

# The Supreme Court Aligned With Public Opinion in Most Major Cases This Term (2019)

By Adam Liptak and Alicia Parlapiano Updated July 9, 2020

In the Supreme Court’s first full term since the arrival of Justice Brett M. Kavanaugh shifted it to the right, the justices confronted an unusually potent mix of political and social issues in the middle of both a presidential election year and a public health crisis.

A recent survey from researchers at Harvard, Stanford and the University of Texas suggests that the public aligns with the court's major decisions this term. A notable exception: The court ruled that the president may for now block disclosure of his financial records to Congress, but 61 percent of Americans do not believe he should be able to do so.

## Presidential Power

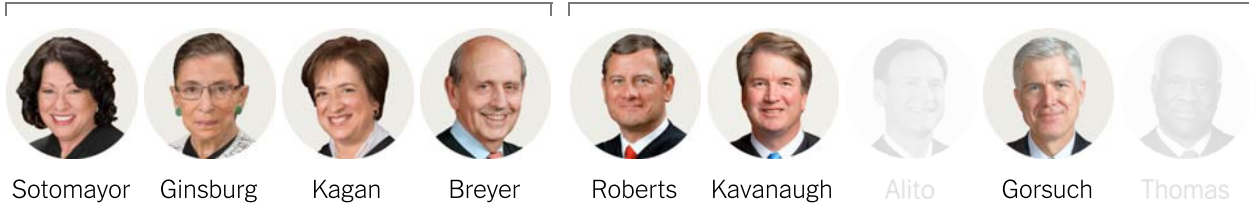
# 7-2

DECIDED  
JULY 9

In *Trump v. Mazars USA*, the court ruled that Mr. Trump may for now block disclosure of his financial records to House committees.

### LIBERAL BLOC

### CONSERVATIVE BLOC



### Where the public stands

A president **should not be able to block** turning over his financial records to Congress

A president **should be able to block** turning over his financial records to Congress





**Question wording:** A congressional committee has requested records related to President Trump's taxes and finances from his activities prior to becoming president from his accounting firm and other companies. Some people believe that a president should be able to block such companies from turning over his financial records to congressional committees. Other people believe that the companies must comply with the congressional committee's request. What do you think? | Source: SCOTUSPoll

## Presidential Power

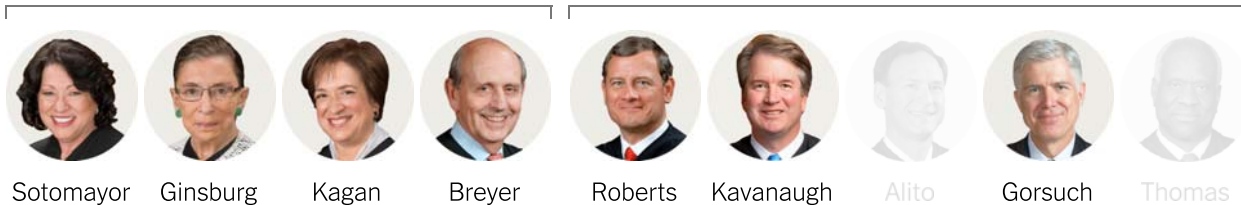
# 7-2

DECIDED  
JULY 9

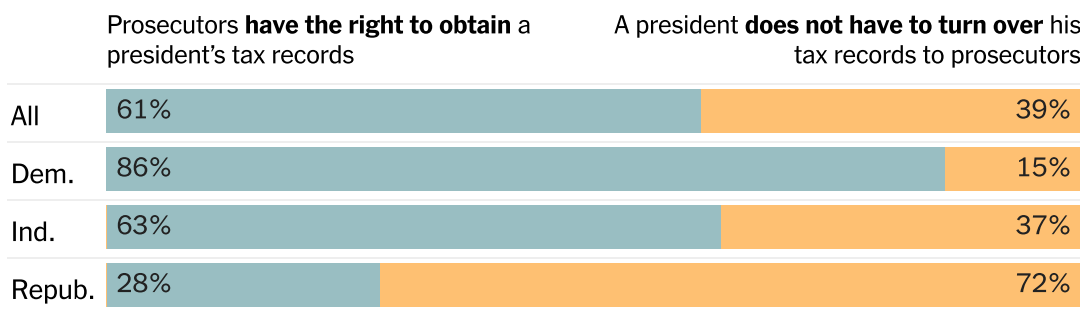
In *Trump v. Vance*, the court ruled that Mr. Trump cannot block disclosure of his financial records to New York prosecutors.

### LIBERAL BLOC

### CONSERVATIVE BLOC



### Where the public stands



**Question wording:** New York state prosecutors are conducting a criminal investigation of President Trump. They have requested financial records related to Mr. Trump's taxes and finances from his activities prior to becoming president from his accounting firm and other companies. Some people believe that New York state prosecutors have the right to obtain a president's tax records. Others believe that a president does not have to turn over his tax records to state prosecutors. What do you think? | Source: SCOTUSPoll

# Native Americans

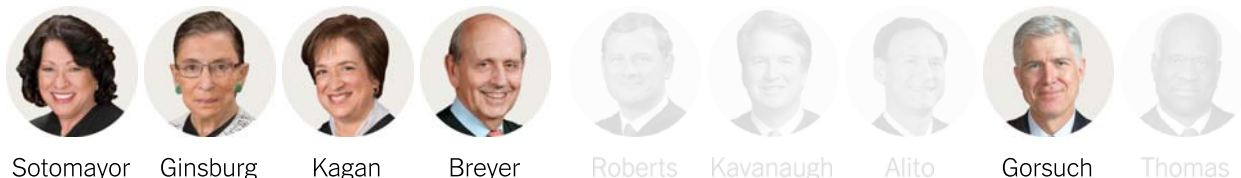
# 5-4

DECIDED  
JULY 9

In *McGirt v. Oklahoma*, the court ruled that much of eastern Oklahoma is an Indian reservation.

