SUPPLEMENTARY MATERIALS

Gibson, James L. “Do the Effects of Unpopular Supreme Court Rulings Linger? The *Dobbs* Decision Rescinding Abortion Rights.” *American Political Science Review*.

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Appendix A: The Survey

t_5, February 2023 Post-Dobbs Survey

The fieldwork for the February 2023[1] Post-*Dobbs* Survey was conducted by NORC. Funded and operated by NORC at the University of Chicago, **AmeriSpeak®** is a probability-based panel designed to be representative of the U.S. household population. Randomly selected U.S. households are sampled using area probability and address-based sampling, with a known, non-zero probability of selection from the NORC National Sample Frame. These sampled households are then contacted by U.S. mail, telephone, and field interviewers (face to face). The panel provides sample coverage of approximately 97% of the U.S. household population. Those excluded from the sample include people with P.O. Box only addresses, some addresses not listed in the USPS Delivery Sequence File, and some newly constructed dwellings. While most AmeriSpeak households participate in surveys by web, non-internet households can participate in AmeriSpeak surveys by telephone. Households without conventional internet access but having web access via smartphones are allowed to participate in AmeriSpeak surveys by web. AmeriSpeak panelists participate in NORC studies or studies conducted by NORC on behalf of governmental agencies, academic researchers, and media and commercial organizations. For more information, visit AmeriSpeak.norc.org.

A general population sample of U.S. adults aged 18 and older was selected from NORC's **AmeriSpeak®** Panel for this study. This survey was offered only in English and was administered on the web (primarily) and by telephone. Invitations to participate in the survey were initiated on January 31, 2023, and the last interviews were completed on February 21, 2023. In total, NORC collected 1,013 interviews.

To encourage study cooperation, NORC sent three email reminders to sampled web-mode respondents. Panelists were offered the cash equivalent of $5 for completing the study. Interviewed respondents took approximately 27 minutes (median) to complete the survey. NORC applied cleaning rules to the survey data for quality control by removing responses from non-eligible respondents. These respondents provided responses indicative of speeding through the survey and skipping survey questions; they were not included in the final dataset.

The data are weighted, with various factors going into the construction of the final study weight. These include: (1) panel base sampling weights, (2) final panel weights, (3) study-specific base sampling weights, and (4) nonresponse adjusted survey weights. The weighted AAPOR Response Rate #3 recruitment rate was 19.5%, with a weighted household retention rate of 80.4% and a survey completion rate of 27.9%. A weighted AAPOR Response Rate #3 cumulative response rate of 4.4% was achieved. The survey has a margin of error of 4.16%, and an average design effect of 1.82.

This research was approved by the Washington University in St. Louis Institutional Review Board (#201905178). The IRB judged this project to be in the "exempt" category owing to the fact that participation in the survey was voluntary, no harm was afflicted on the respondents, and no identifiers were connected to the database generated, among other factors.

[1] As noted below, the fieldwork actually began on January 31, 2023. Because we were in the field during only a single day in January, I will refer to this as a "February 2023" survey.

Appendix B: Question Wording and Psychometric Analyses

Diffuse Support for the Supreme Court

For each of the following statements, could you indicate whether you agree or disagree with them?

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.

Justices on the U.S. Supreme Court who consistently make unpopular decisions should be removed from their position as Justice.

The U.S. Supreme Court ought to be made less independent so that it listens a lot more to what the people want.

Strongly agree
Agree
Neither agree nor disagree
Disagree
Strongly disagree

Despite including only three indicators, the 2023 item set is quite reliable (Cronbach's alpha = .77) and is strongly unidimensional (from a Common Factor Analysis, eigenvalue_2 = .55), with very strong loadings (ranging from .65 to .83) of all three items on the first extracted factor. I scored the resultant support index to vary from 0 to 1 (low to high diffuse support), just as all other analytical variables in this analysis are so scored. For some illustrative (but not analytical) purposes, I report an index based on the number of legitimacy-affirming replies to the three statements.

