Supplemental Appendix for "You Better Shop Around: Litigant Characteristics and Supreme Court Support"

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Supplemental Appendix

A Discussion of Litigant Characteristics in Salient Cases

As we explain in the manuscript, newspapers do not discuss litigants in cases with much frequency – even in the issue areas that we study here, papers are as likely as not to mention the litigant in a case, as we show in Figure 1. As Figure A1 and Figure A2 show below, papers are even less likely to discuss the litigant's race or gender. This figures further make the point we make in the manuscript: strategic litigant selection is a viable option in very few cases.

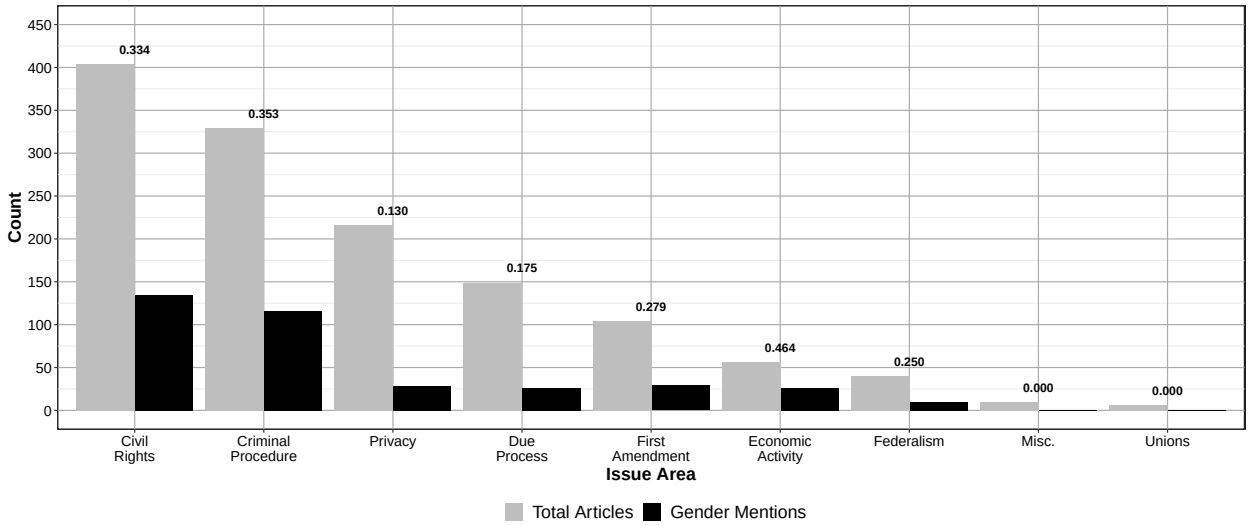


Figure A1: The y-axis depicts mentions of a litigant's gender in newspaper coverage of salient Supreme Court cases heard between the 1998 and 2014 terms, broken down by issue area. Grey shows the total number of newspaper articles in that issue area across the time period, while black shows the number of those articles that mention the litigant. The numbers above each bar denote the proportion of articles in each issue area that mentioned the litigant. The examination covers 1,315 newspaper articles in 112 cases with a Case Salience Index score of 8.

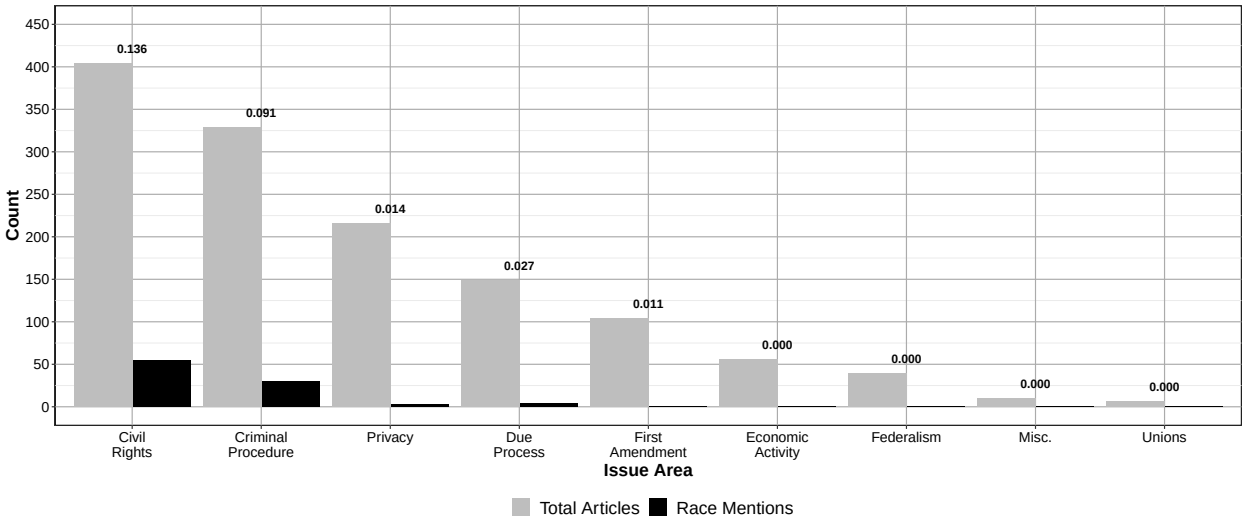


Figure A2: The y-axis depicts mentions of a litigant's race in newspaper coverage of salient Supreme Court cases heard between the 1998 and 2014 terms, broken down by issue area. Grey shows the total number of newspaper articles in that issue area across the time period, while black shows the number of those articles that mention the litigant. The numbers above each bar denote the proportion of articles in each issue area that mentioned the litigant. The examination covers 1,315 newspaper articles in 112 cases with a Case Salience Index score of 8.

B Vignettes

Experiment 1 Affirmative Action Vignette:

> Last fall, [James/Brianna] Smith, a [Black/White] resident of the State of Ohio, appeared before the Supreme Court to challenge Ohio State University's undergraduate admissions program. Under OSU's admissions policy, eligible Ohio high school students who graduated in the top six percent of their class are automatically admitted to the university. Applicants who do not qualify for automatic admission are admitted based on their GPAs and test scores, though the school also considered those applicants' demographics, including race, gender, and legacy status, to create a diverse student body. Smith did not quality for admissions under the Top Percentage program and was denied traditional admission despite having an above-average GPA and SAT score. Smith filed suit against Ohio State University, claiming the school's policy of using race, gender, and legacy status as considerations violated the Fourteenth Amendment's promise of equal treatment under the law.
>
> Today, the Supreme Court announced its decision, with a five-member majority ultimately siding with [James/Brianna] Smith and striking down Ohio State University's admissions policy. The opinion reaffirmed Smith's constitutional right to equal protection under the law and said the demographic considerations used in regular admissions violated those rights.

Experiment 2 Affirmative Action Vignette:

> Last fall, [James/Brianna Smith or Christopher/Christina Wang], a [White/Asian American] resident of the State of Ohio, appeared before the Supreme Court to challenge Ohio State University's undergraduate admissions program. Under OSU's admissions policy, eligible Ohio high school students who graduated in the top six percent of their class are automatically admitted to the university. Applicants who do not qualify for automatic admission are admitted based on their GPAs and test scores, though the school also considered those applicants' demographics, including race, gender, and legacy status, to create a diverse student body. [Smith/Wang] did not quality for admissions under the Top Percentage program and was denied traditional admission despite having an above-average GPA and SAT score. [Smith/Wang] filed suit against Ohio State University, claiming the school's policy of using race, gender, and legacy status as considerations violated the Fourteenth Amendment's promise of equal treatment under the law.
>
> Today, the Supreme Court announced its decision, with a five-member majority ultimately siding with [James/Brianna Smith or Christopher/Christina Wang] and striking down Ohio State University's admissions policy. The opinion reaffirmed [Smith/Wang]'s constitutional right to equal protection under the law and

said the demographic considerations used in regular admissions violated those rights.

Experiment 1 Gun Rights Vignette:

Last fall, [James/Brianna] Smith, a [Black/White] New York resident, appeared before the Supreme Court to challenge the city's 20-year-old gun law that restricted the transportation of legally registered handguns around and outside of the city. Smith has a gun license and sued the city because [he/she] could not transport [his/her] handgun to shooting ranges outside of the city to compete in shooting competitions. The suit also claimed that the law prevented Smith from transporting [his/her] handgun from the city to [his/her] family's rural country home. Smith argued that the Second Amendment of the Constitution protected [his/her] right to keep and transport arms for recreational purposes.

Today, the Supreme Court announced its decision, with a five-member majority ultimately siding with [James/Brianna] Smith, and striking down the transportation section of the New York City ordinance. The opinion reaffirmed Smith's constitutional right to keep and bear arms and said that section of the ordinance violated those rights. While the ruling did make it easier for individuals to travel with their handguns, the majority also ruled that all guns must remain unloaded in a locked container during transport.

C Pre-Tested Issue Areas

As we discuss in the text of the manuscript, we asked participants to identify litigant stereotypes across a range of possible rights-affirming decisions that overturn the legal status quo. We did this test twice, first with 120 participants in Summer 2020 and again with 1,021 participants in December 2022. In the manuscript, we discuss the December 2022 results, which we field through Prolific and are available in Table A1. The Summer 2020 results, which we field through MTurk, are also instructive, so we provide them in Table A2. Raw response rates are in the table with percentages across that question (man/woman, White/Asian American/Black, White/Black) in parentheses.

Table A1: Issue Area Pre-Tests of Race and Gender of Litigants, December 2022

Cases that come before the Supreme Court often involve people initiating suits that raise legal questions.					
	Do you think the person bringing each of the following lawsuits is more likely to be a man or a woman?		Do you think the person bringing each of the following lawsuits is more likely to be Black, White, or Asian American?		
Prompt	**Man**	**Woman**	**White**	**Asian Am**	**Black**
An individual sued the city after the city's restrictive handgun law prevented them from transporting their gun to a shooting range for target practice.	944 (92%)	78 (8%)	904 (87%)	8 (1%)	108 (11%)
An individual sued a university that denied them admission, claiming the university's affirmative action policy kept them from consideration.	587 (57%)	434 (43%)	510 (50%)	211 (21%)	299 (29%)
An individual sued the federal government after they were arrested for burning a flag in political protest.	807 (79%)	213 (21%)	701 (69%)	24 (2%)	294 (29%)
An individual sued the federal government after the Drug Enforcement Agency seized their doctor-prescribed medical marijuana, claiming they could possess and use the substance under state law.	770 (75%)	252 (25%)	596 (59%)	20 (2%)	402 (40%)
An individual sued their city after being arrested for performing an animal sacrifice during a religious ceremony in violation of local ordinances.	684 (67%)	336 (33%)	712 (70%)	178 (17%)	131 (13%)

Table A2: Issue Area Pre-Tests of Race and Gender of Litigants, Summer 2020

Cases that come before the Supreme Court often involve people initiating suits that raise legal questions. The following questions ask you about your thoughts on the people who bring these lawsuits.				
	Would you consider the following case to be more associated with a man or a woman?		Now consider if you associate this same case more with someone who is White or someone who is Black?	
Prompt	**Man**	**Woman**	**White**	**Black**
An individual sued the city after the city used its eminent domain authority to seize the individual's private property and sell it to private developers.	108 (87%)	16 (13%)	94 (77%)	28 (23%)
An individual sued the federal government after being arrested for burning a flag in political protest.	104 (85%)	18 (15%)	84 (69%)	37 (31%)
An individual sued the city after the city's restrictive handgun law prevented them from transporting their gun to a shooting range for target practice.	103 (87%)	16 (13%)	104(88%)	14 (12%)
An individual sued a university that denied them admission, claiming they were denied because of their race and not based on the merit of their application.	50 (43%)	67 (57%)	34 (29%)	83 (71%)
A homosexual individual sued their state government for banning same-sex marriage, claiming the ban violated the Equal Protection Clause of the Fourteenth Amendment.	69 (59%)	47 (41%)	106 (91%)	10 (9%)
An individual sued their state government after learning state tax dollars were going toward tuition for private schools.	47 (41%)	67 (59%)	91 (80%)	23 (20%)
An individual sued the federal government after Congress passed the Affordable Care Act, claiming Congress did not have the authority to 0date that individuals buy health insurance.	92 (82%)	20 (18%)	93 (16%)	18 (84%)
An individual sued their employer, the state government, for firing them after they failed to return to work after requesting leave to care for a sick family member, which the individual claimed was a violation of the Family and Medical Leave Act (FMLA).	22 (20%)	88 (80%)	71 (65%)	39 (35%)
An individual sued the state government after it passed a law that required individuals present photo identification in order to vote in all elections, claiming it burdened their right to vote and violated the Voting Rights Act.	70 (64%)	39 (36%)	36 (33%)	73 (67%)
An individual sued their state government after it passed a law requiring all abortion clinics be within 50 miles of a hospital and forced several clinics to close, claiming the law made it unduly difficult to gain access to these services.	12 (11%)	95 (89%)	81 (76%)	26 (24%)

D Experiment 1 Demographics

Table A3: Demographics of Experiment 1 Participants

		Affirmative Action	Gun Control
Party Identification	Democrats	47.71% (260)	47.97% (260)
	Republicans	32.11% (175)	31.55% (171)
	Independents	20.18% (110)	20.48% (111)
Race and Gender	White Men	30.28% (165)	33.03% (179)
	White Women	29.17% (159)	27.49% (149)
	Black Men	17.80% (97)	17.71% (96)
	Black Women	22.75% (124)	21.77% (118)
Median Age		40	41
Education	Prefer not to answer	0.55% (3)	0% (0)
	Completed some elementary school	0.55% (3)	0.37% (2)
	Elementary school	9.36% (51)	9.96% (54)
	Secondary education graduate	15.05% (82)	15.87% (86)
	Other post high school vocational	4.22% (23)	4.80% (26)
	Completed some college	17.25% (94)	18.63% (101)
	Associate degree	8.26% (45)	8.30% (45)
	College degree	20.37% (111)	21.03% (114)
	Completed some postgraduate	2.94% (16)	2.21% (12)
	Masters degree	19.08% (104)	16.42% (89)
	Doctorage degree	2.39% (13)	2.40% (13)

E Pre-Tested Names

As we discuss in the text of the manuscript, we pre-tested litigant names in the summer of 2020. We asked participants if they associated certain names with certain races so that we could identify race-neutral names. The results are in Table A4. Approximately 118 participants answered the question, though not all participants addressed all of the prompts. Number of participants saying they associate the name with a Black or White person are in the table with percent of total respondents in parentheses.

