You are about to participate in a study conducted by researchers at Stanford University, Harvard University, and The University of Texas about decisions to be made by the Supreme Court. You must be at least 18 years old and a U.S. resident to participate.

Your participation will take approximately 20 minutes. Your participation is voluntary and you may withdraw at any time. Your answers will be kept confidential and no identifying information about you will be made public.

There are no risks associated with this study. We cannot and do not guarantee or promise that you will receive any benefits from this study. You will receive compensation for your participation based on your agreement with YouGov.

By participating in this survey, you contribute to scientific knowledge. It is therefore extremely important that you answer honestly. For questions about the research project, you may contact us at neilm@stanford.edu.

Independent Contact: If you are not satisfied with how this study is being conducted, or if you have any concerns, complaints, or general questions about the research or your rights as a participant, please contact the Stanford Institutional Review Board (IRB) to speak to someone independent of the research team by emailing IRB2-Manager@lists.stanford.edu or calling 650-723-2480 (toll-free: 1-866-680-2906). You can also write to the Stanford IRB, Stanford University, 1705 El Camino Real, Palo Alto, CA 94306.

INTRO SCREEN

We would now like to ask about your views on some of the types of issues that the U.S. Supreme Court is often asked to decide. For each of the following situations, please tell us what you personally believe and also how you think the Supreme Court would decide if it were asked to rule on the case.

***[Note to programmer: For all case questions, randomize (50-50) whether respondents are presented Version A or Version B; for the response options, present them in the order that they are presented in the question stem. The text “Case #X” is just for organizational purposes and should not appear to respondents.]***

*Case #1:* Dobbs v. Jackson **[four questions total for this case, presented back to back – Mississippi ban questions first, then on following screen ask both Roe v. Wade questions]**

VERSION A

A new law in Mississippi bans nearly all abortions after 15 weeks of pregnancy.

Some people think that this law is unconstitutional. Others think it is constitutional.

VERSION B

A new law in Mississippi bans nearly all abortions after 15 weeks of pregnancy.

Some people think that this law is constitutional. Others think it is unconstitutional.

What do you think?

1 Banning nearly all abortions after 15 weeks of pregnancy is unconstitutional

2 Banning nearly all abortions after 15 weeks of pregnancy is constitutional

The Supreme Court will be deciding this issue soon. Regardless of your personal views, how do you think the Supreme Court will decide?

1 Banning nearly all abortions after 15 weeks of pregnancy is unconstitutional

2 Banning nearly all abortions after 15 weeks of pregnancy is constitutional

Should the Supreme Court overrule *Roe v. Wade*, the 1973 decision that established a constitutional right to abortion and prohibited states from banning abortion before the fetus can survive outside the womb, at around 23 weeks of pregnancy?

1. Yes, *Roe v. Wade* should be overturned

2. No, *Roe v. Wade* should NOT be overturned

The Supreme Court will be deciding this issue soon. Regardless of your personal views, how do you think the Supreme Court will decide?

1. *Roe v. Wade* will be overturned

2. *Roe v. Wade* will NOT be overturned

Case #2: NY State Rifle and Pistol Association v. Bruen

VERSION A

New York requires a person to show a need for self-protection in order to receive a license to carry a concealed firearm outside the home.

Some people think that this law violates people’s 2nd Amendment rights. Others think it does not violate people’s 2nd Amendment rights.

VERSION B

New York requires a person to show a need for self-protection in order to receive a license to carry a concealed firearm outside the home.

Some people think that this law does not violate people’s 2nd Amendment rights. Others think that this law violates people’s 2nd Amendment rights.

What do you think?

1 A state requiring a person to show a need for self-protection to receive a license to carry a concealed firearm outside the home violates people’s 2nd Amendment rights

2 A state requiring a person to show a need for self-protection to receive a license to carry a concealed firearm outside the home does NOT violate people’s 2nd Amendment rights

The Supreme Court will be deciding this issue soon. Regardless of your personal views, how do you think the Supreme Court will decide?

1 A state requiring a person to show a need for self-protection to receive a license to carry a concealed firearm outside the home violates people’s 2nd Amendment rights

2 A state requiring a person to show a need for self-protection to receive a license to carry a concealed firearm outside the home does NOT violate people’s 2nd Amendment rights

Case #3: Carson v. Makin

VERSION A

The state of Maine pays private school tuition for students in rural areas that do not have public secondary schools. Maine prohibits students from using this public money to attend schools that are religious (or “sectarian”).

