

# Save These Dishonorable Courts: The Consequences of Judicial Scandal on Specific and Diffuse Support\*

Joshua Boston<sup>†</sup>   Benjamin Kassow<sup>‡</sup>   Ali Masood<sup>§</sup>   David Miller<sup>¶</sup>

April 7, 2021

## Abstract

Legitimacy is a bulwark for courts; even when judges do something unsatisfactory, the public tends to acquiesce. Recent studies have identified several threats to the legitimacy of U.S. federal courts, including polarization, attacks by political elites, and unpopular decisions. We contribute to the scholarly discourse by exploring the efficacy of a previously unconsidered threat: political scandal. We argue that scandals (1) undermine confidence in judges as virtuous arbiters and (2) erode broad public support for the courts. Relying on three distinct experiments, we draw on real-world judicial controversies to evaluate the impact of scandal on specific support for judicial actors and their rulings and diffuse support for the judiciary as an institution. Our results consistently demonstrate that scandals erode individual support, but diffuse support is unencumbered. These findings allay normative concerns that indiscretions by controversial jurists may deplete the vast “reservoir of goodwill” that is foundational to the courts.

---

\*We thank Elizabeth Lane, Jessica Schoenherr, James Spriggs, Andrew Stone, Guillermo Toral, and Nicholas Waterbury for helpful comments. This research is generously supported by a grant from the Office of Sponsored Programs & Research (Grant # 33000321) and the Department of Political Science at Bowling Green State University.

<sup>†</sup>Assistant Professor, Department of Political Science, Bowling Green State University, Bowling Green, OH 43403; jrboston@bgsu.edu

<sup>‡</sup>Assistant Professor, Department of Political Science and Public Administration, University of North Dakota, Grand Forks, ND 58202; benjamin.kassow@und.edu

<sup>§</sup>Assistant Professor, Department of Political Science, Rhodes College, Memphis, TN 38112; masooda@rhodes.edu

<sup>¶</sup>Postdoctoral Fellow, Center for the Study of Democratic Institutions, Vanderbilt University, Nashville, TN 37203; david.r.miller@vanderbilt.edu

During Brett Kavanaugh’s 2018 U.S. Senate confirmation, several women, including Dr. Christine Blasey Ford, accused the Supreme Court nominee of sexual misconduct. These allegations prompted weeks of investigations which raised questions about Kavanaugh’s personal fitness to serve on the Court. Upon Kavanaugh’s confirmation, elected officials and legal scholars expressed lingering concerns that Kavanaugh’s alleged misconduct would not only taint his reputation, but imperil public attitudes towards and confidence in the Court. Senator Dianne Feinstein, the Senate Judiciary Committee’s ranking member, lamented that “[c]onfirming Brett Kavanaugh in the face of credible allegations of sexual assault that were not thoroughly investigated, and his belligerent, partisan performance... undermines the legitimacy of the Supreme Court.”<sup>1</sup> Similarly, New York University law professor Wendy Weiser opined that Kavanaugh would “harm the actual credibility, legitimacy, and authority of the U.S. Supreme Court... [i]f half the country believes one of the members of the Supreme Court committed sexual assault and lacks integrity, that is going to taint the perception of all the court’s rulings.”<sup>2</sup>

As the sole unelected branch of the American federal government, the judiciary relies on strong public perceptions of its legitimacy to ensure acceptance of and compliance with its rulings (Caldeira and Gibson 1992). While scholars have long considered legitimacy to be stable and enduring (Gibson, Caldeira, and Spence 2003), recent studies have identified threats to the judiciary’s diffuse support such as political polarization (Bartels and Johnston 2013), attacks from extra-judicial actors (Rogowski and Stone 2019), and the rendering of unpopular decisions (Christenson and Glick 2015). As these threats mount, commentators and scholars share unease that the Court and the broader judiciary may lose their legitimacy and be perceived as another partisan institution.

---

<sup>1</sup>Feinstein, Dianne [@SenFeinstein]. “Confirming Brett Kavanaugh in the face of credible allegations of...” *Twitter*, October 6, 2018, <https://twitter.com/SenFeinstein/status/1048679204571766784?s=20>.

<sup>2</sup>Edelman, Adam. “‘Cloud.’ ‘Legitimacy crisis.’ ‘Taint.’ Legal experts on Kavanaugh joining the court.” *NBC News*, October 7, 2018, <https://www.nbcnews.com/politics/supreme-court/cloud-legitimacy-crisis-taint-legal-experts-kavanaugh-joining-court-n916731>.

Justice Kavanaugh’s confirmation proceedings highlight yet another peril for the judiciary’s legitimacy—scandal, or allegations of judges’ personal misbehavior. Unfortunately for the courts, the allegations of Kavanaugh’s misconduct are not an isolated instance of scandal. For instance, one of Kavanaugh’s colleagues, Justice Clarence Thomas, was accused of sexual misconduct by Anita Hill during his confirmation hearings three decades prior. More broadly, numerous federal judges in both the United States and around the world have been implicated in ethical, financial, and sexual scandals in the modern era.<sup>3</sup> Studies of elected officials indicate that allegations of scandal not only damage politicians’ reputations and electoral success (Basinger 2019; Doherty, Dowling, and Miller 2011), but can also erode public support for their institutions (Bowler and Karp 2004). However, existing scholarship does not consider whether unelected actors—including judges—accused of misconduct similarly invite negative ramifications for themselves and their institutions.

We examine whether scandals pose risks to long-standing public support for the federal judiciary through three survey experiments which leverage both stylized and real-world instances of scandal. Each experiment focuses on a different circumstance that garners public attention towards judges and courts: (1) the nomination of a Supreme Court justice, (2) questions about the future tenure of a prominent judge, and (3) the Supreme Court’s announcement of an opinion. Our experimental conditions randomize whether the judges featured in the vignettes experience scandalous allegations. Across all three experiments, we find that scandals diminish public support for individual judges, but we find no evidence that scandals undermine specific support for court rulings or diffuse support for judicial institutions. Interestingly, these results are consistent across respondents irrespective of their partisan alignment with the featured judges, suggesting that—unlike other threats to public support for the courts—members of the public do not react to judicial scandal through a

---

<sup>3</sup>See Supplemental Information Section A for examples of judicial scandal in American and comparative contexts.

partisan lens (Bartels and Johnston 2013; Rogowski and Stone 2019).

This letter contributes to our understanding of judicial accountability and legitimacy. Our findings indicate that the public sanctions individual judicial actors when they engage in misconduct unbecoming of the bench, but that they distinguish between the indiscretions of individual judges and the judiciary as an institution in attributing blame. Thus, the public holds errant judges accountable through their disapprobation but spares the courts any diminution in diffuse support. These results should allay the fears of judicial observers who are concerned that scandals pose yet another threat to the diffuse support upon which the judiciary relies to exercise its power.

## **Judicial Scandal as a Threat to Public Support**

While legitimacy is foundational to all well-functioning political institutions, it is essential for the federal judiciary, which lacks a democratic mandate and depends on other governmental institutions to comply with and enforce its rulings (Caldeira and Gibson 1992). While public approval of the judiciary’s day-to-day performance (i.e. specific support) may vary, diffuse support has traditionally been considered stable, drawing on a “reservoir of goodwill” generated by public fidelity to and socialization into democratic norms and values (Easton 1965; Gibson and Nelson 2014). Diffuse support is not impervious; under certain conditions, judges or extra-judicial actors can weaken legitimacy. For instance, political polarization might make the public less willing to acquiesce to courts when judicial rulings deviate from individuals’ preferences (Bartels and Johnston 2013). Again, when political elites attack or politicize courts, the public may alter their legitimacy evaluations depending on their partisan alignment with the relevant elites (Nelson and Gibson 2019; Rogowski and Stone 2019). Further, individual court rulings can strike self-inflicting wounds on courts’ diffuse support when they diverge from the outcomes preferred by the public (Christenson and Glick

2015).

Scandals may pose similar dangers to courts' public support. While established threats to legitimacy focus on legal or political actions by judges and other elites, scandals turn instead to personal behavior. Public perceptions of the judiciary's legitimacy stem, in part, from the notion of judges being "appropriate, proper, and just" (Tyler 2006, 376). Indeed, in a recent nationally representative survey, Krewson and Schroedel (2020, 1437) find that the public believes the most important characteristic in a Supreme Court nominee is their "moral character." Research on scandals in other contexts indicate that politicians' indiscretions harm their reputations; scandals provide the public with negative signals about the subjects' underlying character (Doherty, Dowling, and Miller 2011; Funk 1996). For example, Basinger (2019) finds that scandals hinder congressional candidates' electoral performance by damaging perceptions of their integrity. While most studies focus on the effects of scandal for individual politicians, scandals can also undermine other actors and institutions. For instance, Bowler and Karp (2004) find that Americans offered more negative evaluations of both their own member of Congress and Congress as an institution if their member had been implicated in the 1990s House banking scandal. Scandals' potential to erode legitimacy may pose greater perils for courts than for other institutions, such as Congress, not only because courts rely more heavily on legitimacy as the font of their power, but also because federal judges' lifetime appointments make it difficult for voters or elected officials to remove blights on the bench.

We posit that judicial scandals have negative consequences for the public's support for individual judges, their decisions, and the judiciary as a whole. News of personal misconduct—from allegations of sexual harassment to tax evasion—may cause the public to doubt and distrust whether a judge is sufficiently virtuous to serve on the federal bench. Additionally, the public may express less faith in rulings associated with scandalized judges, whose dubious character can undermine otherwise principled legal decisions. Both of these phenomena il-

lustrate how judicial scandal could erode specific support for judicial actors or their opinions. Further, scandal may erode the judiciary’s legitimacy, as the public may suspect that the rot of scandal extends beyond the few known cases of personal impropriety. Consequently, judges and their institutions would not be “appropriate, proper, and just” as the public previously believed (Tyler 2006, 376). Thus, we also expect that scandals can exact damage to the judiciary’s diffuse support.

## Research Design

Studying the effects of institutional actors’ behavior on public opinion poses inferential challenges. Under ideal conditions, we could observe public opinion towards the federal judiciary in both the presence and absence of specific allegations of scandal leveled towards a judicial actor, holding all else constant, to determine whether such accusations induce different public perceptions of specific and diffuse support. However, such ideal conditions elude us because we can never observe the counterfactual where a jurist implicated in a scandal does not face those allegations, or vice versa. Further, while panel data could enable researchers to explore the effect of a single scandal on perceptions of the courts, repeated measures of specific and diffuse legitimacy among the same respondents are “woefully scarce” (Gibson and Caldeira 2009, 5).