Table A4: Pre-Tests for Race-Neutral Litigant Names

Imagine that you are about to meet individuals with the following names. Given these names, would you assume that each individual is a Black person or a White person?		
Name	**Black**	**White**
Lorrie	31 (27%)	85 (73%)
Hunter	9 (8%)	106 (92%)
Erica	39 (33%)	78 (67%)
David	24 (21%)	93 (79%)
Danielle	33 (29%)	82 (71%)
Christopher	17 (14%)	101 (86%)
Mary	14 (12%)	101 (88%)
James	35 (30%)	81 (70%)
Jada	109 (94%)	7 (6%)
Ethan	5 (4%)	109 (96%)
Robin	23 (20%)	93 (80%)
Patrick	9 (8%)	106 (92%)
Keisha	110 (95%)	6 (5%)
Brian	15 (13%)	99 (87%)
Tamia	113 (98%)	2 (2%)
Terry	41 (36%)	74 (64%)
Luke	11 (9%)	105 (91%)
Heidi	9 (8%)	107 (92%)
Eric	17 (15%)	97 (85%)
Deborah	28 (25%)	86 (75%)
Daniel	17 (15%)	100 (85%)
Christine	14 (12%)	103 (88%)
Michael	34 (29%)	82 (71%)
Jennifer	7 (6%)	108 (94%)
Jabari	112 (96%)	5 (4%)
Emily	5 (4%)	110 (96%)
Robert	12 (10%)	104 (90%)
Patricia	24 (21%)	91 (79%)
Kareem	112 (96%)	5 (4%)
Brianna	66 (57%)	50 (43%)
Terrell	110 (94%)	7 (6%)
Jamie	31 (27%)	84 (73%)

F Manipulation Checks

F.1 Manipulation Check Responses

Table A5: Experiment 1: Affirmative Action Manipulation Check Responses

	White Male Treatment	**Black Male Treatment**	**White Female Treatment**	**Black Female Treatment**	**Control**
Correct	53	58	35	51	51
Incorrect	53	49	76	61	58
Total	106	107	111	112	109

Table A6: Experiment 2: Affirmative Action Manipulation Check Responses

	White Male Treatment	**Asian American Male Treatment**	**White Female Treatment**	**Asian American Female Treatment**	**Control**
Correct	115	121	134	129	153
Incorrect	81	73	68	76	38
Total	197	196	204	206	191

Table A7: Experiment 1: Gun Control Manipulation Check Responses

	White Male Treatment	**Black Male Treatment**	**White Female Treatment**	**Black Female Treatment**	**Control**
Correct	53	54	48	39	58
Incorrect	55	57	61	69	48
Total	108	111	109	108	106

F.2 Manipulation Check Models

Table A8: Experiment 1: OLS, Feelings Toward Supreme Court, Affirmative Action Treatment, Manipulation Check

	(1)	(2)	(3)
White Male Treatment	0.852	0.643	−10.713
	(4.901)	(6.706)	(7.723)
Black Male Treatment	3.554	3.936	6.783
	(4.796)	(6.362)	(7.236)
White Female Treatment	−1.040	3.393	−4.258
	(5.484)	(6.834)	(7.849)
Black Female Treatment	−3.451	−1.342	−6.119
	(4.978)	(6.403)	(7.608)
Male Participants		6.219	
		(7.061)	
White Male Treatment × Male Participants		0.171	
		(9.875)	
Black Male Treatment × Male Participants		−0.110	
		(9.758)	
White Female Treatment × Male Participants		−12.552	
		(12.001)	
Black Female Treatment × Male Participants		−4.131	
		(10.267)	
White Participants			5.422
			(6.906)
White Male Treatment × White Participants			16.598*
			(9.917)
Black Male Treatment × White Participants			−5.840
			(9.543)
White Female Treatment × White Participants			6.623
			(10.797)
Black Female Treatment × White Participants			3.574
			(9.910)
Constant	66.412***	63.607***	63.435***
	(3.499)	(4.742)	(5.117)
Observations	248	248	248

Standard errors in parentheses
* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

Table A9: Experiment 2: OLS, Feelings Toward Supreme Court, Affirmative Action Treatment, Manipulation Check

	(1)	(2)	(3)
White Male Treatment	4.180	5.831	−0.770
	(3.026)	(4.052)	(5.951)
Asian American Male Treatment	−4.431	−7.715*	−4.080
	(2.900)	(4.052)	(5.278)
White Female Treatment	2.648	1.129	−6.339
	(2.901)	(3.906)	(5.706)
Asian American Female Treatment	4.871*	3.470	5.048
	(2.931)	(3.921)	(5.706)
Male Participants		−3.016	
		(3.999)	
White Male Treatment		−3.685	
× Male Participants		(6.101)	
Asian American Male Treatment		7.223	
× Male Participants		(6.014)	
White Female Treatment		3.451	
× Male Participants		(5.841)	
Asian American Female Treatment		3.197	
× Male Participants		(5.910)	
White Participants			1.304
			(4.337)
White Male Treatment			6.638
× White Participants			(6.909)
Asian American Male Treatment			−0.439
× White Participants			(6.399)
White Female Treatment			11.586*
× White Participants			(6.625)
Asian American Female Treatment			−0.325
× White Participants			(6.647)
Constant	62.098***	63419***	61.178***
	(1.982)	(2.647)	(3.644)
Observations	651	651	651

Standard errors in parentheses

* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

Table A10: Experiment 1: OLS, Feelings Toward Supreme Court, Gun Rights Treatment, Manipulation Check

	(1)	(2)	(3)
White Male Treatment	1.068	2.409	6.548
	(4.513)	(6.033)	(8.253)
Black Male Treatment	−5.132	−8.756	0.025
	(4.491)	(6.090)	(7.910)
White Female Treatment	−0.182	−0.674	10.378
	(4.634)	(6.152)	(8.551)
Black Female Treatment	2.019	0.848	5.673
	(4.918)	(6.530)	(8.253)
Male Participants		1.821	
		(6.363)	
White Male Treatment		−3.117	
× Male Participants		(9.157)	
Black Male Treatment		7.272	
× Male Participants		(9.096)	
White Female Treatment		1.025	
× Male Participants		(9.418)	
Black Female Treatment		2.596	
× Male Participants		(9.994)	
White Participants			12.674*
			(6.835)
White Male Treatment			−7.690
× White Participants			(9.847)
Black Male Treatment			−6.807
× White Participants			(9.607)
White Female Treatment			−14.935
× White Participants			(10.165)
Black Female Treatment			−3.677
× White Participants			(10.306)
Constant	69.724***	68.971***	60.765***
	(3.118)	(4.742)	(6.746)
Observations	252	252	252

Standard errors in parentheses

* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

F.3 Direct Effect Figure Comparison

Existing research suggests that dropping respondents who fail the manipulation check can bias results (Aronow, Baron and Pinson 2019; Varaine 2022), which is why we leave them in our analysis. That being said, the purpose of this section is to demonstrate that the results do not substantively change without those individuals. In order to make these comparisons easier, we include Figures below of the direct effects from each experiment with and without those individuals included.

The left panel of Figure A3 is identical to Figure 2 presented in the paper, which includes all respondents from the first survey experiment. The right panel of Figure A3 are the results of the OLS model estimated only with respondents that passed the manipulation check. Overall, the pattern and predicted values for each group remain similar, the only thing that is noticeably different across the two figures are the confidence intervals represented by the vertical bars due to the small sample size.

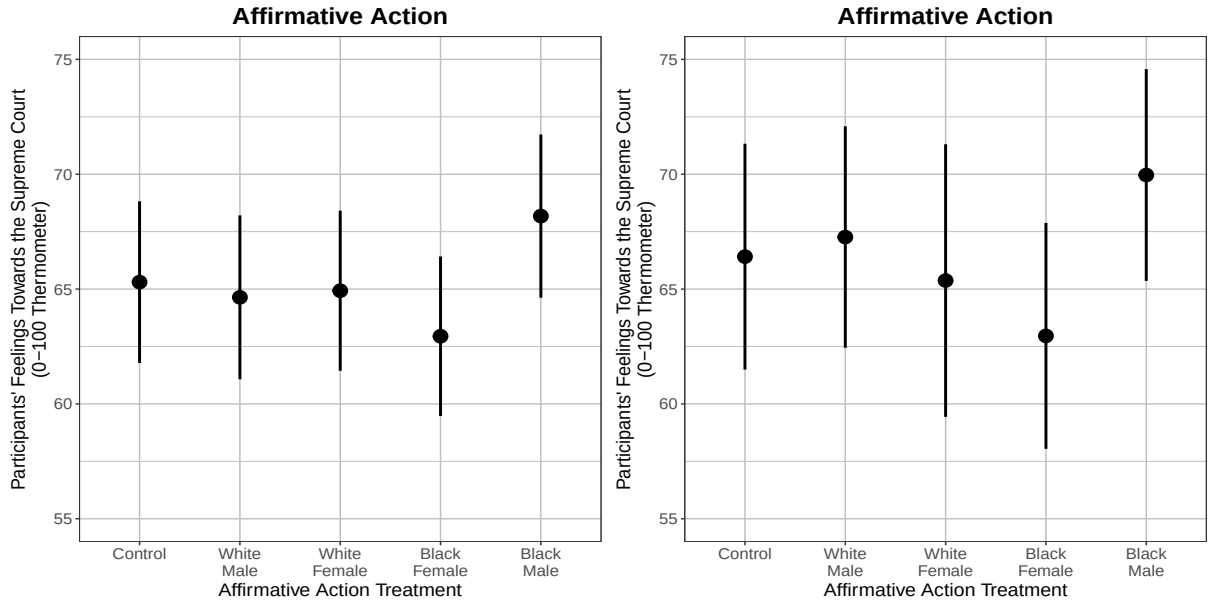


Figure A3: Predicted support for the Supreme Court after reading about a decision overturning an affirmative action policy. Vertical bars are 84% confidence intervals to show probability of confidence intervals overlapping at a 0.05 significance level. The left panel are the results with all respondents included and the right panel are the results of the model estimated with only those who passed the manipulation check

We also compare the direct effects from Experiment 2: Affirmative Action with Asian American and White Litigants. The left panel of Figure A4 is nearly identical to Figure 4 presented in the paper (we simply changed the y-axis to go to 75 instead of 70 so that it could match the manipulation check y-axis), which includes all respondents from the second survey experiment. The right panel of Figure A4 are the results of the OLS model estimated only with respondents that passed the manipulation check. Overall, the pattern is similar, and the predicted values for each group are stronger. That is, when we drop the respondents who failed the manipulation check we find that the support for the Supreme Court increases

across all treatment groups except Asian American men, which remains the same. Therefore, if anything, our results are more conservative in keeping these respondents in our sample.