Abortion Preference[2]

Do you think abortion should be…

Legal in all cases
Legal in most cases
Illegal in most cases
Illegal in all cases

[2] This question is taken from surveys on abortion attitudes conducted by Pew 2022.

Moral Content to Abortion Attitudes[3]

How much are your feelings about whether abortions ought to be legal or illegal throughout the United States connected to your core moral beliefs or convictions?

Not at all
Slightly
Moderately
Much
Very much

Awareness and Assessment of *Dobbs*[4]

How much have you heard or read about the Supreme Court decision earlier this year on abortion that overturned the 1973 Roe v. Wade decision?

A lot
A little
Nothing at all

As you may know, the Supreme Court's decision found that the U.S. Constitution does not guarantee a right to abortion and that abortion laws can be set by each state. All in all, to what extent do you approve or disapprove of this decision?

Strongly approve
Somewhat approve
Somewhat disapprove
Strongly disapprove

Ideological Location of the Supreme Court

In general, would you say that the U.S. Supreme Court is:

A great deal too liberal
A little too liberal
About right
A little too conservative
A great deal too conservative

[3] For a discussion of how to measure the moral content of attitudes, see Skitka et al. 2021.
[4] These questions are taken from surveys on abortion attitudes conducted by Pew 2022.

Policy Assessments: Generalized Satisfaction with the Court

In general, would you say that the U.S. Supreme Court is:

Too liberal or too conservative
About right

Support for the Rule of Law

Support for the rule of law is conceptualized as ranging from universalism to particularism. Some hold strong commitments to law, believing that law ought to be strictly enforced even when the consequences are not necessarily positive, whereas others believe that law ought to be obeyed only to the extent that the outcome is desirable. In this sense, support for the rule of law is a procedural commitment.

The items measuring rule of law attitudes has been used widely in earlier research (for example, Gibson 2013; Nelson and Gibson 2017; Gibson, Claassen, and Barceló 2020; Reeves and Rogowski 2021). The indicators are:

Sometimes it might be better to ignore the law and solve problems immediately rather than wait for a legal solution. (53% adopt the rule of law position: disagree)
The government should have some ability to bend the law in order to solve pressing social and political problems. (50% adopt the rule of law position: disagree)
It is not necessary to obey the laws of a government I did not vote for. (73% adopt the rule of law position: disagree)
When it comes right down to it, law is not all that important; what's important is that our government solve society's problems and make us all better off. (56% adopt the rule of law position: disagree)

As has been found in earlier research, Americans are remarkably strongly committed to the rule of law.

When the four items are factor analyzed, a single dominant factor emerges ($eigvenvalue_2$ =.68). The best indicator of the concept is the first statement (ignore the law; solve problems); all indicators load on the first unrotated factor at .40 or higher. The item-set is quite reliable, with a Cronbach's alpha of .79 and a mean inter-item correlation of .49. I have created a measure of support for the rule of law (universalism) that is simply the average response to the four statements. This index correlates with the factor score from the factor analysis at .99. For some descriptive purposes, I also use an index indicating the number of pro-liberty responses to the four items. On this measure, 32% of the respondents gave pro-rule of law responses to all four items; 19% gave no pro-rule of law responses.

Support for Individual Political Liberty

This concept, used often in earlier research (for example, Gibson 2013; Nelson and Gibson 2017; Gibson, Claassen, and Barceló 2020), measures the degree to which the respondent favors social order when it conflicts with the liberty of political minorities. The item used to measure the concept is:

> Free speech is just not worth it if it means that we have to put up with the danger to society of extremist political views. (20% adopt the order position: agree)

Prioritizing social order over individual liberty is not very commonplace among these respondents.

