



Written by [Jack Kenny](#) on April 9, 2012

## Court's Approval Rating Beats Obama's

A survey of 1,000 likely voters conducted on April 6-7 showed that 41 percent rate the Supreme Court's job performance as "good" or "excellent," up from 13 points from a record low of 28 percent in mid-March. A [Rasmussen presidential tracking poll](#), also released on Monday, showed 23 percent "Strongly Approve" of Obama's job performance, while 40 percent "Strongly Disapprove" giving the incumbent a Presidential Approval Index rating of 17, according to Rasmussen. The same survey, however, shows Obama winning in hypothetical fall election matchups against the leading Republican contenders, narrowly prevailing against former Massachusetts Governor Mitt Romney, 46 to 44 percent, though that two-point edge is well within the statistical margin of error. Obama does somewhat better in polling against Rick Santorum, leading the former U.S. Senator from Pennsylvania, 47 to 41 percent.



The court's surge in favorability follows the highly publicized hearings in which the conservative majority — Chief Justice John Roberts and Justices Antonin Scalia, Clarence Thomas, Samuel Alito, along with Anthony Kennedy, who is sometimes a swing vote — demonstrated by their line of questioning during the hearings that they held strong doubts as to the constitutionality of the provision of the health reform bill that requires individuals not otherwise covered to purchase health insurance. The "individual mandate," as it is generally called, carries a penalty for non-compliance and the conservative justices — all Republican appointees — expressed doubt that penalizing citizens for not purchasing a product or service falls under the power of Congress to regulate interstate commerce. Solicitor General Donald Verrilli appeared unable to answer the question of what, if any, "limiting principle" the administration recognized on the power of Congress under the Commerce Clause. The Rasmussen poll found most Americans want the Supreme Court to declare the act unconstitutional and 54 percent believe the court will. President Obama stirred up further controversy over the constitutional challenge last week by saying it would be "unprecedented" and "extraordinary" for the court to overturn the act.

With most court watchers reporting the court's liberal bloc — Democratic appointees Ruth Bader Ginsburg, Stephen Breyer, Sonia Sotomayor and Elena Kagan — leaning toward the administration's argument that the law is constitutional, a 5-4 vote is expected. Rasmussen's poll shows a similar partisan divide among voters, with the court's approval rating shooting up, in just three weeks, from 29 to 54 percent among Republican voters, while it remained the same among Democrats. Unaffiliated voters followed the Republican trend, however, with the court's approval rating from independents



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going from 26 to 42 percent in that same time period.

Depending on how it is interpreted, the polling data might even be seen as a backlash against broccoli. In an oft-quoted remark during the hearings, Justice Scalier suggested that, absent a "limiting principle" to the exercise by Congress of its power under the Commerce Clause, the lawmakers might presume some day to regulate the food market by requiring consumers to "buy broccoli."

*Photo: Supreme Court Chief Justice John Roberts*



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