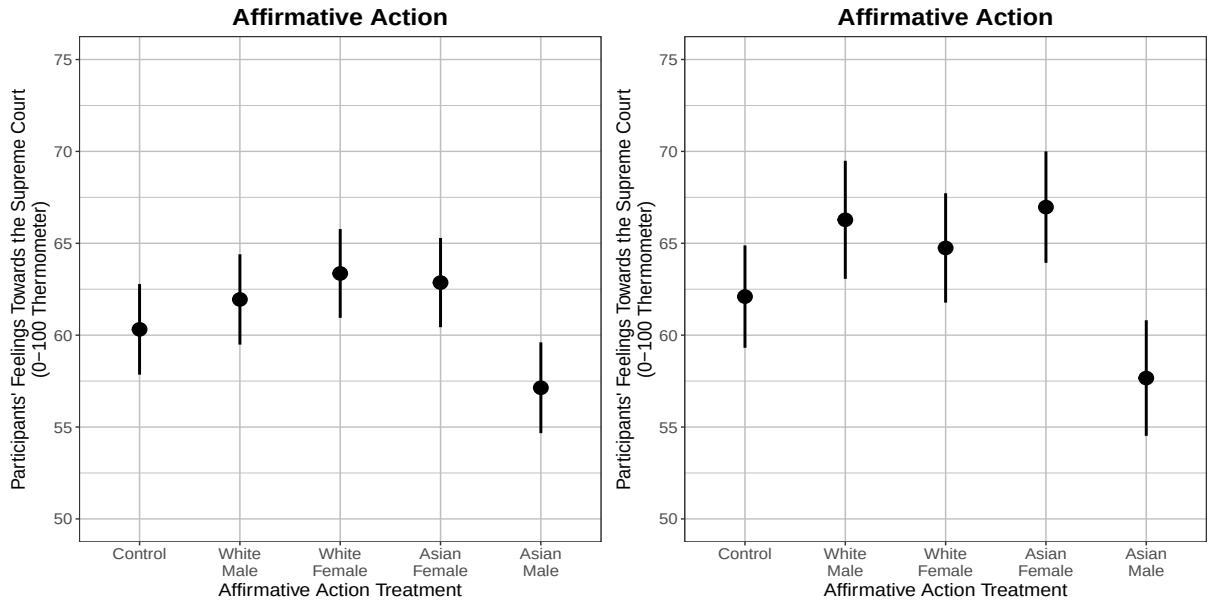


Figure A4: Predicted support for the Supreme Court after reading about a decision overturning an affirmative action policy. Vertical bars are 84% confidence intervals to show probability of confidence intervals overlapping at a 0.05 significance level. The left panel are the results with all respondents included and the right panel are the results of the model estimated with only those who passed the manipulation check

Lastly, we compare the direct effects from Experiment 1: Gun Control with Black and White Litigants. The left panel of Figure A5 is nearly identical to Figure 4 presented in the paper (we simply changed the y-axis to go to 80 instead of 75 so that it could match the manipulation check y-axis), which includes all respondents from the second survey experiment. The right panel of Figure A5 are the results of the OLS model estimated only with respondents that passed the manipulation check. Overall, the pattern is similar, and the predicted values for each group are stronger, particularly White men. That is, when we drop the respondents who failed the manipulation check we find that the support for the Supreme Court increases across all treatment groups except Black men, which decreases slightly. Therefore, if anything, our results are more conservative in keeping these respondents in our sample.

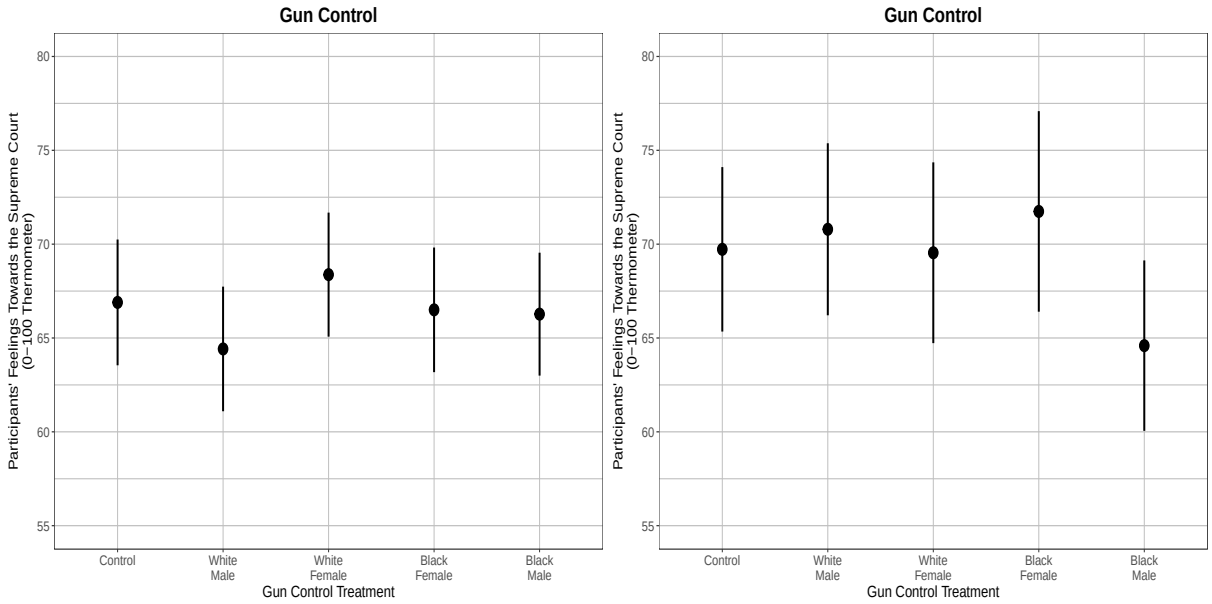


Figure A5: Predicted support for the Supreme Court after reading about a decision overturning a city's gun control policy. Vertical bars are 84% confidence intervals to show probability of confidence intervals overlapping at a 0.05 significance level. The left panel are the results with all respondents included and the right panel are the results of the model estimated with only those who passed the manipulation check

G Experiment 2 Demographics

Table A11: Demographics of Experiment 2 Participants

Party Identification	Democrats	39.24% (392)
	Republicans	34.43% (344)
	Independents	26.33% (263)
Race and Gender	White Men	32.63% (326)
	White Women	37.84% (378)
	Non-White Men	13.10% (131)
	Non-White Women	16.40% (164)
Median Age		48
Education	Some high school or less	5.02% (50)
	High school graduate	26.00% (259)
	Other post high school vocational	4.42% (44)
	Completed some college, but no degree	18.78% (187)
	Associate's Degree	10.74% (107)
	Bachelor's degree	22.39% (223)
	Master's or professional degree	10.14% (101)
	Doctorate degree	2.51% (25)

H Experiments 1 & 2 Questions

H.1 Demographic Questions

1. What is your age? []
2. What is your gender? [Male; Female]
3. What is your current annual household income before taxes? [Less than $14,999; $15,000-$19,999; $20,000-$24,999; $25,000-$29,999; $30,000-$34,999; $35,000-$39,999; $40,000-$44,999; $45,000-$49,999; $50,000-$54,999; $55,000-$59,999; $60,000-$64,999; $65,000-$69,999; $70,000-$74,999; $75,000-$79,999; $80,000-$84,999; $85,000-$89,999; $90,000-$94,999; $95,000-$99,999; $100,000-$124,999; $125,000-$149,999; $150,000-$174,999; $175,000-$199,999; $200,000-$249,999; $250,000 and above; Prefer not to answer]
4. What is your race? [White; Black, or African American; American Indian or Alaska Native; Asian (Asian American; Chinese; Filipino; Japanese; Korean; Vietnamese; Other); Pacific Islander (Native Hawaiian; Guamanian; Samoan; Other Pacific Islander); Some other race; Prefer not to answer]
5. Are you of Hispanic, Latino, or Spanish origin? [No, not of Hispanic, Latino, or Spanish origin; Yes – Mexican, Mexican American, Chicano; Yes – Cuban; Yes – Puerto Rican; Yes – Another Hispanic, Latino, or Spanish origin (Argentina; Colombia; Ecuador; El Salvadore; Guatamala; Nicaragua; Panama; Peru; Spain; Venezuela; Other Country); Prefer not to answer]
6. What is the highest level of education you have completed? [3rd Grade or less; Middle School – Grades 4-8; Completed some high school; High school graduate; Other post high school vocational training; Completed some college, but no degree; Associate Degree; College Degree (such as B.A., B.S.); Completed some graduate, but no degree; Masters degree; Doctorate degree; None of the above]
7. In politics today, do you consider yourself a Democrat, Republican, or Independent? [Democrat; Republican; Independent; Prefer not to answer]
8. What is your region? [Midwest; Northeast; South; West]
9. What is your zip code? []

H.2 General Dispositions toward the Court and Specific Support for Decisions (Pre-Treatment)

1. How well do you think the U.S. Supreme Court does its main job in government? Would you say it does a great job, a pretty good job, not a very good job, or a poor job? [Great job; Pretty good job; Not a very good job; Poor job]
2. In general, would you say that the Supreme Court is too liberal, or too conservative, or about just right in its decisions? [Much too liberal; Too liberal; Just right; Too conservative; Much too conservative]

3. How much confidence do you have in the U.S. Supreme Court? [A great deal of confidence; Only some confidence; Hardly any confidence]

4. Below is a list of three recent decisions by the Supreme Court. For each case, please tell me if you agree strongly, agree somewhat, neither agree nor disagree, disagree somewhat, or disagree strongly with the outcome. [Agree strongly; Agree somewhat; Neither agree nor disagree; Disagree somewhat; Disagree strongly]

    - The opinion upholding the use of affirmative action policies in the law school admissions process?
    - The Court's ruling that the Second Amendment protects an individual's right to possess a firearm for lawful purposes?
    - The decision that cities can use their eminent domain power to take private property for the sake of public use?

H.3 Legitimacy Battery (Pre-Treatment)

1. 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. [Agree strongly; Agree somewhat; Neither agree nor disagree; Disagree somewhat; Disagree strongly]

2. The right of the Supreme Court to decide certain types of controversial issues should be reduced. [Agree strongly; Agree somewhat; Neither agree nor disagree; Disagree somewhat; Disagree strongly]

3. The Supreme Court can usually be trusted to make decisions that are right for the country as a whole. [Agree strongly; Agree somewhat; Neither agree nor disagree; Disagree somewhat; Disagree strongly]

4. The decisions of the U.S. Supreme Court favor some groups more than others. [Agree strongly; Agree somewhat; Neither agree nor disagree; Disagree somewhat; Disagree strongly]

5. The U.S. Supreme Court gets too mixed up in politics. [Agree strongly; Agree somewhat; Neither agree nor disagree; Disagree somewhat; Disagree strongly]

6. The U.S. Supreme Court should have the right to say what the Constitution means, even when the majority of the people disagree with the Court's decision. [Agree strongly; Agree somewhat; Neither agree nor disagree; Disagree somewhat; Disagree strongly]

H.4 Attention Check (Pre-Treatment)

1. Some people received a story about an election. If you read about the election scenario, where was the election being held? [New Jersey; A Midwestern State; Germany; New York; I did not read about an election scenario]

H.5 Experiment 1 Racial Resentment (Pre-Treatment)

1. Irish, Italian, Jewish, and many other minorities overcame prejudice and worked their way up. Blacks should do the same without any special favors. [Agree strongly; Agree somewhat; Neither agree nor disagree; Disagree somewhat; Disagree strongly]

2. Generations of slavery and discrimination have created conditions that make it difficult for Blacks to work their way out of the lower class. [Agree strongly; Agree somewhat; Neither agree nor disagree; Disagree somewhat; Disagree strongly]

3. Over the past few years, Blacks have gotten less than they deserve. [Agree strongly; Agree somewhat; Neither agree nor disagree; Disagree somewhat; Disagree strongly]

4. It's really a matter of some people not trying hard enough; if Blacks would only try harder they could be just as well off as whites. [Agree strongly; Agree somewhat; Neither agree nor disagree; Disagree somewhat; Disagree strongly]

H.6 Experiment 2 Asian American Resentment (Pre-Treatment)

1. Asian Americans are often overly competitive for their success. [Agree strongly; Agree somewhat; Neither agree nor disagree; Disagree somewhat; Disagree strongly]

2. Asian Americans make the job market too competitive. [Agree strongly; Agree somewhat; Neither agree nor disagree; Disagree somewhat; Disagree strongly]

3. When it comes to education, Asian Americans strive to achieve too much. [Agree strongly; Agree somewhat; Neither agree nor disagree; Disagree somewhat; Disagree strongly]

4. Asian Americans need to embrace American values more. [Agree strongly; Agree somewhat; Neither agree nor disagree; Disagree somewhat; Disagree strongly]

