



PARTISAN PRIMING HAS SIGNIFICANT EFFECT ON VOTERS' OPINIONS OF JUSTICES

January 29, 2019

To: Pack The Courts

From: YouGov Blue

Memo: An Experiment on Partisan Priming of Supreme Court Justices

On behalf of Data for Progress, YouGov Blue fielded an online survey of 1,282 US voters on YouGov's online panel from January 25, 2019 to January 29, 2019. The data was weighted to be representative of the national voter population by age, race, sex, education, and Census region using a frame of 2018 registered voters. The survey margin of error was +/-3 percent.

The survey included a module on the United States Supreme Court. We asked respondents a variety of questions about the Supreme Court, and we embedded an experiment in which respondents were randomly assigned to learn the partisanship of the President who appointed each Justice. We explain in more detail below.

Key findings:

- **Partisan priming has large and significant effects on whether or not voters have an opinion about Justices**
- **Partisan priming has large and significant effects on low-information voters, but few effects on high-information voters. Low-information voters move to their partisan corners when primed with the partisan label of the President who appointed a given Justice**
- **Priming voters with the partisan label of the President who appointed Justices lowers faith in the neutrality of the Court overall**

Experimental Analysis of Judicial Partisan Nominations and Voter Attitudes

In order to further understand the opinions of voters, we included an experiment in our survey to prime a potential partisan cue in voters' evaluations of Supreme Court Justices. Supreme Court Justices themselves do not hold partisan office, but they are nominated by Presidents with a known party label. We randomly assigned respondents to evaluate Supreme Court Justices either by name, or by name plus the name of the President who nominated them. For example, when asked to report whether they approved or disapproved of each Justice, half of voters were asked:

The Supreme Court of the United States consists of nine Justices.

For each of those Justices, please rate whether you strongly approve, somewhat approve, neither approve nor disapprove, somewhat disapprove, or strongly disapprove of the job that Justice is doing on the Supreme Court. (order randomized)