Acknowledging these empirical challenges, we utilize survey experiments to examine the effects of scandal on perceptions of specific and diffuse support for the judiciary. Our survey designs include realistic scenarios involving judges who attract public attention and vary whether the judges featured face allegations of scandal. Through random assignment of respondents to each of our conditions, we can isolate the causal effects of scandal on public attitudes towards the courts. Further, we design our survey experiments to promote external validity (Gaines, Kuklinski, and Quirk 2007). First, by basing our scandal treatments on

real-world cases in which judges faced similar allegations, we ensure that our design mirrors the range of judicial misconduct to which the public is exposed. Second, while our first two experiments are stylized and measure only the immediate effects of scandal, our third experiment leverages Justice Brett Kavanaugh’s alleged misconduct to assess whether those accusations affect present-day perceptions of the Court. Thus, this experiment incorporates the real-world political milieu to examine whether the presence of a justice associated with a well-known scandal exerts long-term effects on specific and diffuse support.

## **Study 1: Supreme Court Nominations**

Our first survey experiment examines how scandals that emerge during the Supreme Court confirmation process affect public perceptions of the judiciary. These nominations are a prime opportunity for the White House or its opponents to uncover a nominee’s past improprieties that would undermine their credibility and threaten their confirmations, making them a salient context in which members of the public encounter scandalous allegations that might erode their support for the Court.

We fielded this survey experiment in January 2020 on Amazon’s Mechanical Turk (MTurk) with approximately 1,400 respondents. Our experiment’s vignette consists of a stylized account of a federal judge’s nomination to the Supreme Court. For all respondents, the vignette describes the judge’s background and confirmation process before indicating that the judge was ultimately confirmed. In addition to this common content, respondents are randomly assigned details about the Senate’s vetting of the nominee and any allegations of scandal that arose.<sup>4</sup> While respondents in the control condition are merely apprised that the Senate ques-

---

<sup>4</sup>To account for the possibility that partisanship conditions the effects of judicial scandal on public attitudes toward the courts (Bartels and Johnston 2013), we also randomized whether respondents were told that the judge was nominated by either Democratic President Barack Obama or Republican President George W. Bush. We present analyses incorporating this randomization in Tables SI.6 and SI.7; we do not find that specific and diffuse support are conditioned by whether respondents share the partisan affiliation of the nominating president.

tioned the judge in a televised hearing, respondents in our three treatment conditions are told that the vetting process uncovered evidence of impropriety on the part of the judge.<sup>5</sup> Our treatments draw on three of the four types of scandal included in Basinger et al. (2013)'s classifications—ethical, sexual, and financial—and the details included in each treatment come from real-world scandals associated with Supreme Court nominees or federal judges.<sup>6</sup>

We then asked respondents a series of questions about their attitudes toward the nominee and the Supreme Court. To measure specific support for the nominee, we asked respondents to indicate their level of approval or disapproval of the nominee serving on the Court. For diffuse support, we asked respondents to express their level of agreement with the six statements about the Court's institutional design introduced by Gibson, Caldeira, and Spence (2003).

## **Study 2: The Impact of Scandal in the Lower Courts**

Our second survey experiment explores how allegations of scandal directed at sitting federal judges affect the public's perceptions of the judiciary. While federal judges rarely face the same scrutiny as they do during their confirmations, allegations of misbehavior sporadically arise and capture national attention, sometimes prompting high-profile resignations or impeachment proceedings.

We fielded this survey experiment in August 2020 through Lucid Theorem with approximately 1,650 respondents. In contrast to the convenience sample we obtained with MTurk in Study 1, Lucid Thereom provides researchers with panels whose demographic characteristics mirror those of the national population (Coppock and McClellan 2019).

The construction of this experiment mirrors that of Study 1. All respondents read a

---

<sup>5</sup>See Supplemental Information Section B for vignette and question wording.

<sup>6</sup>The fourth type of scandal in the typology is political scandals, which often involve campaign finance violations or the misuse of congressional resources for electoral purposes. Since federal judges serve life terms and are unelected, this type of scandal is not applicable for our context.



stylized news article wherein a sitting judge on the DC Circuit Court of Appeals pledges to remain on the bench despite personal news that might prompt resignation or retirement. Respondents in the control condition read that the judge intends to remain on the bench despite a cancer diagnosis, while respondents in the treatment conditions read that the judge vows to stay on the court despite allegations of ethical, sexual, or financial misconduct. Finally, we present respondents with outcome questions analogous to those we use in Study 1 to measure specific and diffuse support.

### **Study 3: Enduring Effects of Scandal on the Supreme Court**

Our third study leverages Brett Kavanaugh’s role on the Supreme Court to investigate the long-term effects of scandals on specific and diffuse support. The sexual assault allegations at the center of Justice Kavanaugh’s confirmation were highly salient such that members of the general public—even those typically inattentive to politics—were aware of the accusations Kavanaugh faced.<sup>7</sup> An experiment that focuses on Justice Kavanaugh enhances the external validity of our results because it takes full advantage of the contextual environment in which respondents experience the political world and incorporates respondents’ exposure to scandal nearly two years prior to examine potential long-term effects.

We fielded our survey experiment in August 2020 through Lucid Theorem with approximately 850 respondents. Our experiment provides respondents with a stylized newspaper article describing the Supreme Court’s April 2020 ruling in *Ramos v. Louisiana*.<sup>8</sup> To evaluate

---

<sup>7</sup>In a YouGov/Economist poll fielded between September 30 and October 2—shortly before the Senate’s October 6 vote on Kavanaugh’s confirmation—60% of respondents reported having “heard a lot” about Kavanaugh’s nomination. [https://d25d2506sfb94s.cloudfront.net/cumulus\\_uploads/document/sodq3s3gan/econTabReport.pdf](https://d25d2506sfb94s.cloudfront.net/cumulus_uploads/document/sodq3s3gan/econTabReport.pdf).

<sup>8</sup>We use *Ramos v. Louisiana* because it was decided in the latter half of the Court’s term, dealt with a legal issue that is salient and easy for the public to understand, and included both Justices Neil Gorsuch and Brett Kavanaugh in the majority. This last feature enables us to plausibly attribute the majority opinion to either justice without loss of external validity. In fact, Gorsuch wrote the majority opinion, which Kavanaugh joined in a 6-3 decision; our debriefing materials informed respondents of the case’s true opinion author and vote breakdown.

how increasing the salience of Justice Kavanaugh influences the Court’s public support, we randomized the identity of the opinion author. In the scandal condition, Justice Kavanaugh wrote for the majority, and in the control condition, we ascribe the opinion to Justice Neil Gorsuch—another conservative justice appointed by President Donald Trump who has not faced allegations of scandal.<sup>9, 10</sup> After reading their assigned vignette, respondents were asked to indicate their specific support for the Court’s ruling and their level of agreement with the same six-statement diffuse support battery used in Studies 1 and 2.

## Results

We present the results of our experiments in Figure 1. Point estimates in the left panel indicate the effect of the treatments relative to the control conditions in our Supreme Court nomination, lower court, and Supreme Court opinion experiments on specific support for the judge or opinion featured in the vignette using a dichotomized version of our outcome measures. Conversely, point estimates in the right panel indicate the effect of those treatments on diffuse support for the judiciary using a scale constructed from the six statements we drew from (Gibson, Caldeira, and Spence 2003).<sup>11</sup> Treatment effects in the left panel can be interpreted as percentage point differences in respondents’ approval of the judge or opinion featured in the vignettes, whereas treatment effects in the right panel indicate differences in diffuse support for the judiciary on a 0-1 scale.

Turning first to our specific support results, we observe consistently negative effects of scandal on respondents’ evaluations of the featured judge in our Supreme Court nomination

---

<sup>9</sup>See the Supplemental Information Section B.3.1 for further elaboration on the comparability of Justices Gorsuch and Kavanaugh and how our design highlights real-world judicial scandal in an externally valid way.

<sup>10</sup>To explore whether the effect of Kavanaugh’s scandalized past might be moderated by the level of support the decision had on the Court, we also randomized whether the Court’s decision in the case was unanimous or divided. In the Table SI.6, we interact the opinion author with the Court’s vote breakdown in the case; this analysis does not provide evidence of heterogeneous effect.

<sup>11</sup>Following Gibson, Caldeira, and Spence (2003) we dichotomize respondents’ answers to indicate level of support for the judiciary, sum the binary indicators, and rescale the final measure to range between 0 and 1.