5. It is annoying when Asian Americans speak in their own languages in public places. [Agree strongly; Agree somewhat; Neither agree nor disagree; Disagree somewhat; Disagree strongly]

H.7 Modern Sexism (Pre-Treatment)

1. Women who complain about harassment cause more problems than they solve. [Agree strongly; Agree somewhat; Neither agree nor disagree; Disagree somewhat; Disagree strongly]

2. When women demand equality these days, they are actually seeking special favors. [Agree strongly; Agree somewhat; Neither agree nor disagree; Disagree somewhat; Disagree strongly]

H.8 Opinions Regarding the Court and the Treatment Decision (Post-Treatment)

1. How would you rate the Supreme Court on a scale of 0 to 100? A rating of zero means you feel as cold and negative as possible. A rating of 100 means you feel as warm and positive as possible. You would rate the decision at 50 if you do not feel particularly positive or negative. [0-100]

2. Do you agree or disagree with the Supreme Court's decision in this case? [Agree; Disagree; No Opinion]

3. Do you think the Supreme Court should be deciding gun rights cases/cases involving the use of affirmative action in university admissions/cases involving the use of eminent domain? [Yes, should have; No, should not have; No opinion]

H.9 Experiment 1 Manipulation Check (Post-Treatment)

1. Some people received a news article about a Supreme Court case. If you read an article about a Supreme Court case, what was the name and race of the plaintiff? [The litigant's name was James Smith and he was white; The litigant's name was James Smith and he was Black; The litigant's name was Brianna Smith and she was white; The litigant's name was Brianna Smith and she was Black; The litigant's name was not given, nor was their race]

H.10 Experiment 2 Manipulation Check (Post-Treatment)

1. Some people received a news article about a Supreme Court case. If you read an article about a Supreme Court case, what was the name and race of the plaintiff? [The litigant's name was James Smith and he was white; The litigant's name was Christopher Wang and he was Asian American; The litigant's name was Brianna Smith and she was white; The litigant's name was Christina Wang and she was Asian American; The litigant's name was not given, nor was their race]

H.11 Legitimacy Questions (Post-Treatment)

1. In general, would you say that the Supreme Court is too liberal, or too conservative, or about just right in its decisions? [Much too liberal; Too liberal; Just right; Too conservative; Much too conservative]

2. How much confidence do you have in the U.S. Supreme Court? [A great deal of confidence; Only some confidence; Hardly any confidence]

3. The Supreme Court can usually be trusted to make decisions that are right for the country as a whole. [Agree strongly; Agree somewhat; Neither agree nor disagree; Disagree somewhat; Disagree strongly]

4. The decisions of the U.S. Supreme Court favor some groups more than others. [Agree strongly; Agree somewhat; Neither agree nor disagree; Disagree somewhat; Disagree strongly]

5. The U.S. Supreme Court should have the right to say what the Constitution means, even when the majority of the people disagree with the Court's decision. [Agree strongly; Agree somewhat; Neither agree nor disagree; Disagree somewhat; Disagree strongly]

I Alternative Dependent Variable: Agree/Disagree/No Opinion on the Decision

In the manuscript, we utilize a feeling thermometer for our dependent variable, asking participants to rate their feelings of warmth toward the Court on a 0-100 scale. As Gibson, Caldeira and Spence (2003) and Armaly and Enders (2022) point out, feeling thermometers are valid measures of specific support toward the Supreme Court, or feelings of short-term support toward the Court. As a robustness check, we also asked participants, "Do you agree or disagree with the Supreme Court's decision in this case?" and they could answer "Agree," "Disagree," or "No opinion." We analyzed these responses using multinomial logistic regression in Tables A12, A14, and A16. These results are consistent with the findings we present in the manuscript. We also used logistic regression to analyze the probability someone would agree with the decision (which meant grouping the "Disagree" and "No opinion" participants together), and we show those results in Tables A13, A15, and A17. These results are more suggestive than definitive, however, because "No opinion" responses can convey their own meanings and we are consequently hesitant to interpret these responses too deeply (Berinsky 2004).

Table A12: Experiment 1: Multinomial Logistic Regression, Participants' Opinions Towards the Court's Affirmative Action Decision

	(1)	(2)	(3)
No Opinion			
White Male Treatment	0.166	0.272	0.457
	(0.343)	(0.497)	(0.525)
Black Male Treatment	0.168	−0.0153	0.321
	(0.331)	(0.422)	(0.518)
White Female Treatment	−0.138	−0.597	−0.348
	(0.326)	(0.439)	(0.497)
Black Female Treatment	−0.105	−0.401	−0.334
	(0.325)	(0.430)	(0.511)
Male Participants		0.279	
		(0.468)	
White Male Treatment ×Male Participants		−0.242	
		(0.693)	
Black Male Treatment × Male Participants		0.621	
		(0.706)	
White Female Treatment × Male Participants		0.970	
		(0.673)	
Black Female Treatment × Male Participants		0.691	
		(0.669)	
White Participants			0.730
			(0.479)
White Male Treatment × White Participants			−0.433
			(0.698)
Black Male Treatment × White Participants			−0.225
			(0.678)
White Female Treatment × White Participants			0.498
			(0.675)
Black Female Treatment × White Participants			0.408
			(0.673)
Constant	0.916***	0.788*	0.460
	(0.232)	(0.311)	(0.369)
Agree			
White Male Treatment	0.459	0.598	0.721
	(0.430)	(0.593)	(0.640)
Black Male Treatment	−0.325	−0.788	−0.0671
	(0.468)	(0.616)	(0.696)
White Female Treatment	0.127	0.0738	0.271
	(0.419)	(0.526)	(0.602)
Black Female Treatment	0.0800	−0.332	0.470
	(0.421)	(0.557)	(0.604)
Male Participants		−0.142	
		(0.626)	
White Male Treatment × Male Participants		−0.233	
		(0.872)	
Black Male Treatment × Male Participants		1.240	
		(0.973)	
White Female Treatment × Male Participants		0.127	
		(0.874)	
Black Female Treatment × Male Participants		0.984	
		(0.864)	
White Participants			0.298
			(0.623)
White Male Treatment × White Participants			−0.480
			(0.868)
Black Male Treatment × White Participants			−0.465
			(0.943)
White Female Treatment × White Participants			−0.230
			(0.852)
Black Female Treatment × White Participants			−0.848
			(0.864)
Constant	−0.368	−0.310	−0.539
	(0.307)	(0.397)	(0.476)
Observations	545	545	545

Standard errors in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Reference category for the dependent variable is disagree.

Table A13: Experiment 1: Logistic Regression, Participants' Agreement with Court's Affirmative Action Decision

	(1)	(2)	(3)
White Male Treatment	0.0473	0.0248	−0.128
	(0.277)	(0.394)	(0.437)
Black Male Treatment	−0.289	−0.247	−0.345
	(0.283)	(0.369)	(0.454)
White Female Treatment	0.191	0.629	0.457
	(0.273)	(0.376)	(0.437)
Black Female Treatment	0.139	0.274	0.534
	(0.273)	(0.373)	(0.446)
Male Participants		−0.337	
		(0.394)	
White Male Treatment		0.103	
× Male Participants		(0.559)	
Black Male Treatment		−0.158	
× Male Participants		(0.581)	
White Female Treatment		−0.919	
× Male Participants		(0.563)	
Black Female Treatment		−0.258	
× Male Participants		(0.552)	
White Participants			−0.610
			(0.409)
White Male Treatment			0.218
× White Participants			(0.570)
Black Male Treatment			0.0489
× White Participants			(0.584)
White Female Treatment			−0.589
× White Participants			(0.572)
Black Female Treatment			−0.757
× White Participants			(0.576)
Constant	−0.390*	−0.238	$1.05e-15$
	(0.195)	(0.262)	(0.324)
Observations	545	545	545

Standard errors in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table A14: Experiment 2: Multinomial Logistic Regression, Participants' Opinion Towards the Court's Affirmative Action Decision

	(1)	(2)	(3)
No Opinion			
White Male Treatment	−0.633*	−0.398	−0.363
	(0.315)	(0.435)	(0.579)
Asian American Male Treatment	−0.148	−0.151	−0.0200
	(0.306)	(0.407)	(0.540)
White Female Treatment	−0.296	−0.305	−0.196
	(0.309)	(0.420)	(0.546)
Asian American Female Treatment	0.0117	0.125	−0.268
	(0.321)	(0.447)	(0.560)
Male Participants		−0.116	
		(0.464)	
White Male Treatment × Male Participants		−0.485	
		(0.634)	
Asian American Male Treatment × Male Participants		−0.00522	
		(0.618)	
White Female Treatment × Male Participants		0.0238	
		(0.621)	
Asian American Female Treatment × Male Participants		−0.219	
		(0.644)	
White Participants			−0.162
			(0.497)
White Male Treatment × White Participants			−0.372
			(0.691)
Asian American Male Treatment × White Participants			−0.201
			(0.656)
White Female Treatment × White Participants			−0.156
			(0.663)
Asian American Female Treatment × White Participants			0.415
			(0.684)
Constant	0.947***	0.999**	1.056*
	(0.231)	(0.313)	(0.410)
Agree			
White Male Treatment	−0.351	−0.0316	−0.187
	(0.290)	(0.408)	(0.552)
Asian American Male Treatment	−0.591*	−0.576	−0.542
	(0.298)	(0.402)	(0.539)
White Female Treatment	−0.365	−0.230	−0.629
	(0.293)	(0.402)	(0.543)
Asian American Female Treatment	−0.0549	0.113	−0.533
	(0.306)	(0.432)	(0.551)
Male Participants		0.174	
		(0.440)	
White Male Treatment × Male Participants		−0.651	
		(0.582)	
Asian American Male Treatment × Male Participants		−0.0148	
		(0.599)	
White Female Treatment × Male Participants		−0.285	
		(0.588)	
Asian American Female Treatment × Male Participants		−0.336	
		(0.613)	
White Participants			0.0783
			(0.477)
White Male Treatment × White Participants			−0.224
			(0.649)
Asian American Male Treatment × White Participants			−0.0700
			(0.647)
White Female Treatment × White Participants			0.353
			(0.646)
Asian American Female Treatment × White Participants			0.662
			(0.664)
Constant	1.377***	1.293***	1.322***
	(0.219)	(0.302)	(0.398)
Observations	997	997	997

Standard errors in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Reference category for the dependent variable is disagree.

Table A15: Experiment 2: Logistic Regression, Participants' Agreement with Court's Affirmative Action Decision

	(1)	(2)	(3)
White Male Treatment	0.0615	0.243	0.0692
	(0.203)	(0.276)	(0.372)
Asian American Male Treatment	−0.486*	−0.468	−0.527
	(0.204)	(0.276)	(0.362)
White Female Treatment	−0.161	−0.0163	−0.487
	(0.200)	(0.273)	(0.372)
Asian American Female Treatment	−0.0633	0.0194	−0.342
	(0.200)	(0.277)	(0.377)
Male Participants		0.257	
		(0.287)	
White Male Treatment × Male Participants		−0.389	
		(0.407)	
Asian American Male Treatment × Male Participants		−0.0149	
		(0.412)	
White Female Treatment × Male Participants		−0.308	
		(0.402)	
Asian American Female Treatment × Male Participants		−0.177	
		(0.400)	
White Participants			0.196
			(0.309)
White Male Treatment × White Participants			−0.0189
			(0.444)
Asian American Male Treatment × White Participants			0.0668
			(0.439)
White Female Treatment × White Participants			0.448
			(0.442)
Asian American Female Treatment × White Participants			0.363
			(0.446)
Constant	0.102	−0.0194	−0.0328
	(0.143)	(0.197)	(0.256)
Observations	997	997	997

Standard errors in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table A16: Experiment 1: Multinomial Logistic Regression, Participants' Opinion Towards the Court's Gun Rights Ruling

	(1)	(2)	(3)
No Opinion			
White Male Treatment	$1.98e-11$	0.0450	0.332
	(0.348)	(0.477)	(0.523)
Black Male Treatment	−0.00124	−0.377	0.427
	(0.340)	(0.442)	(0.531)
White Female Treatment	0.404	0.435	0.455
	(0.370)	(0.487)	(0.518)
Black Female Treatment	0.287	0.435	0.375
	(0.366)	(0.487)	(0.521)
Male Participants		0.830	
		(0.507)	
White Male Treatment × Male Participants		−0.192	
		(0.710)	
Black Male Treatment × Male Participants		1.038	
		(0.754)	
White Female Treatment × Male Participants		−0.0712	
		(0.761)	
Black Female Treatment × Male Participants		−0.328	
		(0.747)	
White Participants			1.184*
			(0.509)
White Male Treatment × White Participants			−0.535
			(0.712)
Black Male Treatment × White Participants			−0.744
			(0.703)
White Female Treatment × White Participants			0.197
			(0.781)
Black Female Treatment × White Participants			0.0510
			(0.762)
Constant	1.114***	0.728*	0.405
	(0.246)	(0.325)	(0.373)
Agree			
White Male Treatment	0.111	0.154	−0.114
	(0.450)	(0.567)	(0.613)
Black Male Treatment	−0.281	−0.711	−0.424
	(0.466)	(0.577)	(0.664)
White Female Treatment	0.481	0.154	−0.519
	(0.466)	(0.596)	(0.657)
Black Female Treatment	0.516	0.491	0.254
	(0.457)	(0.571)	(0.585)
Male Participants		−0.316	
		(0.693)	
White Male Treatment × Male Participants		−0.0408	
		(0.943)	
Black Male Treatment × Male Participants		1.363	
		(1.012)	
White Female Treatment × Male Participants		0.827	
		(0.973)	
Black Female Treatment × Male Participants		0.113	
		(0.959)	
White Participants			−0.424
			(0.664)
White Male Treatment × White Participants			0.529
			(0.913)
Black Male Treatment × White Participants			0.375
			(0.951)
White Female Treatment × White Participants			2.060*
			(0.985)
Black Female Treatment × White Participants			0.662
			(0.942)
Constant	−0.258	−0.154	−0.0870
	(0.323)	(0.393)	(0.417)
Observations	542	542	542

Standard errors in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Reference category for the dependent variable is disagree.