## LIBERAL BLOC

## CONSERVATIVE BLOC



# Contraception

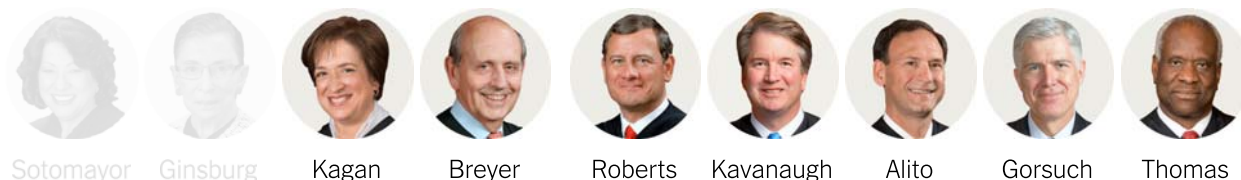
# 7-2

DECIDED  
JULY 8

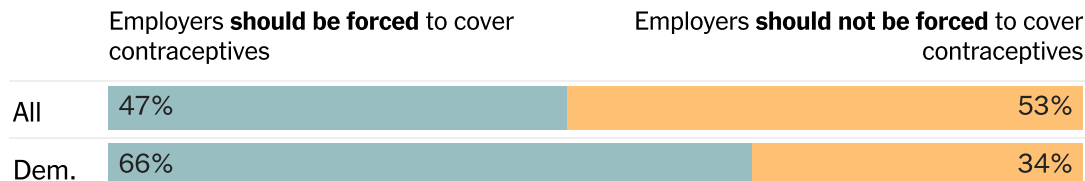
In *Little Sisters of the Poor v. Pennsylvania*, the court ruled that the Trump administration can allow employers to deny contraception coverage to female workers on religious or moral grounds.

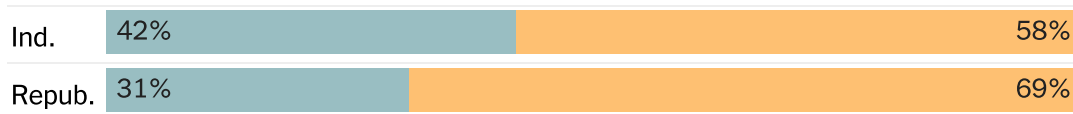
## LIBERAL BLOC

## CONSERVATIVE BLOC



## Where the public stands





**Question wording:** The Affordable Care Act requires that health insurance plans for women include coverage for contraceptives (birth control), but the Trump administration recently passed regulations that greatly expanded exceptions to this mandate to include exemptions on the basis of religious or “moral” objections. Some people think that employers should not be forced to cover contraceptives if they express either a religious or a “moral” objection. Other people think that these employers should be forced to cover contraceptives. What do you think? | Source: SCOTUSPoll

## Religious Employers

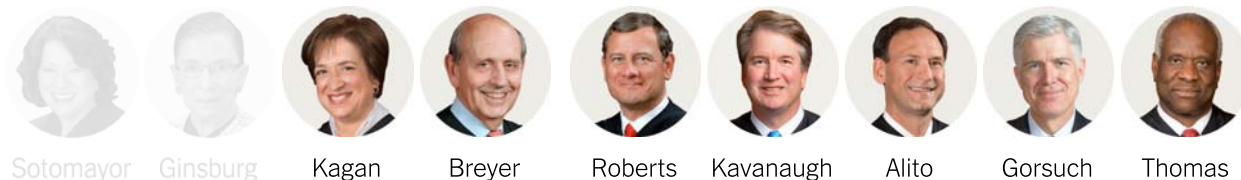
# 7-2

DECIDED  
JULY 8

In *Our Lady of Guadalupe School v. Morrissey-Berru*, the court ruled that employment discrimination laws do not apply to teachers at religious schools.

### LIBERAL BLOC

### CONSERVATIVE BLOC



## Electoral College

# 9-0

DECIDED  
JULY 6

In *Chiafalo v. Washington*, the court ruled that states may require members of the Electoral College to vote for the candidates they had pledged to support.

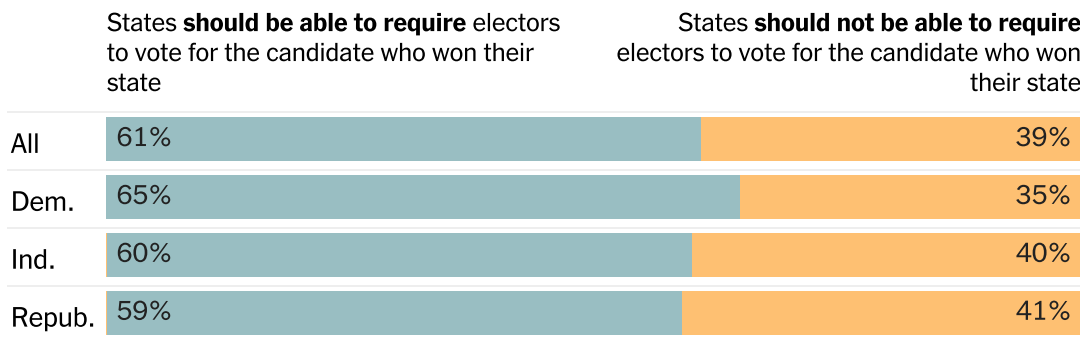
### LIBERAL BLOC

### CONSERVATIVE BLOC





### Where the public stands



**Question wording:** In the U.S., the president is chosen by the Electoral College, comprised of “electors” from all 50 states and the District of Columbia. Some people think that states should be able to require Electoral College electors to vote for the person who won the majority of votes in the state and not some other person. However, some people think that electors should be able to vote for whomever they want. What do you think? | Source: SCOTUSPoll

