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.

*Case #1: FULTON V. CITY OF PHILADELPHIA PA*

*Randomize (50-50) whether respondents are presented Version A or Version B*

*Version A*

There are some religiously affiliated foster agencies that refuse to place foster children with same-sex couples.

Some people think that governments can prohibit such agencies from participating in the foster care systems they operate unless the agencies allow children to be placed with same-sex couples. Other people think that doing so would violate the agencies’ First Amendment rights to religious freedom.

*Version B*

There are some religiously affiliated foster agencies that refuse to place foster children with same-sex couples.

Some people think that governments cannot prohibit such agencies from participating in the foster care systems because doing so would violate the agencies’ First Amendment rights to religious freedoms. Other people think that the government can prohibit such agencies from participating in the foster care systems they operate unless the agencies allow children to be placed with same-sex couples.

What do you think?

1 Prohibiting religious agencies from participating in the foster care system unless they allow children to be placed with same-sex couples DOES NOT VIOLATE agencies’ First Amendment rights to religious freedom

2 Prohibiting religious agencies from participating in the foster care system unless they allow children to be placed with same-sex couples DOES VIOLATE agencies’ First Amendment rights to religious freedom

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

1 Prohibiting religious agencies from participating in the foster care system unless they allow children to be placed with same-sex couples DOES NOT VIOLATE agencies’ First Amendment rights to religious freedom

2 Prohibiting religious agencies from participating in the foster care system unless they allow children to be placed with same-sex couples DOES VIOLATE agencies’ First Amendment rights to religious freedom

*Case #2: CALIFORNIA V. TEXAS I*

*Randomize (50-50) whether respondents are presented Version A or Version B*

*Version A*

Under the Affordable Care Act (ACA), there is a tax penalty for not buying health insurance. This is called the individual mandate.

Recent legislation has set the tax penalty for not buying health insurance to $0. Some people believe that, because the tax penalty is $0, this means that the penalty is actually not a tax and it exceeds the federal government’s power to tax and is unconstitutional. Other people believe that it does not exceed the federal government’s power to tax and is constitutional.

*Version B*

Under the Affordable Care Act (ACA), there is a tax penalty for not buying health insurance. This is called the individual mandate.

Recent legislation has set the tax penalty for not buying health insurance to $0. Some people believe that the penalty does not exceed the federal government’s power to tax and is constitutional. Other people believe that, because the tax penalty is $0, this means that the penalty is actually not a tax and it exceeds the federal government’s power to tax and is unconstitutional.

What do you think?

1 The individual mandate provision is not a tax and is UNCONSTITUTIONAL because it exceeds the federal government’s power

2 The individual mandate provision is a tax is CONSTITUTIONAL because it does not exceed the federal government’s power

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

1 Individual mandate provision is not a tax and is UNCONSTITUTIONAL because it exceeds the federal government’s power

2 Individual mandate provision is a tax and is CONSTITUTIONAL because it does not exceed the federal government’s power

*Case #2: CALIFORNIA V. TEXAS II*

*Randomize (50-50) whether respondents are presented Version A or Version B*

*Version A*

Under the Affordable Care Act (ACA), there is a tax penalty for not buying health insurance. This is called the individual mandate.

Some people think that if the individual mandate is unconstitutional then the entirety of the ACA must also be unconstitutional. Other people disagree and think that if the individual mandate is unconstitutional, that should not affect the rest of the law.

*Version B*

Under the Affordable Care Act (ACA), there is a tax penalty for not buying health insurance. This is called the individual mandate.

Some people think that if the individual mandate is unconstitutional, that should not affect the rest of the law. Other people disagree and think that if the individual mandate is unconstitutional then the entirety of the ACA must also be unconstitutional.

What do you think?

1 If the individual mandate is unconstitutional, then the ENTIRE LAW SHOULD BE STRUCK DOWN

2 If the individual mandate is unconstitutional, that should NOT AFFECT THE REST OF THE LAW

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

1 If the individual mandate is unconstitutional, then the ENTIRE LAW SHOULD BE STRUCK DOWN

2 If the individual mandate is unconstitutional, that should NOT AFFECT THE REST OF THE LAW

*Case #3: Brnovich v. Democratic National Committee I*

*Randomize (50-50) whether respondents are presented Version A or Version B*

*Version A*

In Arizona, if a voter arrives at a polling place and is not listed on the voter roll for that precinct, the voter may still cast a provisional ballot. After election day, Arizona election officials review all provisional ballots to determine the voter’s identity and address.