<1> John Roberts

<2> Clarence Thomas

<3> Sonia Sotomayor

<4> Ruth Bader Ginsburg

<5> Brett Kavanaugh

<6> Elena Kagan

<7> Samuel Alito

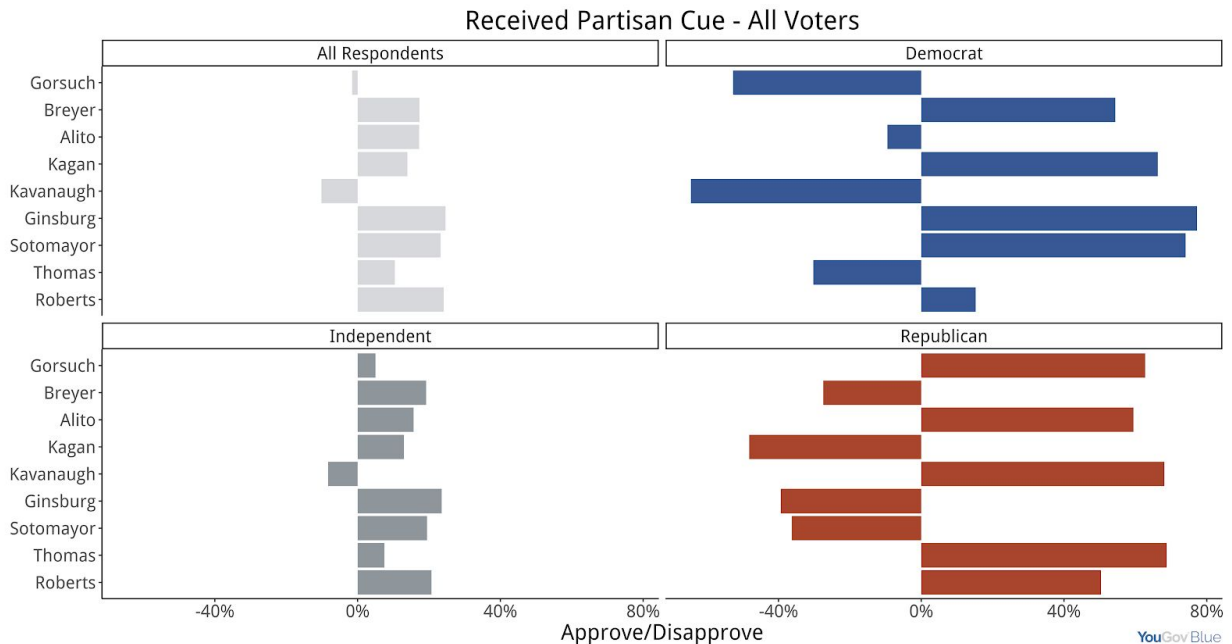
<8> Stephen Breyer

<9> Neil Gorsuch

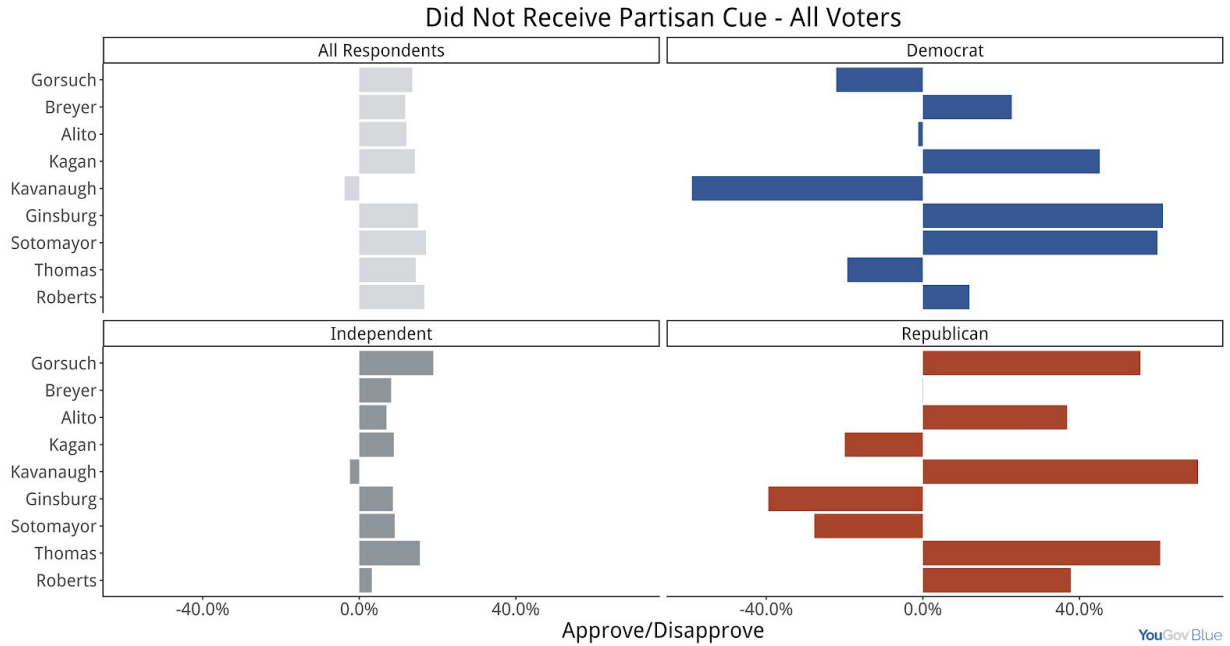
And the other half saw the Justices' name alongside the Presidents who nominated them, like so:

- <1> John Roberts, nominated by George W. Bush
- <2> Clarence Thomas, nominated by George H.W. Bush
- <3> Sonia Sotomayor, nominated by Barack Obama
- <4> Ruth Bader Ginsburg, nominated by Bill Clinton
- <5> Brett Kavanaugh, nominated by Donald Trump
- <6> Elena Kagan, nominated by Barack Obama
- <7> Samuel Alito, nominated by George W. Bush
- <8> Stephen Breyer, nominated by Bill Clinton
- <9> Neil Gorsuch, nominated by Donald Trump

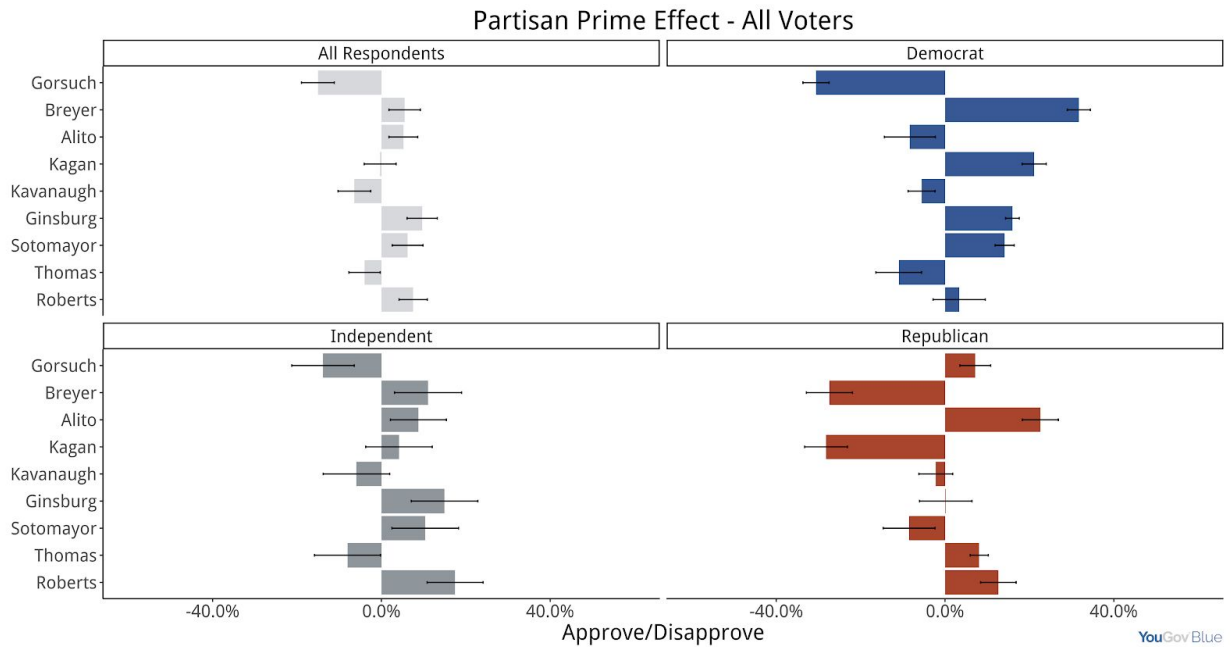
Here, voters who received the “partisan cue” received the version of the item including the President who nominated each Justice. In both conditions, voters generally reported approving of Supreme Court Justices who were nominated by their Presidential copartisans (who matched respondents' own party identification). In both conditions, Republicans overwhelmingly approved of Neil Gorsuch, Samuel Alito, Brett Kavanaugh, Clarence Thomas, and John Roberts. In both conditions, Democrats overwhelmingly approved of Stephen Breyer, Elena Kagan, Ruth Bader Ginsburg, and Sonia Sotomayor, and narrowly approved of John Roberts. The following plots show net approval for each Justice, by party, by condition.



