

# Opportunity and Overrides: The Effect of Institutional Public Support on Congressional Overrides of Supreme Court Decisions

Michael J. Nelson

Department of Political Science  
The Pennsylvania State University

Alicia Uribe\*

Department of Political Science  
University of Illinois

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## Abstract

Existing theories of legislative-judicial relations emphasize the role of public support for the judiciary on the likelihood of legislative compliance. Though Congress can strengthen or weaken the Court's decisions after initial compliance, the role of public support for the judiciary on subsequent legislative action is unclear. We develop a theory of legislative-judicial interactions, which suggests that Congress considers the Court's current level of public support when determining whether to override a Supreme Court decision. We test our theory using data on congressional overrides of U.S. Supreme Court decisions, finding that high levels of public support for the Court shield the Court from hostile congressional action. The results underscore the vital role played by the public in interbranch relations, suggesting that public support plays a role in the legacy of a judicial decision beyond ensuring initial compliance.

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