Table A17: Experiment 1: Logistic Regression, Participants' Agreement with Court's Gun Rights Ruling

	(1)	(2)	(3)
White Male Treatment	0.111	0.124	−0.326
	(0.366)	(0.465)	(0.515)
Black Male Treatment	−0.280	−0.473	−0.701
	(0.390)	(0.503)	(0.567)
White Female Treatment	0.163	−0.159	−0.816
	(0.362)	(0.480)	(0.564)
Black Female Treatment	0.292	0.178	0.0129
	(0.357)	(0.449)	(0.479)
Male Participants		−0.943	
		(0.573)	
White Male Treatment × Male Participants		0.110	
		(0.775)	
Black Male Treatment × Male Participants		0.552	
		(0.813)	
White Female Treatment × Male Participants		0.830	
		(0.757)	
Black Female Treatment × Male Participants		0.337	
		(0.756)	
White Participants			−1.282*
			(0.555)
White Male Treatment × White Participants			0.907
			(0.753)
Black Male Treatment × White Participants			0.908
			(0.803)
White Female Treatment × White Participants			1.789*
			(0.770)
Black Female Treatment × White Participants			0.538
			(0.738)
Constant	−1.655***	−1.276***	−1.003**
	(0.265)	(0.326)	(0.352)
Observations	542	542	542

Standard errors in parentheses
* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

J Alternate Models and Specifications

J.1 Feeling Thermometers with Full Set of Control Variables

Table A18: Experiment 1: OLS, Feelings Toward Supreme Court, Affirmative Action Treatment, Controls

	(1)	(2)	(3)	(4)
White Male Treatment	−2.238	−1.220	−5.654	−4.801
	(3.328)	(4.758)	(5.350)	(6.289)
Black Male Treatment	2.628	0.415	3.235	1.388
	(3.309)	(4.401)	(5.514)	(6.049)
White Female Treatment	−1.250	−0.358	−1.990	−1.119
	(3.297)	(4.564)	(5.330)	(5.937)
Black Female Treatment	−2.699	0.547	−6.739	−3.790
	(3.269)	(4.506)	(5.369)	(6.116)
Racial Resentment Score	−16.66***	−16.92***	−14.21**	−14.62**
	(4.600)	(4.611)	(4.812)	(4.829)
Modern Sexism Score	−3.803*	−3.644*	−4.141*	−3.939*
	(1.677)	(1.740)	(1.683)	(1.747)
Pre-Treatment Affirmative Action Disagreement	−0.641	−0.580	−1.070	−1.054
	(3.937)	(3.948)	(3.958)	(3.967)
Pre-Treatment Affirmative Action Agreement	6.791**	7.178**	6.849**	7.182**
	(2.459)	(2.498)	(2.462)	(2.500)
Education	1.946***	1.824***	1.860***	1.745***
	(0.464)	(0.475)	(0.469)	(0.479)
Democrat Participants	4.418	4.189	4.194	3.950
	(2.828)	(2.837)	(2.832)	(2.841)
Republican Participants	6.081	6.163*	4.402	4.494
	(3.118)	(3.133)	(3.208)	(3.223)
Male Participants		1.947		2.119
		(4.807)		(4.816)
White Male Treatment × Male Participants		−2.080		−1.959
		(6.689)		(6.695)
Black Male Treatment × Male Participants		5.758		5.720
		(6.724)		(6.750)
White Female Treatment × Male Participants		−2.065		−2.372
		(6.638)		(6.702)
Black Female Treatment × Male Participants		−6.852		−6.451
		(6.548)		(6.558)
White Participants			1.894	1.666
			(5.043)	(5.068)
White Male Treatment × White Participants			6.395	6.513
			(6.853)	(6.876)
Black Male Treatment × White Participants			−0.853	−1.432
			(6.917)	(6.960)
White Female Treatment × White Participants			1.477	1.742
			(6.810)	(6.894)
Black Female Treatment × White Participants			7.136	7.272
			(6.775)	(6.798)
Constant	54.74***	54.65***	53.41***	53.46***
	(4.824)	(5.180)	(5.920)	(6.145)
Observations	538	538	538	538

Standard errors in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table A19: Experiment 2: OLS, Feelings Toward Supreme Court, Affirmative Action Treatment, Controls

	(1)	(2)	(3)	(4)
White Male Treatment	2.462	2.268	−0.999	−1.141
	(2.426)	(3.324)	(4.540)	(5.043)
Asian American Male Treatment	−1.261	−3.456	−1.211	−3.416
	(2.431)	(3.285)	(4.368)	(4.888)
White Female Treatment	4.459	3.654	−0.315	−1.016
	(2.385)	(3.263)	(4.373)	(4.864)
Asian American Female Treatment	3.482	2.403	0.545	−0.461
	(2.397)	(3.317)	(4.493)	(5.013)
Asian American Resentment Score	0.706***	0.694***	0.698***	0.686***
	(0.193)	(0.195)	(0.195)	(0.197)
Modern Sexism Score	0.138	0.119	0.186	0.168
	(0.387)	(0.399)	(0.389)	(0.401)
Democrat Participants	2.241	2.249	2.408	2.413
	(1.979)	(1.985)	(1.993)	(1.998)
Republican Participants	13.02***	12.99***	12.73***	12.69***
	(2.004)	(2.013)	(2.032)	(2.042)
Pre-Treatment Affirmative Action Disagreement	6.637**	6.551**	6.556**	6.474**
	(2.231)	(2.263)	(2.252)	(2.283)
Pre-Treatment Affirmative Action Agreement	6.145***	6.152***	6.108***	6.116***
	(1.721)	(1.732)	(1.730)	(1.741)
Education	1.636***	1.629***	1.591***	1.583***
	(0.412)	(0.414)	(0.415)	(0.416)
Male Participants		−1.238		−1.217
		(3.486)		(3.491)
White Male Treatment × Male Participants		0.326		0.272
		(4.885)		(4.892)
Asian American Male Treatment × Male Participants		5.039		4.983
		(4.898)		(4.905)
White Female Treatment × Male Participants		1.697		1.589
		(4.767)		(4.773)
Asian American Female Treatment × Male Participants		2.276		2.246
		(4.808)		(4.814)
White Participants			−1.357	−1.276
			(3.798)	(3.808)
White Male Treatment × White Participants			4.811	4.771
			(5.378)	(5.390)
Asian American Male Treatment × White Participants			−0.185	−0.132
			(5.261)	(5.274)
White Female Treatment × White Participants			6.702	6.621
			(5.212)	(5.225)
Asian American Female Treatment × White Participants			4.026	3.941
			(5.317)	(5.329)
Constant	33.11***	34.01***	34.24***	35.08***
	(3.980)	(4.340)	(4.848)	(5.117)
Observations	962	962	962	962

Standard errors in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table A20: Experiment 1: OLS, Feelings Toward Supreme Court, Gun Control Treatment, Controls

	(1)	(2)	(3)	(4)
White Male Treatment	−0.265	5.336	1.202	6.143
	(3.019)	(4.313)	(4.828)	(5.497)
Black Male Treatment	−0.641	3.460	2.440	5.965
	(2.973)	(4.191)	(4.910)	(5.583)
White Female Treatment	0.227	3.508	2.977	5.829
	(3.012)	(4.271)	(4.805)	(5.599)
Black Female Treatment	0.653	5.203	1.782	5.958
	(3.017)	(4.173)	(4.682)	(5.363)
Racial Resentment Score	−14.78***	−14.79***	−14.06**	−13.97**
	(4.240)	(4.261)	(4.530)	(4.551)
Modern Sexism Score	1.439	1.533	1.261	1.361
	(1.520)	(1.580)	(1.539)	(1.598)
Pre-Treatment Affirmative Action Disagreement	−7.208*	−7.312*	−7.501*	−7.632*
	(3.556)	(3.559)	(3.601)	(3.604)
Pre-Treatment Affirmative Action Agreement	15.20***	15.18***	14.78***	14.75***
	(2.724)	(2.751)	(2.767)	(2.795)
Education	1.768***	1.724***	1.731***	1.682***
	(0.421)	(0.428)	(0.430)	(0.437)
Democrat Participants	−0.686	−0.288	−0.417	0.0179
	(2.562)	(2.573)	(2.593)	(2.604)
Republican Participants	3.010	3.381	2.846	3.195
	(2.785)	(2.804)	(2.817)	(2.837)
Male Participants		8.303		8.188
		(4.296)		(4.320)
White Male Treatment		−11.27		−11.49
× Male Participants		(6.021)		(6.108)
Black Male Treatment		−8.534		−8.065
× Male Participants		(5.973)		(6.017)
White Female Treatment		−6.947		−6.702
× Male Participants		(5.997)		(6.027)
Black Female Treatment		−9.458		−9.554
× Male Participants		(5.997)		(6.042)
White Participants			4.168	3.726
			(4.492)	(4.504)
White Male Treatment			−2.537	−1.272
× White Participants			(6.181)	(6.246)
Black Male Treatment			−5.041	−4.494
× White Participants			(6.196)	(6.222)
White Female Treatment			−4.519	−4.026
× White Participants			(6.152)	(6.164)
Black Female Treatment			−1.718	−1.010
× White Participants			(6.125)	(6.150)
Constant	52.23***	48.26***	49.85***	46.19***
	(4.551)	(4.980)	(5.268)	(5.595)
Observations	535	535	535	535

Standard errors in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

J.2 Feeling Thermometers Based on Pre-Treatment Policy Opinions

Pre-treatment policy opinions regarding affirmative action and gun control influence participants' support for the Court and the decisions it makes. We asked participants about the Court's recent rulings in affirmative action and gun control cases before they read the newspaper vignette, requesting, "For each case, please tell me if you agree strongly, agree somewhat, neither agree nor disagree, disagree somewhat, or disagree strongly with the outcome..." To ensure that those who agreed or disagreed with the Court's past decisions were not driving the results, we divided participants by their pre-treatment answers and analyzed their responses separately.

Tables A21 and A22 analyze post-treatment feeling thermometers toward the Court based on pre-treatment answers to the question "...the opinion upholding the use of affirmative action policies in the law school admissions policy?" Table A23 shows the same for pre-treatment answers to the question "...the Court's ruling that the Second Amendment protects an individual's right to possess a firearm for lawful purposes?"

