What Do The American People Think About the 2024 Supreme Court Cases?

Results from SCOTUSPoll, a collaboration between researchers at the Harvard Kennedy School of Government, the Stanford Graduate School of Business, and the University of Texas

April 1, 2024

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This memo reports results from the 2024 SCOTUSPoll, a nationally representative survey of American's attitudes on the major Supreme Court cases argued during the 2023-2024 term. The survey was conducted by YouGov using a nationally representative sample of 2,218 U.S. adult residents interviewed online between March 18-25, 2024. The poll's margin of error is ±2.4%

The goal of the survey is to gauge how Americans feel about the major topics being decided by the Supreme Court in advance on the Court issuing decisions in the summer. Regular surveys of Americans report whether they agree or disagree with decisions made by Congress and by the President; this survey applies the same attention to Americans 'attitudes on issues handled by the Court. This kind of investigation is critical: Given the Court's 6-3 conservative majority as well as our highly polarized political landscape, it is possible that the Court will be out of step with the Americans' attitudes, thus undermining its public standing and legitimacy. The question has increased in importance given the Court's unpopular *Dobbs* decision overturning *Roe v. Wade* in the 2021-2022 term. Although the Court is not designed to be a majoritarian institution, these data help us understand the extent to which Court decisions are in step with Americans' attitudes.

Summary of Results

The purpose of the survey is to assess how people would feel about the actual case outcomes as opposed to the legal arguments or jurisprudential considerations. We therefore selected major cases from the 2023-2024 term as identified by important media outlets and Court observers. For all questions, half the respondents received the questions as worded below and half received versions with the options were reversed.

For the majority of cases we asked about this term (nine out of seventeen), bipartisan majorities agreed on how the Supreme Court should decide. In particular, there was strong support for abortion rights. For example, 67.5% of Americans oppose the rescinding of the FDA's approval of the abortion drug mifepristone (including 78.7% of Democrats and 51.1% of Republicans).

Similarly, 82.3% of respondents (including 90% of Democrats and 73.5% of Republicans) believed that federal law should trump state law in permitting hospitals receiving federal funds to provide abortions in cases of medical emergency. Other notable cases where majorities of Republicans and Democrats came out on the same side included: (1) 67.4% of Americans believing that South Carolina unconstitutionally racially gerrymandered districts; (2) 73.5% opposing the opioid settlement where the Sackler family received immunity in exchange for setting up a compensation fund for victims; (3) 74.0% believing that restricting gun rights of domestic abusers is constitutional; and (4) 73.5% agreeing that former presidents are not immune from criminal prosecution.

On some major issues, however, Democrats and Republicans were starkly divided. This included several key cases on censorship on social media. For example, 62.4% of Americans believe that federal officials urging private social media companies to block, delete, or remove users violates users' First Amendment rights, but there are partisan divisions (82.9% of Republicans and 66.2% of Independents agreed but only 38.9% of Democrats did). Further, 59.5% of respondents said that state government should not be able to prevent social media companies from censoring speech on their platforms (68.7% of Democrats and 59.7% of Independents believed that states did not have this power but only 49% of Republicans did). Finally, there are stark partisan divides on whether administrative agencies should have discretion to interpret unclear laws, known as *Chevron* deference, with 51% of Americans believing that the courts should defer to administrative agencies when laws are unclear. Whereas 65.9% of Democrats supported logic behind the the *Chevron* doctrine, only 35.4% of Republicans did.

In summary, for about half of the seventeen major cases the Supreme Court has heard during the 2023-24 term, Americans exhibited a great deal of bipartisan consensus. On the other half, however, there were partisan divides, with Democrats and Republicans supporting different sides and Independents sometimes siding with Democrats and other times siding with Republicans. Even so, the public exhibited a noticeable liberal tilt on the cases that made it to the Court, with the majority taking the liberal position on important issues related to racial gerrymandering, abortion, and gun rights. This is in contrast to the 2022-23 term, where the public took conservative positions on issues such as affirmative action.

Issue: Racial Gerrymandering

Case #1: ***Alexander v. South Carolina State Conference of the NAACP***

South Carolina election map changes district boundaries to re-assign thousands of Black voters to different districts.

Some people claim these changes were made because of the voters' race, and so the map is unconstitutional. Other people claim the changes were not made because of the voters' race but because they were mostly Democrats, and so the map is constitutional.

What do you think?

These changes to the districts are unconstitutional

These changes to the districts are constitutional

	All Respondents	Democrats	Republicans	Independents/Other
UNCONSTITUTIONAL	67.4%	77.1%	56.2%	67.7%
CONSTITUTIONAL	32.6	22.9	43.8	32.3

N = 2,217

Issue: FDA Authorization of Abortion Pill

Case #2. ***Food and Drug Administration v. Alliance for Hippocratic Medicine***

Some people think that the Food and Drug Administration's approval of the abortion drug mifepristone (also known as RU-486), which is prescribed by a physician and taken by mouth, should be revoked. Other people think that it should not be revoked.

What do you think?