Perhaps notably, without the partisan cue, Democrats were statistically split on their views of Justice Alito, and Republicans were split on their view of Justice Beyer. Additionally, the movement among Republicans is large and significant for Justice Kagan. Overall, voters in the primed condition were more polarized than voters in the non-primed condition.

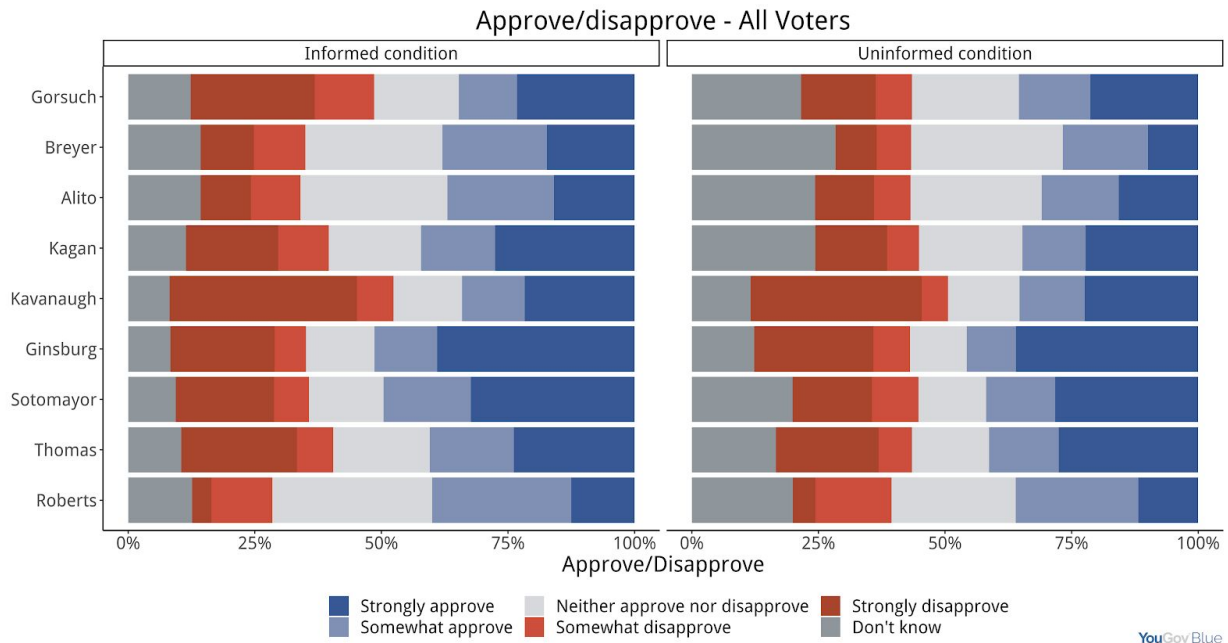


The directions of the observed priming effects are perhaps expected: Democratic respondents moved closer to left-leaning nominees, and Republican respondents moved closer to right-leaning nominees. With the exception of the large change in net approval for Gorsuch among Democrats, the effect was strongest for lesser-known justices like Breyer and Alito.