Table A21: Experiment 1: OLS, Feelings Toward Supreme Court Divided by Pre-Treatment Attitudes, Affirmative Action Treatment

	Disagree	Agree	No Opinion
White Male	−9.798	−4.326	6.259
	(11.87)	(4.616)	(6.256)
Black Male	−3.826	1.465	8.051
	(11.02)	(4.762)	(5.959)
White Female	−10.78	−2.395	2.616
	(12.27)	(4.511)	(6.256)
Black Female	−1.742	−5.113	1.914
	(11.02)	(4.633)	(6.002)
Constant	62.91***	71.63***	54.42***
	(7.961)	(3.326)	(4.310)
Observations	52	333	154

Standard errors in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table A22: Experiment 2: OLS, Feelings Toward Supreme Court Divided by Pre-Treatment Attitudes, Affirmative Action Treatment

	Disagree	Agree	No Opinion
White Male	5.670	−2.942	3.856
	(5.948)	(3.763)	(3.822)
Black Male	−3.586	−2.337	−4.663
	(6.135)	(3.731)	(3.837)
White Female	2.789	2.075	4.839
	(6.321)	(3.808)	(3.596)
Black Female	3.451	5.726	−1.654
	(5.948)	(3.796)	(3.731)
Constant	65.09***	62.53***	55.82***
	(4.368)	(2.676)	(2.639)
Observations	185	419	388

Standard errors in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table A23: Experiment 1: OLS, Feelings Toward Supreme Court Divided by Pre-Treatment Attitudes, Gun Control Treatment

	Disagree	Agree	No Opinion
White Male	2.571	−4.756	3.261
	(7.642)	(3.947)	(5.882)
Black Male	−0.873	−1.338	−2.136
	(7.732)	(3.832)	(6.309)
White Female	−4.198	−1.452	−1.100
	(8.357)	(3.748)	(7.574)
Black Female	2.171	−4.214	5.729
	(8.984)	(3.855)	(5.800)
Constant	46.43***	75.08***	52.85***
	(5.799)	(2.781)	(4.048)
Observations	74	384	79

Standard errors in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

J.3 Feeling Thermometers Based on Participant Race and Racial Resentment

According to Kam and Burges's (2018; 2019) important work on Kinder and Sanders's (1996) original racial resentment scale we examined the feelings towards the Court based on the affirmative action and gun control vignettes for White and Black respondents separately. In doing so we interacted racial resentment with each litigant treatment as shown in Tables A24 and A25. These results are better shown in Figures A6 and A7.

Kam and Burge (2018, 2019) demonstrate that there can be meaningful variation in the racial resentment scale within Black public opinion, particularly when it comes to support for racial policies, such as affirmative action. They find that racial resentment predicts views on race-based policies for certain issues like welfare but not those like the death penalty. Because of these important findings, we wanted to examine the Black portion of our sample separately on Affirmative Action, a racial policy, and gun control, a more race-neutral policy. We note that the conservative attitudes that Black people show on racial resentment measures are not necessarily indicative of the same anti-Black affect dynamics that we associate racial resentment with for White people. Instead, racial resentment among Black people is associated with notions of individualism, conservatism, and "self-monitoring". Opposition to affirmative action among Black people is likely due to the belief that Black people can be successful on their merit and that system based remedies for racism are no longer necessary. Amongst this group "affirmative action is likely viewed as a crutch." Similarly, opposition to weaker gun control policy might lean toward being concerned about how the group might be viewed. As noted in previous work, Black people have largely been associated with negative stereotypes in relation to guns. Our Black respondents, who are high on the racial resentment scale, may be concerned about how those my negative stereotypes may be perpetuated or strengthened through policy.

The left side of Figure A6 shows White participants' responses to the Supreme Court based on the low, median, and high levels of racial resentment (based on the different symbols and gray scale color scheme). What is clear form this graph is even across different levels of racial resentment, White attitudes are relatively stable when it comes to affirmative action as it is a benefit to some in this group (i.e., women) but not others.

The right side of Figure A6 shows Black participants; responses to the Supreme Court based on the low, median, and high levels of racial resentment (based on the different symbols and gray scale color scheme). As shown by this plot, for the control, White male, and White Female treatments those who have a high level of racial resentment rate the Supreme Court significantly more negatively after a successful challenge to affirmative action policy. This perhaps speaks to complicated feelings that Black people have about affirmative action and associated attitudes. Our control, White male, and White female litigants might bring to mind litigants who have challenged affirmative action - both in attitudes about the policy and in the Supreme Court. Our Black respondents likely have in mind who affirmative action has traditionally been associated with - their own group. Like social identity theory would suggest - in group members feel comfortable policing their own, but do not feel comfortable being challenged by others.

Figure A7 shows the same information as the affirmative action plots above it but for respondents who received a gun control vignette. Again, as the left side of Figure A7, opinions of the Supreme Court across all treatments and levels of racial resentment are relatively stable for those who read this vignette. The right side of Figure A7 appears to have a bit more differences between Black opinions of the Court based on treatment and racial resentment, but none of these differences are statistically significant. Again, we note the negative stereotypes that have been associated with Black people, as it relates to guns, and perhaps the hesitancy of our Black respondents about the implications of a Black man or Black woman seeking out weaker gun policy for the perpetuation of a negative narrative. As for the White male treatment, this bares a bit more explaining. As we speak to in the body of the paper, the typical group associated with guns are White men. It cannot be forgotten how White men have been the cause of harm to Black people - from a historical and present standpoint. Thus, it is understandable why our Black respondents might be hesitant here to increase the opportunities for white men to have guns.

Table A24: Experiment 1: OLS, Feelings Toward Supreme Court on Affirmative Action Case Based on Respondent Race

	White	Black
White Male	−0.949	50.421**
	(9.623)	(190.172)
Black Male	−13.172	29.370
	(9.179)	(19.633)
White Female	−7.284	47.151*
	(9.508)	(18.566)
Black Female	−4.462	40.254*
	(8.800)	(18.375)
Racial Resentment	−25.179*	30.145
	(12.218)	(20.053)
White Male x Racial Resentment	5.268	−77.930**
	(17.053)	(27.104)
Black Male x Racial Resentment	31.421	−38.650
	(17.010)	(26.996)
White Female x Racial Resentment	17.133	−70.500**
	(18.664)	(25.307)
Black Female x Racial Resentment	8.882	−68.685**
	(16.233)	(25.756)
Constant	81.198***	40.096***
	(6.438)	(14.345)
Observations	322	218

Standard errors in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Table A25: Experiment 1: OLS, Feelings Toward Supreme Court Divided by Pre-Treatment Attitudes, Gun Control Treatment

	White	Black
White Male	−2.785	5.026
	(9.186)	(14.675)
Black Male	−1.476	2.684
	(8.058)	(16.389)
White Female	4.518	−2.110
	(7.044)	(15.432)
Black Female	−6.695	4.427
	(8.224)	(14.601)
Racial Resentment	−20.016	−11.016
	(11.266)	(13.817)
White Male x Racial Resentment	0.102	−6.703
	(11.266)	(21.251)
Black Male x Racial Resentment	−3.007	1.081
	(15.356)	(22.447)
White Female x Racial Resentment	−12.431	13.148
	(15.558)	(22.553)
Black Female x Racial Resentment	15.311	−5.256
	(17.067)	(21.218)
Constant	80.676***	65.880***
	(5.827)	(9.217)
Observations	326	212

Standard errors in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

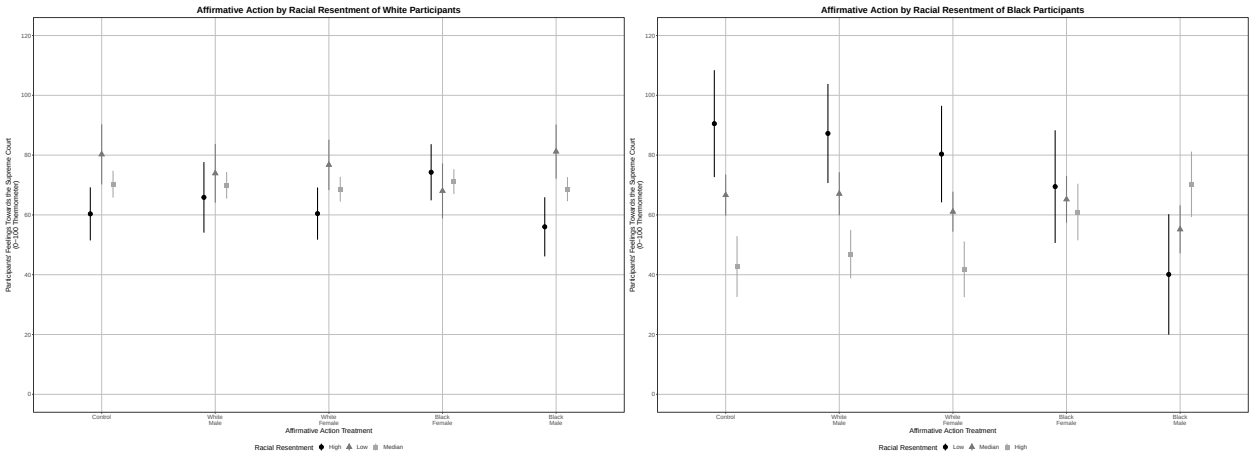


Figure A6: Predicted support for the Supreme Court after reading about a decision upholding an affirmative action policy according to White (left) and Black (respondents), broken down by treatment group. The different color and shape of symbols represent the lowest, median, and highest levels of racial resentment among respondents. Vertical bars are 84% confidence intervals to show probability of confidence intervals overlapping at a 0.05 significance level (Julious 2004).

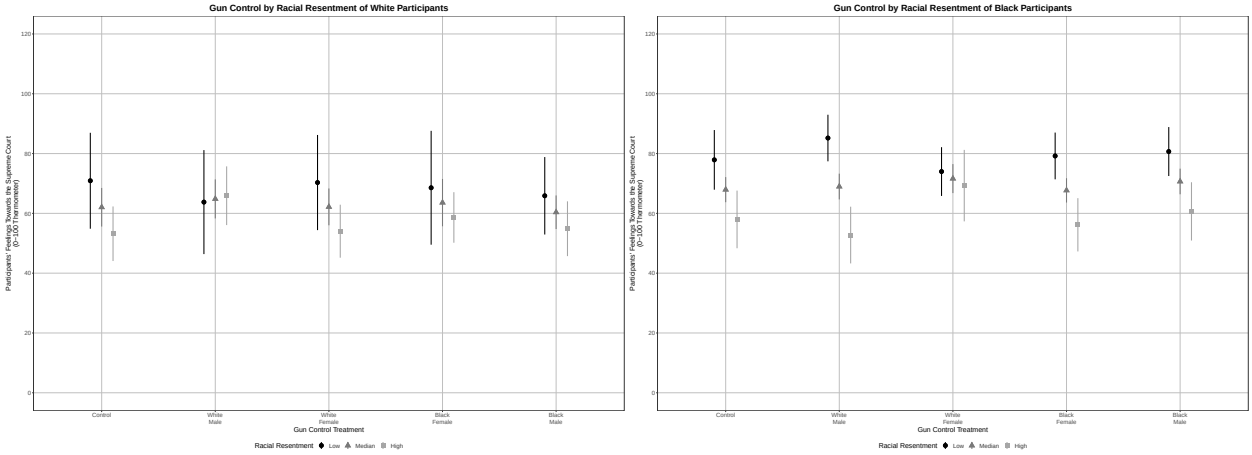


Figure A7: Predicted support for the Supreme Court after reading about a decision upholding an gun control policy according to White (left) and Black (respondents), broken down by treatment group. The different color and shape of symbols represent the lowest, median, and highest levels of racial resentment among respondents. Vertical bars are 84% confidence intervals to show probability of confidence intervals overlapping at a 0.05 significance level (Julious 2004).

K Power Analysis

An a priori power analysis was conducted using the `pwr` package in `R` to determine the minimum sample size required to test the study hypotheses. For survey experiment 1, the results indicated that the required sample size to achieve 90% power for detecting a small effect size, at a significant criterion of $\alpha = .05$, was N = 1000 for a linear model. For experiment 2, the results indicated that the required sample size to achieve 90% power for detecting a small effect size, at a significant criterion of $\alpha = .05$, was N = 775 for a linear model. Thus, the obtained samples of N = 1087 and N = 999, respectively, are adequate to test the study hypotheses.