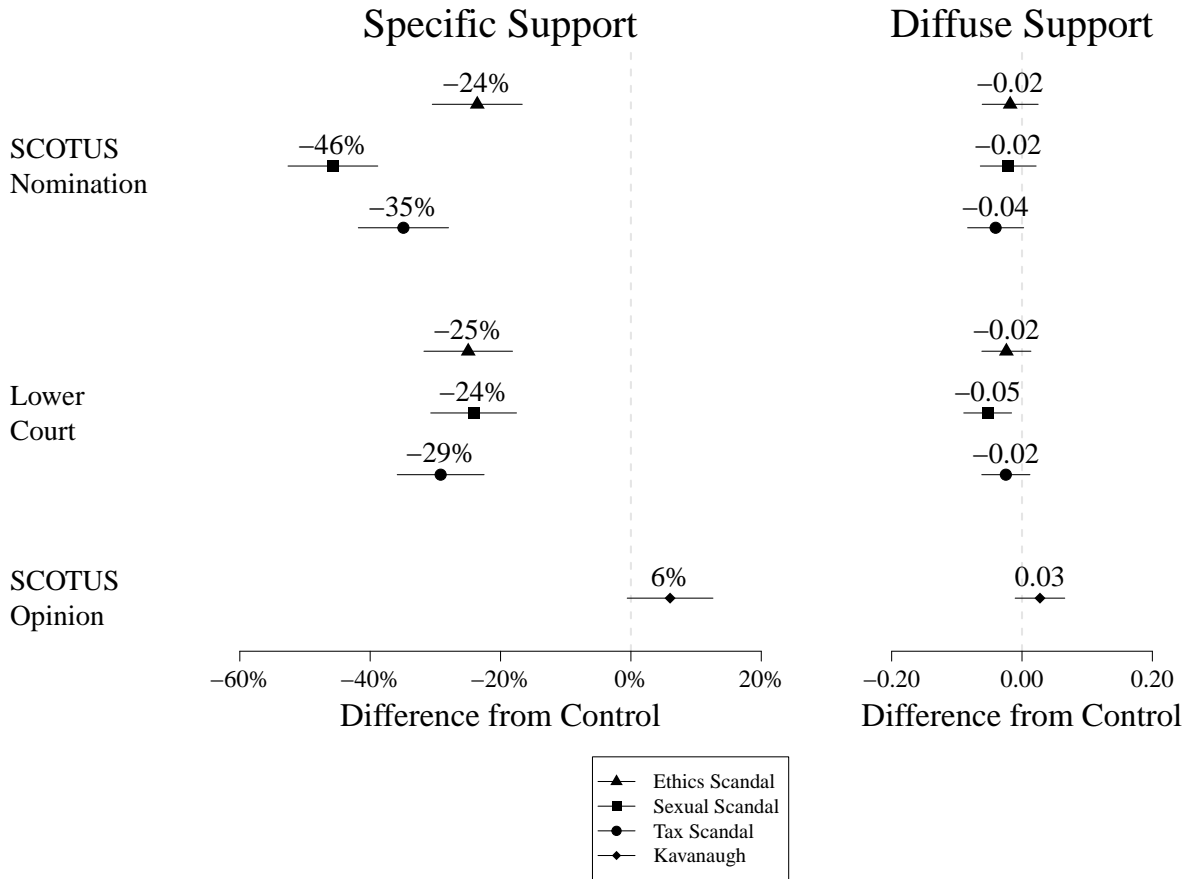


Figure 1: **Effect of Scandal on Specific and Diffuse Support.** Linear regression coefficients for treatments effects (denoted in the legend) in our Supreme Court nomination, lower court, and Supreme Court opinion experiments on specific (left panel) and diffuse support (right panel) relative to the corresponding control conditions. Specific support is measured as a binary indicator of approval or disapproval for the judge or opinion in the experiment, which we interpret as an approval rating. Diffuse support is measured on a 0-1 scale following Gibson, Caldeira, and Spence (2003). Positive (negative) values along the  $x$ -axis reflect higher (lower) levels of support. In our Supreme Court nomination and lower court experiments, scandals decrease specific support for the scandalized judges but have negligible effects on diffuse support. In our Supreme Court opinion experiment, the presence of Justice Kavanaugh as the opinion author rather than Justice Gorsuch does not increase or decrease specific support for the ruling or diffuse support for the Court. Bars around point estimates represent 95 percent confidence intervals.

and lower court experiments. For instance, the approval rating of the judge in our Supreme Court nomination experiment is between 24 and 46 percentage points lower when the judge faces scandalous allegations relative to the vignette containing no information about scandalous accusations. Differently, Justice Kavanaugh’s authorship of the majority opinion in

our Supreme Court opinion experiment led to a small, though not statistically distinguishable, increase in the public’s approval rating for the opinion relative to when Justice Gorsuch was identified as the opinion author. Our results indicate that scandal exerts negative effects on the public’s specific support for individual judges, but we find no evidence that specific support for a judicial ruling is informed by a scandalized jurist’s association with it.

We observe markedly different results in Figure 1’s right panel concerning the effects of scandal on diffuse support for the judiciary. Across the seven treatments in our three experiments, six manifest null effects, and the seventh—the sexual scandal in the lower court experiment—exerts a statistically distinguishable but substantively small decrease in diffuse support of 0.05 on our 0-1 scale. Thus, while the public sanctions errant jurists for their personal misdeeds, it spares judicial institutions at large from similar punishment.<sup>12</sup>

## Conclusion

While modern politics poses wide-ranging hazards for the public’s support of federal courts, our results suggest that concerned observers may need not to fret over scandals. Our results suggest the public evaluates scandalized judges more negatively, but we find no evidence that the consequences of scandal spill over to court opinions or to the judicial branch. That the public can differentiate scandalized judges from judicial institutions is a normatively desirable accountability dynamic; when scandals arise, individuals express displeasure with the accused, which may translate to pressure for removal. However, the public does not allow scandal to shake their faith in institutional legitimacy. The virtue of this dynamic—in order for courts to maintain their capacity to act as Kevlar for individuals’ misdeeds—requires that the vast majority of judges maintain high personal character. Should large numbers of persons with questionable integrity infiltrate the bench, then the public’s sparing of the

---

<sup>12</sup>See the Supplemental Information Section C.3 for further discussion of our null findings.

courts for the sins of its members may give license to dishonorable judges to exploit their authority.

## References

- Bartels, Brandon L., and Christopher D. Johnston. 2013. "On the Ideological Foundations of Supreme Court Legitimacy in the American Public." *American Journal of Political Science* 57(1): 184–199.
- Basinger, Scott J. 2019. "Judging Incumbents' Character: The Impact of Scandal." *Journal of Political Marketing* 18(3): 216–239.
- Basinger, Scott J., Lara Brown, Douglas B. Harris, and Girish Gulati. 2013. "Preface: Counting and Classifying Congressional Scandals." In *Scandal!: An Interdisciplinary Approach to the Consequences, Outcomes, and Significance of Political Scandals*, ed. Alison Dagnes, and Mark Sachleben. 7 ed. Bloomsbury.
- Bowler, Shaun, and Jeffrey A. Karp. 2004. "Politicians, Scandals, and Trust in Government." *Political Behavior* 26(3): 271–287.
- Caldeira, Gregory A., and James L. Gibson. 1992. "The Etiology of Public Support for the Supreme Court." *American Journal of Political Science* 36(3): 635–664.
- Christenson, Dino P., and David M. Glick. 2015. "Chief Justice Roberts's Health Care Decision Disrobed: The Microfoundations of the Supreme Court's Legitimacy." *American Journal of Political Science* 59(2): 403–418.
- Coppock, Alexander, and Oliver A. McClellan. 2019. "Validating the Demographic, Political, Psychological, and Experimental Results Obtained from a New Source of Online Survey Respondents." *Research & Politics* 6(1): 2053168018822174.
- Doherty, David, Conor M. Dowling, and Michael G. Miller. 2011. "Are Financial or Moral Scandals Worse? It Depends." *PS: Political Science & Politics* 44(4): 749–757.
- Easton, David. 1965. *A Systems Analysis of Political Life*. Wiley.
- Funk, Carolyn L. 1996. "The Impact of Scandal on Candidate Evaluations: An Experimental Test of the Role of Candidate Traits." *Political Behavior* 18(1): 1–24.
- Gaines, Brian J., James H. Kuklinski, and Paul J. Quirk. 2007. "The Logic of the Survey Experiment Reexamined." *Political Analysis* 15(1): 1–20.
- Gibson, James L., and Gregory A. Caldeira. 2009. *Citizens, Courts, and Confirmations: Positivity Theory and the Judgments of the American People*. Princeton University Press.
- Gibson, James L., and Michael J. Nelson. 2014. "The Legitimacy of the US Supreme Court: Conventional Wisdoms and Recent Challenges Thereto." *Annual Review of Law and Social Science* 10: 201–219.

- Gibson, James L., Gregory A. Caldeira, and Lester Kenyatta Spence. 2003. "Measuring Attitudes Toward the United States Supreme Court." *American Journal of Political Science* 47(2): 354–367.
- Krewson, Christopher N, and Jean R Schroedel. 2020. "Public Views of the US Supreme Court in the Aftermath of the Kavanaugh Confirmation." *Social Science Quarterly* 101(4): 1430–1441.
- Nelson, Michael J., and James L. Gibson. 2019. "How Does Hyperpoliticized Rhetoric Affect the US Supreme Court's Legitimacy." *Journal of Politics* 81(4): 1512–1516.
- Rogowski, Jon C., and Andrew R. Stone. 2019. "How Political Contestation Over Judicial Nominations Polarizes Americans' Attitudes Toward the Supreme Court." *British Journal of Political Science* .
- Tyler, Tom R. 2006. "Psychological Perspectives on Legitimacy and Legitimation." *Annual Review of Psychology* 57: 375–400.

# Supplemental Information

## Table of Contents

---

<b>A</b>	<b>Judicial Scandal Examples</b>	<b>SI.2</b>
A.1	Ethical Scandals . . . . .	SI.2
A.2	Sexual Scandals . . . . .	SI.4
A.3	Financial Scandals . . . . .	SI.6
<b>B</b>	<b>Experiment Protocols and Materials</b>	<b>SI.6</b>
B.1	Study 1: Supreme Court Nomination . . . . .	SI.6
B.2	Study 2: Sitting Lower Court Judge . . . . .	SI.8
B.3	<i>Ramos v. Louisiana</i> . . . . .	SI.11
<b>C</b>	<b>Empirical Analyses</b>	<b>SI.14</b>
C.1	Robustness Checks . . . . .	SI.14
C.2	Additional Randomizations . . . . .	SI.15
C.3	Interpreting Null Results . . . . .	SI.15
C.4	Specific and Diffuse Support . . . . .	SI.18
C.5	Additional Randomizations and Knowledge- and Partisanship-Conditional Analyses . . . . .	SI.21

---

## List of Tables

SI.1	Effect of Judicial Scandal on Specific and Diffuse Support (OLS, 0-1 Scales)	SI.18
SI.2	Effect of Judicial Scandal on Specific and Diffuse Support (OLS w/Covariates, 0-1 Scales) . . . . .	SI.19
SI.3	Effect of Judicial Scandal on Specific Support (OLS, Ordinal Scales) . . . . .	SI.19
SI.4	Effect of Judicial Scandal on Specific Support of Lower Court Judge (Multinomial Logistic Regression) . . . . .	SI.20
SI.5	Effect of Judicial Scandal on Specific Support of Supreme Court Opinion (Multinomial Logistic Regression) . . . . .	SI.20
SI.6	Effect of Judicial Scandal on Specific and Diffuse Support (OLS, 0-1 Scales, Including All Randomized Factors) . . . . .	SI.21
SI.7	Effect of Judicial Scandal on Specific and Diffuse Support (OLS, 0-1 Scales, Partisanship-Conditional) . . . . .	SI.22
SI.8	Effect of Kavanaugh Authorship on Specific and Diffuse Support (OLS, 0-1 Scales, Knowledge-Conditional) . . . . .	SI.23



# A Judicial Scandal Examples

Judicial scandals are not everyday occurrences in the United States, but allegations of judicial misbehavior surface from time to time, often attracting media attention and, in five instances in the post-World War II era, impeachment by the House of Representatives. In addition, similar allegations of judicial misconduct periodically arise in other countries around the world at the national-level, exposing their respective courts to reputational harm. While no systematic accounting of judges' scandalous behavior exists, we present in this section examples of judicial scandals to illustrate the breadth of allegations judicial misconduct in both the United States and comparative contexts. Importantly, we used many of these examples to design the treatments in our two stylized experiments; in doing so, we promoted the experiments' external validity by ensuring that the scandalous allegations we included in the vignettes mirrored the range of allegations to which the public has been exposed. To match the types of scandals we use as treatments (drawn from the classification of Basinger et al. 2013), we categorize these examples into ethical, sexual, and financial scandals.

