

# **Popular Reactions to Donald Trump’s Indictments and Trials and their Implications for the 2024 Election**

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## **ABSTRACT**

The sharp momentum shifts in the presidential contest during the summer of 2024—induced by Joe Biden’s disastrous debate performance, Donald Trump’s attempted assassination, Biden’s withdrawal and the subsequent surge in support for Kamala Harris—have overshadowed the most striking feature of the 2024 election: Donald Trump’s return from exile in Mar-a-Lago to win easy nomination and a serious chance of returning to the White House despite the ignominy of the January 6, 2021, Capitol invasion, felony indictments in four jurisdictions (with convictions on all 34 counts in one of them), and losses in three civil suits since his departure from the White House 2021. This paper documents and attempts to explain this reality through analysis of hundreds of surveys probing reactions to Trump’s criminal charges and civil suits, with an eye to gauging their potential role in shaping voting choices in 2024. Although the most important cases will not be heard before the election, if ever, popular reactions to the indictments and to various hypothetical scenarios regarding their resolution tell us a great deal about the nature and durability of Trump’s popular support and allow plausible estimates of the (unfulfilled) potential effects of additional convictions or acquittals. Harris’s replacement of Biden on the Democratic ticket may have altered the electoral context in a way that makes Trump’s legal problems a greater liability, but to what extent remains to be seen.

Prepared for delivery at the Annual Meeting of the American Political Science Association, Philadelphia PA, September 5-8. 2024.

## INTRODUCTION

No presidential election lacks surprises, but 2024 has already delivered more than its share. What early in the year looked to be a static, uninspiring repeat of the 2020 contest between two aging and unpopular candidates, Joe Biden and Donald Trump, was thoroughly upended during the summer. First, Biden's disastrous performance in the debate with Trump on June 27 and the attempted assassination of Trump on July 13, followed by a unified and enthusiastic the Republican convention, gave Trump's prospects a major lift. Indeed, so much so that on July 21, under growing pressure from Democratic leaders and donors fearing a November wipeout, Biden withdrew and endorsed his vice president, Kamala Harris, as his replacement. Democrats—leaders, activists, and ordinary voters alike—quickly and with little dissent rallied to her cause (Egan, Kashinsky, and Ferris 2024).<sup>1</sup> The surge in Democratic enthusiasm shifted momentum, at least temporarily, toward the Democrats' side, with polls giving Harris on average a slight lead as of this writing (late August 2024).

These events overshadowed, at least for a time, another extraordinary feature of the 2024 election, Donald Trump's return from exile in Mar-a-Lago to win easy nomination and a serious chance of returning to the White House. Trump's comeback has defied the ignominy of the January 6, 2021, Capitol invasion, felony indictments in four jurisdictions (with convictions on all 34 counts in one of them), and losses in three civil suits since his departure from the White House in 2021. The aim of this paper as originally conceived was to document and attempt to explain this reality, with particular attention to the question of how public reactions to developments in Trump's court cases were shaping voting choices in the 2024 election. Only one of the felony cases has had a trial and a verdict, and judicial decisions favorable to Trump have assured that none of other cases will be heard before the election, if ever, so we will never know for sure what effects additional trials and convictions, if any, might have had on voters. Still, popular reactions to the indictments and to various hypothetical scenarios regarding their resolution tell us a great deal about the nature and durability of Trump's support. Survey data also support plausible estimates of the (unfulfilled) potential effects of additional convictions or acquittals. Moreover, despite their lack of resolution before the election, Trump's legal troubles are by no means moot. With Harris, a former prosecutor, as the Democratic candidate, they remain a central campaign issue. It thus remains useful to consider how Trump's legal odyssey has affected his standing with the public so far.

The paper proceeds as follows: The first section reports the results of a detailed examination of the hundreds of public opinion surveys that have addressed every aspect of the diverse charges Trump has faced or is still facing in court. Several clear patterns emerge: The distribution of responses to virtually

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<sup>1</sup> In the July 27-30 *Economist/YouGov* poll, 91 percent of Democrats approved of Harris's becoming the candidate, 73 percent "strongly; only 4 percent thought the process that selected her was "unfair,"

all pertinent questions is not only dominated, as expected, by partisanship, but is also quite consistent across the different types of cases. Republicans and Trump voters downplay the importance of the crimes charged, and large majorities refuse to admit he committed any of them anyway. The impact of the formal indictments is also consistent across types of cases; they were followed by a small but statistically significant increase in the share of respondents judging Trump culpable—about 3 percentage points overall, with the largest effect on the opinions of independents, the smallest, on those of Republicans. This section concludes with brief analyses of opinions on the fairness of the actions against Trump and on whether he or other presidents should be immune from prosecution for anything they have done while in office. Again, Republicans and Trump voters are overwhelmingly inclined to take his side on these as on the other questions.