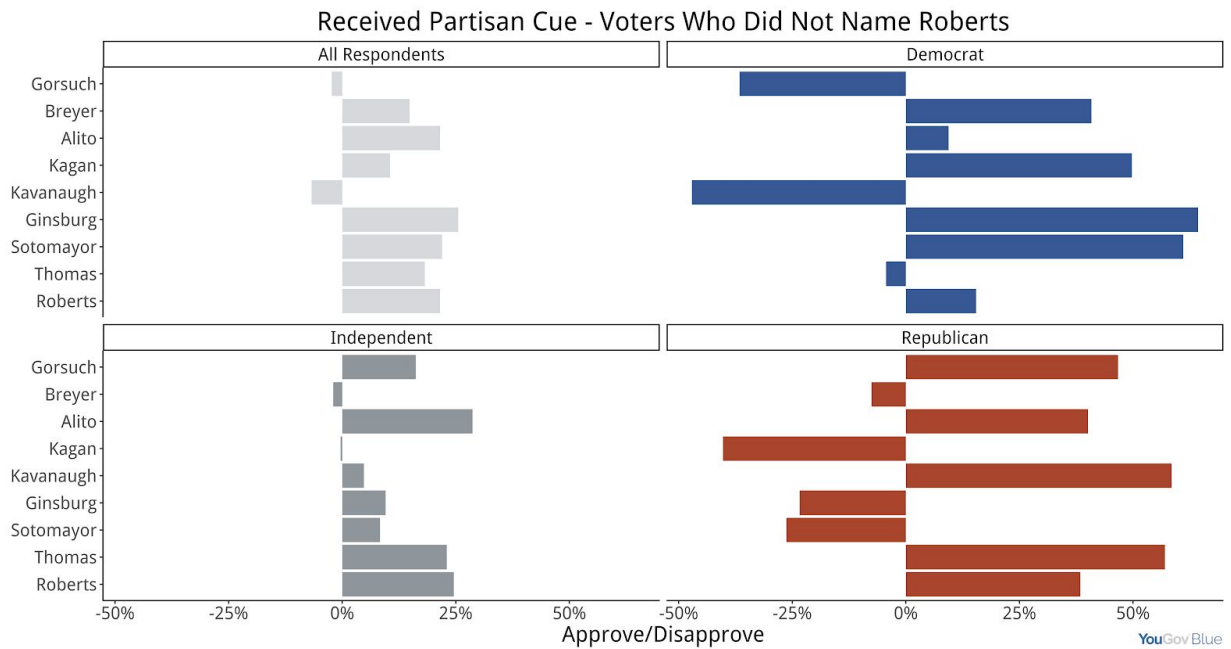
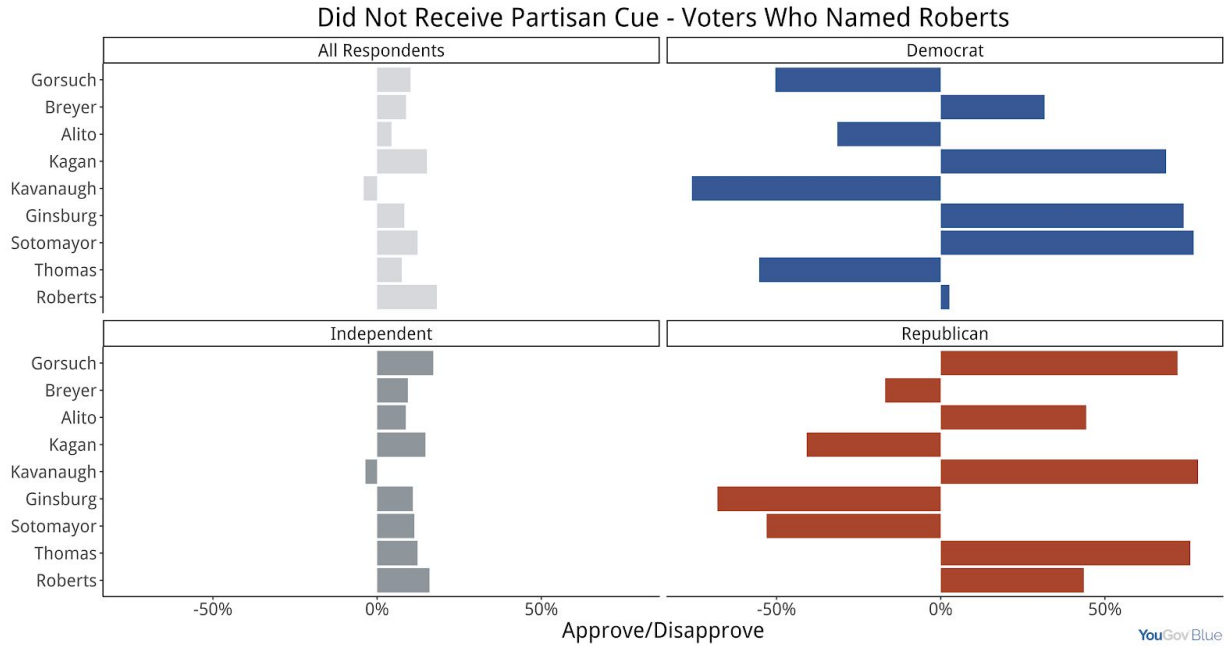
This result is attributable to shifting neutral or unsure partisans to their respective partisan corners. The biggest differences between the primed and non-primed groups were among Justices with particularly low name recognition or polarization in the non-primed condition. Breyer, Alito, and Kagan had the highest share of respondents reporting “don’t know” in their

approval items, and Breyer and Alito had the highest and second highest shares of “neither support nor oppose” respondents, respectively.