## A.1 Ethical Scandals

### A.1.1 United States

- In 1968, Associate Justice Abe Fortas's nomination as Chief Justice was derailed when his acceptance of \$15,000 from clients of his former law firm to teach summer classes at American University came to light. A year later, *Life* reported that Fortas had been receiving a \$20,000 lifetime retainer from a former client recently convicted of financial crimes. Both incidents represented potential conflicts of interest, and Fortas resigned from the Supreme Court before impeachment proceedings began.<sup>1</sup>
- In 1969, when being considered for the Supreme Court, Judge Clement Haynsworth of the Court of Appeals for the 4th Circuit was accused of having ruled in cases in which he had conflicts of interest. In one instance, he ruled in favor of a textile company that did business with Carolina Vend-a-Matic, a company in which he owned a one-seventh interest. His nomination ultimately failed in the Senate.<sup>2</sup>
- Judge Harry Claiborne of the District of Nevada was convicted of tax evasion in 1984 for failing to report over \$100,000 in income from clients he earned before ascending to the bench. Judge Claiborne refused to resign and intended to return to the bench after serving his 17 month prison sentence, but he was impeached and removed from office in 1986.<sup>3</sup>

---

<sup>1</sup>Pusey, Allen. "May 14, 1969: The Spectacular Fall of Abe Fortas." *ABA Journal*, April 1, 2020, <https://www.abajournal.com/magazine/article/the-spectacular-fall-of-abe-fortas>.

<sup>2</sup>"Clement F. Haynsworth Jr.; Judge Was Rejected as 1969 Supreme Court Choice." *Los Angeles Times*, November 23, 1989, <https://www.latimes.com/archives/la-xpm-1989-11-23-mn-3-story.html>.

<sup>3</sup>"Harry Claiborne, 86, Is Dead; Was Removed as U.S. Judge." *The New York Times*, January 22, 2004, <https://www.nytimes.com/2004/01/22/us/harry-claiborne-86-is-dead-was-removed-as-us-judge.html>.

- In 1989, Judge Alcee Hastings of the Southern District of Florida was impeached and removed from the bench following allegations that he had solicited a \$150,000 bribe from defendants in a case before him even though he was acquitted for similar charges in a criminal trial. Hastings won election to the US House of Representatives in 1993 and still serves as a Democratic member of Congress.<sup>4</sup>
- Judge Walter Nixon of the Southern District of Mississippi was impeached and removed from the bench in 1989 for committing perjury by providing false statements to a grand jury about his interceding in a state criminal case.<sup>5</sup>
- In 1989, Judge Robert Aguilar of the Northern District of California was convicted for his role in a conspiracy to influence the outcome of a case against a San Francisco mobster but resisted calls for his resignation and remained on the bench.<sup>6</sup> Judge Aguilar’s conviction was eventually overturned on appeal in 1996, whereafter he agreed to retire in exchange for the federal government not retrying the case.<sup>7</sup>
- Judge Robert Collins of the Eastern District of Louisiana resigned from office in 1993 in the face of imminent impeachment proceedings following his criminal conviction for accepting a bribe in exchange for issuing a lenient sentence in a drug smuggling case before him.<sup>8</sup>
- In 2010, Judge Thomas Porteous of the Eastern District of Louisiana was impeached and removed from the bench over allegations that he received bribes from lawyers who argued cases before him.<sup>9</sup>
- In 2010, Judge Beverly Martin of the Court of Appeals for the 11th Circuit ruled in favor of an insurance company represented by her husband’s law firm. After the case was decided, Judge Martin recused herself and the case was reheard.<sup>10</sup>
- In 2018, Chief Judge Christopher Conner of the District Court for the Middle District of Pennsylvania presided over two cases where one of the participating law firms had recently hired his son. Chief Judge Conner ultimately recused himself from the cases.<sup>11</sup>

---

<sup>4</sup>Marcus, Ruth. “Senate Removes Hastings.” *Washington Post*, October 21, 1989, <https://www.washingtonpost.com/wp-srv/politics/campaigns/junkie/links/hastings102189.htm>.

<sup>5</sup>Lewis, Neil A. “Senate Convicts U.S. Judge, Removing Him From Bench.” *The New York Times*, November 4, 1989, <https://www.nytimes.com/1989/11/04/us/senate-convicts-us-judge-removing-him-from-bench.html>.

<sup>6</sup>MacLean, Pamela. “Federal Judge Sentenced to Six months in Prison.” *UPI*, November 1, 1990. <https://www.upi.com/Archives/1990/11/01/Federal-judge-sentenced-to-six-months-in-prison/7596657435600/>.

<sup>7</sup>Holding, Reynolds. “Appeals Court Reverses Judge Aguilar’s Conviction.” *San Francisco Chronicle*, January 26, 1996. <https://www.sfgate.com/news/article/Appeals-Court-Reverses-Judge-Aguilar-s-Conviction-2996703.php>.

<sup>8</sup>McQuaid, John. “Collins Resigns Federal Judgeship; Resignation Letter is Given to Clinton.” *The Times-Picayune*, August 7, 1993, Metro Section, Page 1.

<sup>9</sup>Steinhauer, Jennifer. “Senate, for Just the 8th Time, Votes to Oust a Federal Judge.” *The New York Times*, December 8, 2010, <https://www.nytimes.com/2010/12/09/us/politics/09judge.html>.

<sup>10</sup>O’Brein, Reity, Weir, Kytja, and Young, Chris. “Federal Judges Plead Guilty.” *Center for Public Integrity*, April 28, 2014, <https://publicintegrity.org/politics/federal-judges-plead-guilty>

<sup>11</sup>Fernandez, Bob. “Hershey School’s Law Firm Was Arguing Two Cases Before a Federal Judge—and Then Hired His Son.” *The Philadelphia Inquirer*, February 4, 2019, <https://www.inquirer.com/business/>

## A.1.2 Comparative Contexts

- In 2017, Wael Shalaby, a deputy chief justice in the Egypt’s national administrative courts system, was arrested for having taken bribes. Shalaby committed suicide in prison shortly after being taken into custody.<sup>12</sup>
- In 2019, *The Intercept* released a trove of documents indicating that Minister of Justice and Public Security Sergio Moro had colluded with prosecutors to find evidence and discuss strategy in a corruption case against former Brazilian President Luiz Inácio Lula da Silva over which Moro had presided as a federal judge.<sup>13</sup> In early 2021, Brazil’s Supreme Court deemed Moro’s collusion to have unfairly biased the case and overturned da Silva’s conviction.
- In 2020, a judge on South Africa’s Western Cape High Court accused the court’s Judge President, John Hlophe, of a series of indiscretions that included his attempts to influence which judges were assigned to a lawsuit filed by several non-governmental organizations that sought to block then-President Jacob Zuma’s acquisition of a nuclear power plant from Russia.<sup>14</sup>

## A.2 Sexual Scandals

### A.2.1 United States

- During his 1991 confirmation process, Justice Clarence Thomas faced allegations from Anita Hill that he repeatedly sexually harassed her while serving as a political appointee in two federal agencies. After three days of contentious nationally-televised hearings, the Senate ultimately confirmed Thomas to the Supreme Court.<sup>15</sup>
- Judge Samuel Kent of the Southern District of Texas resigned from the bench in 2009 after the House impeached him, but before the Senate convicted him, following allegations of sexually assaulting multiple courthouse employees.<sup>16</sup>

---

hershey-trusthires-judge-son-greenleaf-elliott-20190204.html).

<sup>12</sup>“Egyptian judge facing corruption charge hangs himself: lawyer.” *Reuters*, January 2, 2017, <https://www.reuters.com/article/us-egypt-corruption/egyptian-judge-facing-corruption-charge-hangs-himself-lawyer-idUSKBN14MONJ>.

<sup>13</sup>Fishman, Andrew, Martins, Rafael Moro, Demori, Leandro, de Santi, Alexandre, and Greenwald, Glenn. “Breach of Ethics.” *The Intercept*, June 9, 2019, <https://theintercept.com/2019/06/09/brazil-lula-operation-car-wash-sergio-moro/>.

<sup>14</sup>Thamm, Marianne. “Sex, lies, physical assault & court rigging — all in a day’s work for John Hlophe, claims his deputy.” *Daily Maverick*, January 22, 2020, <https://www.dailymaverick.co.za/article/2020-01-22-sex-lies-physical-assault-court-rigging-all-in-a-days-work-for-john-hlophe-claims-his-deputy/>.

<sup>15</sup>Jacobs, Julia. “Anita Hill’s Testimony and Other Key Moments From the Clarence Thomas Hearings.” *The New York Times*, September 20, 2018, <https://www.nytimes.com/2018/09/20/us/politics/anita-hill-testimony-clarence-thomas.html>.

<sup>16</sup>Neil, Martha. “Federal Judge Samuel Kent Resigns, as Senate Impeachment Trial Looms.” *ABA Journal*, June 25, 2009, [https://www.abajournal.com/news/article/federal\\_judge\\_samuel\\_kent\\_resigns\\_as\\_senate\\_impeachment\\_trial\\_looms](https://www.abajournal.com/news/article/federal_judge_samuel_kent_resigns_as_senate_impeachment_trial_looms).

- In 2010, Judge Jack Camp of the Northern District of Georgia retired after being caught in a Federal Bureau of Investigation sting operation for purchasing and using drugs with an exotic dancer.<sup>17</sup>
- In 2015, Judge Mark Fuller of the Middle District of Alabama resigned from the bench after reaching a plea deal concerning domestic violence charges.<sup>18</sup>
- In 2017, Judge Alex Kozinski of the Court of Appeals for the 9th Circuit was forced to resign after several former female staffers came forward to allege that Kozinski had sexually harassed them.<sup>19</sup>
- During his 2018 confirmation proceedings, Justice Brett Kavanaugh faced multiple allegations of sexual misconduct, most notably from Dr. Christine Blasey Ford concerning sexual assault at a high school party. Despite the accusations, Kavanaugh was confirmed by the Senate by a narrow 50-48 vote.<sup>20</sup>

### A.2.2 Comparative Contexts

- In 2020, an internal investigation by the High Court of Australia concluded that former Justice Dyson Heydon had sexually harassed at least six women on his staff during his ten years on the court (2003-2013).<sup>21</sup>
- In 2021, nude pictures and salacious text messages exchanged High Court judge Justice Thompson Mabhikwa of Zimbabwe and a member of his court’s support staff were leaked into the public sphere. Many Zimbabwean lawyers and court observers argued that the relationship with a subordinate violated judicial ethics rules and called on the judge to resign. As of this writing, Justice Thompson Mabhikwa remains on the High Court.<sup>22</sup>

---

<sup>17</sup>Rankin, Bill. “Ex-Judge Camp Sentenced to 30 Days in Prison.” *Atlanta Journal-Constitution*, August 11, 2012. <https://www.ajc.com/news/local/judge-camp-sentenced-days-prison/FQhgyRbi1JD1oK28fQRGoJ/>.

<sup>18</sup>Troyan, Mary. “U.S. District Judge Mark Fuller will resign.” *Montgomery Advertiser*, May 29, 2015, <https://www.montgomeryadvertiser.com/story/news/2015/05/29/us-district-judge-mark-fuller-will-resign/28178951/>.

