Supplementary Materials

The American Public's Attitudes over How Judges Use Legal Principles to Make Decisions

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Appendix 1.   The American Public's Attitudes over How Judges Use Legal Principles to Make Decisions

Appendix 1.1   Real-World Elite Communication and Principles of Judging

In Table A-1 and Figure A-1, we use string searches to find direct references to a series of legal principles in press releases from U.S. Senators and network news transcripts about Supreme Court nominees, supplemented by manual coding to remove false positives. The search terms included variations in how to discuss a principle, such as "precedent," "*stare decisis*" and "settled law," or "judicial activism," "judicial restraint," and "legislate from the bench." Nevertheless, elite actors may also reference these concepts in forms our search terms could not capture, making this a likely undercount. This set of principles, while not exhaustive, attempts to capture a broad range of ideas surrounding judicial decision-making, including some of the most important principles that we asked about in our surveys (such as precedent and original intent) as well as direct references to key constitutional phrases and some other language used in popular discourse, such as "strict construction" and the "living constitution." We see in Table A-1 that this discussion by political elites is multi-faceted; Figure A-1, which focuses on news transcripts, highlights how such discussion appears across many nomination contexts. Figure A-2, which uses data from Collins and Ringhand 2013 and employs slightly different categories, shows that senators of both parties in the Judiciary Committee engage in rhetoric surrounding legal principles.

Appendix 1.2   Front Page Newspaper Discussion of Legal Principles

As we note in the main text, all 28 front-page *New York Times* stories on constitutional Supreme Court cases from 2010-2014 described the reasoning behind the decision given by the justices, often giving multiple types of rationales and noting the justifications used both by the majority and by dissenting justices. Front page cases noted in Table 2-13 of Epstein et al. (2015).[41] For example, coverage of the Court's decision finding warrantless searches of cellphones unconstitutional in *Riley v. California* (2013) discussed the role of precedent ("the Supreme Court's precedents had supported the government"), historical notions of privacy ("One of the driving forces behind the American Revolution, Chief Justice Roberts wrote, was revulsion against 'general warrants'"), and societal consequences ("[Roberts was] keenly alert to the central role that cellphones play in contemporary life"). See: https://perma.cc/43R7-JFUX.

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41. Epstein, Lee, Jeffrey A. Segal, Harold J. Spaeth, and Thomas G. Walker. 2015. *The supreme court compendium: data, decisions, and developments.* 6th. CQ Press.

Appendix 1.3   Legal Principles and Senate Press Releases

Table A-1. Senator Press Releases about Principles of Judging

Principle	% of All	Example Text
Activism	10.1%	**McConnell (R-KY)**: "I agree with [Miers'] belief that the proper role of a judge is to strictly apply the laws and the Constitution, not **legislate from the bench**."
Constitutional Phrases	2.8%	**Wicker (R-MS)**: "Clearly [Sotomayor] has a wrong view of Second Amendment rights, of the right of individual Americans – either under federal law or state law – to **keep and bear arms**."
Federalism	1.4%	**Young (R-IN)**: "In his writing, Judge Kavanaugh reminds us that **federalism** and the separation of powers, are not mere matters of etiquette or architecture, but are essential to protecting individual liberty."
Foreign Law	1.0%	**Murkowski (R-AK)**: "I am also concerned about the deference that a Justice Kagan might give to **international law** in interpreting the Constitution and laws of the United States... Unlike Ms. Kagan I would not think that a federal judge at any level should cite foreign or international law in its decision."
Living Constitution	0.2%	**McCain (R-AZ)**: "I know of no more profoundly anti-democratic attitude than that expressed by those who want judges to discover and enforce the ever-changing boundaries of a so-called '**living Constitution**."
Original Intent	3.8%	**Biden (D-DE)**: "Judge Alito... has supported the theories of strict construction and **originalism**. He stated: I think we should look to the text of the Constitution and we should look to the meaning that someone would have taken from the text of the Constitution at the time of its adoption."
Precedent	11.3%	**Feinstein (D-CA)**: "The court could also overturn *Roe v. Wade*, stripping women of the right to control their reproductive systems. [Barrett] has argued that justices have the right to ignore that **precedent** if they believe the Constitution doesn't protect a woman's right to choose."
Strict Construction	0.8%	**Burns (R-MT)**: "[Alito] is a **strict constructionist** and deeply reveres the Constitution, and the Supreme Court will be well served by his membership."
Textualism	5.3%	**Portman (R-OH)**: "[Barrett] has a commitment to interpret the **text of the Constitution** and the laws as they are written, rather than through the lens of her own policy or personal preferences. I appreciate that modest approach. it leaves the legislating to the representatives elected by the people rather than the unelected judges."

Note: Table presents information on Senator press releases about principles of judging. Data come from all 3,694 press releases issued by Senators about the last 10 Supreme Court nominees, taken from ProQuest, senatorial websites, and Grimmer 2013. Categories are not mutually exclusive. The second column reports the percent of all press releases that reference the principle. In total, 25.2% of Senator press releases about Supreme Court nominees include at least one reference to the above principles of judging.

Appendix 1.4   Legal Principles and Television News Coverage
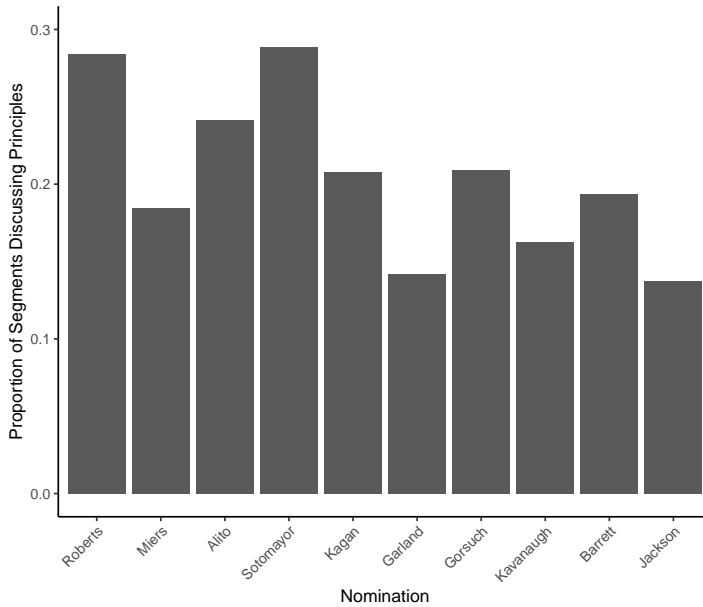
Note: The figure presents the proportion of network news and NPR segments about the last ten Supreme Court nominees that referenced that discussed principles of judging. Data come from 11,833 network news transcripts that mention one of the last ten Supreme Court nominees during the time period of their nominations cataloged by Nexis Uni. These transcripts come from ABC, CBS, CNN, Fox Business, Fox News, MSNBC, NBC, NewsHour, and NPR. In total, 20.4% of network news transcripts about Supreme Court nominees include at least one reference to the above principles of judging.