The Food and Drug Administration's approval of mifepristone should be revoked

The Food and Drug Administration's approval of mifepristone should NOT be revoked

	All Respondents	Democrats	Republicans	Independents/Other
SHOULD BE REVOKED	32.5%	21.3%	48.9%	29.5%
SHOULD NOT BE REVOKED	67.5	78.7	51.1	70.5

N = 2,218

Issue: Sackler Family Immunity

Case #3. *Harrington v. Purdue Pharma*

The Sackler family, the owners of Purdue Pharma, profited for many years from the sale of prescription opioids. They recently agreed to give billions of dollars to victims of the opioid epidemic in return for immunity from future lawsuits, but not all victims agreed to this deal.

Some people think that the Sackler family receiving immunity from future lawsuits should not be allowed. Other people think this agreement should remain in place and the Sackler family should keep their immunity.

What do you think?

The Sackler family should NOT keep their immunity from future lawsuits

The Sackler family should keep their immunity from future lawsuits

	All Respondents	Democrats	Republicans	Independents/Other
SHOULD NOT KEEP	73.5%	81.1%	67.0%	72.1%
SHOULD KEEP	26.5	18.9	33.0	27.9

N = 2,218

Issue: Use of Social Media by Public Officials

Case #4. *Lindke v. Freed / O'Connor-Ratcliff v. Garnier*

There are public officials who sometimes use private social media accounts to conduct or announce government business.

Some people think that public officials are allowed to block people from such accounts. Other people think that the First Amendment prohibits public officials from blocking people from such accounts.

What do you think?

Public officials are allowed to block people from private social media accounts used to conduct government business

Public officials are NOT allowed to block people from private social media accounts used to conduct government business

	All Respondents	Democrats	Republicans	Independents/Other
ALLOWED	38.2%	41.5%	36.3%	37.0%
NOT ALLOWED	61.8	58.5	63.7	63.0

N = 2,218

Issue: Deference to Federal Agencies

Case #5. ***Loper Bright Enterprises v. Raimondo / Relentless, Inc. v. Department of Commerce***

Courts usually defer to how administrative agencies interpret laws in situations where the law is unclear.

Some people think that courts should not defer to administrative agencies when laws are unclear because that gives these agencies too much power. Others think that administrative agencies employ experts, and so courts should defer to them in these situations.

What do you think?

Courts should NOT defer to administrative agencies when laws are unclear

Courts should defer to administrative agencies when laws are unclear

	All Respondents	Democrats	Republicans	Independents/Other
SHOULD NOT DEFER	49.0%	34.1%	64.6%	49.6%
SHOULD DEFER	51.0	65.9	35.4	50.4

N = 2,215

Issue: Abortion in Hospitals Receiving Federal Funding

Case #6: *Moyle v. United States*

Idaho law criminalizes most abortions. However, federal law requires that hospitals receiving federal funds must provide abortions in medical emergencies.

Some people think that Idaho law supercedes federal law, and so Idaho hospitals are not allowed to provide abortions to women in medical emergencies. Other people think that federal law supercedes Idaho law, and so Idaho hospitals that receive federal funds must provide abortions.

What do you think?

Idaho hospitals are not allowed to provide abortions in medical emergencies

Idaho hospitals must provide abortions in medical emergencies

	All Respondents	Democrats	Republicans	Independents/Other
NOT ALLOWED TO PROVIDE	17.7%	10.0%	26.5%	17.5%
MUST PROVIDE	82.3	90.0	73.5	82.5

N = 2,218

Issue: Disinformation on Social Media

Case #7: *Murthy v. Missouri*

Recently federal officials urged private social media companies such as Facebook and Twitter to block, delete, or remove users expressing disinformation or disfavored views on controversial topics, including COVID-19 and election fraud.

Some people think that this violates users' First Amendment right to free speech. Other people think that it does not.

What do you think?

Federal officials urging private social media companies to block, delete, or remove users violates users' First Amendment rights

Federal officials urging private social media companies to block, delete, or remove users does NOT violate users' First Amendment rights

	All Respondents	Democrats	Republicans	Independents/Other
VIOLATES	62.4%	38.9%	82.9%	66.2%
DOES NOT VIOLATE	37.6	61.1	17.1	33.8

N = 2,218

Issue: NRA First Amendment Rights

Case #8: ***National Rifle Association of America v. Vullo***

Following a school shooting, a state regulator told financial services companies that they should consider refusing to provide services to the National Rifle Association (NRA).

Some people think that the state regulator's behavior violates the NRA's First Amendment rights. Other people say it does not.

What do you think?

The state regulator's behavior violates the NRA's First Amendment Rights

The state regulator's behavior DOES NOT violate the NRA's First Amendment Rights

	All Respondents	Democrats	Republicans	Independents/Other
VIOLATES	53.3%	29.9%	78.5%	53.6%
DOES NOT VIOLATE	46.7	70.1	21.5	46.4

N = 2,218

Issue: Social Media and Censorship

Case #9: *Netchoice v. Paxton / Moody v. Netchoice*

Social media companies often remove content from their websites for various reasons.