Some people think that this is a violation of the First Amendment protections of the free exercise of religion. Other people think that this is a valid policy to maintain the separation between church and state.

VERSION B

The state of Maine pays private school tuition for students in rural areas that do not have public secondary schools. Maine prohibits students from using this public money to attend schools that are religious (or “sectarian”).

Some people think that this is a valid policy to maintain the separation between church and state. Other people think that this is a violation of the First Amendment protections of the free exercise of religion.

What do you think?

1 Maine prohibiting state funds from being used at religious schools is a violation of the First Amendment protections of the free exercise of religion.

2 Maine prohibiting state funds from being used at religious schools is a valid policy to maintain the separation between church and state.

The Supreme Court will be deciding this issue soon. Regardless of your personal views, how do you think the Supreme Court will decide?

1 Maine prohibiting state funds from being used at religious schools is a violation of the First Amendment protections of the free exercise of religion.

2 Maine prohibiting state funds from being used at religious schools is a valid policy to maintain the separation between church and state.

Case #4: US v. Zubaydah

VERSION A

A terrorism suspect currently being held in Guantanamo Bay says the CIA used enhaced interrogation techniques and wants it investigated. The government has declassified some information, but it claims it has a right to protect state secrets in the name of national security and is not compelled to provide evidence connected to the investigation.

Some people think that the government has a right to protect state secrets in the name of national security and is not compelled to provide evidence. Other people think that the government must provide evidence in such situations.

VERSION B

A terrorism suspect currently being held in Guantanamo Bay says the CIA used enhaced interrogation techniques and wants it investigated. The government has declassified some information, but it claims it has a right to protect state secrets in the name of national security and is not compelled to provide evidence connected to the investigation.

Some people think that the government must provide evidence in such situations. Other people think that the government has a right to protect state secrets in the name of national security and is not compelled to provide evidence.

What do you think?

1 The government has a right to protect state secrets in the name of national security and is not compelled to provide evidence.

2 The government must provide evidence in such situations.

The Supreme Court recently decided this issue. Regardless of your personal views, what is your best guess at how the Supreme Court decided?

1 The government has a right to protect state secrets in the name of national security and is not compelled to provide evidence.

2 The government must provide evidence in such situations.

Case #5: Houston Community College System v. Wilson

VERSION A

An elected member of a community college board criticized other board members and was subsequently censured (given a formal reprimand).

Some people think the board violated the First Amendment rights of the elected member. Other people believe that the board did not violate the member’s First Amendment rights.

VERSION B

An elected member of a community college board criticized other board members and was subsequently censured (given a formal reprimand)

Some people believe that the board did not violate the member’s First Amendment rights.

Other people think the board violated the First Amendment rights of the elected member.

What do you think?

1 An elected body censuring the speech of an elected member violates the First Amendment.

2 An elected body censuring the speech of an elected member does NOT violate the First Amendment.

The Supreme Court will be deciding this issue soon. Regardless of your personal views, how do you think the Supreme Court will decide?

1 An elected body censuring the speech of an elected member violates the First Amendment.

2 An elected body censuring the speech of an elected member does NOT violate the First Amendment.

Case #6: Ramirez v. Collier

VERSION A:

Texas law barred a death row inmate from having his pastor in the chamber during his execution and placing his hands on him while praying out loud.

Some people think that barring religious clergy from entering the execution chamber and touching death row inmates violates the First Amendment protections of the free exercise of religion. Other people think that it does not.

VERSION B:

Texas law barred a death row inmate from having his pastor in the chamber during his execution and placing his hands on him while praying out loud.

Some people think that barring religious clergy from entering the execution chamber and touching death row inmates does not violate the First Amendment protections of the free exercise of religion. Other people think that it does.

What do you think?

1 Barring religious clergy from entering the execution chamber and touching death row inmates violates the First Amendment protections of the free exercise of religion.

2 Barring religious clergy from entering the execution chamber and touching death row inmates does NOT violate the First Amendment protections of the free exercise of religion.

The Supreme Court will be deciding this issue soon. Regardless of your personal views, how do you think the Supreme Court will decide?