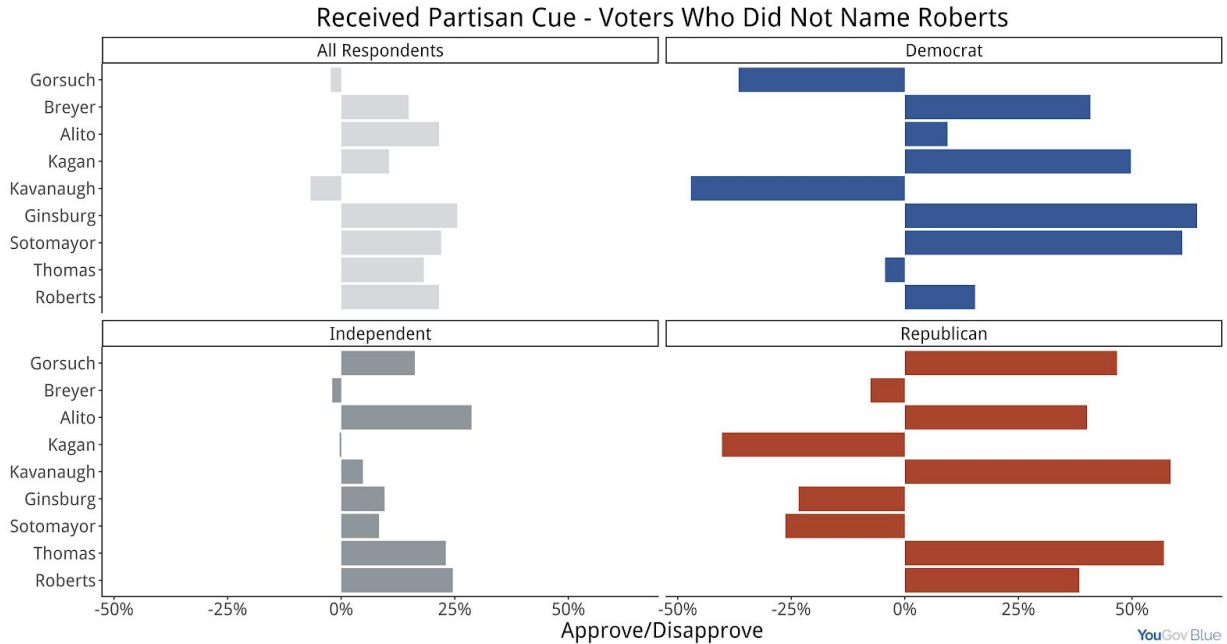


Another way to approach the effect of this treatment is to consider the role of voter knowledge of the Supreme Court. Earlier in the survey, we asked respondents a basic knowledge question, the name of the Chief Justice of the Supreme Court, whom 48 percent recognized correctly as John Roberts. If we further divide the sample, we see that voters who failed to name Roberts differ significantly from those who did, especially in the condition without the Presidential prime.

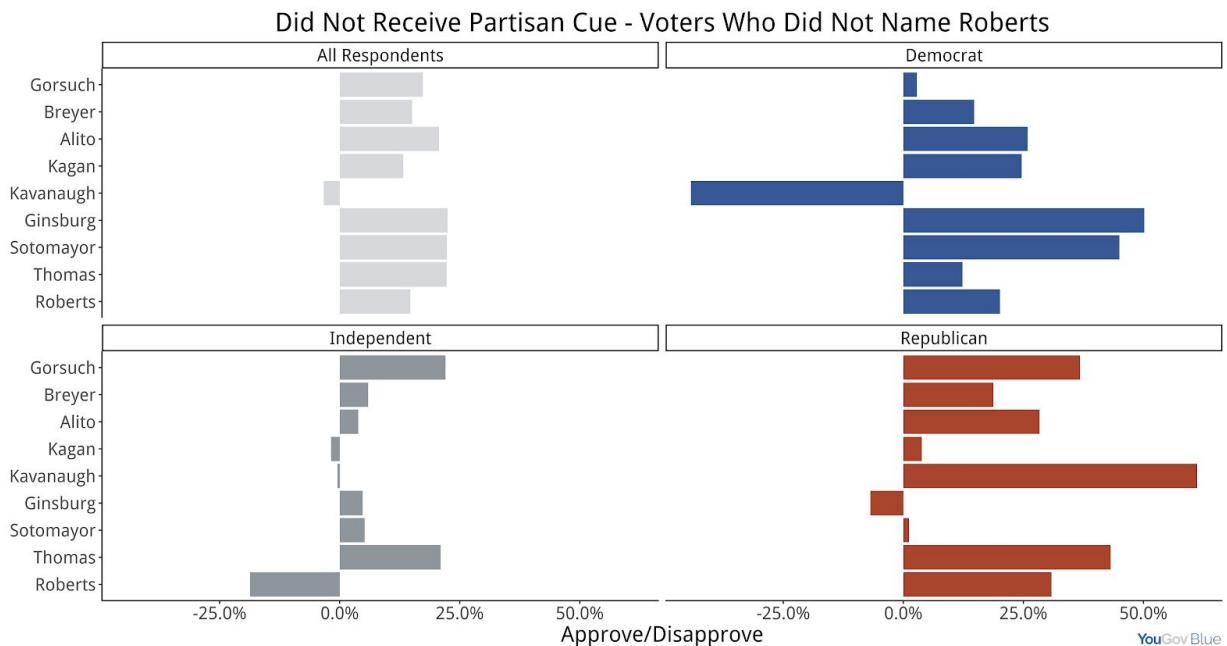
Indeed, absent prior knowledge of the basic facts of the court, the partisan prime was apparently quite informative. The following figures compare voters across the Presidential prime conditions who correctly named Roberts as Chief Justice. Whether these voters received the cue or not, their behavior was ideologically consistent. Among voters who correctly named Roberts as Chief Justice, Democrats in both treatments opposed the conservative nominees except for narrowly supporting Roberts, while Republican respondents supported conservative-leaning Justices and opposed liberal-leaning Justices.