Some people think that states should be allowed to prevent social media companies from censoring speech based on the viewpoint of the user. Other people think that states cannot do that because it violates social media companies' First Amendment rights.

What do you think?

States should be allowed to prevent social media companies from censoring speech

States cannot prevent social media companies from censoring speech

	All Respondents	Democrats	Republicans	Independents/Other
SHOULD BE ALLOWED	40.5%	31.3%	51.1%	40.3%
CANNOT PREVENT	59.5	68.7	49.0	59.7

N = 2,218

Issue: Administrative Courts

Case #10: *Securities and Exchange Commission v. Jarkesy*

Some federal agencies bring actions in administrative proceedings with their own judges rather than in regular federal courts.

Some people think this is unconstitutional because these proceedings do not have jury trials the way federal courts do. Other people think that such proceedings are constitutional.

What do you think?

Federal agencies bringing actions in administrative proceedings rather than in federal courts is NOT constitutional

Federal agencies bringing actions in administrative proceedings rather than in federal courts is constitutional

	All Respondents	Democrats	Republicans	Independents/Other
NOT CONSTITUTIONAL	67.7%	55.8%	77.2%	70.3%
CONSTITUTIONAL	32.3	44.3	22.8	29.7

N = 2,218

Issue: Trump Eligibility for Presidency

Case #11: *Trump v. Anderson*

Some people think that Donald Trump is not eligible to run for president in 2024 because the 14th Amendment's ban on insurrectionists holding public office includes his conduct on January 6, 2021. Others disagree and think he is eligible to run.

What do you think?

President Donald Trump is NOT eligible to run for president in 2024

President Donald Trump is eligible to run for president in 2024

	All Respondents	Democrats	Republicans	Independents/Other
NOT ELIGIBLE	46.6%	84.0%	7.2%	45.6%
ELIGIBLE	53.4	16.0	92.8	54.4

N = 2,218

Issue: Immunity for Former Presidents

Case #12: *Trump v. United States*

Some people think that former presidents are not immune from criminal prosecution for actions they took while president and so can be criminally prosecuted for such actions. Other people think that former presidents are immune from criminal prosecution for actions they took while president.

What do you think?

Former presidents are immune from criminal prosecution for actions they took while president

Former presidents are NOT immune from criminal prosecution for actions they took while president

	All Respondents	Democrats	Republicans	Independents/Other
IMMUNE	26.5%	10.1%	45.0%	26.0%
NOT IMMUNE	73.6	89.9	55.0	74.0

N = 2,218

Issue: Second Amendment Rights of Domestic Abusers

Case #13: *United States v. Rahimi*

Some people think that barring domestic abusers from possessing firearms violates their Second Amendment right to keep and bear arms. Other people think that this does not violate their Second Amendment rights.

What do you think?

Barring domestic abusers from possessing firearms violates their Second Amendment rights

Barring domestic abusers from possessing firearms DOES NOT violate their Second Amendment rights

	All Respondents	Democrats	Republicans	Independents/Other
VIOLATES	26.0%	18.6%	32.4%	27.1%
DOES NOT VIOLATE	74.0	81.4	67.6	72.9

N = 2,218

Issue: Trademarks of Names

Case #14: *Vidal v. Elster*

Federal law forbids trademarks that include individual names, including politicians' names.

Some people think that this violates people's First Amendment right to free speech. Other people think this does not violate people's First Amendment rights.

What do you think?

Forbidding trademarks that include individual names, including politicians' names, does violate the First Amendment

Forbidding trademarks that include individual names, including politicians' names, does NOT violate the First Amendment

	All Respondents	Democrats	Republicans	Independents/Other
DOES VIOLATE	43.3%	38.3%	47.6%	44.1%
DOES NOT VIOLATE	56.7	61.7	52.4	55.9

N = 2,216

Issue: Homeless Camping Ban

Case #15: *Grants Pass v. Johnson*

A local law bans homeless people from camping outside even when local shelters are full.

Some people believe that the law violates the Constitution's prohibition against cruel and unusual punishment because these people have nowhere else to go. Other people think this does not violate the Constitution's prohibition against cruel and unusual punishment.

What do you think?

Banning homeless people from camping outside even when local shelters are full violates the Constitution

Banning homeless people from camping outside even when local shelters are full does not violate the Constitution

	All Respondents	Democrats	Republicans	Independents/Other
DOES VIOLATE	57.8%	69.2%	42.9%	59.6%
DOES NOT VIOLATE	42.2	30.8	57.1	40.4

N = 2,217

Issue: January 6th Events

Case #16: *Fischer v. United States*

Federal law makes it a crime to obstruct, influence, or impede an official proceeding.

Some people think this does not includes the activities that took place at the U.S. Capitol Building on January 6, 2021. Other people think that it does.

What do you think?

The events at the U.S. Capitol Building on January 6, 2021 were NOT criminal

The events at the U.S. Capitol Building on January 6, 2021 were criminal

	All Respondents	Democrats	Republicans	Independents/Other
NOT CRIMINAL	29.4%	9.0%	54.9%	27.3%
CRIMINAL	70.6	91.0	45.1	72.7

N = 2,217