1 Barring religious clergy from entering the execution chamber and touching death row inmates violates the First Amendment protections of the free exercise of religion.

2 Barring religious clergy from entering the execution chamber and touching death row inmates does NOT violate the First Amendment protections of the free exercise of religion.

Case #7: Shurtleff v. Boston

VERSION A

Upon request, the city of Boston often flies flags of different organizations in front of its city hall. The city refused to fly a religious organization’s flag bearing a Christian cross.

Some people say that Boston’s refusal to fly a religious organization’s flag violated the organization’s First Amendment rights. Other people believe that it did not violate the organization’s First Amendment rights.

VERSION B:

Upon request, the city of Boston often flies flags of different organizations in front of its city hall. The city refused to fly a religious organization’s flag bearing a Christian cross.

Some people say that Boston’s refusal to fly a private religious organization’s flag did not violate the organization’s First Amendment rights. Other people believe that it did violate the organization’s First Amendment rights.

What do you think?

1 Boston’s refusal to fly a private religious organization’s flag violated the organization’s First Amendment rights.

2 Boston’s refusal to fly a private religious organization’s flag did NOT violate the organization’s First Amendment rights.

The Supreme Court will be deciding this issue soon. Regardless of your personal views, how do you think the Supreme Court will decide?

1 Boston’s refusal to fly a private religious organization’s flag violated the organization’s First Amendment rights.

2 Boston’s refusal to fly a private religious organization’s flag did NOT violate the organization’s First Amendment rights.

Case #8: National Federation of Independent Business v. Department of Labor, Occupational Safety and Health Administration

VERSION A

The federal Occupational Safety and Health Administration (OSHA) has issued a rule mandating that all employers with at least 100 employees require that their employees either be vaccinated against Covid-19 or else be tested weekly and wear masks at work.

Some people think this mandate is unlawful because it exceeds OSHA’s authority. Other people think this is a reasonable use of the agency’s authority to protect workplace safety and health.

VERSION B:

The federal Occupational Safety and Health Administration (OSHA) has issued a rule mandating that all employers with at least 100 employees require that their employees either be vaccinated against Covid-19 or else be tested weekly and wear masks at work.

Some people think this is a reasonable use of the agency’s authority to protect workplace safety and health. Other people think this mandate is unlawful because it exceeds OSHA’s authority.

What do you think?

1 OSHA’s vaccination or testing mandate is NOT lawful

2 OSHA’s vaccination or testing mandate is lawful

The Supreme Court recently decided this issue. Regardless of your personal views, what is your best guess at how the Supreme Court decided?

1 OSHA’s vaccination or testing mandate is NOT lawful

2 OSHA’s vaccination or testing mandate is lawful

Case #9: Biden v. Missouri

VERSION A

The federal Department of Health and Human Services (HHS) has issued a rule mandating that health care workers at hospitals and other facilities participating in Medicare and Medicaid be vaccinated against Covid-19 unless they qualify for religious or medical exemptions.

Some people think this mandate is unlawful because it exceeds HHS’s authority. Other people think this is a reasonable use of the agency’s authority to ensure the safety of patients.

VERSION B:

The federal Department of Health and Human Services (HHS) has issued a rule mandating that health care workers at hospitals and other facilities participating in Medicare and Medicaid be vaccinated against Covid-19 unless they qualify for religious or medical exemptions.

Some people think this is a reasonable use of the agency’s authority to ensure the safety of patients. Other people think this mandate is unlawful because it exceeds HHS’s authority.

What do you think?

1 HHS’s vaccination mandate is NOT lawful

2 HHS’s vaccination mandate is lawful

The Supreme Court recently decided this issue. Regardless of your personal views, what is your best guess at how the Supreme Court decided?

1 HHS’s vaccination mandate is NOT lawful

2 HHS’s vaccination mandate is lawful

Case #10: Whole Woman’s Health v. Jackson

VERSION A

Texas passed a law that bans most abortions after about 6 weeks of pregnancy, and allows private citizens to sue people who aid and abet illegal abortions.

Some people think that this law is constitutional. Other people think that this law is unconstitutional.

VERSION B

Texas passed a law that bans nearly all abortions after about 6 weeks of pregnancy, and allows private citizens to sue people who aid and abet illegal abortions.