Openmindedness

Openmindedness (the opposite of dogmatism; see Rokeach 1960)—the primary indicator of psychological insecurity—has long been found in the tolerance literature to be a powerful predictor of political tolerance (see, for examples, Gibson 2006, 2013). The items I employ are:

> To compromise with our political opponents is dangerous because it usually leads to the betrayal of our own side. (23% adopt the dogmatic position: agree)
> There are two kinds of people in this world: those who are for the truth and those who are against it. (40% adopt the dogmatic position: agree)
> A group which tolerates too many differences of opinion among its own members cannot exist for long. (30% adopt the dogmatic position: agree)

Openmindedness is measured with a simple summated index of the responses to these items.

CFA produced a single significant factor ($eigvenvalue_2$ =.72). The scale is to some considerable degree reliable: Cronbach's alpha = .65 (mean inter-item correlation of .39). The correlation between the factor scores from this analysis and a simple summated index constructed from the items is .95.

The openmindedness/dogmatism construct is typically considered to represent a personality attribute rather than a democratic value. I include the concept in this analysis mainly because the content of the items measuring openmindedness have such explicit political applicability in the current American context—e.g., "To compromise with our political opponents is dangerous because it usually leads to the betrayal of our own side." While support for the rule of law and the relative valuation of individual liberty are correlated at about .5, both of those concepts are correlated with openmindedness at about .3. A common factor analysis of the three indices reveals a single significant factor, although that is obviously a weak test of the hypothesis that the items represent a common latent construct. For an analysis that adopts a similar perspective on openmindedness/dogmatism see Gibson 2024.

Appendix C: The Distributions of the Variables

TABLE C.1 The Distributions of the Variables Used in the Analysis (Table 1)

Variable	Range	Mean	Std. Dev.	N
Institutional Support for the Court	0 → 1	.55	.24	919
Approve of *Dobbs*	0 → 1	.40	.37	919
Aware of *Dobbs*	0 → 1	.72	.31	919
Approval/Awareness Interaction	0 → 1	.27	.32	919
Abortion Attitude	0 → 1	.37	.32	919
Moral Content	0 → 1	.60	.34	919
Attitude/Moral Interaction	0 → 1	.24	.29	919
Policy Assessments	0 → 1	.40	.49	919
Ideological Proximity	0 → 1	.60	.31	919
Ideological Identification (Conservative)	0 → 1	.51	.28	919
Partisan Identification (Republican)	0 → 1	.49	.36	919
Gender	0 → 1	.51	.50	919
Age	0 → 1	.47	.30	919
Level of Education	0 → 1	.51	.30	919
Income	0 → 1	.62	.29	919
Home Ownership	0 → 1	.71	.45	919
Majority Race	0 → 1	.64	.48	919
Marital Status	0 → 1	.55	.50	919
Employed	0 → 1	.62	.49	919
Metropolitan Residence	0 → 1	.83	.38	919
Internet Access	0 → 1	.91	.28	919
Support for the Rule of Law	0 → 1	.67	.21	919
Openmindedness	0 → 1	.51	.20	919
Preference for Liberty	0 → 1	.65	.28	919

Source: The Post-*Dobbs* NORC National Survey, February 2023

The primary purpose of this table is to report the distributional attributes of each of the variables in the analysis. A secondary use of the table, however, is to allow comparison of my 2023 sample with the 2022 sample used by Gibson. Table D.1 in his Appendices reports the distributional information for the same variables, always coded in exactly the same way, thereby allowing the determination of how the two samples might differ in substantively relevant ways.

Such a comparison reveals that the two samples are remarkably similar, not only on the demographic variables (e.g., age) but on the substantive variables as well (e.g., awareness of *Dobbs*). The greatest differences in the mean scores of the variables are found on Specific Support and Partisan Identification. It is perhaps not surprising that specific support for the Court is slightly higher months after the *Dobbs* decision compared to immediately after the decision. In addition, the 2023 sample is slightly more Republican, and is slightly less likely to be married and employed. However, the general conclusion I draw from the comparison of this table with Gibson's counterpart is that two samples are amazingly similar and that whatever small differences exist are highly unlikely to affect the conclusions drawn in this paper.