## Church and State

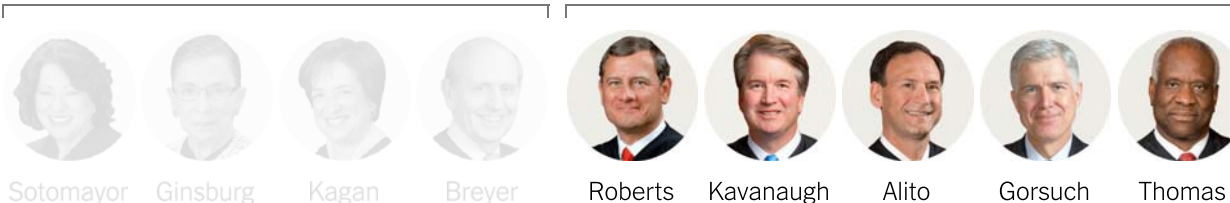
# 5-4

DECIDED  
JUNE 30

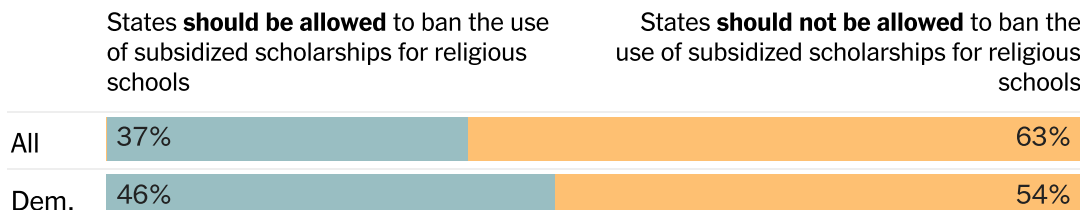
In *Espinoza v. Montana Department of Revenue*, the court ruled that states may not exclude religious schools from programs that provide scholarships to students attending private schools.

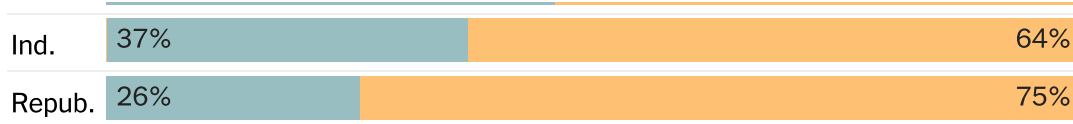
#### LIBERAL BLOC

#### CONSERVATIVE BLOC



### Where the public stands





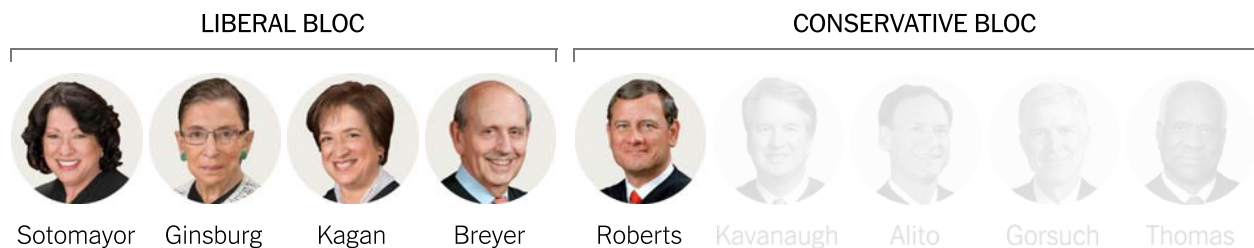
**Question wording:** The state of Montana has banned students from using taxpayer-subsidized scholarships to attend religious schools. Some people think this rule is an acceptable restriction. Other people think this rule violates people’s constitutional rights. What do you think? | Source: SCOTUSPoll

## Abortion

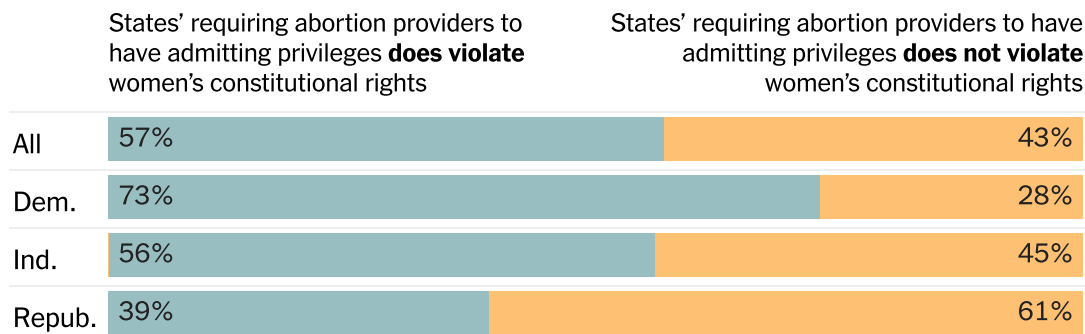
# 5-4

DECIDED  
JUNE 29

In June *Medical Services v. Russo*, the court ruled that a Louisiana law violated the Constitution when it required doctors performing abortions to have admitting privileges at nearby hospitals.



### Where the public stands



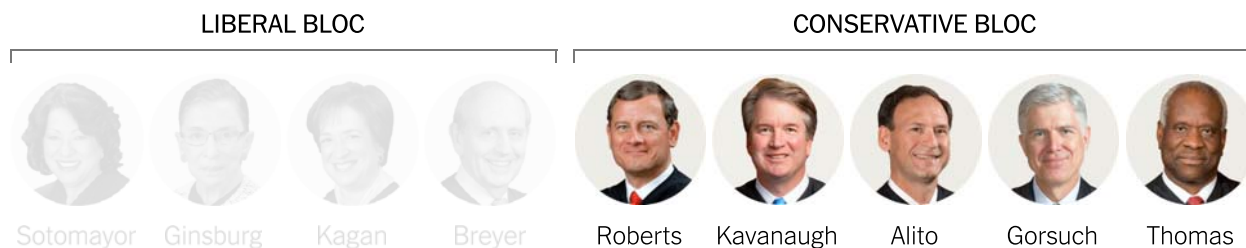
**Question wording:** Louisiana passed a law requiring abortion providers to be able to send patients to nearby hospitals, a practice known as “admitting privileges.” This law would mean that all abortion providers in the state except for one would be forced to close. Some people believe that Louisiana’s law violates women’s constitutional rights. Other people believe that the law does not violate women’s constitutional rights. What do you think? | Source: SCOTUSPoll

## Independent Agencies

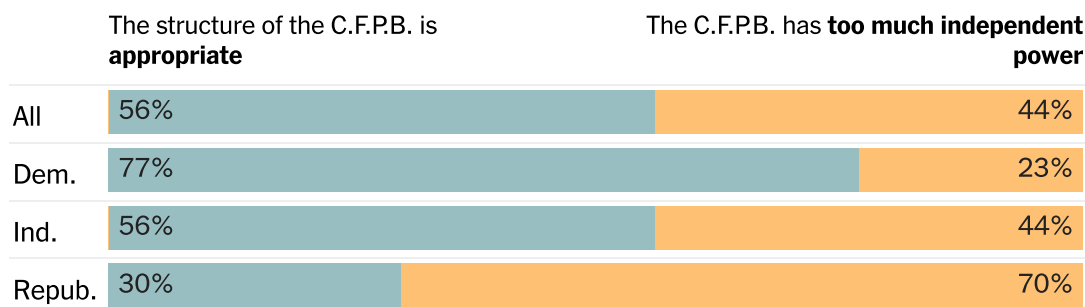
# 5-4

DECIDED  
JUNE 29

In *Seila Law LLC v. Consumer Financial Protection Bureau*, the court ruled that the president may fire the director of the Consumer Financial Protection Bureau without cause.