The second section examines surveys that cast light on whether and how indictment and conviction might affect voters' decisions in 2024. It finds that, in the abstract and before the fact, a conviction on any of the felony charges would be projected to devastate Trump's support, although with the hush money charges having the smallest impact. But once Trump was convicted in that case, the share of Republicans and prospective Trump voters who said they would not vote for a convicted felon fell sharply. That share remained large enough to do serious damage to his prospects, but questions focusing directly on presidential vote choices under various conviction scenarios suggest an even smaller impact, with a shift on the order of about 3 percentage points in Biden's favor (he was still the Democratic candidate when these surveys were conducted). Crucially, this shift would be almost entirely the product of subtraction—Trump losing support to third party candidates or abstention, but with very few of his supporters switching to Biden. The pattern points to a major reason for the limited impact of Trump's legal woes on the presidential preferences of his erstwhile supporters: their strongly negative opinions of Biden made voting for him unthinkable. How completely this antipathy transfers to Harris remains to be seen, but certainly most of it will, if only because she is a Democrat. While it is now certain that Trump's other three felony trials will take place only after the election, if ever, the available evidence suggests that convictions in these cases would have shifted the aggregate vote only a few points—but enough to decide a close election.

The third section summarizes common explanations for the tenacious loyalty of Trump's MAGA followers and shows how it is sustained by a pervasive denial of truths about Trump and his behavior—motivated ignorance reinforced by a right-wing pundits and social media entrepreneurs pursuing audiences and Republican politicians pursuing votes. The paper concludes by considering how Harris's replacement of Biden on the Democratic ticket may have altered the electoral context in a way that makes Trump's legal troubles a greater liability.

## TRUMP'S RETURN

When Donald Trump departed the White House for Florida on January 19, 2021, pointedly skipping Joe Biden's inauguration,<sup>2</sup> his political career appeared to be history. He had lost to Biden by nearly seven million popular votes and by 306 to 232 in the Electoral College. His refusal to accept the electorate's verdict and efforts to nullify it had inspired a violent invasion of the Capitol by a mob of his supporters that shocked and appalled most Americans (Jacobson 2024a). A solid majority of the public, along with Republican congressional leaders Kevin McCarthy and Mitch McConnell, blamed Trump for the mayhem.<sup>3</sup> Trump's efforts to subvert the election led to his second House impeachment and Senate trial. A majority of Americans wanted him impeached and convicted.<sup>4</sup> He escaped conviction, not because he was deemed innocent, but because so many Republican senators refused to vote guilty on the procedural ground that he was no longer president and so could not be impeached (Cai and Davis 2021). His final Gallup Poll job ratings—34 percent approving, 62 percent disapproving—were the worst of his entire presidency; his average ratings among Republicans in broader set of post-riot approval polls was, at 76 percent, down 14 points from the months preceding the riot.

We now know that despite his presidency's ugly coda, Trump is anything but history. Pursuing reinstatement and retribution in 2024, he led every opponent in every Republican pre-primary poll taken after March 2023<sup>5</sup> and easily swept the Republican primaries, winning everywhere except Vermont and D.C., and clinching the nomination in early March. Republican leaders once highly critical of him, notably McConnell, Nikki Haley and his former attorney general William Barr, have endorsed him. Trump now has much firmer grip on the Republican Party than he did as president, exemplified by the claque of Republican officials who showed up at the New York court house during the hush money trial to denounce the prosecutors, judge, and jury in terms Trump could not because he was under a gag order. With few exceptions, Republican leaders have attacked the verdict and the judicial process in language echoing Trump's (Sullivan 2024). The eagerness of Republican politicians to perform fealty toward Trump reflects his wide and seemingly unshakable popularity among ordinary Republicans. Even after his felony conviction in the hush money case, Trump was running about even with Biden in national presidential preference polling and ahead of him in most of the swing states—and this was before Biden's disastrous performance in the June presidential debate and Trump's survival of an assassination attempt.

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<sup>2</sup> Trump was the first departing president in 152 years who did not attend his successor's inauguration.