Appendix D: Supplemental Analyses

Partisanship, *Dobbs*, and Diffuse Support

The multivariate results indicate that partisanship is not connected to diffuse support for the Court.[5] I have speculated that the reason why is that any effects of partisanship that may exist get filtered through abortion preferences and judgments of the *Dobbs* decision.

The bivariate correlation of partisanship with diffuse support is .23; for ideological identifications, it is .24. Clearly, what is happening is that partisanship and ideology are substantially related to assessments of the *Dobbs* decision ($r \approx .5$), which are in turn related to diffuse support. However, because the connection between assessments and diffuse support is both relatively weak (at best) and conditional on awareness, the bivariate correlations of diffuse support with ideology and partisanship are themselves fairly weak, and become reduced to insignificance in a fully specified model.

At the same time, however, Gibson's analysis showed a rather substantial politicization of support for the Court that seemed to follow the *Dobbs* ruling. In the pre-*Dobbs* survey of 2020, partisan self-identifications were very weakly related to diffuse support: $r = .07$.[6] In the first post-*Dobbs* survey (2022), that correlation climbed to .24. In my 2023 survey, the correlation persisted at the same level ($r = .23$). It seems worthwhile to have a more careful look at how different types of partisans may have changed from 2022 to 2023.

Figure D.1 reports the average percentage of respondents for each type of party identification who express no support for the Supreme Court on the three items presented to them, at three time points: before the decision, immediately after it, and about six months or so after the decision. The data indicate some important asymmetries that are contingent upon one's party identification.

Among Democrats, rejection of the Court became less common in 2023, but still remained more commonplace in 2023 than in 2020. Consider, for instance, "Democrats." In 2020, 37.5% of the Democrats expressed no support for the Court; this figured climbed to 58.0% in 2022, but then receded slightly (but insignificantly) in 2023 to 56.0%. For those independents who lean Democratic, the recession in 2023 is almost to the same level of support as in 2020.

Among Republicans, the patterns differ markedly. Consider "Republicans." In 2020, 29.2% of Republicans expressed no support for the Court; in 2022, immediately after the decision, this figure *rose* dramatically to 43.4%, but then it receded in 2023 to 23.2%. The data in the figure also document a substantial difference between those identifying as "Republican" and those identifying as "strong Republican." In 2020, these two types of Republicans differed little. In 2022, strong Republicans were *much less likely* to reject the Court; but in 2023, strong Republicans became *more likely* to issue no support for the Court. Care must be taken with