Among those who did not correctly name John Roberts as the Chief Justice, respondents who received the partisan cue responded similarly to those who did name Roberts, that is, with partisan consistency. While Democrats in this condition subgroup were basically split on Alito and Thomas, and Republicans in this condition subgroup were split on Breyer, their responses were otherwise in line with partisanship.

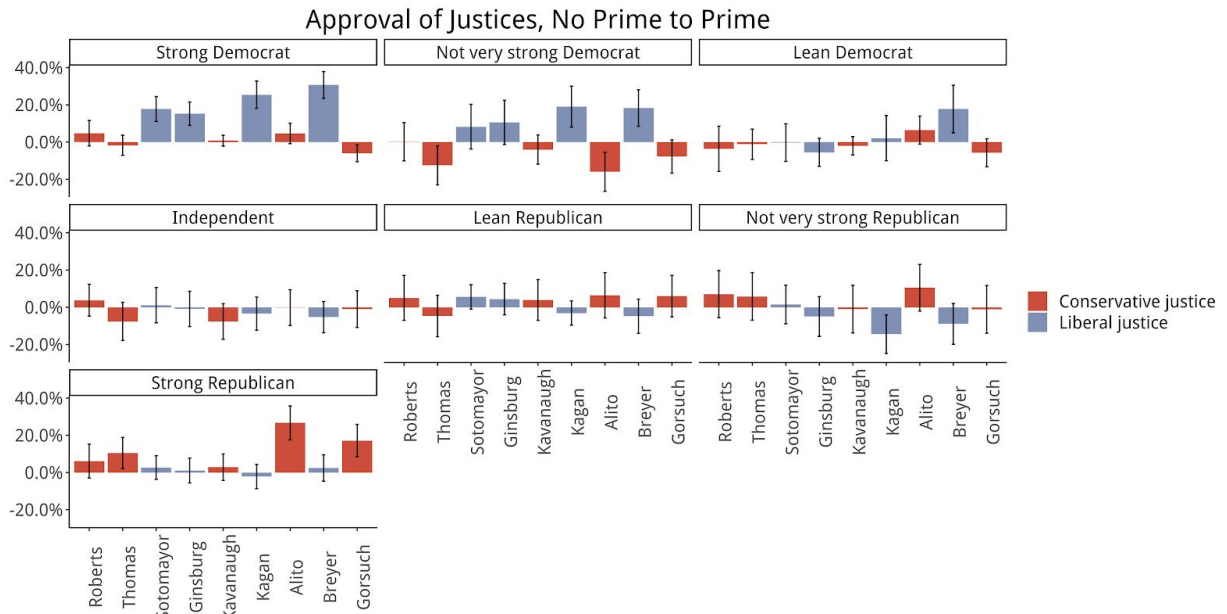


Voters who did not receive the Presidential prime and did not name Roberts as Chief Justice, however, behaved dissimilarly. Democrats in this condition subgroup were split on Neil Gorsuch, and Republicans in this condition were split on Kagan, Ginsburg, and Sotomayor. Despite this, Brett Kavanaugh remains by far the most divisive Justice, being these Democrats' least approved-of Justice and these Republicans' most-approved Justices.

