

The Story of Supreme Court Politicization: The Mass Public v Elite Divide

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Abstract

This paper explores how throughout American history, a divide in opinion has formed between the class of political elites who occupy positions of power within our government, and the average American. Historical analyses have shown that the Supreme Court has been repeatedly politicized to benefit politicians and activists alike, though evidence shows that there is very little support for these types of behaviors in the public at large. Furthermore, a survey was conducted to ascertain whether the observed divide still exists within modern America, which provides insight into the current political stand-off that has taken place over who will the seat on the Supreme Court vacated by Antonin Scalia. Ultimately, the results reaffirm the existence of a two track incentive structure as it relates to the Supreme Court and nomination politics.

Conclusions

- in spite of all the ways the country has changed, through realigning elections, wars, and different political regimes, the same type of politicization of the Supreme Court has continued to take place.
- More research must be done in this field to examine whether more consensus exists within the realm of American politics, or if the divisions we see today are truly reflective of true political disharmony throughout the United States.
- This survey was limited in scope, and to an extent, the historical analysis was as well. Further research might conduct audit studies on periodicals from the period to attain a more accurate depiction of what public opinion was like in each period.
- Finally, Supreme Court politicization is nothing new; while it has surged recently, the most recent actions represent a link in the chain that has been continued for over 200 years.

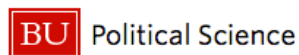
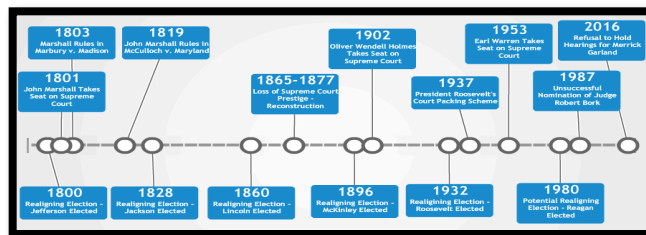
Methods & Findings

Methods:

- An historical analysis of Supreme Court & its development, paying specific attention to salient & highly political nominations, rejections, decisions, & controversies.
- A survey conducted to act as a modern case study, specifically examining public opinion as it relates to the nominations of Judge Merrick Garland and now Justice Neil Gorsuch. The findings were then compared with both the statements & actions of elected officials to reveal a two track incentive structure that creates a divide between the mass public & the class of political elites.

Findings:

- The results of the historical analysis yielded a pattern of increasing politicization of the Supreme Court that persists in spite of both electoral & institutional changes in the United States since its inception.
- The results of the survey show that there is a sizable difference between the actions the American public desires & the actions taken by members of the United States Senate.
- Furthermore, there were no statistically significant differences between Democrats, Republicans, and Independents on questions that were partisan specific, like the ones located in the figures to the right.
- Ultimately this shows that, on issues of the Supreme Court, the American public is far less divided than pundits or politicians would have us believe; the American public still believes and strives for the nonpartisan ideal that was laid out in the Constitution, though the feasibility of such a court remains to be seen.



Selected Results