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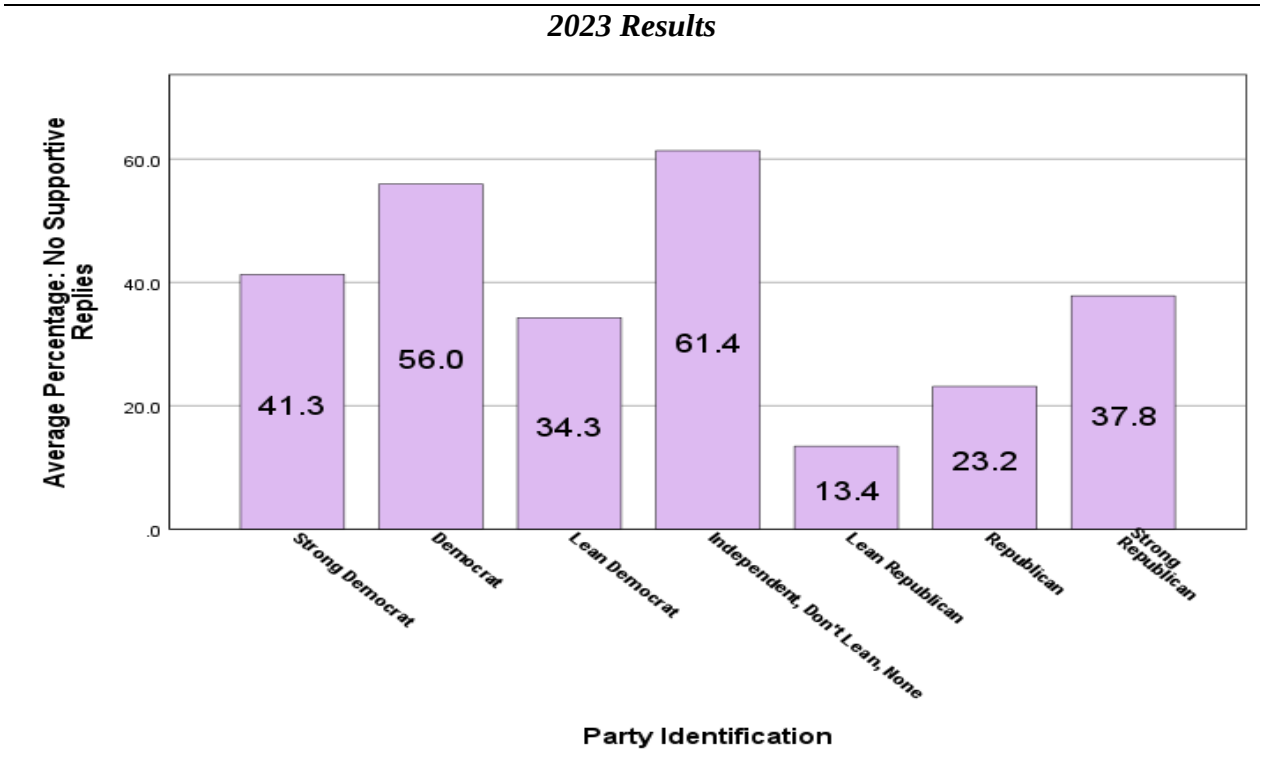
[5] These findings are unaffected by issues of multicollinearity. Even in the fully saturated equation (Equation VI), the Variance Inflation Factor (VIF) coefficients for both partisanship and ideological self-identification just slightly exceed 2.0, which is, of course, far smaller than the 5.0 criterion that is the usual signal for significant effects of multicollinearity.

[6] Earlier studies have also reported practically no relationship between partisanship and diffuse support. See Gibson 2007, 2017.

interpreting some of these figures inasmuch as they are, in some instances, based on relatively small numbers of respondents. But as a general conclusion, it seems that the various types of Democrats became slightly more supportive of the Court between 2022 and 2023 (their opposition to the Court declined), while Republicans became considerably more supportive of the Court.[7] A final summary conclusion is that the tendency of Democrats to issue no support to the Court was considerably more common in 2023 than in 2020, but that, generally, Republican support for the Court increased. All this suggests the overall conclusion of a greater degree of partisan polarization, although it worth reiterating that the bivariate correlations between party identification and the full index of support in 2022 and 2023 do not differ, even if both differ when compared to the correlation in 2020. And it seems that the *Dobbs* ruling may have been responsible for the increased polarization.