Figure A-1. Television News Coverage of Legal Principles

Appendix 1.5   Judicial Philosophy and Senate Judiciary Committee Hearings
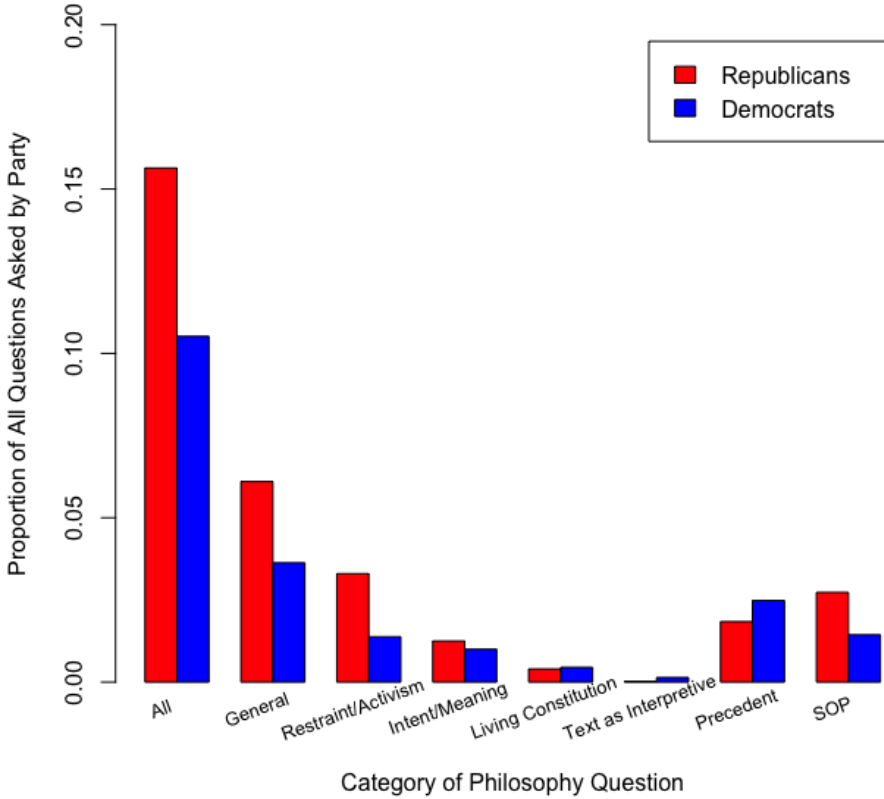
Note: The figure plots the percentage of Senate Judiciary Committee questions asked by Republican and Democratic Senators along with nominee responses related to each category of judicial philosophy. The data come from Collins and Ringhand 2013.

Figure A-2. Type of Philosophy Questions by Party of Senator

Appendix 1.6   Sample Details

The Harvard/Harris Poll uses an opt-in internet panel weighted to a target sampling frame based upon age, gender, region, race/ethnicity, marital status, household size, income, employment, and education. Respondents were also weighted by their propensity to be online and thus have the opportunity to take the survey.

Table A-2. Descriptive Statistics: October 2017 Harvard/Harris Survey

Category	Un(weighted) Proportion	Category	Un(weighted) Proportion
Gender		**Education**	
Male	.426 (.475)	No high school degree	.035 (.080)
Female	.574 (.525)	High school graduate	.232 (.214)
		Some college	.233 (.230)
		Two-year degree	.119 (.134)
		Four-year degree	.245 (.215)
		Postgraduate degree	.137 (.126)
Race		**Income**	
White	.772 (.661)	Under $25,000	.215 (.162)
Black	.089 (.116)	$25,000 to $49,999	.243 (.201)
Latina/o	.072 (.135)	$50,000 to $74,999	.190 (.168)
Asian American	.039 (.049)	$75,000 to $99,999	.123 (.125)
Other racial group	.028 (.039)	$100,000 to $124,999	.068 (.115)
		$125,000 to $149,999	.037 (.060)
		$150,000 or more	.061 (.105)
		Decline to answer	.064 (.065)
Partisanship		**Ideology**	
Democrat	.337 (.358)	Strong liberal	.143 (.139)
Republican	.267 (.309)	Lean liberal	.141 (.128)
Independent	.333 (.287)	Moderate	.412 (.425)
Other	.063 (.046)	Lean conservative	.165 (.156)
		Strong conservative	.140 (.152)

Note: Cell entries indicate unweighted (main entry) and weighted (in parentheses) sample proportions for each demographic and political category. N = 2,305. The unweighted sample characteristics match Census data from July 1, 2016 fairly well and are very similar to other high-quality samples of the American public used in political science. The Census data indicate that women comprised 50.8% of the population; the population was 76.9% white, 13.3% Black, 5.7% Asian American, and 4.9% other racial group (Hispanic background is treated separately from race); 30.3% had completed at least a four-year college degree; and the median household income was approximately $55,000. In comparison, the 2018 Cooperative Congressional Election Survey (Ansolabehere, Schaffner, and Luks 2019) had a sample of respondents that were 57.0% female; 75.0% white, 9.3% black, 2.9% Asian American; 35.7% Democrat, 26.6% Republican, and 27.7% Independent; 37.6% having completed at least a four-year college degree; and with a median household income of approximately $60,000.

Appendix 1.7   The Temporal Context of Our Survey

The Harvard/Harris survey was conducted when President Trump was in his first year in office (October 2017). President Trump emphasized the legalistic traits of his judicial nominees in his public communications (see, e.g., his comments on Neil Gorsuch presented in the main text). While popular discussion of legal principles in the context of judicial nominees and decisions is not unique to the Trump era (see, e.g., Figure A-1 above), it is possible that the ways in which Trump talked

about legal principles in the context of his nominees differs from other elites. It is likewise possible that the attitudes we measure toward legal principles might differ under a different president or political environment. We see these questions as important avenues for future research.

Appendix 1.8   Validity of the Question Used to Measure Attitudes toward Legal Principles

A possible concern about our question stem is that respondents will interpret the "importance" of a principle of judging not as a prompt about what the respondent thinks it is normatively important for judges to do, but as a descriptive question about what judges themselves say is important. We encourage the development of multiple ways of asking about principles of judging. However, we think that respondents likely interpreted the prompt in the way we intended.

