</u>
<b>SUPPORT</b>	<b>47%</b>	<b>54%</b>	<b>41%</b>	<b>39%</b>	<b>55%</b>	<b>47%</b>	<b>44%</b>	<b>49%</b>
<b>OPPOSE</b>	<b>47%</b>	<b>41%</b>	<b>52%</b>	<b>56%</b>	<b>41%</b>	<b>44%</b>	<b>50%</b>	<b>45%</b>
<b>UNDECIDED</b>	<b>6%</b>	<b>5%</b>	<b>7%</b>	<b>5%</b>	<b>4%</b>	<b>9%</b>	<b>6%</b>	<b>6%</b>

**QUESTION: Do you feel that lifetime appointments for Supreme Court Justices increases or decreases their judicial independence?**

	<u>NATIONWIDE</u>	<u>GENDER ID</u>		<u>PARTY</u>			<u>AGE</u>	
		<u>MALE</u>	<u>FEMALE</u>	<u>DEM</u>	<u>REP</u>	<u>IND</u>	<u>&lt;50</u>	<u>50+</u>
<b>INCREASES</b>	<b>44%</b>	<b>53%</b>	<b>36%</b>	<b>31%</b>	<b>52%</b>	<b>49%</b>	<b>38%</b>	<b>49%</b>
<b>DECREASES</b>	<b>36%</b>	<b>31%</b>	<b>40%</b>	<b>47%</b>	<b>26%</b>	<b>35%</b>	<b>36%</b>	<b>36%</b>
<b>NO EFFECT/DK</b>	<b>20%</b>	<b>16%</b>	<b>24%</b>	<b>22%</b>	<b>22%</b>	<b>16%</b>	<b>26%</b>	<b>15%</b>

**QUESTION: Do you feel term limits for federal judges would or would not reduce the politicization of the U.S. Supreme Court?**

	<u>NATIONWIDE</u>	<u>GENDER ID</u>		<u>PARTY</u>			<u>AGE</u>	
		<u>MALE</u>	<u>FEMALE</u>	<u>DEM</u>	<u>REP</u>	<u>IND</u>	<u>&lt;50</u>	<u>50+</u>
<b>WOULD</b>	<b>44%</b>	<b>42%</b>	<b>45%</b>	<b>53%</b>	<b>37%</b>	<b>42%</b>	<b>45%</b>	<b>43%</b>
<b>WOULD NOT</b>	<b>40%</b>	<b>38%</b>	<b>42%</b>	<b>31%</b>	<b>47%</b>	<b>43%</b>	<b>35%</b>	<b>44%</b>
<b>NOT SURE</b>	<b>16%</b>	<b>20%</b>	<b>13%</b>	<b>16%</b>	<b>16%</b>	<b>15%</b>	<b>20%</b>	<b>13%</b>

**QUESTION: Do you feel a mandatory retirement age for federal judges would or would not reduce the politicization of the U.S. Supreme Court?**

	<u>NATIONWIDE</u>	<u>GENDER ID</u>		<u>PARTY</u>			<u>AGE</u>	
		<u>MALE</u>	<u>FEMALE</u>	<u>DEMS</u>	<u>REPS</u>	<u>INDS</u>	<u>&lt;50</u>	<u>50+</u>
WOULD	42%	43%	49%	53%	35%	36%	49%	37%
WOULD NOT	45%	50%	41%	33%	54%	48%	42%	47%
NOT SURE	13%	7%	10%	14%	11%	16%	9%	16%

**QUESTION: Some of the most distinguished and consequential justices served on the Supreme Court until their age reached into their late 70's, their 80's and even their early 90's. This list includes John Jay, John Marshall, Oliver Wendell Holmes, Louis Brandeis, William Douglas, Earl Warren, Thurgood Marshall, William Rehnquist, Sandra Day O'Connor, Antonin Scalia and Ruth Bader Ginsburg. Term limits and mandatory retirement would have removed each of them before they achieved their highest level of influence. Given this historical context, do you support or oppose a mandatory retirement age for U.S. Supreme Court justices?**

	<u>NATIONWIDE</u>	<u>GENDER ID</u>		<u>PARTY</u>			<u>AGE</u>	
		<u>MALE</u>	<u>FEMALE</u>	<u>DEMS</u>	<u>REPS</u>	<u>INDS</u>	<u>&lt;50</u>	<u>50+</u>
SUPPORT	48%	43%	53%	56%	41%	47%	51%	46%
OPPOSE	47%	52%	42%	38%	57%	48%	46%	48%
UNDECIDED	5%	5%	5%	6%	2%	5%	3%	6%