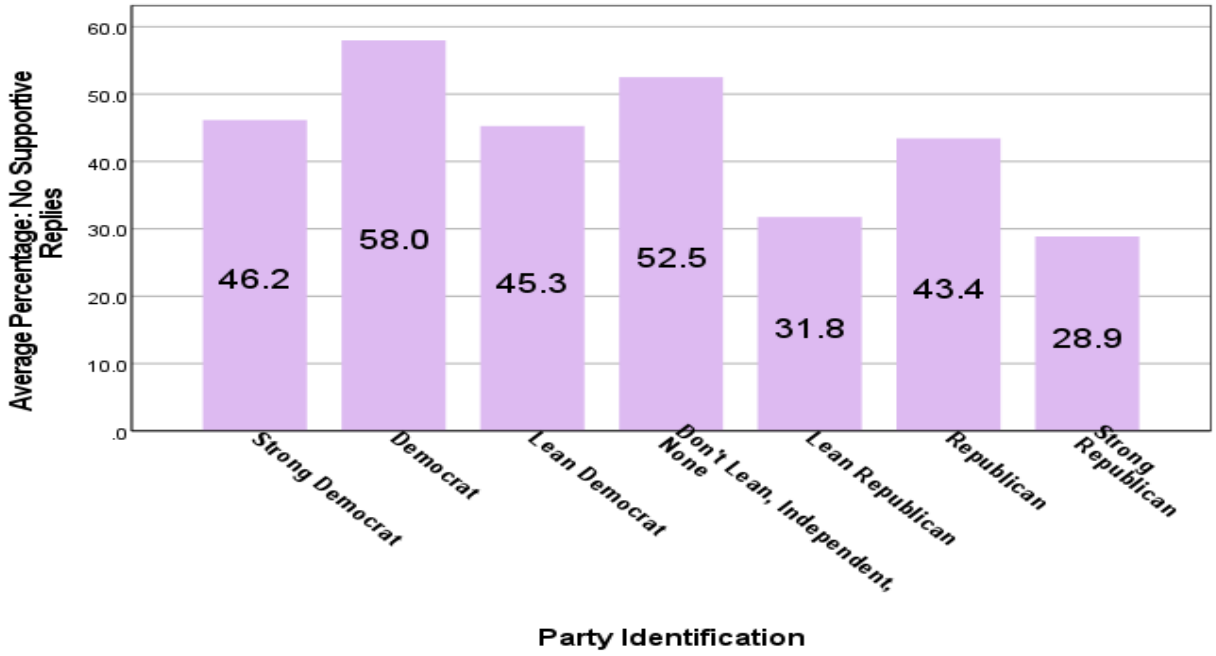
Still, I must reiterate that Figure D.1, of course, only reports bivariate relationships. The multivariate analysis indicates that there is no independent relationship between partisanship and institutional support.

FIGURE D.1. The Relationship of Party Identification and Institutional Support, Pre- and Post-*Dobbs*