## Where the public stands



**Question wording:** In 2010, Congress established the Consumer Financial Protection Bureau (C.F.P.B.) as an independent consumer protection agency. In doing so, Congress severely limited the president’s ability to remove the agency’s director. Some people think the structure of the C.F.P.B. is appropriate. Others disagree and believe that this gave the C.F.P.B. too much independent power, since it is very difficult for the president to remove the agency’s director. What do you think? | Source: SCOTUSPoll

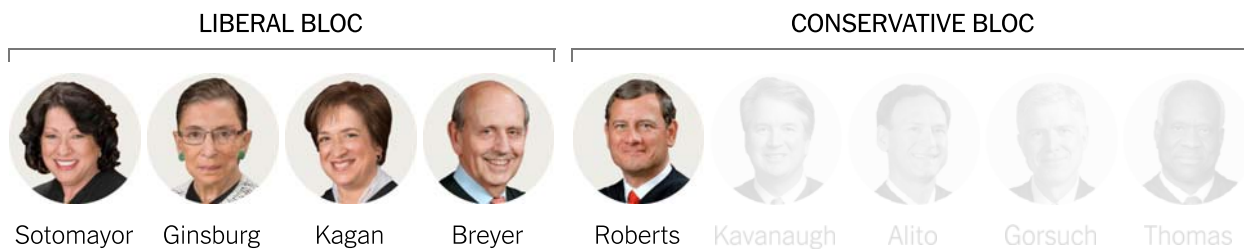
## Immigration

# 5-4

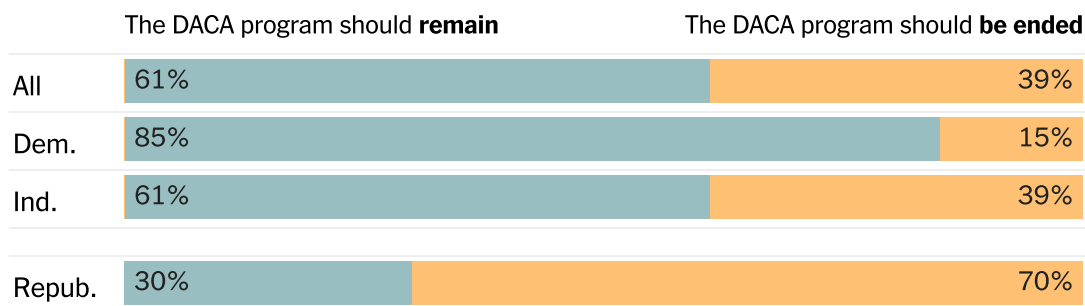
DECIDED  
JUNE 18



In *Department of Homeland Security v. Regents of the University of California*, the court ruled that the Trump administration could not immediately shut down DACA, a program that shields about 700,000 young immigrants known as Dreamers from deportation and allows them to work.



### Where the public stands



Question wording: Deferred Action for Childhood Arrivals (DACA) was created by President Obama to protect undocumented immigrants who have lived in the U.S. since childhood from deportation. President Trump wants the Department of Homeland Security to end DACA. What do you think? | Source: SCOTUSPoll

## Gay and Transgender Rights

# 6-3

DECIDED  
JUNE 15

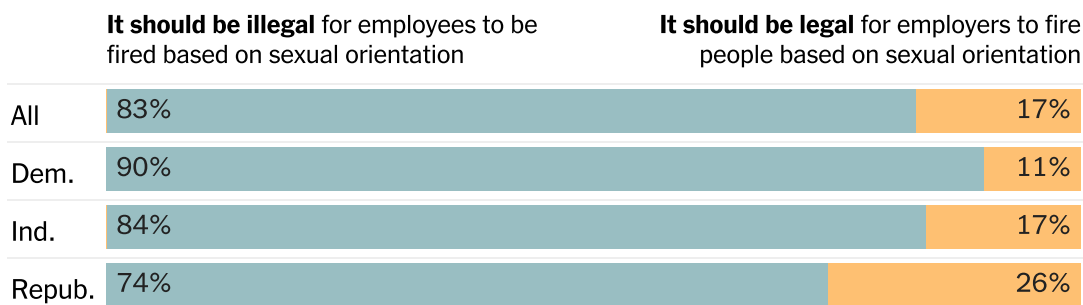
The court ruled that the Civil Rights Act of 1964 protects gay and transgender workers from workplace discrimination. The court considered two cases concerning gay rights, *Bostock v. Clayton* and *Altitude Express v. Zarda*, and one case concerning transgender rights, *R.G. & G.R. Harris Funeral Homes v. Equal Employment Opportunity Commission*.