<sup>19</sup>Zapotosky, Matt. “Prominent Appeals Court Judge Alex Kozinski Accused of Sexual Misconduct.” *Washington Post*, December 8, 2017, [https://www.washingtonpost.com/world/national-security/prominent-appeals-court-judge-alex-kozinski-accused-of-sexual-misconduct/2017/12/08/1763e2b8-d913-11e7-a841-2066faf731ef\\_story.html](https://www.washingtonpost.com/world/national-security/prominent-appeals-court-judge-alex-kozinski-accused-of-sexual-misconduct/2017/12/08/1763e2b8-d913-11e7-a841-2066faf731ef_story.html)

<sup>20</sup>Silverstein, Jason. “Brett Kavanaugh confirmed to Supreme Court by smallest margin since 1881.” *CBS News*, October 6, 2018, <https://www.cbsnews.com/news/brett-kavanaugh-confirmed-to-supreme-court-by-smallest-margin-in-modern-history/>.

<sup>21</sup>Cave, Damien and Kwai, Isabella. “A Sexual Harasser Spent Years on Australia’s Top Court, an Inquiry Finds.” *The New York Times*, June 23, 2020. <https://www.nytimes.com/2020/06/23/world/australia/dyson-heydon-high-court-metoo.html?smid=url-share>.

<sup>22</sup>Munyoro, Fidelis. “Just in: Judge under pressure to resign.” *The Herald*, February 26, 2021, <https://www.herald.co.zw/just-in-judge-under-pressure-to-resign/>.

## A.3 Financial Scandals

### A.3.1 United States

- Shortly before nominating Stephen Breyer in 1993, the Clinton administration discovered that Breyer had not paid Social Security taxes for a part-time housekeeper his family had employed for 13 years.<sup>23</sup>
- In 2016, shortly after her retirement from the United States Tax Court, Diane Kroupa was indicted for conspiracy to defraud the United States for intentionally understating her and her husband’s taxes owed to the government by \$450,000. The following year, Kroupa and her husband were convicted and sent to federal prison.<sup>24</sup>

### A.3.2 Comparative Contexts

- In 1993, Justice Veeraswami Ramaswami of the Supreme Court of India faced removal proceedings amid allegations that he had misused public funds for personal purposes, such as an extravagant renovation of his official residence. Despite an official report confirming many of the charges, the removal motion against him failed in India’s parliament.<sup>25</sup>

---

## B Experiment Protocols and Materials

In this section, we describe the protocols, provide the vignette and question wordings for each of our experiments, and detail the descriptive statistics of our survey samples along several common demographic characteristics.

### B.1 Study 1: Supreme Court Nomination

We fielded our Supreme Court nomination experiment on MTurk in January 2020 with approximately 1400 US respondents.<sup>26</sup> While samples obtained with MTurk are not representative of the U.S. population, they are commonly used by social science researchers and often yield treatment effects which mirror those observed with representative samples (Coppock, Leeper, and Mullinix 2018; Coppock 2019). Before proceeding to their assigned

---

<sup>23</sup>Berke, Richard L. “Favorite for High Court Failed to Pay Maid’s Taxes.” *The New York Times*, June 13, 1993, Section 1, Page 1.

<sup>24</sup>“U.S. Tax Court judge, husband from Minnesota sent to prison for claiming 9 vacations as ‘business expenses.’” *Grand Forks Herald*, June 22, 2017, <https://www.grandforksherald.com/4287735-us-tax-court-judge-husband-minnesota-sent-prison-claiming-9-vacations>.

<sup>25</sup>Ghose, Sanjoy. “Carpets, Bedsheets, Towels and Intrigue: The Story of Justice V. Ramaswami’s Impeachment.” *The Wire*, July 22, 2020, <https://thewire.in/law/justice-v-ramaswami-impeachment-lok-sabha-kapil-sibal-supreme-court>.

<sup>26</sup>Following Kennedy et al. (2020), we screened respondents’ locations using their IP addresses and did not allow persons located outside of the US or using a VPN to participate.

vignette, respondents completed a battery of demographic questions and two attention check tasks drawn from (Berinsky, Margolis, and Sances 2014).<sup>27</sup>

All respondents were presented with a vignette consisting of a stylized account of a sitting federal judge’s nomination to the Supreme Court. The common content of the vignette for all respondents consisted of details about the judge’s background, a discussion of the Senate’s vetting of the judge, and an indication that the judge was ultimately confirmed.

Two facets of the vignette were randomized across respondents. First, respondents were randomly assigned to receive information about scandalous accusations made against the judge during the Senate’s vetting process. While respondents in the control condition received no additional information for this facet, respondents in the scandal conditions received information that the judge had been implicated in an ethical, sexual, or financial scandal. Second, to account for potential partisanship-conditional effects (Bartels and Johnston 2013), respondents were randomized to receive information that the judge had been nominated to the Supreme Court by Republican President George W. Bush or Democratic President Barack Obama.

After reading their assigned vignettes, respondents were asked to indicate their specific support for the judge confirmed to the Supreme Court on a four-point scale and their diffuse support for the Supreme Court using the six statements developed by Gibson, Caldeira, and Spence (2003).

### B.1.1 Vignette

Several years ago, [*nominating president*] nominated John Clark to serve as a justice on the United States Supreme Court. Judge Clark was 47 years old at the time of nomination and had served as a judge on the US Court of Appeals for the Sixth Circuit for 10 years. Judge Clark received his law degree from Yale Law School and lived in Cincinnati, Ohio, at the time of nomination with his wife and their two children. When Judge Clark’s nomination was announced, many of his colleagues and several legal organizations released statements praising his legal skills and supporting his nomination.

The Senate Judiciary Committee vetted Judge Clark’s professional and personal background and questioned him in a televised hearing. [*scandal*] In the end, the US Senate approved Judge Clark’s nomination, and he assumed his role on the US Supreme Court.

- **Randomizations**

- Nominating president
  - \* Democratic President Barack Obama
  - \* Republican President George W. Bush
- Scandal
  - \* *Blank*

---

<sup>27</sup>The two attention tasks we used asked respondents to indicate their commonly-consumed news sources and any emotions they were currently feeling. In both questions, we embedded instructions to ignore the question and choose one or more specific answers to show that they were paying attention. We used these same two tasks in each of our three experiments.

- \* During the vetting process, reports emerged that Judge Clark sexually harassed several women who work at the courthouse where he serves.
- \* During the vetting process, reports emerged that Judge Clark violated judicial ethics guidelines by issuing rulings in several cases where one of the litigants was represented by his brother’s law firm.
- \* During the vetting process, reports emerged that Judge Clark failed to pay federal taxes for a housekeeper his family employed for several years.

### B.1.2 Question Wordings

Do you approve or disapprove of John Clark serving as a justice on the US Supreme Court?

- Strongly approve
- Somewhat approve
- Somewhat disapprove
- Strongly disapprove

Do you agree or disagree with each of the following statements? (*Response options for all questions: Strongly agree, somewhat agree, somewhat disagree, strongly disagree*)

- If the US 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 US Supreme Court favor some groups more than others.
- The US Supreme Court gets too mixed up in politics.
- The US Supreme Court should have the right to say what the Constitution means, even when the majority of the people disagree with the Court’s decisions.

## B.2 Study 2: Sitting Lower Court Judge

We fielded our lower court judge experiment in August 2020 using Lucid Theorem with approximately 1650 US respondents. Lucid Theorem is an online survey platform that provides researchers with panels whose demographic characteristics mirror those of the national population (Coppock and McClellan 2019).<sup>28</sup> Before proceeding to their assigned vignette, respondents completed a battery of demographic questions and two attention check tasks drawn from (Berinsky, Margolis, and Sances 2014).

All respondents were presented with a stylized news article about a sitting judge on the US Court of Appeals for the District of Columbia who pledges to remain on the bench despite personal news that might prompt resignation or retirement.

---

<sup>28</sup>Lucid Theorem performs quota sampling to provide nationally representative panels with respect to the following characteristics: age, education, ethnicity/race, gender, income, party identification, region, and zip code.

We randomized the same two facets of the vignette as we randomized in Study 1. First, respondents were randomly assigned to receive information about the reason why the judge’s future tenure is in doubt. Respondents in the control condition are informed that the judge is undergoing treatment for adrenal cancer, while respondents in the scandal conditions are told that the judge has been implicated in an ethical, sexual, or financial scandal. Second, to account for potential partisanship-conditional effects, respondents were again randomized to receive information that the judge had been nominated to the Supreme Court by Republican President George W. Bush or Democratic President Barack Obama.

After reading their assigned vignettes, respondents were asked to indicate their specific support for the judge on a four-point scale and their diffuse support for the federal courts using the six statements developed by Gibson, Caldeira, and Spence (2003).<sup>29</sup>

### B.2.1 Vignette

#### Federal Judge Emerson Vows to Remain on the Bench After [headline]

*The Associated Press*

Robert Emerson, a high-profile federal appellate court judge in Washington D.C., is to remain on the federal bench despite [scandal].

In a statement on Monday, Judge Emerson, an appointee of President [nominating president], said [remaining] was important for the continuity of justice at the D.C. Circuit Court—widely considered the second most important court of the United States.

”I am confident that [self-defense],” Emerson said in the statement. ”I am proud of serving the public in the courtroom. So, I am making the decision to remain working with my fellow, committed federal judges.”

Judge Emerson, a graduate of Harvard University and Yale Law School, has served on the United States Court of Appeals for the D.C. Circuit for over a decade.

- **Randomizations**

- Headline

- \* Announcing Cancer Diagnosis
- \* Sexual Harassment Allegations
- \* Ethics Violations Allegations
- \* Tax Violations Allegations

- Scandal

- \* being diagnosed with adrenal cancer.

---

<sup>29</sup>Because the diffuse support question battery used by Gibson, Caldeira, and Spence (2003) focused exclusively on the Supreme Court, we made slight modifications to the question wordings to encompass the full federal judiciary.



- \* accusations of sexual harassment. Last Thursday, reports emerged that Judge Emerson made unwanted sexual advances towards several law clerks at the courthouse where he works.
- \* accusations of ethics violations. Last Thursday, reports emerged that Judge Emerson violated ethics guidelines by ruling on several cases where one of the litigants was represented by a law firm his brother works for.
- \* accusations of tax fraud. Last Thursday, reports emerged that Judge Emerson failed to pay federal taxes for a housekeeper Emerson employed for several years.
- Nominating President
  - \* George W. Bush
  - \* Barack Obama
- Remaining
  - \* family and friends had urged him to remain and defend himself, and that doing so
  - \* he has been working with a medical team for months, but that remaining on the bench
- Self-Defense
  - \* I will be cleared of any wrongdoing
  - \* my medical team will help me overcome this disease

### B.2.2 Question Wordings

Do you approve or disapprove of Riley Emerson serving as a judge on the DC Circuit Court?