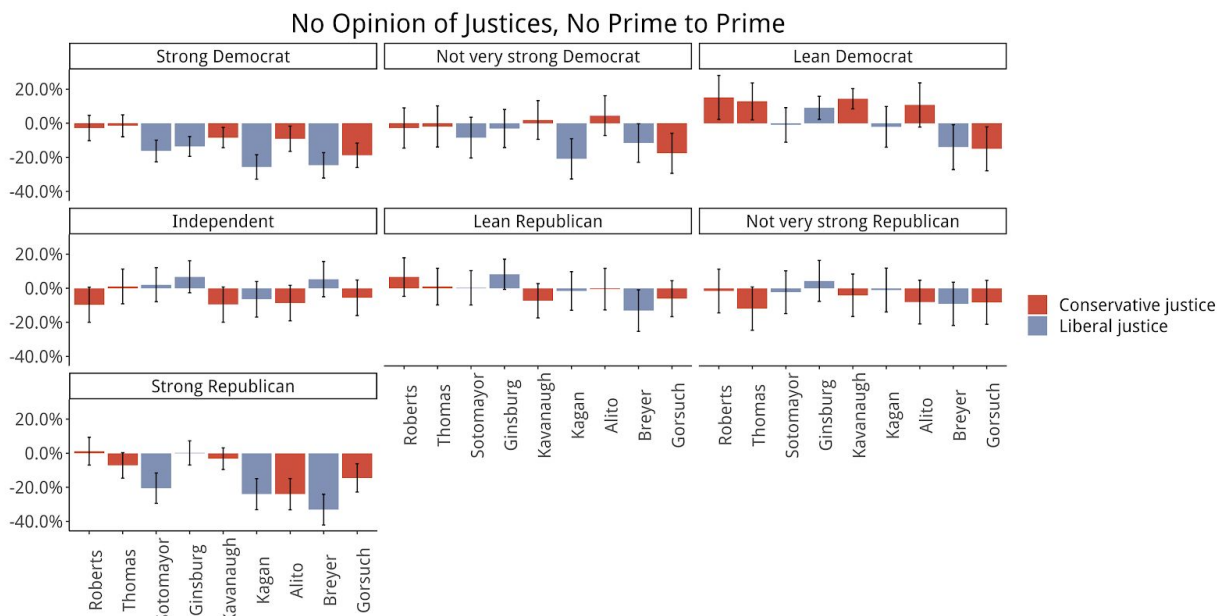


Finally, if we break out the treatment effects across seven-point party identification rather than by political knowledge, we see that movement is strongly driven by strong partisans moving in favor of co-partisan Justices, and by the share of partisans reporting uncertainty or no opinion

decreasing. The following figure shows the difference between net approval in the treatment condition minus net approval in the condition without Presidential priming. The bars for each Justice are shaded by whether that Justice is generally a liberal or a conservative. The positive blue bars among Strong Democrats, and the positive red bars among Strong Republicans, indicate movement being driven by more partisan respondents. In contrast, the bars overlapping with zero among Independents and leaners indicate that those groups are not driving the treatment effect.