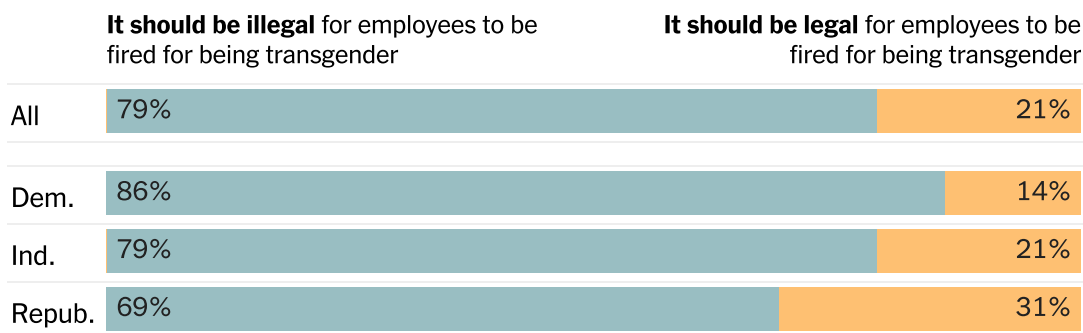




### Where the public stands



Question wording: Some people believe that it should be illegal for employees to be fired based on their sexual orientation because it is discrimination on the basis of sex. Other people think that it should be legal because it is not discrimination on the basis of sex. What do you think? | Source: SCOTUSPoll



Question wording: Some people believe that it should be illegal for employees to be fired for being transgender because it is discrimination on the basis of sex. Other people think that it should be legal because it is not discrimination on the basis of sex. What do you think? | Source: SCOTUSPoll

## Juries

# 6-3

DECIDED  
APRIL 20

In *Ramos v. Louisiana*, the court ruled that the Constitution requires unanimous jury verdicts to convict defendants of serious crimes.

#### LIBERAL BLOC

#### CONSERVATIVE BLOC



# Public Corruption

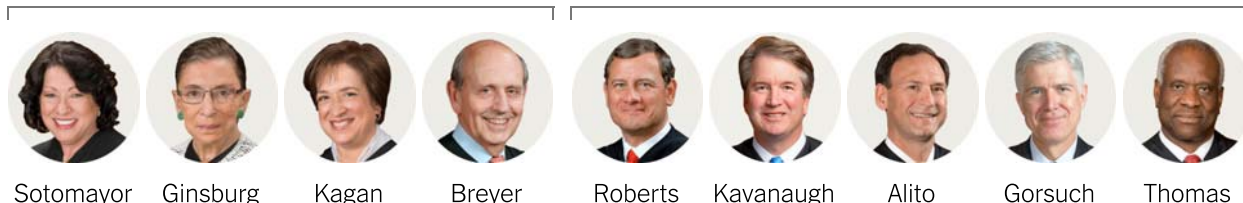
# 9-0

DECIDED  
MAY 7

In Kelly v. United States, the court overturned the convictions of two associates of Chris Christie, the former governor of New Jersey, in the Bridgegate scandal.

### LIBERAL BLOC

### CONSERVATIVE BLOC



Polling data comes from the SCOTUSPoll project by Stephen Jessee, University of Texas at Austin; Neil Malhotra, Stanford Graduate School of Business; and Maya Sen, Harvard Kennedy School. It is based on a survey conducted online by YouGov from April 29 to May 12 using a representative sample of 2,000 American adults. The survey has a margin of error of 2.2 pct. pts.

**Correction:** July 9, 2020

An earlier version of this graphic misstated how two of the justices voted in two cases: Trump v. Mazars and Trump v. Vance. In both rulings, it was Justice Gorsuch who voted with the majority and Justice Alito who dissented, not the other way around.

# Tracking the Major Supreme Court Decisions This Term (2020)

By [Adam Liptak](#) and [Alicia Parlapiano](#) Updated July 1, 2021

The arrival this term of Justice Amy Coney Barrett, President Donald J. Trump's third appointee, has transformed a Supreme Court with a slight conservative majority into one that tilted right by a 6-to-3 margin. Justice Barrett has also left Chief Justice John G. Roberts Jr. with a sharply diminished ability to guide the court's direction in cases on health care, voting, religion and gay rights.

According to [a recent survey](#) from researchers at Harvard, Stanford and the University of Texas, the public is divided nearly evenly on those key cases.

## Voting Rights

In [Brnovich v. Democratic National Committee](#), the court ruled that Arizona's restrictions on voting in the wrong precinct **is lawful** and that the state **can forbid** voters from relying on another person to collect and drop off ballots.

# 6-3

DECIDED  
JULY 1

Liberal bloc



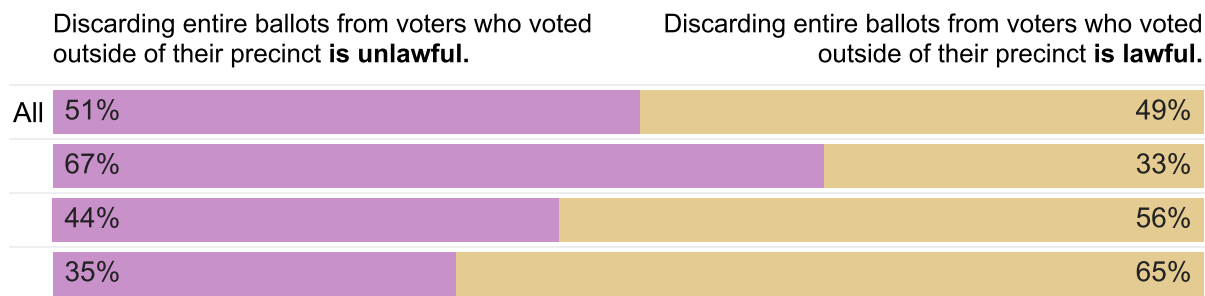
Sotomayor Kagan Breyer

Conservative bloc

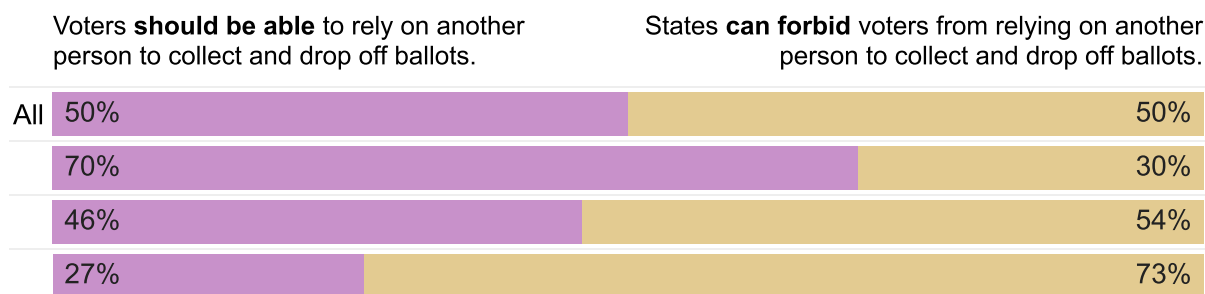


Roberts Kavanaugh Barrett Gorsuch Alito Thomas

## Where the public stands



**Question wording:** In Arizona, if a voter arrives at a polling place and is not listed on the voter roll for that precinct, the voter may still cast a provisional ballot. After election day, Arizona election officials review all provisional ballots to determine the voter's identity and address. If officials determine that the voter voted outside of their precinct, the ballot is discarded in its entirety, even if the voter was eligible to vote in most of the races on the ballot. Some people believe that discarding entire ballots in this manner is unlawful. Other people believe that it is lawful. What do you think? | Source: SCOTUSPoll