Some people think that this law is unconstitutional. Other people think that this law is constitutional.

What do you think?

1 Banning nearly all abortions after 6 weeks of pregnancy is unconstitutional

2 Banning nearly all abortions after 6 weeks of pregnancy is constitutional

The Supreme Court will be deciding this issue soon. Regardless of your personal views, how do you think the Supreme Court will decide?

1 Banning nearly all abortions after 6 weeks of pregnancy is unconstitutional

2 Banning nearly all abortions after 6 weeks of pregnancy is constitutional

Case #11: West Virginia v. EPA

VERSION A

Under federal law, the Environmental Protection Agency (EPA) has the authority to set emissions standards using “the best system of emission reduction.”

Some people think this means that the EPA can set emissions limits on individual power plants and can also more broadly regulate emissions across the entire energy sector. Other people think that the EPA can only set limits on individual power plants but cannot more broadly regulate emissions across the entire energy sector.

VERSION B

Under federal law, the Environmental Protection Agency (EPA) has the authority to set emissions standards using “the best system of emission reduction.”

Some people think that the EPA can only set limits on individual power plants but cannot more broadly regulate emissions across the entire energy sector. Other people think this means that the EPA can set emissions limits on individual power plants and can also more broadly regulate emissions across the entire energy sector.

What do you think?

1 The EPA can set emissions limits on individual power plants and can also more broadly regulate emissions across the entire energy sector

2 The EPA can only set limits on individual power plants but cannot more broadly regulate emissions across the entire energy sector.

The Supreme Court will be deciding this issue soon. Regardless of your personal views, how do you think the Supreme Court will decide?

1 The EPA can set emissions limits on individual power plants and can also more broadly regulate emissions across the entire energy sector

2 The EPA can only set limits on individual power plants but cannot more broadly regulate emissions across the entire energy sector.

Case #12: Trump v. Thompson

VERSION A

Former President Donald Trump attempted to block the release of documents concerning his role in the events of January 6 on the grounds that he has executive privilege.

Some people think that executive privilege allows a former president to block the release of such records. Other people think that a former president does not have the authority to block the release of such records.

VERSION B

Former President Donald Trump attempted to block the release of documents concerning his role in the events of January 6 on the grounds that he has executive privilege.

Some people think that a former president does not have the authority to block the release of such records. Other people think that executive privilege allows a former president to block the release of such records.

What do you think?

1 A former president CAN block the release of White House records

2 A former president CANNOT block the release of White House records

The Supreme Court will be deciding this issue soon. Regardless of your personal views, how do you think the Supreme Court will decide?

1 A former president CAN block the release of White House records

2 A former president CANNOT block the release of White House records

Case #13: Kennedy v. Bremerton School District

VERSION A

The football coach at a public high school led prayers with players before and after games. The school district asked him to stop and the coach refused. He was then suspended.

Some people think the school district was right to suspend the coach because of the First Amendment’s separation of church and state. Other people do not think the district was right to do so because of the coach’s right to free exercise of religion.

VERSION B

The football coach at a public high school led prayers with players before and after games. The school district asked him to stop and the coach refused. He was then suspended.

Some people think the school district was not right to suspend the coach because of the coach’s free exercise of religion. Other people think the district was right to do so because of the First Amendment’s separation of church and state.

What do you think?

1 The school district was right to suspend the coach

2 The school district was NOT right to suspend the coach

The Supreme Court will be deciding this issue soon. Regardless of your personal views, how do you think the Supreme Court will decide?

1 The school district was right to suspend the coach

2 The school district was NOT right to suspend the coach

Case #14: Biden v. Texas

VERSION A

The U.S. Department of Homeland Security required noncitizens trying to reside in the U.S. to wait in Mexico while immigration officials process their cases.

The Biden Administration issued an order ending this “remain in Mexico” program. In response, several states sued, saying that the Administration did not have adequate justification in ending the program.

Some people think that the Biden Administration should be able to end this program. Other people do think that the Biden Administration should not be able to do so.

VERSION B

The U.S. Department of Homeland Security required noncitizens trying to reside in the U.S. to wait in Mexico while immigration officials process their cases.

The Biden Administration issued an order ending this “remain in Mexico” program. In response, several states sued, saying that the Administration did not have adequate justification in ending the program.