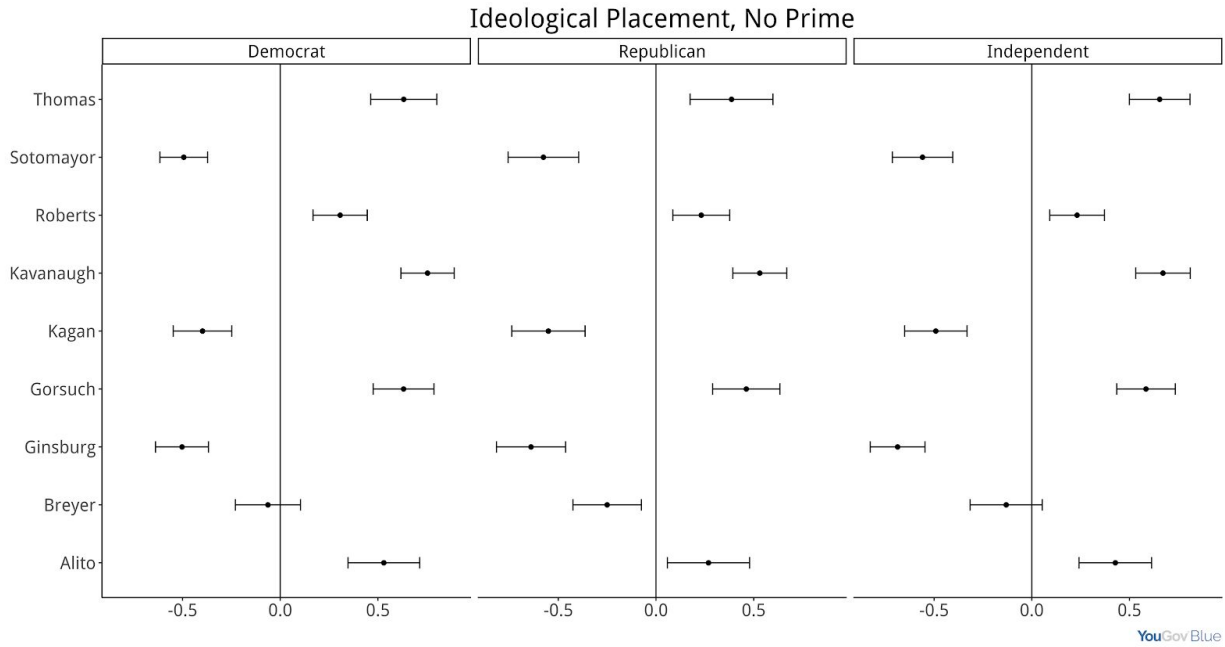


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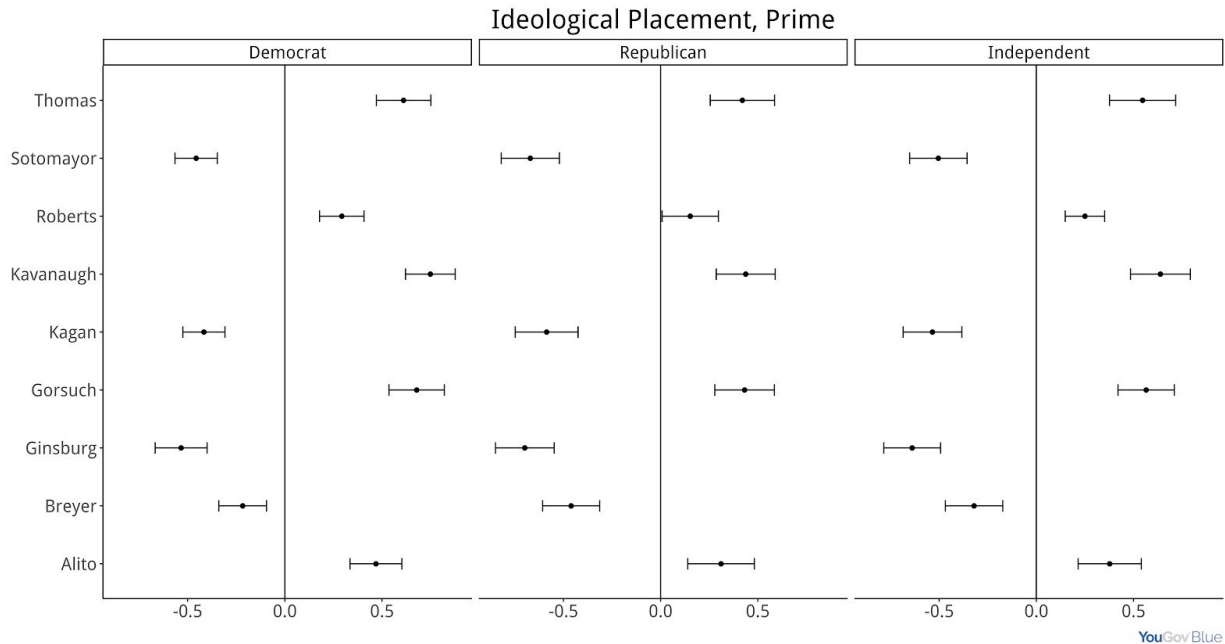


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Perhaps surprisingly, the Presidential prime had virtually no effect on the ability of respondents to place Justices on an ideological scale. The following plots show aggregate ideological placement across each condition. In each plot, perceived ideology is scaled from -1 to 1, with -1 representing very liberal, 0 representing moderate, and 1 representing very conservative ideological placement.



While the standard errors of estimates are slightly narrower in the Presidential prime condition, ideological placement of each of the Justices is very similar across conditions. Democratic and Independent respondents in the prime condition placed Justice Breyer to the left rather than to the center. While priming respondents with the name of the President who appointed Justices had clear effects on their approval of several Justices, ideology does not appear to be the driving mechanism relating Presidential and Justice approval.



Overall Belief in the Supreme Court

Later in the survey, we asked respondents to describe their perceptions of the motives of Supreme Court Justices. Specifically, we asked respondents:

Even if its not exactly right, which of the following comes closest to your view?

The current Supreme Court mostly decides cases on their Constitutional merits, rather than on the Justices' political preferences

The current Supreme Court mostly decides cases on the Justices' political preferences, rather than on the Constitutional merits of the case

Across both groups, respondents were almost exactly split: By a 50.2 percent-49.8 percent margin, respondents felt that the Court mostly decides cases on their Constitutional merits. That split is 45 percent-55 percent among Democrats, but is 60 percent-40 percent among Republicans. Republicans are fully 15 points more likely to report believing the court decides cases on their Constitutional merits than Democrats. Independents are also almost exactly split at 51 percent-49 percent.

However, there were clear effects of the partisan prime on Independents in our survey. Fifty-six percent of Democrats without the Presidential partisanship prime agreed that Justices mostly follow the Constitution, but only 53 percent with the prime did. Forty-two percent of Republicans without the prime believe this, but only 38 percent of Republicans with the prime did. Among Independents, the decline was the most precipitous, and was the only statistically significant gap of the three: 56 percent of Independents believe Justices mostly follow the Constitution, while only 42 percent of those in the partisan prime condition did.

% Agree Justices Follow the Constitution