First, to test whether the wording of our prompt may have led respondents to evaluate these questions in a different way than we intended, we included in our MTurk survey (see Appendix 1.15) an alternative wording, given to half the respondents, where we added "for judges to use when making decisions" when giving the four importance categories; this language is more clearly purposive ("important for") and thus appears less liable to misinterpretation.[42]

This change in wording did not meaningfully affect responses. Difference-in-means tests reveal no statistically distinguishable differences in the mean level of importance given to any of the ten principles questions across question groups (p-values range from 0.39 to 0.93).[43] Additionally, the average absolute difference in finding a principle important (the sum of responses for "very important" or "somewhat important") between the groups is 1.3 percent. This increases our confidence that our respondents are interpreting our prompt in the way we intended.

Second, the differences that we find by ideology are more consistent with the view that respondents interpreted this question as normative rather than descriptive. The patterns we see, especially among highly knowledgeable respondents, track more closely the public rhetoric from liberals and conservatives about what the courts *should* do rather than the rhetoric about what they are *actually* doing. Furthermore, even though our question wordings differ significantly from the "judicial values" questions, we see some notable points of connection where there some topical overlap. Our question

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42. This longer wording more closely resembles previous survey stems on "judicial values" (Gibson and Caldeira 2009b; Greene, Persily, and Ansolabehere 2011) which state "How important would you say it is for a good Supreme Court judge to…" (Greene, Persily, and Ansolabehere 2011, 366).

43. To test this, we include respondents who participated in another experiment, not discussed in this paper. Thus, our sample size is larger (872), reducing the likelihood that these non-results are a function of a small sample size.

about precedent elicited 78% importance (Table 2) while we see 79% importance for "Respect existing Supreme Court decisions by changing the law as little as possible" in Greene, Persily, and Ansolabehere 2011, 366. Our question about original intent elicited 88% importance, while we see 92% importance for the somewhat related prompt of "Uphold the values of those who wrote our Constitution two hundred years ago" (Greene, Persily, and Ansolabehere 2011, 366). Finally, while our question about public opinion elicited much less support than their prompt "Respect the will of the majority of people in the United States" (48% importance versus 74% importance), we think that our explicit invocation of "current public opinion" will call to mind different and more negative considerations than "the will of the majority of people." Nonetheless, both surveys find less support for considering public opinion than for precedent or original intent. While our question wordings are novel and intended to capture different concepts from previous work, these broad points of connection also lead us to believe that our respondents were treating our prompt as normative and not descriptive.

Finally, if some respondents *were* interpreting our prompt as a descriptive question about what judges actually do, we should expect smaller ideological differences than if they were interpreting the prompt as normative. Thus, measurement error of this sort should bias our coefficients downwards, which would suggest that the true ideological differences in the population may be greater than we report.

Appendix 1.9   *Descriptive Results by Demographic Groups*

Table A-3. Percentage of Respondents Rating a Principle as Important by Gender

	Female	Male
Traditional principles	*81%*	*80%*
Plain meaning	83%	80%
Original intent	89%	88%
Opinion when adopted	76%	71%
Precedent	75%	81%
Non-traditional principles	*58%*	*53%*
Consequences	83%	78%
Other countries	42%	38%
Public opinion	51%	45%
Other principles		
Strong reason	88%	80%
Political activity	63%	61%
State or federal	90%	84%

Note: Survey respondents were asked "What is your gender?" and response options were Male and Female. Because respondents were asked about gender, we use the term gender here, though we recognize the response options refer to biological sex.

Table A-4. Percentage of Respondents Rating a Principle as Important by Race

	White	Black	Latino	Asian	Other
Traditional principles	*81%*	*78%*	*81%*	*77%*	*76%*
Plain meaning	83%	77%	81%	73%	79%
Original intent	90%	84%	87%	83%	86%
Opinion when adopted	74%	75%	78%	71%	59%
Precedent	78%	78%	77%	82%	78%
Non-traditional principles	*52%*	*70%*	*65%*	*69%*	*44%*
Consequences	79%	86%	88%	73%	75%
Other countries	34%	54%	52%	66%	23%
Public opinion	42%	69%	55%	69%	35%
Other principles					
Strong reason	85%	83%	84%	73%	78%
Political activity	59%	71%	68%	72%	67%
State or federal	87%	87%	86%	78%	92%

Table A-5. Percentage of Respondents Rating a Principle as Important by Partisanship

	Republican	Democratic	Independent	Other
Traditional principles	*82%*	*81%*	*79%*	*74%*
Plain meaning	80%	84%	81%	74%
Original intent	92%	86%	88%	82%
Opinion when adopted	78%	72%	71%	66%
Precedent	78%	81%	75%	76%
Non-traditional principles	*47%*	*65%*	*54%*	*57%*
Consequences	73%	88%	80%	71%
Other countries	31%	48%	37%	47%
Public opinion	36%	60%	46%	52%
Other principles				
Strong reason	86%	86%	84%	64%
Political activity	59%	71%	56%	57%
State or federal	85%	91%	85%	73%

Table A-6. Percentage of Respondents Rating a Principle as Important by Education

	No high school	High school	Some college	College (2 yr)	College (4 yr)	Graduate degree
Traditional principles	*74%*	*82%*	*80%*	*82%*	*81%*	*81%*
Plain meaning	77%	81%	84%	82%	79%	85%
Original intent	77%	91%	86%	90%	90%	89%
Opinion when adopted	80%	81%	71%	76%	71%	64%
Precedent	61%	74%	79%	78%	83%	86%
Non-traditional principles	*58%*	*61%*	*55%*	*59%*	*54%*	*49%*
Consequences	78%	81%	83%	77%	78%	83%
Other countries	49%	45%	37%	42%	40%	27%
Public opinion	47%	56%	45%	57%	44%	38%
Other principles						
Strong reason	81%	88%	82%	78%	86%	86%
Political activity	78%	68%	57%	60%	58%	59%
State or federal	81%	88%	89%	86%	87%	86%

Table A-7. Percentage of Respondents Rating a Principle as Important by Income

|	< $25K	$25-50K	$50-75K	$75-100K	$100-125K	$125-150K	> $150K	Refused
Traditional principles	*77%*	*81%*	*82%*	*79%*	*80%*	*83%*	*83%*	*78%*
Plain meaning	78%	82%	86%	82%	80%	84%	82%	76%
Original intent	82%	88%	89%	91%	93%	91%	89%	86%
Opinion when adopted	76%	75%	75%	69%	66%	72%	79%	74%
Precedent	71%	80%	79%	74%	80%	87%	81%	78%
Non-traditional principles	*59%*	*59%*	*59%*	*53%*	*51%*	*62%*	*53%*	*47%*
Consequences	78%	85%	82%	80%	76%	84%	78%	77%
Other countries	48%	38%	42%	37%	34%	53%	33%	32%
Public opinion	51%	54%	52%	44%	43%	49%	47%	32%
Other principles								
Strong reason	82%	88%	86%	81%	82%	91%	79%	83%
Political activity	67%	64%	68%	60%	55%	54%	66%	47%
State or federal	84%	89%	88%	86%	85%	89%	86%	87%

