

In Contrast to High Court, US Voters Split on Freedom of Churches to Hire and Fire

The US Supreme Court's unanimous ruling today in the case known as *Hosanna-Tabor*, contrasts with the views of American voters, who offer a split decision based on party and ideology. According to a national study by Fairleigh Dickinson University's PublicMind™, 46% of US voters say churches should have the right to hire and fire employees for religious reasons without having to follow government employment rules. But a practically identical group (43%) of voters say churches should follow the same rules as government and business when it comes to hiring and firing. Meanwhile, the Court ruled 9-0 that the Hosanna-Tabor Church was an exception to the rules that govern other organizations such as businesses, non-profits, and government agencies.

"Many critics of the Court assume that it is more liberal than voters, but this case suggests otherwise," said Bruce Peabody, professor of political science at FDU, and editor of *The Politics of Judicial Independence*. "The Court in *Hosanna-Tabor* deferred to the judgments of religious organizations, but a sizable group of voters want these groups to follow existing government regulations."

The statistically insignificant difference in the aggregate result of the public's opinion hides statistically significant differences of partisanship and ideological perspective. A majority of liberals (53-32) as well as a majority of moderates (50-41) say that to protect individual rights churches should follow the same rules as everyone else in hiring and firing. But by a two-to-one margin (60-31), conservatives say it's more important to protect religious freedom and let churches have the right to hire and fire employees for religious reasons without interference from government rules.

Similarly, a majority of Democrats say churches should follow the same rules as everyone else (56-33), but a majority of independents (52-38) and Republicans by a two-to-one margin (64-29) say churches should be exempt from those equal opportunity rules.

"While the public clearly thinks that government and religion can work side by side, many people believe that it is only fair for churches, temples, and other religious institutions to follow the same rules as everyone else," Peabody said.

The case pitted the Hosanna-Tabor Evangelical Lutheran Church and School in Redford, Michigan against the federal government's Equal Employment Opportunity Commission after the church essentially fired an ill employee. The case was argued before the Court on Oct. 5, 2011 and the Court's ruling was issued today.

"Religion cases always raise important issues for the Court and almost always find a place on its docket. The Court is especially interested in patrolling the lines between church rules and secular rules," said Peabody. "It's an issue that never goes away, but comes back in new forms all the time."

Voters nationwide expressed their opinions *before* the Supreme Court announced its decision. The Fairleigh Dickinson University poll of 855 registered voters nationwide was conducted by telephone using both landlines and cell phones from Nov. 29, through Dec. 5, 2011, and has a margin of error of +/-3.5 percentage points.

Methodology, questions, and tables on the web at: <http://publicmind.fdu.edu>
For more information, please call 201.692.7032

Methodology, Questions, and Tables

The survey by Fairleigh Dickinson University's PublicMind was conducted by telephone from Nov. 29 through Dec. 5, 2011, using a randomly selected national sample of 855 registered voters contacted on both landlines and cell phones to comprise all voters. The margin of error for a sample of 855 randomly selected respondents is +/- 3.5 percentage points. The margin of error for subgroups is larger and varies by the size of that subgroup. Survey results are also subject to non-sampling error. This kind of error, which cannot be measured, arises from a number of factors including, but not limited to, non-response (eligible individuals refusing to be interviewed), question wording, the order in which questions are asked, and variations among interviewers. PublicMind interviews are conducted by Opinion America of Cedar Knolls, NJ, with professionally trained interviewers using a CATI (Computer Assisted Telephone Interviewing) system. Random selection is achieved by computerized random-digit dialing. This technique gives every person with a land-line phone number (including those with unlisted numbers) an equal chance of being selected. Landline households are supplemented with a separate, randomly selected sample of cell-phone-only-households, interviewed in the same time frame. The total combined sample is mathematically weighted to match known demographics of age, race and gender among the voting population.

Are you aware or not that there are a lot of court cases about the Constitution's First Amendment and the separation of church and state?

	All
Yes	64%
No	34%
Don't Know	2%

Some people argue that... ROTATE. Others argue that...ROTATE. Which comes closer to your view?

...to protect religious freedom, churches have the right to hire and fire employees for religious reasons without interference from government rules.

...to protect individual rights, churches have to follow the same rules as government and business when it comes to hiring and firing.

Rotate order	All	gender		party ID			ideology			race		
		men	women	D	I	R	lib	mod	con	white	Non-white	Afr. Am.
No interference	46%	51	42	33	52	64	32	41	60	51	37	36
Follow same rules	43%	41	45	56	38	29	53	50	31	40	51	48
Unsure	10%	7	13	12	10	7	15	9	9	9	12	16

Exact Question Wording and Order for this US Supreme Court Series

US1-4, D1, USP1a-b released 12.7.11.

USP2. Released 12.14.11.

Now let me ask you about some cases that the US Supreme Court is considering...

SC1a. In one case, the question is whether police need a warrant—like a search warrant—in order to put a GPS tracking device on a suspect's car... Have you heard or read about this case...?

- YES
- NO
- DK

SC1b. Some people argue ... Other people argue... Which comes closer to your view?

...once you drive your car, your movements are public anyway. Using a tracking device just saves police the expense and difficulty of following the car with detectives.

...the car is private property. Police need permission from the owner, or from a judge, to put a tracking device on personal property.

[Lafler v. Cooper, 10-209, orals Oct. 31, 2011, linked with Missouri v. Frye 10-444]

SC2. Are you aware or not aware that the US Constitution gives people the right to a lawyer in criminal cases....

Aware

Not aware

Dk

ROTATE 2a and 2b with 2aa and 2bb

SC2a. In one case, a defendant turned down a plea bargain with the prosecutor because his lawyer told him to hold off for a better deal. But instead of getting a better deal, he got a long jail term. Have you heard about this case...?

Yes/no/dk

SC2b. Some people argue ... Other people argue... Which comes closer to your view?

ROTATE

...the defendant has a right to good advice from his lawyer and this was a case of unfair legal procedure and should be a do-over.

...You can't jam up the legal system with re-trials just because lawyers sometimes give bad advice.

SC2aa. In one case, the defendant found out after he pleaded guilty in court and was sentenced, that the prosecutor had offered him a deal –a reduced sentence in return for a guilty plea. But the defendant's lawyer didn't tell him about the deal. Have you heard about this case...?

Yes/no/dk

SC2bb. Some people argue ... Other people argue... Which comes closer to your view?

ROTATE

...the defendant's sentence should be overturned because he never got a chance to consider a lesser sentence.

...the defendant doesn't have a right to a plea bargaining, only a right to a fair trial.

[Hosanna-Tabor Church v. EEOC 10-760 Orals Oct 5, 2011.]

Sample Characteristics %

Gender

Male	48
Female	52

Party ID

Democrat	34
Ind. Lean Dem.	14
Independent	12
Ind. Lean Rep.	13
Republican	23
Other/ref.	3

Age

18-29	12
30-44	26
45-59	32
60+	28
ref.	2

In addition to being American,
would you say you are...?

White	67
Black	13
Hispanic or Latino	11
Asian	5
Other/ref.	4

Census regions

Northeast	19
North central	22
South	34
West	25

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