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

collect and deliver another person's ballot. Some people think that voters should be able to rely on another person or third party to collect and drop off ballots. Other people think that states can forbid this. What do you think? | Source: SCOTUSPoll

## Donor Disclosure

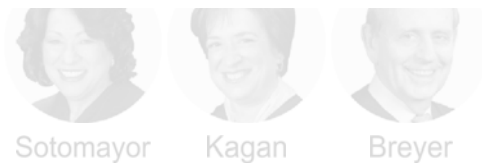
In [Americans for Prosperity Foundation v. Bonta](#), the court ruled that California's requirement that charities report their major donors to the state **violates** their First Amendment rights.

6-3

DECIDED  
JULY 1

Liberal bloc





Sotomayor Kagan Breyer

Conservative bloc



Roberts Kavanaugh Barrett Gorsuch Alito Thomas

### Where the public stands

Requiring nonprofits to report their major donors to the state **does not violate** their First Amendment rights.

Requiring nonprofits to report their major donors to the state **violates** their First Amendment rights.



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

### Students' First Amendment Rights

In [Mahanoy Area School District v. B.L.](#), the court ruled that a Pennsylvania school district **could not punish** a student for off-campus speech because it violated the First Amendment.

8-1

DECIDED  
JUNE 23

Liberal bloc

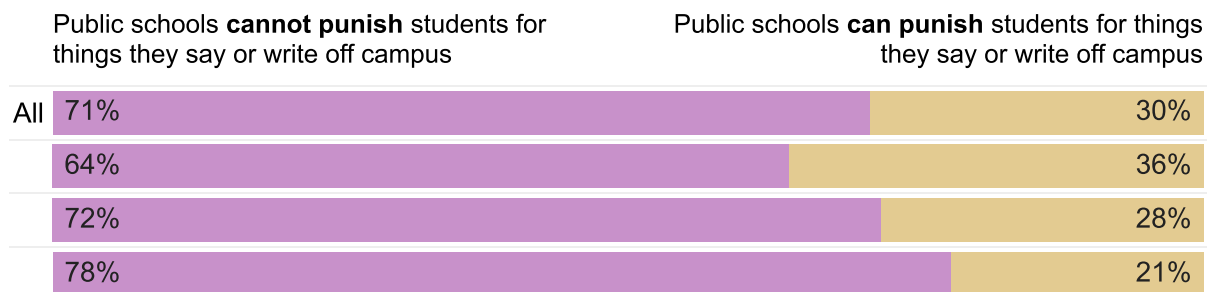


Sotomayor Kagan Breyer

Conservative bloc



### Where the public stands



Question wording: Some people think that public school officials can punish students for things they say or write off campus, including on social media, without violating students' First Amendment rights to free speech. Other people think that such punishments violate students' First Amendment rights to free speech. What do you think? | Source: SCOTUSPoll

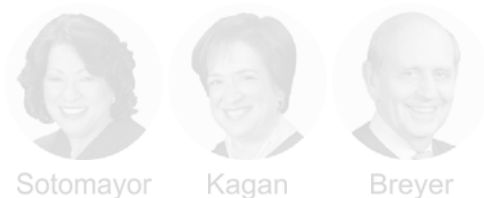
### Union Access to Workplaces

In [Cedar Point Nursery v. Hassid](#), the court ruled that California **cannot require** that union representatives be allowed to meet with farmworkers at their worksites because such a requirement violates the constitutional rights of the employers.

6-3

DECIDED  
JUNE 23

Liberal bloc



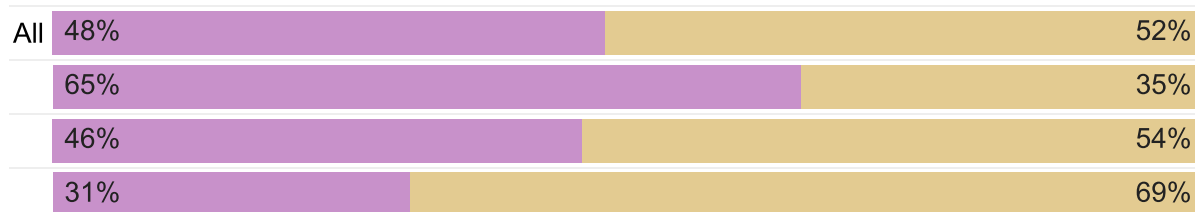
Conservative bloc



### Where the public stands

States **can require** that employers allow union representatives to enter a company's private property

States **cannot require** that employers allow union representatives to enter a company's private property



Question wording: California law requires that employers allow union representatives to enter a company's private property to meet with employees and solicit support for labor organizing. Some people believe that this is akin to the government taking companies' private property without compensation. Other people argue that the law is acceptable, and is not the government taking companies' private property without compensation. What do you think? | Source: SCOTUSPoll

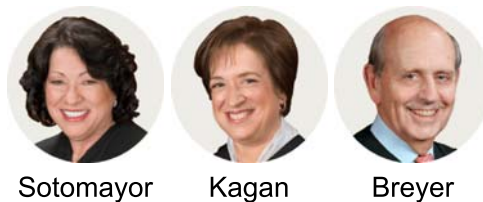
### Student Athletes

In [National Collegiate Athletic Association v. Alston](#), the court ruled that the N.C.A.A. **may not bar** modest payments related to academics to student-athletes in the name of amateurism despite the antitrust laws.