Appendix 1.10   Factor Analysis

Columns 1 and 2 of Table A-8 present the results from a principal components analysis with two components using a varimax rotation. Our analysis suggests two primary factors explain a considerable proportion of the variation in our data. A scree plot suggests two primary factors, as does a parallel analysis (see Figure A-3). The eigenvalue for the first factor is 3.29 (explaining 0.25 of the overall variance), and the eigenvalue for the second is 1.46 (explaining 0.22 of the overall variance). Respondent mean level of support for our traditional principles correlates with the first factor of a principal component analysis with two components at 0.88 and respondent mean level of support for our non-traditional principles correlates with the second factor at 0.93.

As our theory about traditional and non-traditional principles does not preclude the possibility that the factors could be correlated, we also conduct an exploratory factor analysis using the minimum residual method and an oblimin rotation. Columns 3 and 4 of Table A-8 show that the results do not differ greatly from the PCA. The first factor from this method correlates with average responses to traditionalism at 0.87 and the second factor correlates with average responses to non-traditionalism at 0.96.

Table A-8. Factor Loadings: Principal Components Analysis

	Principal Component 1	Principal Component 2	Factor 1	Factor 2
Plain meaning	0.60	0.14	0.50	0.06
Original intent	0.72	-0.19	0.63	-0.22
Opinion when adopted	0.57	0.23	0.47	0.12
Precedent	0.50	0.19	0.40	0.10
Consequences	0.46	0.49	0.40	0.33
Other countries	-0.01	0.83	-0.07	0.75
Public opinion	0.12	0.83	0.04	0.76
Strong reason	0.61	0.20	0.53	0.08
Political activity	0.33	0.63	0.28	0.45
State or federal	0.61	0.14	0.52	0.04

Note: The table presents factor loadings from an principal components analysis with two components using a varimax rotation (columns 1 and 2) and factor loadings from an exploratory factor analysis using the minimum residual method and an oblimin rotation (columns 3 and 4).
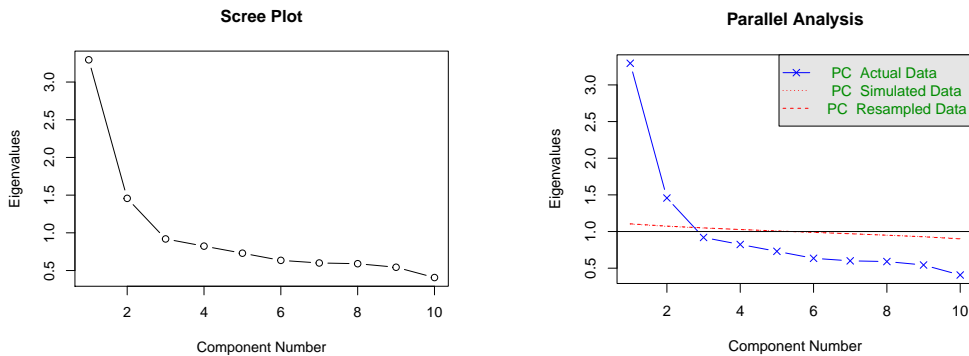
Note: The left plot is a scree plot of the eigenvalues from our principal components analysis; the "elbow" appears at the third factor, suggesting retaining the first two factors. The right plot presents a parallel analysis comparing the eigenvalues from our analysis to randomly generated eigenvalues; the results similarly suggest retaining the first two factors.

Figure A-3. Assessments of How Many Components to Retain

Appendix 1.11   Legal Principles, Politics, and Knowledge (Regression Results)

Table A-9. Politics, Judicial Knowledge and Support for Principles of Judging

	Traditional Principles	Non-Traditional Principles
Knowledge	0.01*	−0.04*
	(0.004)	(0.005)
Liberal	0.11*	0.05
	(0.03)	(0.03)
Moderate	0.02	0.01
	(0.02)	(0.03)
Female	−0.002	0.003
	(0.01)	(0.01)
Education (Cat.)	−0.0001	−0.003
	(0.003)	(0.003)
White	−0.001	−0.06*
	(0.01)	(0.01)
Age (Cat.)	0.02*	−0.01*
	(0.004)	(0.005)
Knowledge × Liberal	−0.03*	0.02*
	(0.01)	(0.01)
Knowledge × Moderate	−0.002	0.02*
	(0.005)	(0.01)
Constant	0.60*	0.69*
	(0.02)	(0.03)
N	2305	2305
Adj. R-squared	0.03	0.16

Note: The tables present linear regression coefficients predicting mean support for our categories of the principle of judging as a function of knowledge of the Supreme Court and respondent ideology. The outcome variables capture average evaluations of the importance of the principles in each category. Support for individual principles take on one of four values, 0, .33, .66 or 1, where higher values indicate greater importance. The Supreme Court knowledge variable ranges from zero to seven and is measured using a battery of seven questions; higher values indicate greater knowledge of the Court. ***p < .01; **p < .05; *p < .1.

Table A-10. Politics, Judicial Knowledge and Support for Principles of Judging: Individual Principles