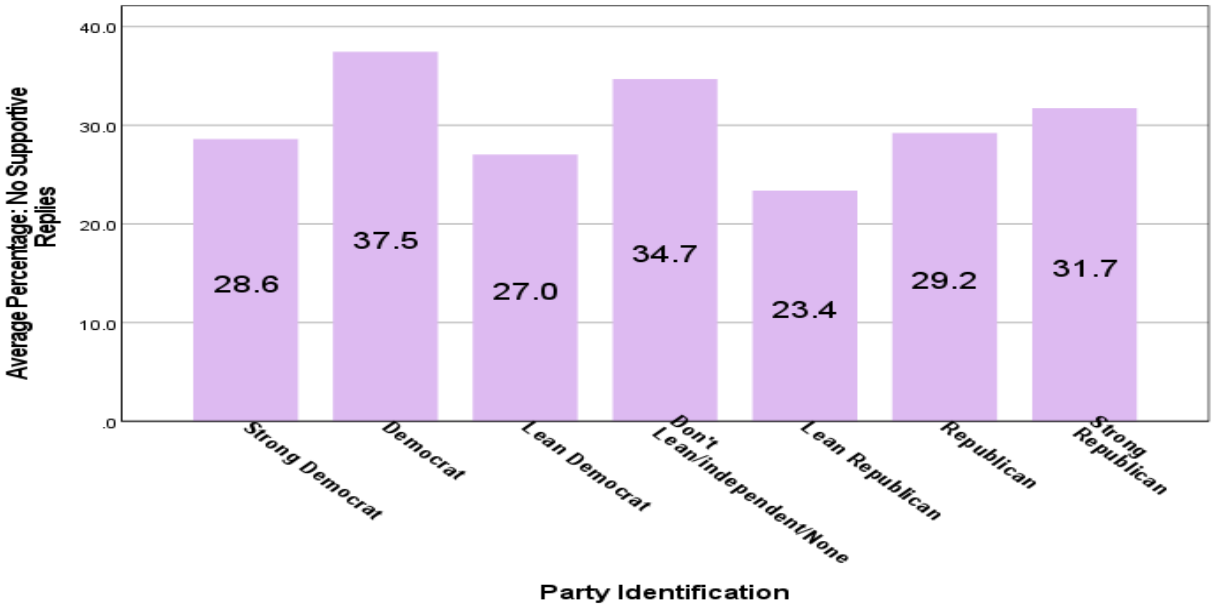


[7] And, in 2023, the average scores on the legitimacy index for Democrats, independents, and Republicans, respectively, were .50, .49, and .64.

2022 Results



2020 Results



Notes:

2023— Based on the full index of support for the Court: $r = .24$, $p < .001$. N = 954
2022— Based on the full index of support for the Court: $r = .24$, $p < .001$. N = 1012
2020— Based on the full index of support for the Court: $r = .07$, $p = .003$. N = 870

The Interaction of Democratic Values and *Dobbs* Assessments

It seems reasonable to hypothesize an interaction between assessments of the *Dobbs* ruling and democratic values, with democratic values expected to have the strongest connection to diffuse support among those approving of the decision. Testing the hypothesis gets complicated in light of the already established assessment/awareness interaction (i.e., a three-way interaction is implied). But as a preliminary analysis of that hypothesis, I regressed institutional support on the three democratic values measures within each of the levels of assessment of the *Dobbs* decision, with the following results:

Assessment	R^2
Strongly approve	.42
Approve	.43
Disapprove	.31
Strongly disapprove	.19

What these findings indicate is that disapproval of the ruling is associated with a much-weakened connection between democratic values and Court support. Putting all my findings into a single basket, these results are compatible with the view that the *Dobbs* ruling may have disrupted the "normal" connection between democratic values and support, and that the negative effect of the decision continues to linger. Of course, a great deal more research, with a different research design, is necessary to fully consider the mechanisms and processes involved in values-based regeneration.

Appendix E: New Survey Evidence

The main hypothesis of this paper is that people perceive and judge a decision, and then incorporate their evaluations into more general assessments of the Court. Some refer to this as a "running tally." It means that a general attitude gets updated when salient events occur.

Different scholars have identified different "general attitudes" that get updated. For instance, Bartels and Johnston (2013) focus on updating to the perceived ideological location of the Court, which then leads to recalculation of the respondent's ideological distance from the institution. Strother and Gadarian (2022) see this a bit differently. For them, the updating is to beliefs about whether the Court is a fair and impartial institution or whether it is a "political" one. For this specific research, I posit that the updating is to general performance evaluations, which in Easton's language is "specific support." The hypothesis of this research is that event evaluations cause updating to general performance evaluations which in turn can, over time, affect diffuse support for the institution.

When stated this way, it should be clear that the expectation is that the effect of an event evaluation is routed mainly through specific support (generalized performance evaluations). Two caveats are important: (1) it may take some time for the effect of events evaluations to be fully incorporated into specific support (as memories fade, for instance), and (2) when people pay attention, performance evaluations are being continuously updated by all sorts of new information. It should also be clear that exactly the same processes are envisaged by Bartels and Johnston and Strother and Gadarian, even if different intermediary attitudes are posited (i.e., ideological location, Court politicization).

All of this is quite a dynamic process involving many different factors and influences. In such instances, it is sometime useful to try to recreate reality within an experimental context. That is what I have done.

In order to test some of the hypotheses posited in Figure 1, I fielded a new survey with VeraSight, using a mainly opt-in sample weighted to be representative of the nation as a whole.[8] A total of 1,200 respondents were interviewed in October 2023.