Some people think that the Biden Administration should not be able to end this program. Other people think that the Biden Administration should be able to do so.

What do you think?

1 The Biden Administration should be able to end the “remain in Mexico” program

2 The Biden Administration should NOT be able to end the “remain in Mexico” program

The Supreme Court will be deciding this issue soon. Regardless of your personal views, how do you think the Supreme Court will decide?

1 The Biden Administration should be able to end the “remain in Mexico” program

2 The Biden Administration should NOT be able to end the “remain in Mexico” program

Case #15: Oklahoma v. Castro-Huerta

VERSION A

The defendant, a non-Native American, committed a crime against a Native American on Native American land. The state of Oklahoma would like to pursue criminal charges against the defendant. The defendant says that the state cannot prosecute him because the crime occurred on Native American land, and so only the federal government can prosecute him.

Some people think that states cannot prosecute crimes that happen on Native American land, even if the perpetrator is non-Native American. Others think that states should be able to prosecute such cases.

VERSION B

The defendant, a non-Native American, committed a crime against a Native American on Native American land. The state of Oklahoma would like to pursue criminal charges against the defendant. The defendant says that the state cannot prosecute him because the crime occurred on Native American land, and so only the federal government can prosecute him.

Some people think that states should be able to prosecute crimes that happen on Native American land if the perpetrator is non-Native American. Others think that states cannot prosecute such cases.

What do you think?

1 States should be able to prosecute non-Native Americans who commit crimes against Native Americans on Native American land.

2 States should NOT be able to prosecute non-Native Americans who commit crimes against Native Americans on Native American land.

The Supreme Court will be deciding this issue soon. Regardless of your personal views, how do you think the Supreme Court will decide?

1 States should be able to prosecute non-Native Americans who commit crimes against Native Americans on Native American land

2 States should NOT be able to prosecute non-Native Americans who commit crimes against Native Americans on Native American land.

OTHER QUESTIONS

The Supreme Court has nine members. For the issues that we asked you about earlier, what do you think the breakdown in the votes on the Court would typically be?

1 5-4

2 6-3

3 7-2

4 8-1

5 9-0

Some judges in the U.S. serve for a set number of years; others serve a life term. Do you happen to know whether the Justices of the U.S. Supreme Court serve for a set number of years or whether they serve a life term?

1 Set number of years

2 Life term

3 Neither

Do you happen to know who has the last say when there is a conflict over the meaning of the U.S. Constitution---the U.S. Supreme Court, the U.S. Congress, or the President?

1 U.S. Congress

2 U.S. Supreme Court

3 The President

Some judges in the U.S. are elected; others are appointed to the bench. Do you happen to know if the Justices of the U.S. Supreme Court are elected or appointed to the bench?

1 Elected to the bench

2 Appointed to the bench

3 Neither

Please select the name of the current Chief Justice of the United States from the choices below:

1 Sonia Sotomayor

2 Samuel Alito

3 Elena Kagan

4 John Roberts

5 Neil Gorsuch

Please select the name of the Justice who most recently joined the U.S. Supreme Court from the choices below:

1 Sonia Sotomayor

2 Neil Gorsuch

3 John Roberts

4 Brett Kavanaugh

5 Amy Coney Barrett

[NEXT SCREEN]

Supreme Court justices are appointed by the President of the United States. How many of the current nine justices do you think were appointed by Republican presidents?

1 9 out of 9

2 8 out of 9

3 7 out of 9

4 6 out of 9

5 5 out of 9

6 4 out of 9

7 3 out of 9

8 2 out of 9

9 1 out of 9

10 0 out of 9

How much do you think the political party of the appointing president affects how Supreme Court justices decide cases?

1 A great deal

2 A lot

3 A moderate amount

4 A little

5 Not at all

[NEXT SCREEN]

How much do you approve of the performance of the Supreme Court?

1 Strongly Approve

2 Somewhat Approve

3 Neither Approve nor Disapprove

4 Somewhat Disapprove

5 Strongly Disapprove

[NEXT SCREEN]

Do you agree or disagree with the following statements?

Judges on the U.S. Supreme Court who consistently make decisions at odds with what a majority of the people want should be removed from their position as judge.