	Plain M.	Original Int.	Opinion Adop.	Precedent	Consequences	Other Countries	Public Op.	Strong Reason	Political Act.	State/Fed.
Knowledge	0.01	0.03*	-0.004	0.02*	-0.01	-0.06*	-0.05*	0.02*	-0.03*	0.01*
	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)
Liberal	0.08	0.10*	0.16*	0.11*	0.07	-0.03	0.09*	0.21*	-0.01	0.10*
	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.05)	(0.04)	(0.05)	(0.04)
Moderate	-0.02	0.03	-0.01	0.07*	0.01	-0.02	0.04	0.04	-0.06	0.01
	(0.03)	(0.03)	(0.04)	(0.03)	(0.03)	(0.04)	(0.04)	(0.03)	(0.04)	(0.03)
Female	0.01	0.003	0.02	-0.04*	0.02	-0.01	-0.002	0.05*	-0.001	0.04*
	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)
Education (Cat.)	-0.003	0.003	-0.02*	0.02*	-0.002	-0.01	-0.001	-0.01*	-0.01*	-0.01*
	(0.004)	(0.003)	(0.004)	(0.004)	(0.004)	(0.004)	(0.004)	(0.004)	(0.004)	(0.004)
White	0.02	0.002	-0.004	-0.02	-0.03*	-0.06*	-0.08*	-0.003	-0.05*	-0.01
	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)
Age (Cat.)	0.01*	0.02*	0.03*	0.01	0.01	-0.04*	-0.004	0.02*	0.003	0.02*
	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)
Knowledge × Liberal	-0.01	-0.04*	-0.04*	-0.01	0.02*	0.04*	0.01	-0.04*	0.02*	-0.01
	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)
Knowledge × Moderate	0.02*	-0.02*	0.0003	-0.01	0.02*	0.02*	0.02*	0.001	0.02*	0.01
	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)
Constant	0.61*	0.61*	0.65*	0.53*	0.64*	0.76*	0.68*	0.55*	0.72*	0.64*
	(0.03)	(0.03)	(0.03)	(0.03)	(0.03)	(0.04)	(0.04)	(0.03)	(0.04)	(0.03)
N	2305	2305	2305	2305	2305	2305	2305	2305	2305	2305
Adj. R-squared	0.02	0.07	0.04	0.03	0.05	0.17	0.14	0.04	0.05	0.03

Note: The tables present linear regression coefficients predicting support for each principle of judging as a function of knowledge of the Supreme Court and respondent ideology. The outcome variables capture evaluations of each principle's importance. The variables take on one of four values, 0, .33, .66 or 1, where higher values indicate greater importance. The Supreme Court knowledge variable ranges from zero to seven and is measured using a battery of seven questions; higher values indicate greater knowledge of the Court. *** p < .01; ** p < .05; * p < .1.

Table A-11. Politics, Judicial Knowledge and Support for Principles of Judging: Ordered Logistic Regressions

	Plain M.	Original Int.	Opinion Adop.	Precedent	Consequences	Other Countries	Public Op.	Strong Reason	Political Act.	State/Fed.
Knowledge	0.06	0.28*	0.001	0.10*	-0.05	-0.40*	-0.31*	0.14*	-0.20*	0.12*
	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)
Liberal	0.53	1.03*	1.12*	0.81*	0.40	-0.33	0.53	1.62*	0.06	0.88*
	(0.28)	(0.29)	(0.28)	(0.29)	(0.28)	(0.28)	(0.28)	(0.29)	(0.28)	(0.29)
Moderate	-0.10	0.26	-0.10	0.43	-0.04	-0.24	0.25	0.39	-0.37	0.10
	(0.24)	(0.25)	(0.23)	(0.24)	(0.24)	(0.24)	(0.23)	(0.24)	(0.23)	(0.24)
Female	0.06	-0.03	0.14	-0.30*	0.08	-0.01	-0.02	0.34*	-0.01	0.26*
	(0.08)	(0.08)	(0.08)	(0.08)	(0.08)	(0.08)	(0.08)	(0.08)	(0.08)	(0.08)
Education (Cat.)	-0.04	0.01	-0.12*	0.12*	-0.02	-0.02	-0.001	-0.07*	-0.09*	-0.08*
	(0.03)	(0.03)	(0.03)	(0.03)	(0.03)	(0.03)	(0.03)	(0.03)	(0.03)	(0.03)
White	0.15	0.005	-0.06	-0.17	-0.19*	-0.34*	-0.43*	-0.04	-0.29*	-0.07
	(0.09)	(0.09)	(0.09)	(0.09)	(0.09)	(0.09)	(0.09)	(0.09)	(0.09)	(0.09)
Age (Cat.)	0.08*	0.17*	0.19*	0.08*	0.06	-0.24*	-0.02	0.19*	0.02	0.13*
	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)
Knowledge × Liberal	-0.09	-0.37*	-0.28*	-0.10	0.14*	0.27*	0.10	-0.31*	0.11*	-0.09
	(0.05)	(0.06)	(0.05)	(0.06)	(0.05)	(0.05)	(0.05)	(0.06)	(0.05)	(0.06)
Knowledge × Moderate	0.09	-0.15*	-0.0000	-0.05	0.15*	0.18*	0.10*	-0.02	0.15*	0.06
	(0.05)	(0.05)	(0.05)	(0.05)	(0.05)	(0.05)	(0.05)	(0.05)	(0.05)	(0.05)
N	2305	2305	2305	2305	2305	2305	2305	2305	2305	2305

Note: The table presents ordered logistic regression coefficients predicting support for each principle of judging as a function of knowledge of the Supreme Court and respondent ideology. The outcome variables capture evaluations of each principle's importance. The outcome variables take on one of four ordered values, "not important," "a little important," "somewhat important," and "very important." The Supreme Court knowledge variable ranges from zero to seven and is measured using a battery of seven questions; higher values indicate greater knowledge of the Court. *** p < .01; ** p < .05; * p < .1.

Appendix 1.12   Additional Discussion of Regression Results

Our models show that Americans of all political stripes are generally supportive of the traditional principles of judging. For example, among respondents who fell in the bottom third of Court knowledge, 0–3, our model predicts that liberals were an average of 7.4 percentage points more supportive of the use of traditional principles than conservatives. This difference is roughly equal to two-fifths of a standard deviation in the support variable. However, for respondents in the middle third of knowledge, 4-5, our model predicts that conservatives were an average of 0.3 percentage points more supportive of the use of traditional principles than liberals and at the top third, 6-7, conservatives were 5.5 percentage points more supportive than liberals.

Contrastingly, our models show a large difference (on average, 19.3 percentage points) between high-knowledge liberals and conservatives in support for non-traditional principles. Our model shows that this difference is equal to about four-fifths of a standard deviation in the support variable. While higher-knowledge liberal respondents also become less supportive of the use of some of these non-traditional principles, the decline in conservative support for these principles as a function of knowledge is greater.

Appendix 1.13   Legal Principles, Politics, and Attention to the Court

Our preferred measure of individual exposure to and internalization of principles of judging is a seven-question battery of Supreme Court knowledge. However, we also asked a question in the October 2017 Harvard–Harris poll that had respondents self-report the attention they payed to the Supreme Court on a four-point scale. The relationship between attention and support for traditional and non-traditional principles as a function of ideology is presented in Figure A-4. While attention does not have much of an effect on evaluations of principles, the overwhelming support for respondents of all political stripes for traditional principles, and the significant lower support for non-traditional principles for conservatives, mirror our main findings.