The most important hypothesis that can be considered with these data has to do with the mechanisms of updating court attitudes. My model posits that updates are more likely to take place with specific support than with diffuse support. Of course, with updating taking place within the span of a single interview, external validity suffers. Still, the survey data can provide some evidence of the relative volatility of diffuse and specific support.

The overall design of this project involves (1) measuring Supreme Court attitudes, (2) measuring abortion preferences, (3) presenting the respondents with a new Supreme Court decision either consonant or dissonant with their abortion preferences, and then (4) re-measuring Supreme Court attitudes. The dependent variables for the analysis are measures of change in both diffuse and specific support from prior to the intervention to after it. More specifically, measures of change from before the Court ruling was announced to after it was announced were created for four concepts: (1) diffuse support, (2) the ideological distance between the respondent and the Court, (3) job performance, and (4) the traditional measure of specific support (e.g.,

[8] https://www.verasight.io/

Nelson and Gibson 2020), satisfaction with the Court's policy outputs. Standard measures of all concepts were employed.

Respondents were randomly assigned to hear either a pro-abortion or an anti-abortion Court decision, conditional on their stated abortion attitudes. The Court rulings presented to the respondents are:

Pro-Abortion:
Please suppose that the U.S. Supreme Court issues a new ruling legalizing abortions in nearly all circumstances throughout the United States. All in all, to what extent would you approve or disapprove of a Supreme Court decision legalizing nearly all abortions?

Strongly approve
Somewhat approve
Somewhat disapprove
Strongly disapprove

Or

Anti-Abortion:
Please suppose that the U.S. Supreme Court issues a new ruling outlawing abortions in nearly all circumstances throughout the United States. All in all, to what extent would you approve or disapprove of a Supreme Court decision outlawing nearly all abortions?

Strongly approve
Somewhat approve
Somewhat disapprove
Strongly disapprove

Thus, some respondents were told of a Supreme Court decision of which they were highly likely to approve, while others were told of a Supreme Court decision of which they were highly likely to disapprove.

I first tested for whether a difference in the change measures was apparent between those who were told about a favorable Court ruling and those told about an unfavorable ruling. The hypothesis here is that the favorability of rulings will cause updating of these attitudes, but that diffuse support will not update as readily as the other three measures. More specifically, the null hypothesis for all four indicators is that the type of decision is associated with no difference in the mean change scores.

The hypothesis receives considerable but not perfect support. For both job and policy satisfaction, a significant difference in change scores was observed according to whether the respondents heard about a favorable or an unfavorable decision ($p < .001$, in both instances). Hearing about an unfavorable decision resulted in a significant decline in support. For diffuse support and for ideological distance, however, the results are decidedly not significant ($p > .05$). That is, the type of decision did not result in greater or lesser diffuse support or greater or lesser ideological distance from the Court. Recognizing some skepticism about the entire ideological updating theory (e.g., Gibson, Pereira, and Ziegler 2017), and therefore putting that finding

aside, the evidence of this experiment is clearly that specific support updates more readily than diffuse support (see also Haglin et al. 2021).

A somewhat different way to address the hypothesis is to examine the correlation of measures taken prior to the decision with the same measures after the decision (i.e., the components of the change measures discussed in the preceding paragraph). These correlations are:

Diffuse support	.88
Ideological distance	.82
Performance evaluations	.68
Policy satisfaction	.60

For comparative purposes:

Ideological self-identification	.87
Support for the rule of law	.79

What these correlations indicate is that the two measures of specific support are much more volatile from pre- to post-decision, while diffuse support is stable: indeed, even as stable as ideological self-identifications. These data also indicate that the main democratic value—support for the rule of law—exhibits a high degree of stability.

Research designs such as this certainly are limited in what they can tell us about how people react to actual Court decisions. Not the least of such external validity concerns is that all respondents become aware of a decision (because I told everyone about a decision). But what these data seem to suggest is that specific support is more easily updated than diffuse support, which seems to corroborate at least part of the updating model undergirding this research.

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