9-0

DECIDED  
JUNE 21

Liberal bloc



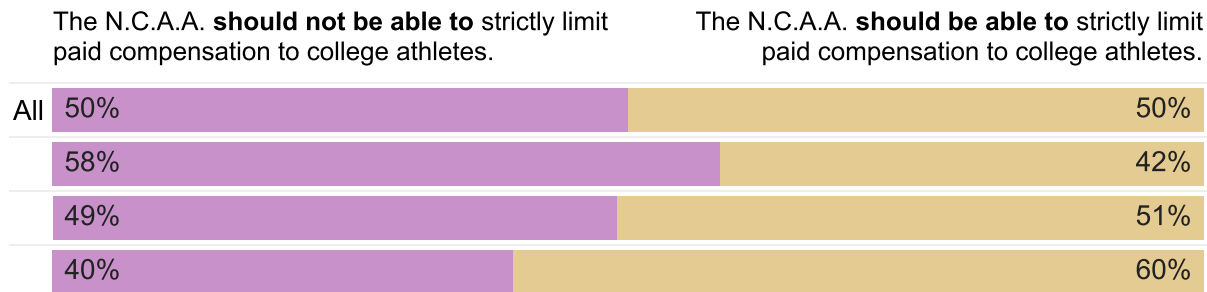
Conservative bloc







### Where the public stands



Question wording: The National Collegiate Athletic Association (N.C.A.A.) strictly limits colleges and universities from providing paid compensation to college athletes. Some people think the N.C.A.A.'s strict limits on paid compensation for college athletes in this manner is an unlawful form of coordination against athletes. Others disagree and think that the N.C.A.A. should be able to strictly limit colleges and universities from providing paid compensation to college athletes. What do you think? | Source: SCOTUSPoll

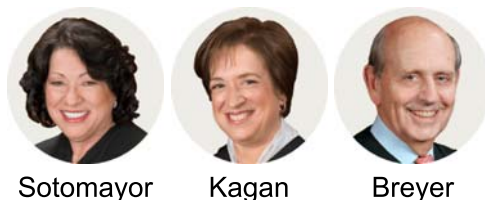
### Affordable Care Act

In [California v. Texas](#), the court effectively upheld the Affordable Care Act in a third major challenge, ruling that the plaintiffs did not have standing to sue. The court sidestepped the larger issue in the case, whether the law can stand without the provision requiring most Americans to obtain insurance or pay a penalty.

7-2

DECIDED  
JUNE 17

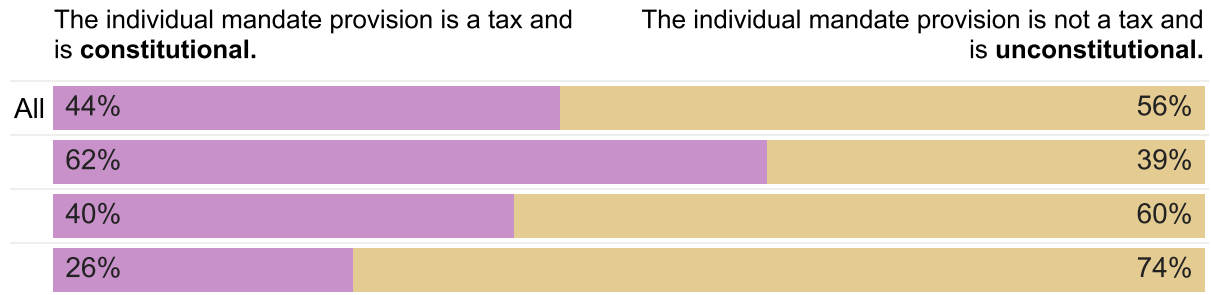
Liberal bloc



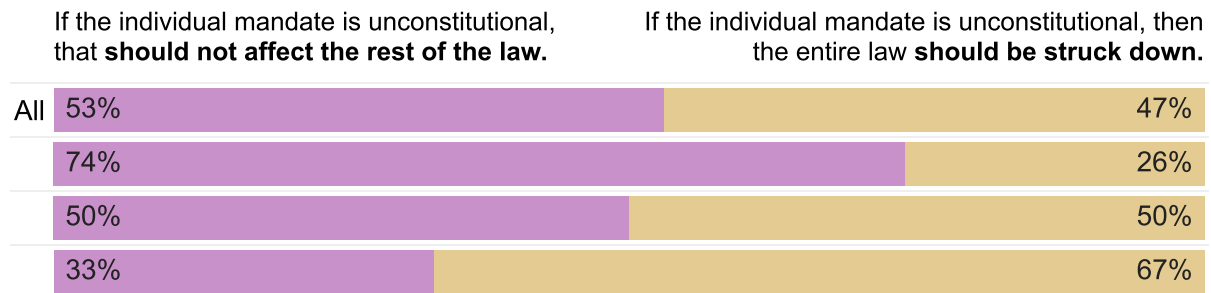
Conservative bloc



## Where the public stands



**Question wording:** Under the Affordable Care Act (ACA), there is a tax penalty for not buying health insurance. This is called the individual mandate. Recent legislation has set the tax penalty for not buying health insurance to \$0. Some people believe that, because the tax penalty is \$0, this means that the penalty is actually not a tax and it exceeds the federal government's power to tax and is unconstitutional. Other people believe that it does not exceed the federal government's power to tax and is constitutional. What do you think? | Source: SCOTUSPoll



**Question wording:** Under the Affordable Care Act (ACA), there is a tax penalty for not buying health insurance. This is called the individual mandate. Some people think that if the individual mandate is unconstitutional then the entirety of the ACA must also be unconstitutional. Other people disagree and think that if the individual mandate is unconstitutional, that should not affect the rest of the law. What do you think? | Source: SCOTUSPoll

## Religion and Gay Rights

In [Fulton v. City of Philadelphia](#), the court ruled that Philadelphia **violated the First Amendment** when it required a Catholic agency to work with same-sex couples when screening potential foster parents.