L Variable Measurement (Non-Demographic Questions)

Table A26: Experiment 1: Affirmative Action

Variable	**Measurement**	**Mean**	**Median**
Racial Resentment Score	Sum of four racial resentment questions scaled between 0 and 1.	0.570	0.500
Modern Sexism Score	Sum of two modern sexism questions scaled between 0 and 1.	0.142	0.250
Pre-Treatment Affirmative Action Disagreement	Dichotomous variable = 1 if pre-treatment attitude towards the Court upholding affirmative action policies is disagree or strong disagree, 0 otherwise.	0.095	0
Pre-Treatment Affirmative Action Agreement	Dichotomous variable = 1 if pre-treatment attitude towards the Court upholding affirmative action policies is agree or strong agree, 0 otherwise.	0.611	1.00
Pre-Treatment Affirmative Action No Opinion	Dichotomous variable = 1 if pre-treatment attitude towards the Court upholding affirmative action policies is neither agree nor disagree, 0 otherwise.	0.283	0
Republican	Dichotomous variable = 1 if participant self-identifies as a Republican, 0 otherwise.	0.321	0
Democrat	Dichotomous variable = 1 if participant self-identifies as a Democrat, 0 otherwise.	0.477	0
Independent	Dichotomous variable = 1 if participant self-identifies as a Independent, 0 otherwise.	0.202	0
Feelings Toward Supreme Court	Feeling of warmth toward the Court where 0 is negative, 50 is neutral, and 100 is positive.	65.178	69
Agreement with Court's decision	Agreement with the Court's decision in the vignette where no opinion = 0, agree = 1, and disagree = 2.	0.642	0

Table A27: Experiment 2: Affirmative Action

Variable	**Measurement**	**Mean**	**Median**
Asian American Resentment Score	Sum of five Asian American resentment questions where strong disagree = 1, neither agree nor disagree = 3, and strong agree = 5, 0 otherwise.	13.429	14
Modern Sexism Score	Sum of two modern sexism questions where strong disagree = 1, neither agree nor disagree = 3, and strong agree = 5, 0 otherwise.	4.378	4
Pre-Treatment Affirmative Action Disagreement	Dichotomous variable = 1 if pre-treatment attitude towards the Court upholding affirmative action policies is disagree or strong disagree, 0 otherwise.	0.188	0
Pre-Treatment Affirmative Action Agreement	Dichotomous variable = 1 if pre-treatment attitude towards the Court upholding affirmative action policies is agree or strong agree, 0 otherwise.	0.419	0
Pre-Treatment Affirmative Action No Opinion	Dichotomous variable = 1 if pre-treatment attitude towards the Court upholding affirmative action policies is neither agree nor disagree, 0 otherwise.	0.390	0
Republican	Dichotomous variable = 1 if participant self-identifies as a Republican, 0 otherwise.	0.344	0
Democrat	Dichotomous variable = 1 if participant self-identifies as a Democrat, 0 otherwise.	0.392	0
Independent	Dichotomous variable = 1 if participant self-identifies as a Independent, 0 otherwise.	0.263	0
Feelings Toward Supreme Court	Feeling of warmth toward the Court where 0 is negative, 50 is neutral, and 100 is positive.	61.157	60
Agreement with Court's decision	Agreement with the Court's decision in the vignette where no opinion = 0, agree = 1, and disagree = 2.	0.822	1

Table A28: Experiment 1: Gun Control

Variable	**Measurement**	**Mean**	**Median**
Racial Resentment Score	Sum of four racial resentment questions where strong disagree = 0, neither agree nor disagree = .5, and strong agree = 1, 0 otherwise.	0.535	0.5
Modern Sexism Score	Sum of two modern sexism questions where strong disagree = -1, neither agree nor disagree = .25, and strong agree = 1, 0 otherwise.	0.108	0
Pre-Treatment Gun Rights Disagreement	Dichotomous variable = 1 if pre-treatment attitude towards the Court upholding the Second Amendment is disagree or strong disagree, 0 otherwise.	0.137	0
Pre-Treatment Gun Rights Agreement	Dichotomous variable = 1 if pre-treatment attitude towards the Court upholding the Second Amendment is agree or strong agree, 0 otherwise.	0.708	1
Pre-Treatment Gun Rights No Opinion	Dichotomous variable = 1 if pre-treatment attitude towards the Court upholding the Second Amendment is neither agree nor disagree, 0 otherwise.	0.146	0
Republican	Dichotomous variable = 1 if participant self-identifies as a Republican, 0 otherwise.	0.315	0
Democrat	Dichotomous variable = 1 if participant self-identifies as a Democrat, 0 otherwise.	0.479	0
Independent	Dichotomous variable = 1 if participant self-identifies as a Independent, 0 otherwise.	0.205	0
Feelings Toward Supreme Court	Feeling of warmth toward the Court where 0 is negative, 50 is neutral, and 100 is positive.	66.493	68
Agreement with Court's decision	Agreement with the Court's decision in the vignette where no opinion = 0, agree = 1, and disagree = 2.	0.542	0

M Pre-Analysis Plans

Experiment 1 Pre-Analysis Plan

The pre-analysis plan for Experiment 1 is filed with Open Science (see here). The version available with OSF is not anonymized, so we provide our original pre-analysis plan below. The structure of the experiment changed over time but our research questions, hypotheses, and variables remained the same.

M.0.1 Research Questions

1. Are groups more likely to support gun control if they see themselves in the litigants?
2. Do the characteristics of the litigant matter for public opinion about the Supreme Court?

M.0.2 Hypotheses

1. We expect that one's identity group (partisan, racial, and gendered) will impact perceptions of the Supreme Court and the Supreme Court's decision.
    - Because gun ownership has traditionally been a Republican issue, we expect that Republican respondents will be more likely to favor the Supreme Court's decision.
    - Despite gun ownership being associated with the Republican party, we expect that Democratic respondents will be more likely to favor the Supreme Court's decision when the litigant is a woman or Black.
    - We expect that Black respondents will be more likely to favor the Supreme Court's decision when the litigant is Black.
    - We expect that female respondents will be more likely to favor the Supreme Court's decision when the litigant is a woman.
2. In accordance with previous literature, we expect that White respondents with negative racial attitudes will respond negatively to the Supreme Court's decision when the litigant is a Black man or woman.

Sample

- The experiment will be conducted using Amazon Mechanical Turk. We will make contact with 1000 respondents for Wave 1 and recontact those same participants for Wave 2.

M.0.3 Intervention

- Respondents will be assigned to one of five groups and then will be presented with a news article. Respondents in the control condition will receive a news article about social media use. Respondents in the treatment conditions will receive a news article

about the Supreme Court's decision on a firearm case. The litigant described in the Supreme Court case will vary based on race (Black or White) and gender (male or female).

M.0.4 Measured variables - Wave 1

- Demographic items
  - Age; Race; Hispanic or Latino origin; Income; Education; Partisanship; Employment
- Supreme Court items
  - Supreme Court job performance
    - "How well do you think the U.S. Supreme Court does its main job in government? Would you say it does a great job, a pretty good job, not very good job, or a poor job?"
  - Perceived ideological standing of Supreme Court
    - "In general, would you say that the Supreme Court is too liberal, or too conservative, or about just right in its decisions?"
  - Attitudes about Supreme Court Cases
    - "As I read a list of some recent decisions by the Supreme Court, please tell me if you agree strongly, agree somewhat, neither agree nor disagree, disagree somewhat, or disagree strongly with each one." [North Carolina congressional districts; Second Amendment ruling; Same-sex couples right to marry]
  - Supreme Court legitimacy measure [Agree - Disagree]
    - "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 right of the Supreme Court to decide certain types of controversial issues should be reduced."
    - "The Supreme Court can usually be trusted to make decisions that are right for the country as a whole."
    - "The decisions of the U.S. Supreme Court favor some groups more than others."
    - "The U.S. Supreme Court gets too mixed up in politics."
    - "The U.S. Supreme Court should have the right to say what the Constitution means, even when the majority of the people disagree with the Court's decision."
- Gun ownership item
  - "If more Americans owned guns, do you think there would be more crime, less crime, or that it would not make a difference?"

- Friends and family of other racial groups
  - "Thinking about the people you know, do you have a close friend or family member who is [select all that apply]: [Black/White/Latino/Middle Eastern/Homosexual].
- Racial Resentment measure [Agree - Disagree]
  - " Irish, Italian, Jewish, and many other minorities overcame prejudice and worked their way up. Black should do the same without any special favors."
  - "Generations of slavery and discrimination have created conditions that make it difficult for blacks to work their way out of the lower class."
  - "Over the past few years, blacks have gotten less than they deserve."
  - " It's really a matter of some people not trying hard enough; if blacks would only try harder they could be just as well off as whites."
- ANES Battery on Women [Agree - Disagree]
  - "Many women interpret innocent remarks or acts as being sexist."
  - "Most women fail to appreciate fully all that men do for them."
  - "Women seek to gain power by getting control over men."

M.0.5 Measured variables - Wave 2

- Thermometer rating of Supreme Court
- Case specific items [Treatment Conditions]
  - Agree or Disagree with Supreme Court's decision
    - "Do you agree or disagree with the Supreme Court's decision in this case?"
  - Should Supreme Court have ruled on legality transporting firearms
    - "Do you think the Supreme Court should or should not have ruled on the legality of transporting legally registered firearms?"
  - Should Congress pass legislation to overturn Court's decision
    - "Do you think Congress should or should not pass legislation to overturn the Court's decision regarding the transportation of legally registered firearms?"
- Supreme Court items
  - Supreme Court job performance
    - "How well do you think the U.S. Supreme Court does its main job in government? Would you say it does a great job, a pretty good job, not very good job, or a poor job?"
  - Perceived ideological standing of Supreme Court

    - "In general, would you say that the Supreme Court is too liberal, or too conservative, or about just right in its decisions?"
  - Attitudes about Supreme Court Cases
    - "As I read a list of some recent decisions by the Supreme Court, please tell me if you agree strongly, agree somewhat, neither agree nor disagree, disagree somewhat, or disagree strongly with each one." [North Carolina congressional districts; Second Amendment ruling; Same-sex couples right to marry]
  - Supreme Court legitimacy measure
    - "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 right of the Supreme Court to decide certain types of controversial issues should be reduced."
    - "The Supreme Court can usually be trusted to make decisions that are right for the country as a whole."
    - "The decisions of the U.S. Supreme Court favor some groups more than others."
    - "The U.S. Supreme Court gets too mixed up in politics."
    - "The U.S. Supreme Court should have the right to say what the Constitution means, even when the majority of the people disagree with the Court's decision."

M.0.6 Statistical Models

- We will specify a series of OLS regression models with indicators of attitudes toward the Supreme Court and the specific Supreme Court decision as the dependent variables. The independent variable will be the treatment condition. Our models will include controls for partisan self-identification, racial attitudes, gender attitudes, income, age, education, and gender.

M.0.7 Inference Criteria

- We will use a p-value of .05 (on two tailed tests) as a cut off for assessing statistical significance in our multivariate statistical models.

M.0.8 Data exclusion

- The analyses will be conducted on respondents from Amazon's Mechanical Turk. Respondents will be excluded if they fail an attention check.

M.0.9 Missing data

- Respondents for whom data on any of the variables of interest are missing will be excluded from the analysis.

N Experiment 2 Pre-Analysis Plan

The pre-analysis plan for Experiment 2 is filed with AsPredicted (see here). The anonymized link to it is located here: $https://aspredicted.org/ZHP_6JC$.

O On Black Litigants, Public Opinion, and Affirmative Action

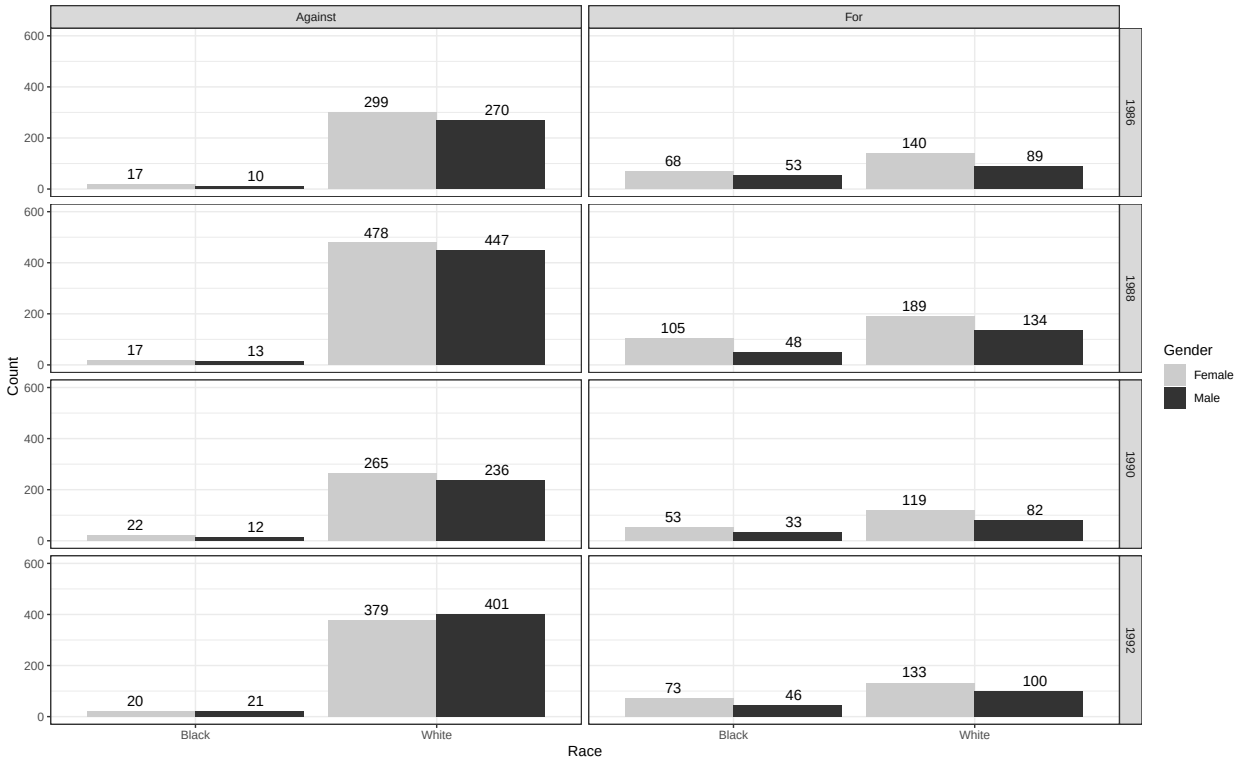
In order to examine the role that counter-stereotypical litigants might play in Supreme Court decision overturning affirmative action, we conducted two different experiments involving two different sets of counter-stereotypical litigants. In one experiment, we modeled the litigants after a real-world case, *Students for Fair Admissions v. University of North Carolina* (2023), where a group of Asian American litigants who failed to get into a big state public school challenged that school's use of affirmative action in admissions. In the second, we suggested Black litigants did the same. Because Black litigants have never fronted a Supreme Court case challenging affirmative action before, readers might question the validity of the experiment. We conducted several different analyses – historical, legal, and analytical – before deciding this was a credible and believable hypothetical litigant. We share these analyses below.