If officials determine that the voter voted outside of their precinct, the ballot is discarded in its entirety, even if the voter was eligible to vote in most of the races on the ballot.

Some people believe that discarding entire ballots in this manner is unlawful. Other people believe that it is lawful.

*Version B*

In Arizona, if a voter arrives at a polling place and is not listed on the voter roll for that precinct, the voter may still cast a provisional ballot. After election day, Arizona election officials review all provisional ballots to determine the voter’s identity and address.

If officials determine that the voter voted outside of their precinct, the ballot is discarded in its entirety, even if the voter was eligible to vote in most of the races on the ballot.

Some people believe that discarding entire ballots in this manner is not unlawful. Other people believe that it is unlawful.

What do you think?

1 Discarding entire ballots from voters who voted outside of their precinct IS UNLAWFUL

2 Discarding entire ballots from voters who voted outside of their precinct IS LAWFUL

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

1 Discarding entire ballots from voters who voted outside of their precinct IS UNLAWFUL

2 Discarding entire ballots from voters who voted outside of their precinct IS LAWFUL

*Case #4: Brnovich v. Democratic National Committee II*

*Randomize (50-50) whether respondents are presented Version A or Version B*

*Version A*

Arizona offers in-person voting at a precinct or vote center either on election day or during an early-vote period. Many voters -- particularly racial minorities -- who vote early rely on another person to collect and drop off voted ballots. However, the Arizona legislature made it illegal to collect and deliver another person’s ballot.

Some people think that voters should be able to rely on another person or third party to collect and drop off ballots. Other people think that states can forbid this.

*Version B*

Arizona offers in-person voting at a precinct or vote center either on election day or during an early-vote period. Many voters -- particularly racial minorities -- who vote early rely on another person to collect and drop off voted ballots. However, the Arizona legislature made it illegal to collect and deliver another person’s ballot.

Some people think that states can forbid voters from relying on another person or third party to collect and drop off ballots. Other people think that voters should be able to rely on another person or third party to collect and drop off ballots

What do you think?

1 Voters SHOULD BE ABLE to rely on another person or third party to collect and drop off ballots

2 STATES CAN FORBID voters from relying another person or third party to collect and drop off ballots

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

1 Voters SHOULD BE ABLE to rely on another person or third party to collect and drop off ballots

2 STATES CAN FORBID voters from relying another person or third party to collect and drop off ballots

*Case #5: Americans for Prosperity Foundation v. Becerra*

*Randomize (50-50) whether respondents are presented Version A or Version B*

*Version A*

To detect possible fraud, the attorney general of California requires private nonprofit organizations to report the names and addresses of their major donors to the state, which keeps this information confidential. Some people think that this violates nonprofit organizations' First Amendment rights to free association because it might deter people from financially supporting them. Other people do not think that this violates nonprofit organizations’ First Amendment rights to free association.

*Version B*

To detect possible fraud, the attorney general of California requires private nonprofit organizations to report the names and addresses of their major donors to the state, which keeps this information confidential. Some people do not think that this violates nonprofit organizations’ First Amendment rights to free association. Other people think that this violates nonprofit organizations' First Amendment rights to free association because it might deter people from financially supporting them.

What do you think?

1 Requiring nonprofit organizations to report information to the state about their major donors VIOLATES their First Amendment rights

2 Requiring nonprofit organizations to report information to the state about their major donors DOES NOT VIOLATE their 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 Requiring nonprofit organizations to report information to the state about their major donors VIOLATES their First Amendment rights

2 Requiring nonprofit organizations to report information to the state about their major donors DOES NOT VIOLATE their First Amendment rights

*Case #6: Mahanoy Area School District v. B.L.*

*Randomize (50-50) whether respondents are presented Version A or Version B*

*Version A*

Some people think that public school officials can punish students for things they say or write off campus, including on social media, without violating students’ First Amendment rights. Other people think that such punishments violate students’ First Amendment rights to free speech.