Appendix 1.14   Knowledge Questions

The knowledge questions asked whether the Supreme Court can declare acts of Congress unconstitutional, what it means for the Supreme Court to rule on a decision 5-4, whether the justices are elected or appointed, whether they serve for a set number of years or for life, which branch has
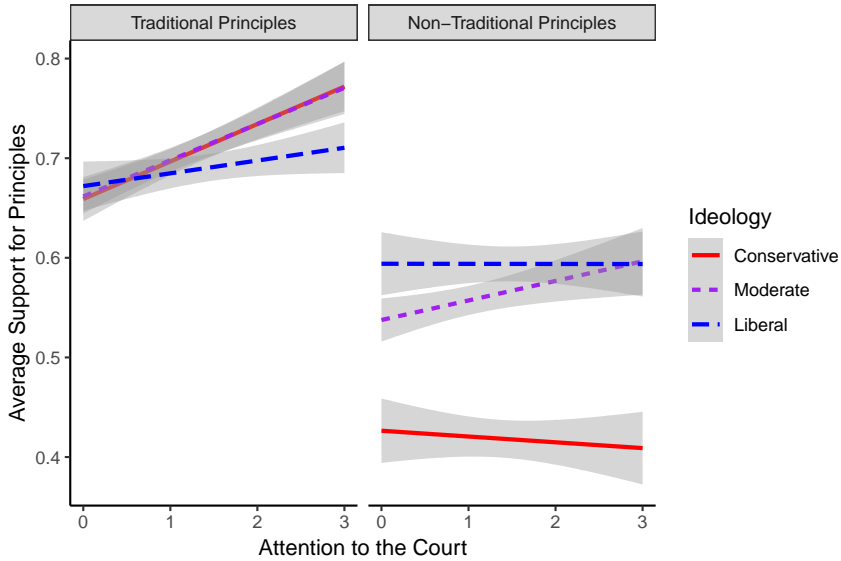
Note: The figure presents predicted levels of support for traditional and non-traditional principles as a function of self-reported attention to the Supreme Court (*x*-axis) and respondent ideology. The Supreme Court attention variable ranges from 0 to 3; higher values indicate greater attention paid to the decisions of the Supreme Court.

Figure A-4. Relationship of Support for Principles, Ideology and Attention to the Court

the last say in a conflict over the meaning of the Constitution, the name of the Chief Justice, and the name of the most recently appointed justice. The proportion of respondents at each level of knowledge are: 0 knowledge (0.03), 1 (0.08), 2 (0.08), 3 (0.12), 4 (0.14), 5 (0.17), 6 (0.18), 7 (0.20).

Appendix 1.15   Experimental Study

Appendix 1.15.1   MTurk Survey Legal Principles Question Wording

The question wording was identical to those in the October 2017 survey presented in Table 1, with three exceptions. First, we replaced the category "not very important" with "a little important." We think this wording better differentiates between the second-least and least important categories. We also replaced question 8 in the original battery with a question about legislative deference in order to clarify confusion with the original question and to measure attitudes toward this important principle. Finally, we tested whether the wording of the question prompt affects responses by adding "for judges to use when making decisions" at the end of the prompt for half the responses; as noted in Section Appendix 1.8, this made little difference in the responses.

Appendix 1.15.2   MTurk Survey Evaluations of Legal Principles

We fielded this survey on Amazon Mechanical Turk on September 17, 2018. After excluding respondents not in the U.S. and who had duplicate IP addresses (see Zhirkov and Valentino 2022, 498),[44] we have 872 respondents in the survey in total and 426 in our experiment.

Overall, the patterns we find in our MTurk survey for respondents' evaluations of legal principles (Table A-12) are similar to the results of our nationally-representative October 2017 (Table 2) survey. As in that survey, respondents in the MTurk survey showed higher average support for the traditional principles than the non-traditional principles. This lower support for non-traditional principles largely came from the "Other countries" and "Public opinion" principles. A notable difference is that we do not see the same differences in mean support by ideology for the "Other countries" principle in this survey. In fact, here conservative respondents had on average a more favorable response to the "Other countries" principle than liberals did. To test whether this difference stemmed from a different relationship with knowledge than we saw in the October 2017 survey, in Figure A-5 we looked at the interaction between ideology and knowledge for both the "Other countries" and "Public opinion" principles. As in the October 2017 survey, support declines with knowledge for both liberals and conservatives and that decline is larger for conservatives than for liberals. Rather than stemming from a difference in the relationship with knowledge, the subgroup means appear to differ because low-knowledge conservatives are more supportive of these principles in this survey

44. Zhirkov, Kirill, and Nicholas A. Valentino. 2022. "The Origins and Consequences of Racialized Schemas about U.S Parties. *Journal of Race, Ethnicity, and Politics* 7(3): 1–21.

than in the October 2017 survey.

The Court may have been particularly salient at the time our study was fielded, given the allegations of sexual assault against then-nominee Brett Kavanaugh that emerged on September 12, 2018.[45] Nevertheless, a few notable features of our study and findings help us remain confident that these events do not limit the external validity of our findings. First, our principles questions and experiment are either asked in the abstract or in the context of Supreme Court decisions, rather than as applied to nominees or individual judges. Second, legal principles were not the focus of popular attention and media coverage of the Kavanaugh nomination in this time period. Finally, the similar patterns in evaluations of principles between this survey and the October 2017 survey suggest that the Kavanaugh scandal did not meaningfully affect Americans' views of legal principles.

Table A-12. Percentage of Respondents Rating a Principle as Important: MTurk Survey

	All	Liberal	Moderate	Conservative
Traditional principles	*74%*	*71%*	*73%*	*80%*
Plain meaning	75%	73%	74%	80%
Original intent	80%	74%	80%	90%
Opinion when adopted	64%	58%	66%	72%
Precedent	77%	79%	73%	77%
Non-traditional principles	*56%*	*59%*	*58%*	*51%*
Consequences	79%	84%	80%	70%
Other countries	34%	32%	36%	35%
Public opinion	56%	60%	57%	49%
Other principles				
Strong reason	79%	80%	75%	82%
Political activity	53%	52%	54%	53%
Legislative deference	61%	62%	60%	59%

Note: Table presents the percentage of respondents that evaluated each principle as very important, somewhat important, not very important, or not important at all for the September 2018 MTurk survey ($N = 872$). Values are unweighted.