1 Strongly Agree

2 Agree

3 Neither

4 Agree nor Disagree

5 Disagree

6 Strongly Disagree

[NEXT SCREEN]

Do you agree or disagree with the following statements?

The U.S. Supreme Court has become too independent and should be reined in.

1 Strongly Agree

2 Agree

3 Neither

4 Agree nor Disagree

5 Disagree

6 Strongly Disagree

[NEXT SCREEN]

Do you agree or disagree with the following statements?

If the U.S. Supreme Court started making a lot of decisions that most people disagree with, it might be better to do away with the Supreme Court altogether.

1 Strongly Agree

2 Agree

3 Neither

4 Agree nor Disagree

5 Disagree

6 Strongly Disagree

Do you agree or disagree with the following statements?

The U.S. Supreme Court gets too mixed up in politics.

1 Strongly Agree

2 Agree

3 Neither

4 Agree nor Disagree

5 Disagree

6 Strongly Disagree

[NEXT SCREEN]

Do you agree or disagree with the following statements?

The U.S. Supreme Court can usually be trusted to make decisions that are right for the country as a whole.

1 Strongly Agree

2 Agree

3 Neither

4 Agree nor Disagree

5 Disagree

6 Strongly Disagree

[NEXT SCREEN]

Where would you place YOURSELF on the following scale? [SLIDER; 0-100]

EXTREMELY LIBERAL EXTREMELY CONSERVATIVE

Where would you place THE CURRENT SUPREME COURT on the following scale? [SLIDER; 0-100]

EXTREMELY LIBERAL EXTREMELY CONSERVATIVE

[NEXT SCREEN]

The U.S. Supreme Court has nine members. Some people believe that Congress should expand the size of the Supreme Court, allowing the current president to appoint one or more new Justices. Do you agree or disagree that the size of the Supreme Court should be increased?

1 Strongly Agree

2 Agree

3 Neither

4 Agree nor Disagree

5 Disagree

6 Strongly Disagree

U.S. Supreme Court Justices currently serve life terms. Some people think that, instead, Supreme Court Justices should be limited to 18-year terms. Do you agree or disagree that there should be such term limits for Supreme Court Justices?

1 Strongly Agree

2 Agree

3 Neither

4 Agree nor Disagree

5 Disagree

6 Strongly Disagree

[NEXT SCREEN]

President Biden has nominated federal appeals court judge Ketanji Brown Jackson to replace Stephen Breyer on the U.S. Supreme Court. If confirmed, do you think Ketanji Brown Jackson will bring the Supreme Court closer to your views, further from your views, or make no difference?

1 Closer to my views

2 Further from my views

3 Make no difference

[NEXT SCREEN]

[TWO VERSIONS WITH RESPONSES RANDOMLY ORDERED]

The President nominates Supreme Court justices but these nominees must be approved by a majority of the Senate in order to be confirmed and become a member of the Court. Some people think that the Senate should give serious consideration to each nominee. Others think it is appropriate for the Senate to refuse to consider a nominee if the Senate is controlled by the opposing party from the President.

What do you think?

1 The Senate should give serious consideration to each nominee

2 It is appropriate for the Senate to refuse to consider a nominee if the Senate is controlled by the opposing party from the President.

[NEXT SCREEN]

[TWO VERSIONS WITH RESPONSES RANDOMLY ORDERED]

President Biden has nominated federal appeals court judge Ketanji Brown Jackson to replace Stephen Breyer on the U.S. Supreme Court. Do you believe that Judge Jackson should be confirmed and become a Supreme Court justice?

1 Judge Jackson should be confirmed

2 Judge Jackson should NOT be confirmed

[NEXT SCREEN]

[TWO VERSIONS WITH RESPONSES RANDOMLY ORDERED]

In recent years the Supreme Court has issued an increasing number of rulings without a full hearing of a case and typically without a detailed explanation of the reasoning behind the decision or how each justice voted. These so-called “shadow docket” rulings are issued in situations where applicants might suffer “irreparable harm,” and are often decided before lower courts have heard the cases.

Some people think these rulings are an appropriate way for the Court to decide urgent matters. Other people think the Court should give all cases a full hearing and explain their votes and reasoning clearly.

What do you think?

1 These rulings are an appropriate way for the Court to decide urgent matters.

2 The Court should give all cases a full hearing and explain their votes and reasoning clearly.