*Version B*

Some people think that public school officials punishing students for things they say or write off campus, including on social media, violates students’ First Amendment rights. Other people think that such punishments do not violate students’ First Amendment rights to free speech.

What do you think?

1 Public school officials CAN punish students for things they say or write off campus

2 Public school officials CANNOT punish students for things they say or write off campus

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

1 Public school officials CAN punish students for things they say or write off campus

2 Public school officials CANNOT punish students for things they say or write off campus

*Case #7: Jones v. Mississippi*

*Randomize (50-50) whether respondents are presented Version A or Version B*

*Version A*

There are states that reserve the ability to sentence juvenile criminal defendants to life sentences without the possibility of any parole.

Some people think that such juvenile defendants must be found to be incorrigible -- or impossible of being reformed -- before being sentenced to life without parole. Other people think that juveniles can be sentenced to life sentences without parole without states having to make such a determination.

*Version B*

Some people think that such juvenile defendants need not be found to be incorrigible -- or impossible of being reformed -- before being sentenced to life without parole. Other people think that juveniles cannot be sentenced to life sentences without parole without states having to make such a determination.

What do you think?

1 Juvenile defendants MUST BE FOUND to be incorrigible before being sentenced to a life sentence without parole

2 Juvenile defendants NEED NOT BE FOUND to be incorrigible before being sentenced to a life sentence without parole

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

1 Juvenile defendants MUST BE FOUND to be incorrigible before being sentenced to a life sentence without parole

2 Juvenile defendants NEED NOT BE FOUND to be incorrigible before being sentenced to a life sentence without parole

*Case #8: Van Buren v. United States*

*Randomize (50-50) whether respondents are presented Version A or Version B*

*Version A*

Law enforcement officers have access to several government databases to use for investigations and other law enforcement activities.

Some people believe that using government databases for uses not explicitly authorized should be punished, even if the user had lawful access to the database. Others believe that using government databases for other uses not explicitly authorized should not be punished, so long as the user had lawful access to the database.

*Version B*

Some people believe that using government databases for uses not explicitly authorized should not be punished, so long as the user had lawful access to the database. Others believe that using government databases for uses not explicitly authorized should be punished, even if the user had lawful access to the database.

What do you think?

1 Using government databases for uses not explicitly authorized SHOULD BE PUNISHED

2 Using government databases for uses not explicitly authorized SHOULD NOT BE PUNISHED

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

1 Using government databases for uses not explicitly authorized SHOULD BE PUNISHED

2 Using government databases for uses not explicitly authorized SHOULD NOT BE PUNISHED

*Case #9: National Collegiate Athletic Association v. Alston*

*Randomize (50-50) whether respondents are presented Version A or Version B*

*Version A*

The National Collegiate Athletic Association (NCAA) prohibits colleges and universities from providing compensation to college athletes.

Some people think the NCAA’s prohibition on compensating college athletes in this manner is an unlawful form of coordination by colleges and universities against athletes. Others disagree and think that the NCAA should be able to prohibit colleges and universities from providing compensation to college athletes.

*Version B*

The National Collegiate Athletic Association (NCAA) prohibits colleges and universities from providing compensation to college athletes.

Some people think that the NCAA should be able to prohibit colleges and universities from providing compensation to college athletes. Other people disagree and think the NCAA’s prohibition on compensating college athletes in this manner is an unlawful form of coordination by colleges and universities against athletes.

What do you think?

1 The NCAA SHOULD BE ABLE TO prohibit colleges and universities from compensating college athletes

2 The NCAA SHOULD NOT BE ABLE TO prohibit colleges and universities from compensating college athletes

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 NCAA SHOULD BE ABLE TO prohibit colleges and universities from compensating college athletes

2 The NCAA SHOULD NOT BE ABLE TO prohibit colleges and universities from compensating college athletes

*Case #10: Roman Catholic Diocese of Brooklyn v. Cuomo*

*Randomize (50-50) whether respondents are presented Version A or Version B*

*Version A*

Many states have prohibited large in-person gatherings due to the Covid-19 pandemic. Some people think that states cannot prohibit in-person religious gatherings because of the First Amendment. Other people think that states can prohibit in-person religious gatherings.