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45. See https://theintercept.com/2018/09/12/brett-kavanaugh-confirmation-dianne-feinstein/.
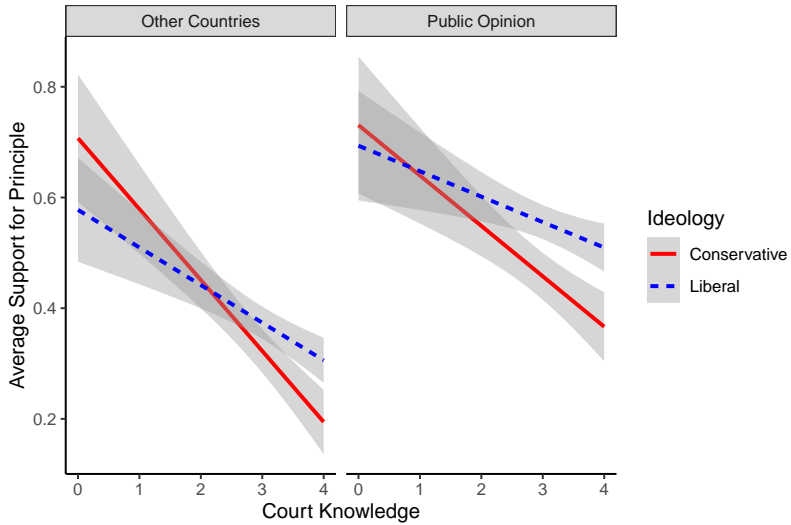
Note: The figure presents predicted levels of support for the "Other Countries" and "Public Opinion" principles of judging as a function of Supreme Court knowledge (x-axis) and respondent ideology. Knowledge ranges from zero to four; higher values indicate greater knowledge.

Figure A-5. Politics, Judicial Knowledge and Support for Principles, MTurk Survey

Appendix 1.16   Sample Details (MTurk Survey)

Table A-13. Descriptive Statistics: MTurk Survey (Full Sample)

Category	Proportion	Category	Proportion
Gender		**Partisanship**	
Male	.492	Democrat	.420
Female	.508	Republican	.256
		Independent	.302
		Other	.023
Race		**Ideology**	
White	.783	Very liberal	.181
Black	.083	Somewhat liberal	.268
Hispanic	.057	Moderate	.243
Asian American	.060	Somewhat conservative	.207
Other racial group	.017	Very conservative	.101

Note: Cell entries indicate unweighted sample proportions for each demographic and political category. *N* = 872. Cell proportions may not sum to 1 due to rounding and non-response.

Table A-14. Descriptive Statistics: MTurk Survey (Consequences Experiment)

Category	Proportion	Category	Proportion
Gender		**Partisanship**	
Male	.496	Democrat	.390
Female	.504	Republican	.277
		Independent	.310
		Other	.023
Race		**Ideology**	
White	.810	Very liberal	.163
Black	.073	Somewhat liberal	.253
Hispanic	.049	Moderate	.258
Asian American	.059	Somewhat conservative	.222
Other racial group	.009	Very conservative	.104

Note: Cell entries indicate unweighted sample proportions for each demographic and political category. *N* = 426 respondents who were randomized into receiving the consequences experiment. Cell proportions may not sum to 1 due to rounding and non-response.

Appendix 1.16.1   Regression Results, Consequences Experiment

Table A–15 presents the results of a linear and logistic regressions where the dependent variable is a binary measure of whether a the respondent supported the outcome the Supreme Court reached in the case given in the prompt. The baseline category is "Both Important;" that is, receiving a

prompt where both principles were rated by the respondent as important. We included covariates in Models 2 and 4 for a respondent's self-reported ideology (interacted with which case the respondent was randomized into), race, gender, Court knowledge, and indicator variables for the number of principles (out of the 5 that could appear in the experiment) that the respondent *ex ante* rated as important. This last part is important, even though it reduces the power of our models: this adjusts for the fact that a respondent's propensity to receive treatment categories depends on how many principles that respondent finds important.

The first model is a linear model with no coviariates. The results from this model show that being presented with no principles or principles a respondent considers unimportant or of mixed importance rather than important is associated with less support for the Supreme Court's policy decision. Model 2 shows that the point estimate is still substantively important for "Mixed Importance" even after taking into account important political covariates, although "Neither Important" is poorly estimated (a rather small category, $n = 41$). Model 3 is a logistic regression with no covariates; these results are very similar to Model 1. Model 4 is a logistic regression with covariates, with signs and statistical significance similar to Model 2.

Given that "Neither Important" is a small category, we can gain some precision of estimates, at the cost of losing some substantive interpretive value, by pooling the "Mixed Importance" and "Neither Important" categories. Here, we compare those who are presented with at least one principles they consider unimportant to those who are presented two principles they consider important. Table A–16 presents the same models as Table A–15 except with the "Mixed" and "Neither" categories pooled into "Mixed/Neither Important." Here we see that across all specifications, respondents in the "Mixed/Neither Important" category are less likely to support the Supreme Court's decision ($p < 0.05$).

Table A–17 shows the results with binary support for the *Reasoning* the Court used in the decision as the dependent variable. Respondents who received an experimental treatment that provided reasoning for the decision ($n = 344$) were asked to evaluate whether they "support or oppose the reasons that the Court used to come to its decision" in the case they evaluated. The first model is a linear model with no coviariates; the second is a linear model with covariates. Model 2 reveals that as compared with receiving two principles that the respondent *ex ante* supported, receiving principles of mixed importance lowers support for the reasoning used in the case by 6 percent ($p<0.28$) and

Table A-15. Support for Court Ruling as a Function of Judicial Principles

	Support			
	OLS		Logistic	
	Model 1	Model 2	Model 3	Model 4
Mixed Importance	−0.14***	−0.11**	−0.75***	−0.71**
	(0.05)	(0.05)	(0.27)	(0.35)
Neither Important	−0.20**	−0.11	−1.01**	−0.69
	(0.09)	(0.10)	(0.41)	(0.54)
No Justification Given	−0.13**	−0.10*	−0.70**	−0.67*
	(0.06)	(0.06)	(0.31)	(0.37)
Liberal Respondent		0.04		0.30
		(0.05)		(0.41)
Town of Greece		0.01		0.07
		(0.05)		(0.34)
White Respondent		0.02		0.17
		(0.06)		(0.34)
Female Respondent		−0.05		−0.31
		(0.04)		(0.27)
One Principle Important		0.39*		1.94*
		(0.23)		(1.06)
Two Principles Important		0.19		0.85
		(0.22)		(0.95)
Three Principles Important		0.27		1.24
		(0.22)		(0.94)
Four Principles Important		0.33		1.63*
		(0.22)		(0.96)
Five Principles Important		0.30		1.44
		(0.22)		(0.96)
Knowledge of the Court		−0.01		−0.08
		(0.02)		(0.13)
Liberal × Town of Greece		−0.44***		−2.25***
		(0.08)		(0.53)
Constant	0.82***	0.62***	1.52***	0.78
	(0.03)	(0.22)	(0.20)	(0.95)
Respondent-Level Covariates		✓		✓
N	426	419	426	419
Adj. R-squared	0.02	0.17		
Log Likelihood			−238.59	−201.70

Note: The table presents the results of linear and logistic regressions predicting support for a case outcome as a function of the legal principles used to justify a decision and covariates; robust standard errors reported. Respondent-level covariates include race, gender, ideology, and the number of principles supported *ex ante*. The estimated directionality of the treatment effects, and in most cases the substantive significance, are consistent with the group means presented in the main text.
***p < .01; **p < .05; *p < .1.