- Strongly approve
- Somewhat approve
- Somewhat disapprove
- Strongly disapprove
- Don't know

Do you agree or disagree with each of the following statements? (*Response options for all questions: Strongly agree, somewhat agree, somewhat disagree, strongly disagree, don't know*)

- If the federal courts started making a lot of decisions that most people disagree with, it might be better to do away with the federal courts altogether.
- The right of the federal courts to decide certain types of controversial issues should be reduced.
- The federal courts can usually be trusted to make decisions that are right for the country as a whole.
- The decisions of the federal courts favor some groups more than others.
- The federal courts gets too mixed up in politics.
- The federal courts should have the right to say what the Constitution means, even when the majority of the people disagree with the federal courts' decisions.

### B.3 *Ramos v. Louisiana*

We fielded our lower court judge experiment in August 2020 using Lucid Theorem with approximately 850 US respondents. Before proceeding to their assigned vignette, respondents completed a battery of demographic questions and two attention check tasks drawn from (Berinsky, Margolis, and Sances 2014).

All respondents were presented with a stylized news article describing the Supreme Court’s ruling in *Ramos v. Louisiana*, which the Court had decided in April 2020.

We randomized again randomized two facets of the vignette. First, respondents were randomly assigned to be told that the Court’s opinion in the case was authored by Neil Gorsuch (control condition) or Brett Kavanaugh (scandal condition). Second, to account for potential moderating effects of the size of the majority coalition on the effect of scandal on public opinion, we also independently randomized whether the Court’s decision in the case was unanimous (9-0) or divided (6-3).

After reading their assigned vignettes, respondents were asked to indicate their specific support for the Court’s opinion on a four-point scale and their diffuse support for the federal courts using the six statements developed by Gibson, Caldeira, and Spence (2003).

#### B.3.1 Design Considerations

In this experiment, we seek to examine how associating a justice who experienced high-profile allegations of scandal with a Supreme Court opinion affects the public’s specific support for that decision and its diffuse support for the Court as compared to associating a justice who has not experienced high-profile allegations of scandal with the same opinion. Thus, our treatment seeks to make salient the presence and legal decisionmaking power of a scandalized justice.

We use Justice Brett Kavanaugh, who was accused of sexual assault during his confirmation process and faced an additional day of hearings before the Senate Judiciary Committee to respond to those accusations, as our scandalized justice. In using real-world political actors as our treatments, it is impossible to have a precise counterfactual Justice Kavanaugh’ who did not face sexual assault allegations. However, we believe Justice Neil Gorsuch, who we designate as our control, is a reasonable counterfactual because he shares with Justice Kavanaugh the many characteristics of Supreme Court justices that are salient to the general public but has not previously faced allegations of misconduct; both were appointed by President Donald Trump, have conservative jurisprudential tendencies, are of the same race and gender, and are similar in age. Given these commonalities, any differences in specific and diffuse support we detect when the opinion in *Ramos v. Louisiana* is attributed to Justices Gorsuch or Kavanaugh should be attributable to the scandal faced by Kavanaugh.

To heighten external validity, we style our vignette after contemporaneous media reports of the same case. That is to say, the vignette focuses on the case itself and mentions the justices themselves only occasionally to identify the positions they took on the case and the rationales underlying those positions. This focus on the case without reference to personal details about the justices themselves follows the style of accounts of Court decisions published

by media outlets that routinely cover the Court.<sup>30</sup> By modeling our vignette on the type of news stories about the Court’s activities that most frequently appear in the media, our design examines whether making the presence of a scandalized justice on the Court salient in routine reporting affects public attitudes.

Our design does not explicitly remind respondents of the sexual assault allegations made against Justice Kavanaugh in his confirmation hearings, but rather assesses whether those high-profile allegations exert influence on respondents’ evaluations of the Court a year and a half into his tenure. Public opinion polls fielded during Justice Kavanaugh’s confirmation and his tenure on the Court suggest that the high-profile allegations made against him had lasting effects on public attitudes. A YouGov/Economist poll fielded between September 30, 2018 and October 2, 2018—shortly before the Senate’s confirmation vote on October 6, 2018—found that 60% of respondents reported having “heard a lot” about the nomination; thus, were the sexual assault allegations made against Kavanaugh to have effects on public support for the judiciary, a majority of the public were likely aware of those allegations and could draw upon those considerations at later points in time when evaluating the Court.<sup>31</sup> A more recent YouGov/Economist poll fielded in March 2021 which asked members of the public to indicate their favorability towards each of the nine Supreme Court justices indicates that Justice Kavanaugh is relatively well-known among his colleagues, as only 34% of respondents decline to offer an opinion about him—the second-lowest share of “don’t know” answers among all justices, second only to Clarence Thomas at 33%.<sup>32</sup> In addition, Justice Kavanaugh received the highest proportion of “unfavorable” opinions among all justices (35%), suggesting that some of the reputational damage he incurred from the sexual assault allegations made during his confirmation hearings may linger in the public’s mind two and a half years later. Thus, if judicial scandal exerts long-term effects on public attitudes towards the Court, respondents should have had sufficient prior exposure to and lasting recollections of the allegations made against Justice Kavanaugh to be able to draw on those considerations when expressing their opinions about the Court.

Some may suggest that the absence of scandalous allegations in the vignette makes our design weak, but we argue that this design makes our experiment externally valid because it leverages real-world variation in the scandalized status of justices, mirrors the ways in which the public most often encounters information about the Court, and probes for the long-term effects of judicial scandal on specific and diffuse support which are most of interest to researchers. While an alternative design that explicitly mentions the allegations made

---

<sup>30</sup>For instance, *The New York Times*’ article detailing the Court’s ruling in *Ramos v. Louisiana* does not mention individual justices other than to identify their votes and quote from their opinions (Liptak, Adam. “Supreme Court Bans Non-Unanimous Jury Verdicts for Serious Crimes.” *The New York Times*, April 20, 2020, <https://www.nytimes.com/2020/04/20/us/politics/supreme-court-unanimous-verdicts.html>). Perusal of similar stories by *The New York Times* and the *Washington Post* on other Court decisions reveals that reporters rarely include contextual information about the justices when reporting on decisions.

<sup>31</sup>[https://d25d2506sfb94s.cloudfront.net/cumulus\\_uploads/document/sodq3s3gan/econTabReport.pdf](https://d25d2506sfb94s.cloudfront.net/cumulus_uploads/document/sodq3s3gan/econTabReport.pdf)

<sup>32</sup>Frankovic, Kathy. “How well-known are the Supreme Court Justices?” *YouGov*, March 17, 2021, <https://today.yougov.com/topics/politics/articles-reports/2021/03/17/how-well-known-are-supreme-court-justices>.

against Justice Kavanaugh might uncover negative effects, this design would be of limited value because it makes salient judicial scandal in an artificial manner that does not mirror the real-world processes by which members of the public encounter news about the Court.

### **B.3.2 Vignette**

#### **Justice [Gorsuch/Kavanaugh] Leads [Unanimous/Divided] Supreme Court in Sixth Amendment Dispute**

The Associated Press

WASHINGTON — In a recent decision, the Supreme Court ruled that the Constitution’s right to jury trial requires a unanimous verdict in state criminal trials. Justice [Neil M. Gorsuch/Brett M. Kavanaugh] wrote the Court’s opinion on behalf of a [9-0/6-3] majority.

The case, *Ramos v. Louisiana*, involves a defendant, Evangelisto Ramos, who was charged with second-degree murder and exercised his right to a jury trial. After deliberating, ten of the twelve jurors found that the prosecution had proven its case against Ramos beyond a reasonable doubt.

Under Louisiana’s non-unanimous jury verdict law, agreement of only ten jurors is sufficient to enter a guilty verdict, so Ramos was sentenced to life in prison without the possibility of parole.

In overturning Ramos’s conviction, Justice [Gorsuch/Kavanaugh] wrote that Louisiana did not secure “conviction constitutionally under the Sixth Amendment.”

“At the time of the Sixth Amendment’s adoption, the right to trial by jury included a right to a unanimous verdict,” Justice [Gorsuch/Kavanaugh] wrote. “When the American people chose to enshrine that right in the Constitution, they weren’t suggesting fruitful topics for future cost-benefit analyses. They were seeking to ensure that their children’s children would enjoy the same hard-won liberty they enjoyed.”

### **B.3.3 Question Wording**

Do you approve or disapprove of the Supreme Court’s decision in *Ramos v. Louisiana*?

- Strongly approve
- Somewhat approve
- Somewhat disapprove
- Strongly disapprove
- Don’t know

Do you agree or disagree with each of the following statements? (*Response options for all questions: Strongly agree, somewhat agree, somewhat disagree, strongly disagree, don't know*)

- If the US 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 US Supreme Court favor some groups more than others.
  - The US Supreme Court gets too mixed up in politics.
  - The US Supreme Court should have the right to say what the Constitution means, even when the majority of the people disagree with the Court's decisions.
- 

## C Empirical Analyses

In this section, we describe and present our empirical analyses and discuss the interpretation of our null findings. The analysis we present in Figure 1 is based on the models summarized in Table SI.1. For specific support, we use dichotomized versions of our outcome measures. Specifically, respondents are coded as approving (1) of the judge or case featured in the vignette if they “strongly approve” or “somewhat approve,” and not approving (0) if they “strongly disapprove,” “somewhat disapprove,” or “don’t know.” For diffuse support, we follow Gibson, Caldeira, and Spence (2003) and construct a scale using the six statements we borrowed from the authors asking respondents about their level of agreement with contours of the design of the Supreme Court/federal courts. Specifically, for each statement, we code respondents as supporting the judiciary (1) if they “strongly agree” or “somewhat agree” with a statement that expresses loyalty to the judiciary or “strongly disagree” or “somewhat disagree” with a statement that expresses disloyalty to the judiciary, and (0) otherwise. Then each respondents’ reactions to the six statements are summed and rescaled from 0-1. The Cronbach’s  $\alpha$  for the diffuse support scales in our Supreme Court nomination, lower court, and Supreme Court opinion experiments are 0.69, 0.60, and 0.63, respectively.

All analyses include all respondents irrespective of attention check passage. The substantive interpretation of our findings is consistent across all three experiments when only respondents who passed both attention checks are included in the analyses.

### C.1 Robustness Checks

We provide additional analyses to demonstrate the robustness of our results to alternative specifications. The substantive interpretation of our findings is consistent across each of these specifications:

- In Table SI.3, we estimate the effects of our treatments on specific support in all three experiments using the original four-point ordinal scale as our outcome measure.