**QUESTION: Given this historical context, do you support or oppose eliminating lifetime appointments for U.S. Supreme Court justices?**

	<u>NATIONWIDE</u>	<u>GENDER ID</u>		<u>PARTY</u>			<u>AGE</u>	
		<u>MALE</u>	<u>FEMALE</u>	<u>DEMS</u>	<u>REPS</u>	<u>INDS</u>	<u>&lt;50</u>	<u>50+</u>
SUPPORT	41%	36%	46%	56%	32%	34%	45%	38%
OPPOSE	47%	56%	39%	22%	64%	57%	40%	52%
UNDECIDED	12%	8%	15%	22%	4%	9%	15%	10%

**QUESTION: Do you believe President Biden’s Supreme Court commission is primarily: (ORDER ROTATED)**

- Studying how the court operates in order to present independent, bi-partisan recommendations to improve it

- Serving as a political vehicle to justify weakening the Supreme Court to help advance the agenda of Democratic politicians

	<u>NATIONWIDE</u>	<u>GENDER ID</u>		<u>PARTY</u>			<u>AGE</u>	
		<u>MALE</u>	<u>FEMALE</u>	<u>DEMS</u>	<u>REPS</u>	<u>INDS</u>	<u>&lt;50</u>	<u>50+</u>
<b>INDEPENDENT</b>	<b>37%</b>	<b>33%</b>	<b>40%</b>	<b>66%</b>	<b>9%</b>	<b>34%</b>	<b>42%</b>	<b>34%</b>
<b>POLITICAL</b>	<b>49%</b>	<b>57%</b>	<b>43%</b>	<b>14%</b>	<b>82%</b>	<b>53%</b>	<b>43%</b>	<b>53%</b>
<b>NOT SURE</b>	<b>14%</b>	<b>10%</b>	<b>17%</b>	<b>20%</b>	<b>9%</b>	<b>13%</b>	<b>15%</b>	<b>13%</b>

**QUESTION: Finally, which one of the following positions comes closest to your opinion: (ORDER ROTATED)**

– Enact term limits and a mandatory retirement age for Supreme Court Justices

– Enact term limits, but not a mandatory retirement age for Supreme Court Justices

– Enact a mandatory retirement age, but not term limits for Supreme Court Justices

– Leave the current system alone and do not enact term limits or a mandatory retirement age for Supreme Court Justices

	<u>NATIONWIDE</u>	<u>GENDER ID</u>		<u>PARTY</u>			<u>AGE</u>	
		<u>MALE</u>	<u>FEMALE</u>	<u>DEMS</u>	<u>REPS</u>	<u>INDS</u>	<u>&lt;50</u>	<u>50+</u>
<b>BOTH</b>	<b>29%</b>	<b>26%</b>	<b>31%</b>	<b>36%</b>	<b>27%</b>	<b>25%</b>	<b>37%</b>	<b>23%</b>
<b>TERM LIMITS</b>	<b>10%</b>	<b>8%</b>	<b>11%</b>	<b>14%</b>	<b>7%</b>	<b>8%</b>	<b>11%</b>	<b>9%</b>
<b>RETIREMENT</b>	<b>15%</b>	<b>16%</b>	<b>14%</b>	<b>13%</b>	<b>15%</b>	<b>17%</b>	<b>11%</b>	<b>18%</b>
<b>NEITHER</b>	<b>37%</b>	<b>45%</b>	<b>31%</b>	<b>17%</b>	<b>50%</b>	<b>45%</b>	<b>32%</b>	<b>41%</b>
<b>NOT SURE</b>	<b>9%</b>	<b>5%</b>	<b>13%</b>	<b>20%</b>	<b>1%</b>	<b>5%</b>	<b>9%</b>	<b>9%</b>

## DEMOGRAPHICS

<b>PARTY:</b>	Democrat	386 (35%)
	Republican	354 (32%)
	Independent/Other	360 (33%)

<b>AGE:</b>	18-34	186 (17%)
	35-49	285 (26%)
	50-64	313 (28%)
	65+	308 (28%)
	Refused	8 (1%)

<b>RACE/ETHNICITY:</b>	White/Caucasian	733 (67%)
	Black/African American	134 (12%)
	Hispanic/Latino	151 (14%)
	Other/Refused	82 (7%)

<b>GENDER ID:</b>	Male	534 (49%)
	Female	562 (51%)
	Other	4

<b>REGION:</b>	Northeast	220 (20%)
	Midwest	210 (19%)
	South	350 (32%)
	West	130 (12%)
	Pacific Coast	190 (17%)