Table A-16. Support for Court Ruling as a Function of Judicial Principles: Pooling Neither and Mixed

	Support			
	OLS		Logistic	
	Model 1	Model 2	Model 3	Model 4
Mixed/Neither Important	−0.15***	−0.11**	−0.80***	−0.71**
	(0.05)	(0.05)	(0.26)	(0.35)
No Justification Given	−0.13**	−0.10*	−0.70**	−0.67*
	(0.06)	(0.06)	(0.31)	(0.37)
Liberal Respondent		0.04		0.30
		(0.05)		(0.41)
Town of Greece		0.01		0.07
		(0.05)		(0.34)
White Respondent		0.02		0.17
		(0.06)		(0.33)
Female Respondent		−0.05		−0.31
		(0.04)		(0.26)
One Principle Important		0.39*		1.95*
		(0.23)		(1.06)
Two Principles Important		0.19		0.84
		(0.22)		(0.95)
Three Principles Important		0.27		1.23
		(0.21)		(0.92)
Four Principles Important		0.33		1.62*
		(0.21)		(0.93)
Five Principles Important		0.30		1.43
		(0.21)		(0.93)
Knowledge of the Court		−0.01		−0.08
		(0.02)		(0.13)
Liberal × Town of Greece		−0.44***		−2.25***
		(0.08)		(0.53)
Constant	0.82***	0.62***	1.52***	0.80
	(0.03)	(0.21)	(0.20)	(0.93)
Respondent-Level Covariates		✓		✓
N	426	419	426	419
Adj. R-squared	0.02	0.17		
Log Likelihood			−238.79	−201.70

Note: The table presents the results of linear and logistic regressions predicting support for a case outcome as a function of the legal principles used to justify a decision and covariates; robust standard errors reported. Respondent-level covariates include race, gender, ideology, and the number of principles supported *ex ante*. The estimated directionality of the treatment effects, and in most cases the substantive significance, are consistent with the group means presented in the main text.
***p < .01; **p < .05; *p < .1.

receiving "Neither Important" principles reduces support for the reasoning used in the case by 23 percent (*p*<0.03). This question was asked after the support question we use in our primary analyses.

Table A-17. Support for Reasoning as a Function of Judicial Principles

	Support Reasoning	
	Model 1	Model 2
Mixed Importance	−0.12***	−0.06
	(0.05)	(0.05)
Neither Important	−0.34***	−0.23**
	(0.09)	(0.11)
Liberal Respondent		0.01
		(0.06)
Town of Greece		−0.01
		(0.05)
White Respondent		0.02
		(0.06)
Female Respondent		−0.02
		(0.04)
One Principle Important		0.45
		(0.31)
Two Principles Important		0.19
		(0.31)
Three Principles Important		0.24
		(0.31)
Four Principles Important		0.37
		(0.31)
Five Principles Important		0.38
		(0.31)
Knowledge of the Court		−0.01
		(0.02)
Liberal × Town of Greece		−0.38***
		(0.09)
Constant	0.84***	0.60*
	(0.03)	(0.31)
Respondent-Level Covariates		✓
N	344	337
Adj. R-squared	0.05	0.20

***p < .01; **p < .05; *p < .1

Note: The table presents the results of linear regressions predicting support for reasoning as a function of the legal principles used to justify a decision and covariates; robust standard errors reported. Respondent-level covariates include race, gender, ideology, and the number of principles supported *ex ante*. ***p < .01; **p < .05; *p < .1.

Table A–18 shows the results with *Legitimacy* as the dependent variable. *Legitmacy* is an additive index of four questions; each question is on a five-point scale, and we rescale the additive index from 0–1. The respondents indicated their levels of agreement 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," "The U.S. Supreme Court gets too mixed up in politics," "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," and "The U.S. Supreme Court has become too independent and should be seriously reined in."

Table A-18. Legitimacy as a Function of Judicial Principles

	Legitimacy	
	Model 1	Model 2
Mixed Importance	0.05*	−0.001
	(0.03)	(0.03)
Neither Important	−0.003	−0.05
	(0.04)	(0.05)
No Justification Given	−0.07**	−0.09***
	(0.03)	(0.03)
Liberal Respondent		0.07**
		(0.03)
Town of Greece		0.04
		(0.03)
White Respondent		−0.01
		(0.03)
Female Respondent		0.06***
		(0.02)
One Principle Important		−0.14
		(0.09)
Two Principles Important		−0.12
		(0.09)
Three Principles Important		−0.09
		(0.09)
Four Principles Important		−0.13
		(0.09)
Five Principles Important		−0.22**
		(0.09)
Knowledge of the Court		0.05***
		(0.01)
Liberal × Town of Greece		−0.07*
		(0.04)
Constant	0.57***	0.55***
	(0.02)	(0.09)
Respondent-Level Covariates		✓
N	424	417
Adj. R-squared	0.03	0.11

Note: The table presents the results of linear regressions predicting legitimacy as a function of the legal principles used to justify a decision and covariates; robust standard errors reported. Respondent-level covariates include race, gender, ideology, and the number of principles supported *ex ante*. ***p < .01; **p < .05; *p < .1.

Appendix 1.17   Additional Discussion of Implications of Our Findings

While our study shows how legal principles can shape Americans' evaluations of Court decisions, it also raises additional questions about how the public might react to a series of messaging contexts that we do not directly study in our experiment. As many real-world discussions of Supreme Court decision making include the legal reasoning contained in both majority and minority opinions, studies should investigate how individuals react to competing legal justifications for decisions. Future studies should also look to study the impact of messages about legal reasoning and principles from non-judicial elites, such as presidents or news media sources, including thinking about how the partisanship or credibility of the messenger (E.g., Nelson and Gibson 2019)[46] may condition the impact of the message. Doing so will provide a more complete picture of the role legal principles play in securing Court acceptance of decisions and clarify the incentives facing judges, other politicians, and news outlets in their choice to invoke these principles.

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46. Nelson, Michael J., and James L. Gibson. 2019. "How does hyperpoliticized rhetoric affect the U.S. Supreme Court's legitimacy?" *The Journal of Politics* 81(4): 1512–1516.