- In Tables SI.4 and SI.5, we estimate the effects of our treatments on specific support in our lower court and Supreme Court opinion experiments using multinomial logistic regression, which allows us to incorporate “don’t know” responses in our analysis.

## C.2 Additional Randomizations

We also provide additional analyses that include the other randomized facets of our experiments—the partisan affiliation of the president who appointed the judge in our Supreme Court nomination and lower court experiments and the size of the Court’s majority in the Supreme Court opinion experiment—and incorporate the partisanship of our respondents. In part, these models allow us to investigate whether our results are driven by correspondence of partisan affiliation between the respondent and the featured judge (i.e., respondents who are copartisans (not copartisans) of a judge might express less (more) negative opinions of the judge when embroiled in a scandal (Bartels and Johnston 2013). The substantive interpretation of our findings is consistent across each of these alternative specifications and we do not find evidence that respondent copartisanship or majority coalition size condition the effect of scandal on specific or diffuse support:

- In Table SI.6, we estimate the effects of all of our randomized facets on specific and diffuse support.
- In Table SI.7, we estimate the partisan-conditional effects of our scandal treatments by interacting respondents’ treatment status with a dichotomous indicator for whether they share the partisan affiliation of the president who appointed the judge featured in the vignette.

## C.3 Interpreting Null Results

While our experiments detect negative effects of scandal on specific support for scandalized judges, they yield null effects for the majority of our outcomes. Interpreting null effects can be difficult because they do not provide evidence that the treatment has no effect, but rather indicate that we cannot reject the null hypothesis that the treatment has no effect. Thus, researchers confronted with null effects must consider whether these nulls arise as type II errors or as manifestations of true null effects. While we cannot definitively demonstrate that our null effects represent true nulls, we discuss here that our null results are unlikely to have arisen from design choices.

First, in Study 3, we find a null effect for respondents’ specific support for the Court’s decision in *Ramos v. Louisiana* when Gorsuch or Kavanaugh is attributed as the opinion author. This specific support effect differs from those in Studies 1 and 2, but the designs of these studies differ from Study 3 in purposeful ways which may underlie the differences in findings. For instance, the objects for which specific support is expressed—an opinion authored by a specific judge rather than a specific judge—are different across studies, and it is possible that the mere presence of a scandalized judge as part of a panel rendering a decision does not exert negative effects on public opinion but the presence of the scandalized judge him/herself does. Second, whereas Studies 1 and 2 provide vignettes which explicitly

mention the scandal experienced by the judge, Study 3 leverages the real-world political milieu to assess whether an actor implicated in a high-profile scandal taints judicial decisions with which he is associated in the future. Thus, the difference in specific support results on their own is not cause for concern that the specific support result in Study 3 is a false negative.

Another potential explanation for this finding being a type II error is that the treatment—assigning the opinion to Kavanaugh rather than Gorsuch—did not activate considerations related to the sexual assault allegations made against Kavanaugh, and thus judicial scandal did not influence respondents’ evaluations. While we agree that our treatment may not have made salient judicial scandal considerations, we argue that allowing for this possibility is an intended feature of our design rather than a bug that may lead to a type II error. As we elaborate in SI section B.3.1, Study 3 intends to test for long-term effects of judicial scandal on public opinion in a real-world setting. These long-term effects are the ultimate concern of those expressing concern for the judiciary’s public support; while immediate public backlash against a judge involved in a scandal may be informative, the true threat to the judiciary’s legitimacy is if scandal can diminish support for its judges, rulings, and the institution as a whole once the scandal has passed. Thus, if respondents failed to call upon considerations concerning Kavanaugh’s sexual assault allegations when he is mentioned in a news story, this would suggest that, when it comes to the judiciary, penalties arising from scandal are short-lived and quickly pass out public memory.

The data available to us does not enable us to disentangle whether the Kavanaugh treatment may have yielded null effects because respondents did not consider the sexual assault allegations made against him or because they did consider those allegations but did not use them to inform their evaluations of the Court decision. While either mechanism would conform with our findings on the whole—that judicial scandal diminishes short-term specific support for judges but does not affect enduring evaluations of diffuse support—determining which of these explanations is at play is worthy of further research. We offer a rough test in Table SI.8 by interacting pre-treatment measures of respondents’ judicial knowledge with their treatment assignment; here, we expect that respondents with higher levels of judicial knowledge are more likely to have received information about the scandal surrounding Kavanaugh and thus more likely to call on those considerations when participating in our experiment.<sup>33</sup> However, the estimated conditional treatment effects (i.e., the Kavanaugh:Judicial Knowledge interaction term) are substantively small and statistically indistinguishable from 0, suggesting that even respondents more attuned to the Court did not respond negatively to Kavanaugh’s authorship of the opinion.

Second, across our seven outcome measures of diffuse support from our three studies, only one scandal treatment (the effect of sexual scandal in Study 2) exerts a statistically distinguishable but substantively small effect on diffuse support. One potential concern about these null effects could be whether our design is sufficiently powered (i.e., are our null effects a type II error resulting from insufficient power?). Power calculations using the

---

<sup>33</sup>Judicial knowledge is measured by scaling respondents’ answers to the standard three-question battery used by the American National Election Studies (see Gibson and Caldeira 2009).

realized number of respondents in each treatment group indicate that the treatments in each of our studies are sufficiently powered to detect treatment effects of between 0.19 and 0.21 units on the 0-1 diffuse support scale.<sup>34</sup> Given that this scale is constructed by summing binarized responses to six questions, the treatment effects we are sufficiently powered to detect are slightly larger than the effect of a respondent changing their answer on one of the six diffuse support questions (i.e., a one question change corresponds with a  $0.1\bar{6}$  shift). We argue that having sufficient power to detect a one-question shift in diffuse support enables us to identify substantively important shifts in diffuse support caused by judicial scandal; while smaller treatment effects may exist, the magnitude of the shifts on the 0-1 scale they would represent would not indicate consequential effects of scandal on diffuse support.

However, we can also try improve the precision of our treatment effect estimates by including respondents' pre-treatment covariates in our regression models (Gerber and Green 2012). In Table SI.2, we re-estimate the models we use to generate the treatment effect estimates in Figure 1 in the main paper by including a battery of pre-treatment covariates.<sup>35</sup> The results are substantively similar when including covariates, further suggesting that any negative effects of judicial scandal on diffuse support, if they exist, are of small, inconsequential magnitude.

---

<sup>34</sup>We conducted our power calculations using the `pwr` package in R using the true number of respondents in each treatment condition as our  $ns$ ,  $\alpha = 0.05$ , and  $\beta = 0.80$ .

<sup>35</sup>Our covariates include gender, education, ethnicity/race, income, party identification, ideology, and judicial knowledge.



## C.4 Specific and Diffuse Support

Table SI.1: Effect of Judicial Scandal on Specific and Diffuse Support (OLS, 0-1 Scales)

	Specific Support			Diffuse Support		
	Nomination	Lower Court	Opinion	Nomination	Lower Court	Opinion
Intercept	0.85*	0.69*	0.58*	0.63*	0.47*	0.46*
	(0.03)	(0.02)	(0.02)	(0.02)	(0.01)	(0.01)
Ethics	-0.35*	-0.29*		-0.04	-0.02	
Scandal	(0.04)	(0.03)		(0.02)	(0.02)	
Sexual	-0.46*	-0.24*		-0.02	-0.05*	
Scandal	(0.04)	(0.03)		(0.02)	(0.02)	
Financial	-0.24*	-0.25*		-0.02	-0.02	
Scandal	(0.04)	(0.03)		(0.02)	(0.02)	
Kavanaugh			0.06			0.03
			(0.03)			(0.02)
Num. Obs.	1399	1628	848	1401	1655	849

\*Denotes statistical significance at the  $p < 0.05$  level. Models estimated using ordinary least squares regression (OLS). Models include all respondents, irrespective of attention check passage. Specific support outcomes are measured with binary indicators where responses indicating that respondents somewhat or strongly approve are coded as 1 and all other non-missing responses coded as 0. Diffuse support is coded following Gibson, Caldeira, and Spence (2003) where we dichotomize respondents' answers to indicate support for the judiciary or lack thereof, sum the binary indicators, and rescale the final measure to range between 0 and 1.

Table SI.2: Effect of Judicial Scandal on Specific and Diffuse Support (OLS w/Covariates, 0-1 Scales)

	Specific Support			Diffuse Support		
	Nomination	Lower Court	Opinion	Nomination	Lower Court	Opinion
Intercept	0.86*	0.55*	0.25*	0.21*	0.27*	0.18*
	(0.08)	(0.07)	(0.08)	(0.05)	(0.04)	(0.04)
Ethics	-0.37*	-0.31*		-0.04	-0.02	
Scandal	(0.04)	(0.03)		(0.02)	(0.02)	
Sexual	-0.47*	-0.26*		-0.03	-0.04*	
Scandal	(0.03)	(0.03)		(0.02)	(0.02)	
Financial	-0.24*	-0.26*		-0.02	-0.02	
Scandal	(0.03)	(0.03)		(0.02)	(0.02)	
Kavanaugh			0.04			0.02
			(0.06)			(0.02)
Num. obs.	1360	1627	843	1362	1653	844

\* denotes statistical significance at the  $p < 0.05$  level. Models estimated using ordinary least squares regression (OLS) and include the following pretreatment covariates: gender, education, ethnicity/race, income, party identification, ideology, and judicial knowledge. Models include all respondents, irrespective of attention check passage. Specific support outcomes are measured with binary indicators where responses indicating that respondents somewhat or strongly approve are coded as 1 and all other non-missing responses coded as 0. Diffuse support is coded following Gibson, Caldeira, and Spence (2003) where we dichotomize respondents' answers to indicate support for the judiciary or lack thereof, sum the binary indicators, and rescale the final measure to range between 0 and 1.

Table SI.3: Effect of Judicial Scandal on Specific Support (OLS, Ordinal Scales)

	SCOTUS Nomination	Lower Court	SCOTUS Opinion
Intercept	3.09*	3.17*	2.93*
	(0.05)	(0.05)	(0.05)
Ethics Scandal	-0.62*	-0.72*	
	(0.06)	(0.07)	
Sexual Scandal	-0.87*	-0.61*	
	(0.06)	(0.07)	
Financial Scandal	-0.46*	-0.64*	
	(0.06)	(0.08)	
Kavanaugh			0.12
			(0.07)
Num. Obs.	1399	1366	698

\*Denotes statistical significance at the  $p < 0.05$  level. Models estimated using ordinary least squares regression (OLS). Models include all respondents, irrespective of attention check passage. Specific support outcomes are measured with ordinal indicators where responses on a 1-4 scale with respondents who strongly approve coded as 4 and respondents who strongly disapprove coded as 1. Respondents who indicated "Don't Know" are coded as NAs and excluded from the analysis.