Black Thoughts on Affirmative Action

First, it is crucial to emphasize that while *most* Black Americans support affirmative action, not all of them do. Research by Dawson (2001), Stephens-Dougan (2020), Harris-Perry (2006), and Philpot (2017) speaks to the heterogeneity of Black political beliefs, and many of these scholars specifically point to affirmative action as a place where heterogeneity exists. There is an overwhelming *perception* that Black Americans support affirmative action, which stems from the belief that they, more than any other group, benefit from it (Ball 2000). But, as Tate (2010) explains, Black support for affirmative action policies is contingent on perceptions of the level of discrimination present in society; while most Black people believe discrimination is present, not all do. Additionally, White and Laird (2020) point out that while Black group identity reinforces certain core beliefs and policy positions by punishing those who buck them, some Black Americans *do* go against the grain and deal with the consequences. Consequently, while an overwhelming number of Black people support affirmative action, there are also a significant number of them that do not. Black opposition to affirmative action may not be for the same reason as their White counterparts, but it mostly certainly exists and indeed is captured in noted surveys such as the American National Election Study (ANES).

The figure below shows the public's attitudes towards affirmative action over time. Specifically, for the 1986-1992 ANES we plot responses to the question:

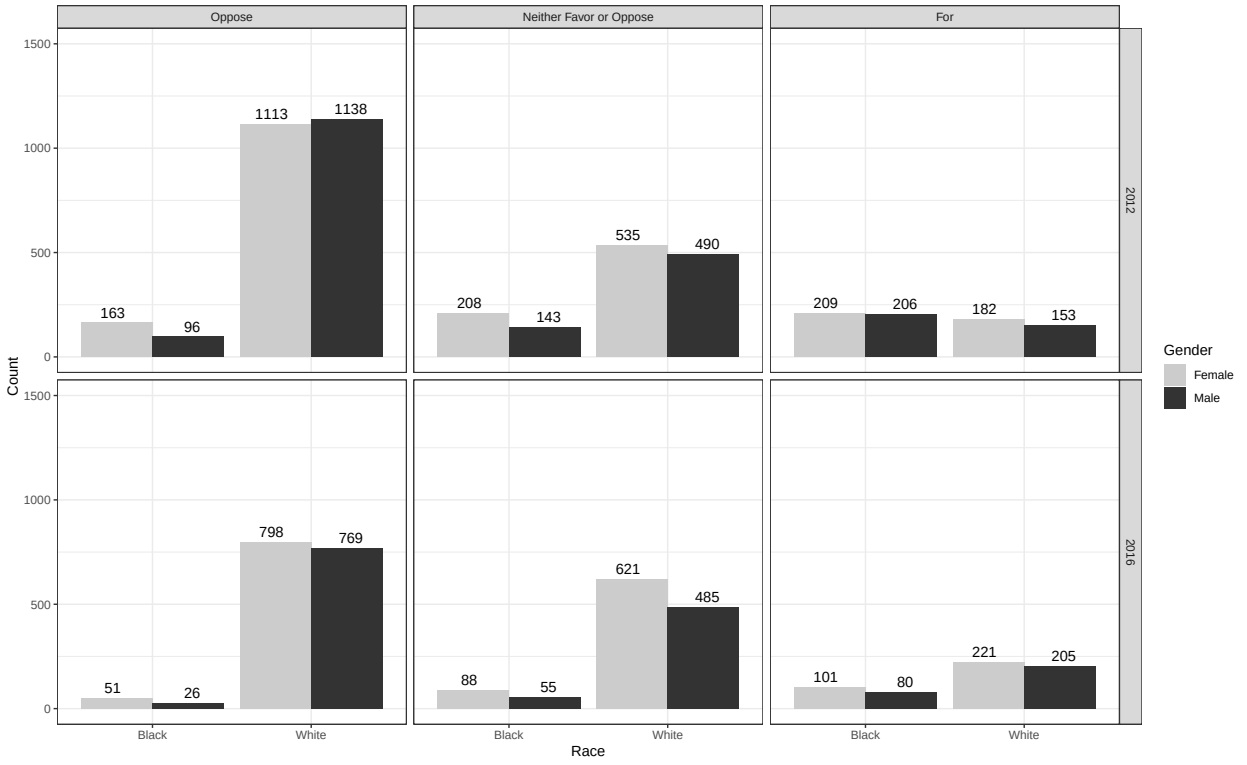
> Some people say that because of past discrimination it is sometimes necessary for colleges and universities to reserve openings for Black students. Others oppose quotas because they say quotas give Blacks advantages they haven't earned. What about your opinion – are you for or against quotas to admit Black students?



Each panel row in the figure above shows response from the 1986, 1988, 1990, and 1992 American National Election Study. The left panels shows respondents in each survey who were against affirmative action policies and the right panel shows respondents who supported affirmative action in each of the surveys. The leftmost bars in each panel show the breakdown between Black women (gray bars) and Black men (black bars). The rightmost bars in each panel show the responses of White women (gray bars) and White men (black bars)

The question changed in 2012 and 2016, so we plot these responses separately. The figure below shows responses to ANES question that asked:

> Do you favor, oppose, or neither favor nor oppose allowing universities to increase the number of Black students studying at their schools by considering race along with other factors when choosing students?



Each panel row in the figure above shows response from the 2012 and 2016 American National Election Study. The left panels shows respondents in each survey who opposed affirmative action policies, the middle panel shows respondents that neither favor nor support affirmative action policies, and the right panel shows respondents who supported affirmative action in each of the surveys. The leftmost bars in each panel show the breakdown between Black women (gray bars) and Black men (black bars). The rightmost bars in each panel show the responses of White women (gray bars) and White men (black bars)

We recognize these questions are not identical, but they still provide us with useful information about attitudes towards affirmative action over time. While the first figure, which displays 1986-1992 results from the American National Election Studies, shows that for the most part only White respondents opposed affirmative action policies, the second figure shows a noted increase in Black Americans that oppose affirmative action. That is, more recent responses to the the ANES provide evidence that Black Americans do not have monolithic beliefs on this particular policy.

Unfortunately, the 2020 and 2022 ANES did not include a question about affirmative action in schools and instead only asked, "Do you favor preference in hiring and promotion strongly or not strongly?" To bridge this gap we sought out data from Pew Research Center. Articles by Graph (2019) and Gòmez (2022) analyzing Pew data from 2019 and 2020 reveal the majority of minority populations, including Black Americans, reported belief that race should

be a minor factor in college admissions (Gòmez 2022),[1] or not a factor at all (Graph 2019).[2] This suggests even more diverse attitudes among American minorities than the ANES data suggested.

O.1 Black Opponents of Affirmative Action

Importantly for our purposes, Black Americans who do not support affirmative action campaigns become visible parts of campaigns to end such policies. Supreme Court Justice Clarence Thomas, who regularly declares his distaste for affirmative action programs, is an obvious example.[3] But far more visible examples exist, notably Ward Connerly, a Black conservative who actively campaigned to pass California's Proposal 209 and Michigan's Proposal 2, both of which banned affirmative action in college admissions (Tate 2010). Similarly, Black conservative commentator Candace Owens regularly lambastes the use of race-based college admissions policies in speeches and interviews, both on her own,[4] and through her Blexit Foundation, which is affiliated with Turning Point USA.[5] As research by Stephens-Dougan (2020) explains, Black men and women often become the face of campaigns like these because, "for many white Americans, the idea that a black politician would speak out seemingly against the group's interest seems counterintuitive and thus garners more attention" (17). That is to say, White Americans notice when Black politicians front campaigns that go against their interests and pay attention to them, and they do not question their existence. And, importantly, racial and ethnic minorities pay attention too (White and Laird 2020).

O.2 Black Litigants in Federal Court Cases

While White and Asian American objections to affirmative action center around the idea of "fair" college admissions, Black objections to such programs stem from a belief that race-based affirmative action diminishes the accomplishments and achievements of Black students. Justice Clarence Thomas has spoken about this at length; for example, in his memoir, he discusses his belief that Yale Law School's use of race-conscious admissions tarnished the value of his degree, leaving him shut out of spaces that his White classmates entered with ease (see Thomas 2007). Project 21, an organization of Black conservatives, filed an amicus brief in the Students for Fair Admissions Cases that espoused similar views.[6]

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[1] https://pewrsr.ch/3naOdnh

[2] https://pewrsr.ch/42b5n31

[3] https://bit.ly/43OTf9x

[4] https://bit.ly/3KNdqvL

[5] https://bit.ly/3og0ff5

[6] The amicus curiae brief of Project 21 can be found on the Supreme Court's website, see `https://shorturl.at/gGX68`

Put simply, White, Black, and Asian American objections to affirmative action all extend from different concerns. But legally speaking, a litigant's reason for objecting to the policy matters less than the legal argument built around his objection, and the legal argument against affirmative action would look the same regardless of the litigant. And, importantly for our argument, a White, Asian American, or Black litigant could credibly front such a case.

A Black litigant has never fronted a challenge to affirmative action at the Supreme Court, but that is likely to change, as cause lawyers constantly look for Black litigants to front such challenges. Consider, for example, that when Edward Blum was looking for racial and ethnic minority litigants to challenge affirmative action on college admissions after the *Fisher* decision, he sought out Black, Latinx, *and* Asian American litigants; he decided to file on behalf of Asian American litigants after connecting with Michael Wang, who had already filed a complaint with the Department of Education after getting rejected from several Ivy League schools (Hsu 2018). Today, the Students for Fair Admissions website contains a "contact us" form that encourages racial and ethnic minorities of any type to reach out about discrimination in education and the workplace.[7] Since the Supreme Court overturned the use of affirmative action college admissions in 2023, Students for Fair Admissions has put Daniel Idfresne, a Black man who speaks about race-based admissions and the negative impact on Black high school students (see Schlott 2023), at the forefront of its campaigns to continue dismantling affirmative action.[8]

But, to be thorough, there are examples of Black litigants challenging affirmative action policies in the workplace and admissions at in lower federal courts. One is *Jones v. Memphis Light, Gas and Water* (642 F. Supp. 644 (1986)). Samuel Jones was a Black man who worked at Memphis Light, Gas and Water (MLGW) as a welder. Aiming to advance his career even more, Jones completed various internal trainings to become a supervisor, eventually applying for two supervisor positions in the gas meter installation department. Jones was eventually passed over for both positions, with the company hiring someone younger than Jones for the first and a White woman for the second. Jones sued MLGW, alleging the company's affirmative action policy, which favored promoting women and Black men, violated a past policy that prioritized promoting senior, experienced employees and violated the Equal Protection Clause and Title VII of the Civil Rights Act of 1964. Jones ultimately lost his case.

Another example of a Black litigants suing over affirmative action policies is the case *Carroll v. Walden University, LLC* (2022), a case featured in the *New York Times* in April, 2022. Aljanal Carroll, a Black woman, is the face of a class-action lawsuit against for-profit Walden University. Carroll and other students claim the university violated Title IV of the Civil Rights Act by targeting racial and ethnic minorities and women with the allure of an affordable advanced degree while intentionally misrepresenting the time and costs associated with obtaining the degree (Green 2022). Specifically, the claimants allege the school

[7]See `https://studentsforfairadmissions.org/`

[8]See `https://tinyurl.com/5n6m85ct`

engaged in "reverse redlining," by targeting Black female students specifically — a group which disproportionately holds more student loan debt than any other demographic and is disproportionately enrolled in for-profit schools in attempts to gain credentials and "overcome the implicit bias of the labor market" (Green 2022).

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