*Version B*

Many states have prohibited large in-person gatherings due to the Covid-19 pandemic. Some people think that states can prohibit in-person religious gatherings. Other people think that states cannot prohibit in-person religious gatherings because of the First Amendment.

What do you think?

1 States CANNOT prohibit in-person religious gatherings because of the First Amendment

2 States CAN prohibit in-person religious gatherings despite the First Amendment

Regardless of your personal views, how do you think the Supreme Court would decide a case like this?

1 States CANNOT prohibit in-person religious gatherings because of the First Amendment

2 States CAN prohibit in-person religious gatherings despite the First Amendment

*Case #11: Cedar Point Nursery v. Hassid*

*Version A:*

California law requires that employers allow union representatives to enter company private property to meet with employees and solicit support for labor organizing. Some people believe that this is akin to the government taking companies’ private property without compensation. Other people argue that the law is acceptable, and is not the government taking companies’ private property without compensation.

*Version B:*

California law requires that employers allow union representatives to enter company private property to meet with employees and solicit support for labor organizing. Some people believe that this law is acceptable. Other people argue that this is akin to the government taking companies’ private property without compensation.

What do you think?

1. States CAN require that employers allow union representatives to enter company private property
2. States CANNOT require that employers allow union representatives to enter company private property

Regardless of your personal views, how do you think the Supreme Court would decide a case like this?

1. States CAN require that employers allow union representatives to enter company private property
2. States CANNOT require that employers allow union representatives to enter company private property

*Case #12: Collins v. Mnuchin*

*Randomize (50-50) whether respondents are presented Version A or Version B*

*Version A*

Some federal government agencies -- such as the Federal Housing Finance Agency -- are headed by a single director who may be removed from office by the president only for a specific cause rather than for any reason the president wishes.

Some people think that this leadership structure is unconstitutional because it infringes on the president’s authority over the executive branch, including such federal agencies. Other people disagree and think that this leadership structure is not unconstitutional because it does not infringe on the president’s authority over the executive branch.

*Version B*

Some federal government agencies -- such as the Federal Housing Finance Agency -- are headed by a single director who may be removed from office by the president only for a specific cause rather than for any reason the president wishes.

Some people think that this leadership structure is not unconstitutional because it does not infringe on the president’s authority over the executive branch. Other people disagree and think that this leadership structure is unconstitutional because it infringes on the president’s authority over the executive branch, including such federal agencies.

What do you think?

1 Limiting the president to only firing agency heads for a specific reason INFRINGES on the president’s authority

2 Limiting the president to only firing agency heads for a specific reason DOES NOT INFRINGE on the president’s authority

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

1 Limiting the president to only firing agency heads for a specific reason INFRINGES on the president’s authority

2 Limiting the president to only firing agency heads for a specific reason DOES NOT INFRINGE on the president’s authority

*Case #13: Lange v. California*

*Randomize (50-50) whether respondents are presented Version A or Version B*

*Version A*

Police officers sometimes pursue people who flee in cars and who refuse to pull over. Some people think that a police officer should be able to enter someone’s home without a warrant if they are in pursuit of them when that person enters their home. Other people think that it is unconstitutional for police to enter someone’s home without a warrant except when there is a genuine emergency.

*Version B*

Police officers sometimes pursue people who flee in cars and who refuse to pull over. Some people think that it is unconstitutional for police to enter someone’s home without a warrant except when there is a genuine emergency. Other people think that a police officer should be able to enter someone’s home without a warrant if they are in pursuit of them when that person enters their home.

What do you think?

1 Police SHOULD be able to enter someone’s house without a warrant if they are in pursuit of them when that person enters their home

2 Police SHOULD NOT be able to enter someone’s house without a warrant if they are in pursuit of them when that person enters their home

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

1 Police SHOULD be able to enter someone’s house without a warrant if they are in pursuit of them when that person enters their home

2 Police SHOULD NOT be able to enter someone’s house without a warrant if they are in pursuit of them when that person enters their home

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 Stephen Breyer

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]

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?

EXTREMELY LIBERAL EXTREMELY CONSERVATIVE

Where would you place THE CURRENT SUPREME COURT on the following scale?

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