Table SI.4: Effect of Judicial Scandal on Specific Support of Lower Court Judge  
(Multinomial Logistic Regression)

	Strongly Disapp.	Somewhat Disapp.	Somewhat App.	Strongly App.
Intercept	-1.44*	-0.21	0.84*	0.81*
	(0.29)	(0.19)	(0.15)	(0.15)
Ethics Scandal	1.48*	0.52*	-0.53*	-0.92*
	(0.33)	(0.24)	(0.22)	(0.23)
Sexual Scandal	1.38*	0.46	-0.38	-0.77*
	(0.33)	(0.24)	(0.21)	(0.22)
Financial Scandal	1.56*	0.79*	-0.23	-0.59*
	(0.34)	(0.25)	(0.23)	(0.24)
Num. Obs.	1628			

\*Denotes statistical significance at the  $p < 0.05$  level. Models estimated using multinomial logistic regression to account for “Don’t know” responses in the two surveys fielded on Lucid. Models include all respondents, irrespective of attention check passage. Our outcome variable has five factor values — “Don’t Know” (the baseline choice), “Strongly Disapprove”, “Somewhat Disapprove”, “Somewhat Approve”, and “Strongly Approve”.

Table SI.5: Effect of Judicial Scandal on Specific Support of Supreme Court Opinion  
(Multinomial Logistic Regression)

	Strongly Disapp.	Somewhat Disapp.	Somewhat App.	Strongly App.
Intercept	-1.09*	-0.15	0.56*	0.23
	(0.22)	(0.16)	(0.14)	(0.15)
Kavanaugh	-0.07	0.06	0.18	0.37
	(0.33)	(0.24)	(0.20)	(0.21)
Num. Obs.	848			

\*Denotes statistical significance at the  $p < 0.05$  level. Models estimated using multinomial logistic regression to account for “Don’t Know” responses in the two surveys fielded on Lucid. Models include all respondents, irrespective of attention check passage. Our outcome variable has five factor values — “Don’t Know” (the baseline choice), “Strongly Disapprove”, “Somewhat Disapprove”, “Somewhat Approve”, and “Strongly Approve”.

## C.5 Additional Randomizations and Knowledge- and Partisanship-Conditional Analyses

Table SI.6: Effect of Judicial Scandal on Specific and Diffuse Support (OLS, 0-1 Scales, Including All Randomized Factors)

	Specific Support			Diffuse Support		
	Nomination	Lower Court	Opinion	Nomination	Lower Court	Opinion
Intercept	0.84*	0.66*	0.58*	0.65*	0.46*	0.46*
	(0.04)	(0.03)	(0.03)	(0.02)	(0.02)	(0.02)
Ethics Scandal	-0.40*	-0.28*		-0.03	-0.03	
	(0.05)	(0.05)		(0.03)	(0.03)	
Sexual Scandal	-0.47*	-0.20*		-0.04	-0.06*	
	(0.05)	(0.05)		(0.03)	(0.03)	
Financial Scandal	-0.27*	-0.25*		-0.05	-0.01	
	(0.05)	(0.05)		(0.03)	(0.03)	
Obama	0.01	0.05		-0.02	0.01	
	(0.05)	(0.05)		(0.03)	(0.03)	
Ethics Scandal:	0.10	-0.02		-0.01	0.01	
Obama	(0.07)	(0.07)		(0.04)	(0.04)	
Sexual Scandal:	0.02	-0.09		0.03	0.01	
Obama	(0.07)	(0.07)		(0.04)	(0.04)	
Financial Scandal:	0.07	-0.00		0.06	-0.03	
Obama	(0.07)	(0.07)		(0.04)	(0.04)	
Kavanaugh			0.02			0.05
			(0.05)			(0.03)
Unanimous			0.00			-0.01
			(0.05)			(0.03)
Kavanaugh:			0.09			-0.04
Unanimous			(0.07)			(0.04)
Num. Obs.	1399	1628	848	1401	1655	849

\*Denotes statistical significance at the  $p < 0.05$  level. Models estimated using ordinary least squares regression (OLS). Models include all respondents, irrespective of attention check passage. Specific support outcomes are measured with binary indicators where responses indicating that respondents somewhat or strongly approve are coded as 1 and all other non-missing responses coded as 0. Diffuse support is coded following Gibson, Caldeira, and Spence (2003) where we dichotomize respondents' answers to indicate support for the judiciary or lack thereof, sum the binary indicators, and rescale the final measure to range between 0 and 1. All models interact our scandal treatments with the other factors we randomized in the vignettes—the appointing president in our nomination and lower court experiments (George W. Bush or Barack Obama) and the margin by which the Supreme Court decided *Ramos v. Louisiana* (9-0 or 6-3).

Table SI.7: Effect of Judicial Scandal on Specific and Diffuse Support (OLS, 0-1 Scales, Partisanship-Conditional)

	Specific Support			Diffuse Support		
	Nomination	Lower Court	Opinion	Nomination	Lower Court	Opinion
Intercept	0.76*	0.69*	0.53*	0.60*	0.47*	0.45*
	(0.03)	(0.03)	(0.03)	(0.02)	(0.02)	(0.02)
Ethics Scandal	-0.35*	-0.34*		-0.02	-0.01	
	(0.05)	(0.04)		(0.03)	(0.02)	
Sexual Scandal	-0.43*	-0.28*		0.01	-0.06*	
	(0.05)	(0.04)		(0.03)	(0.02)	
Financial Scandal	-0.25*	-0.33*		0.02	-0.01	
	(0.05)	(0.04)		(0.03)	(0.03)	
Kavanaugh			0.05			0.05
			(0.04)			(0.03)
Copartisan	0.20*	-0.00	0.11*	0.07*	0.00	0.03
	(0.05)	(0.05)	(0.05)	(0.03)	(0.03)	(0.03)
Ethics Scandal:	-0.00	0.11		-0.04	-0.03	
Copartisan	(0.07)	(0.07)		(0.04)	(0.04)	
Sexual Scandal:	-0.08	0.11		-0.08	0.03	
Copartisan	(0.07)	(0.07)		(0.04)	(0.04)	
Financial Scandal:	0.06	0.20*		-0.07	-0.04	
Copartisan	(0.07)	(0.07)		(0.04)	(0.04)	
Kavanaugh:			0.02			-0.05
Copartisan			(0.07)			(0.04)
Num. Obs.	1361	1628	848	1363	1655	849

\*Denotes statistical significance at the  $p < 0.05$  level. Models estimated using ordinary least squares regression (OLS). Models include all respondents, irrespective of attention check passage. Specific support outcomes are measured with binary indicators where responses indicating that respondents somewhat or strongly approve are coded as 1 and all other non-missing responses coded as 0. Diffuse support is coded following Gibson, Caldeira, and Spence (2003) where we dichotomize respondents' answers to indicate support for the judiciary or lack thereof, sum the binary indicators, and rescale the final measure to range between 0 and 1. All models interact our scandal treatments with a binary indicator for whether the respondent shares the partisan affiliation of the featured judge. For the nomination and lower court experiments, respondents are coded as copartisans if they are Democrats and the president who appointed the judge was Barack Obama or if they are Republicans and the president who appointed the judge is George W. Bush. For the opinion experiment, respondents are coded as copartisans if they are Republicans (since both justices who could be featured were appointed by a Republican president).

Table SI.8: Effect of Kavanaugh Authorship on Specific and Diffuse Support (OLS, 0-1 Scales, Knowledge-Conditional)

	Specific Support	Diffuse Support
Intercept	0.45* (0.04)	0.30* (0.02)
Kavanaugh	0.05 (0.06)	-0.01 (0.03)
Judicial Knowledge	0.08* (0.02)	0.09* (0.01)
Kavanaugh:Judicial Knowledge	0.00 (0.03)	0.02 (0.02)
Num. obs.	848	849

\* denotes statistical significance at the  $p < 0.05$  level. Models estimated using ordinary least squares regression (OLS). Models include all respondents, irrespective of attention check passage. Specific support outcome is measured with a binary indicator where responses indicating that respondents somewhat or strongly approve are coded as 1 and all other non-missing responses coded as 0. Diffuse support is coded following Gibson, Caldeira, and Spence (2003) where we dichotomize respondents' answers to indicate support for the judiciary or lack thereof, sum the binary indicators, and rescale the final measure to range between 0 and 1. Judicial knowledge is measured by scaling respondents' answers to the standard three-question battery used by the American National Election Studies (see Gibson and Caldeira 2009).

## References

- Bartels, Brandon L., and Christopher D. Johnston. 2013. "On the Ideological Foundations of Supreme Court Legitimacy in the American Public." *American Journal of Political Science* 57(1): 184–199.
- Basinger, Scott J., Lara Brown, Douglas B. Harris, and Girish Gulati. 2013. "Preface: Counting and Classifying Congressional Scandals." In *Scandal!: An Interdisciplinary Approach to the Consequences, Outcomes, and Significance of Political Scandals*, ed. Alison Dagnes, and Mark Sachleben. 7 ed. Bloomsbury.
- Berinsky, Adam J., Michele F. Margolis, and Michael W. Sances. 2014. "Separating the Shirkers from the Workers? Making Sure Respondents Pay Attention on Self-Administered Surveys." *American Journal of Political Science* 58(3): 739–753.
- Coppock, Alexander. 2019. "Generalizing from Survey Experiments Conducted on Mechanical Turk: A Replication Approach." *Political Science Research and Methods* 7(3): 613–628.
- Coppock, Alexander, and Oliver A. McClellan. 2019. "Validating the Demographic, Political, Psychological, and Experimental Results Obtained from a New Source of Online Survey Respondents." *Research & Politics* 6(1): 2053168018822174.

- Coppock, Alexander, Thomas J. Leeper, and Kevin J. Mullinix. 2018. “Generalizability of Heterogeneous Treatment Effect Estimates Across Samples.” *Proceedings of the National Academy of Sciences* 115(49): 12441–12446.
- Gerber, Alan S, and Donald P Green. 2012. *Field Experiments: Design, Analysis, and Interpretation*. WW Norton.
- Gibson, James L., and Gregory A. Caldeira. 2009. *Citizens, Courts, and Confirmations: Positivity Theory and the Judgments of the American People*. Princeton University Press.
- Gibson, James L., Gregory A. Caldeira, and Lester Kenyatta Spence. 2003. “Measuring Attitudes Toward the United States Supreme Court.” *American Journal of Political Science* 47(2): 354–367.
- Kennedy, Ryan, Scott Clifford, Tyler Burleigh, Philip D. Waggoner, Ryan Jewell, and Nicholas J. G. Winter. 2020. “The Shape of and Solutions to the MTurk Quality Crisis.” *Political Science Research and Methods* 8(4): 614–629.