9-0

DECIDED  
JUNE 17

Liberal bloc





Sotomayor Kagan Breyer

Conservative bloc

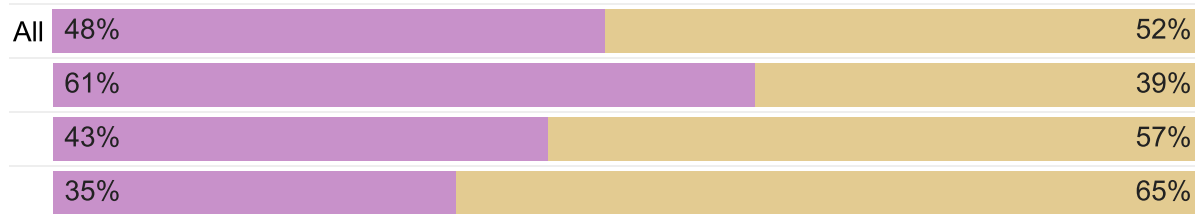


Roberts Kavanaugh Barrett Gorsuch Alito Thomas

### Where the public stands

Requiring religious agencies to allow foster children to be placed with same-sex couples **does not violate** their First Amendment rights.

Requiring religious agencies to allow foster children to be placed with same-sex couples **does violate** their First Amendment rights.



Question wording: There are some religiously affiliated foster agencies that refuse to place foster children with same-sex couples. Some people think that governments can prohibit such agencies from participating in the foster care systems they operate unless the agencies allow children to be placed with same-sex couples. Other people think that doing so would violate the agencies' First Amendment rights to religious freedom. What do you think? | Source: SCOTUSPoll

### Covid Restrictions and Religion

In [Roman Catholic Diocese of Brooklyn v. Cuomo](#), the court ruled that New York **could not prohibit** in-person attendance at worship services because it violated the Constitution's protection of religious liberty.

5-4

DECIDED  
NOV. 25

Liberal bloc



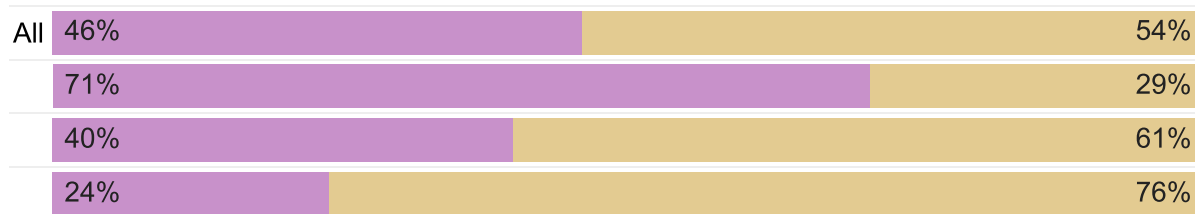
Conservative bloc



**Where the public stands**

States **can prohibit** in-person religious gatherings despite the First Amendment right to free exercise of religion

States **cannot prohibit** in-person religious gatherings because of the First Amendment right to free exercise of religion



Question wording: Many states have prohibited large in-person gatherings due to the Covid-19 pandemic. Some people think that states cannot prohibit in-person religious gatherings because of the First Amendment right to free exercise of religion. Other people think that states can prohibit inperson religious gatherings. What do you think? | Source: SCOTUSPoll

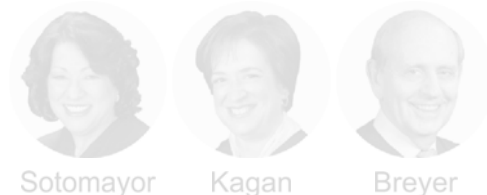
**Life Sentences for Juvenile Offenders**

In [Jones v. Mississippi](#), the court ruled that juvenile offenders **need not be deemed incorrigible**, or beyond hope of rehabilitation, before a judge sentences them to die in prison.

6-3

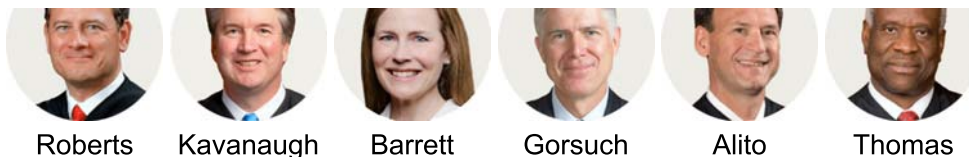
DECIDED  
APRIL 22

Liberal bloc

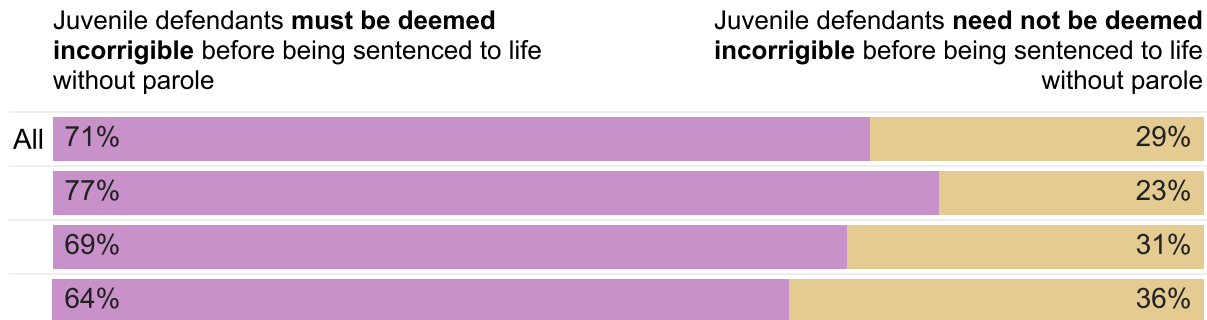


Conservative bloc





### Where the public stands



**Question wording:** There are states that reserve the ability to sentence juvenile criminal defendants to life sentences without the possibility of any parole. Some people think that such juvenile defendants must be found to be incorrigible — or impossible of being reformed — before being sentenced to life without parole. Other people think that juveniles can be sentenced to life sentences without parole without states having to make such a determination. What do you think? | Source: SCOTUSPoll

Polling data comes from the SCOTUSPoll project by Stephen Jessee, University of Texas at Austin; Neil Malhotra, Stanford University; and Maya Sen, Harvard University. It is based on a survey conducted online by YouGov from April 7-16 using a representative sample of 2,158 American adults.