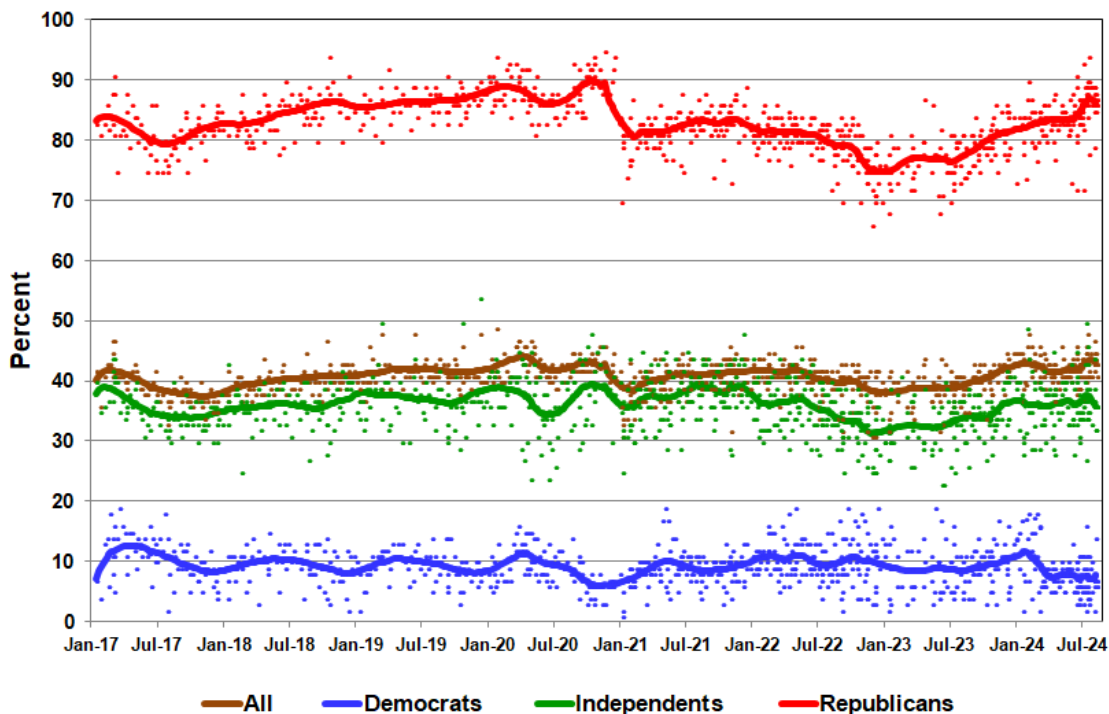
<sup>3</sup> In 10 surveys taken in January after the Capitol invasion, and average of 60 percent of respondents assigned Trump "a great deal" or "some" blame for it, with 34 percent saying deserved little or no blame; partisans were of course sharply divide on the question, with 92 percent of Democrats but only 25 percent of Republicans assigning Trump at least some blame. For more detail, see Jacobson 2024a.

<sup>4</sup> The average in 44 national polls was 52 percent for impeachment, 41 percent opposed to it (Jacobson 2024a, 26).

<sup>5</sup> See the data at <https://projects.fivethirtyeight.com/polls/president-primary-r/2024/national/>.

Trump’s recovery of the good opinion of ordinary Republicans after some initial dismay over the events of January 6 and later disappointment with the 2022 midterm is evident in the trend in attitudes toward him since his inauguration in 2017, measured here as the proportion of respondents expressing somewhat or very favorable views (Figure 1).<sup>6</sup> His favorability ratings among the entire population have remained remarkably stable since 2017, fluctuating narrowly around an average of 41 percent; a huge partisan gap has also persisted from the beginning, growing even wider during election seasons.

**Figure 1. Favorable Opinions of Donald Trump, 2017-2024**



Source: See footnote 5.

Within this general stability we observe some fluctuations in response to salient events, especially among Republican respondents. The proportion of Republicans regarding Trump favorably dropped about 10 points after the Capitol invasion but remained above 80 percent. It was unaffected by the House hearings on the matter in the summer of 2022 that produced a detailed report highly critical of Trump’s actions (U.S. House of Representatives 2022, Jacobson 2024a). Republican favorability toward Trump did fall off after an anticipated “red wave” failed to materialize in the 2022 midterm, a failure attributed in part to defeats of some inferior candidates who had won Trump’s favor and thereby nominations as enthusiastic proponents of his stolen election lie (Jacobson 2023a, Heseltine 2023, Carson and Ulrich

<sup>6</sup> The data in Figure 1 are from 804 polls conducted by firms listed in the Appendix and reported at FiveThirtyEight, new reports, and the polls’ websites; solid lines are the lowess-smoothed trends..

2024). Trump formally announced his 2024 candidacy immediately after the midterm, but his favorability ratings among Republicans did not begin to recover until his federal indictments in the summer of 2023, rising through August 2024 to their highest level since the fall of 2020, with a final boost from his near-martyrdom just before the Republican convention.

The favorability data suggest that Trump's indictments moved some Republicans to rally to his defense; at the very least, they did no immediate damage to his political standing with the party's base. This is entirely consistent with past Republican reactions to events that might have raised questions about Trump's fitness for office: his bragging about sexually assaulting women, his obstructing the Mueller investigation, his calling racist demonstrators "fine people," his attempt to extort Ukraine to go after Biden, his inept and lethal handling of the COVID-19 pandemic, and his lies and schemes that led to the January 6 debacle. Each succeeding incident or revelation has been taken by people outside the MAGA community as yet further confirmation of Trump's moral squalor and unfitness for office while leaving his followers within it largely unmoved (Jacobson 2024a). Trump's conviction on 34 felony counts in the hush money case now joins the list. Fortunately for him, Trump's two election-related cases and the classified documents case will not go to trial before the election, if ever, so we do not know what impact additional convictions (or possible exonerations) might have had on his support. But based on the effects of the indictments themselves and surveys presenting hypothetical conviction scenarios, the most likely answer, teased out from the extensive polling data reviewed in the next two sections, is not much—but nonetheless potentially enough to make a difference in a very close contest.

## **TRUMP'S TRIALS**

Over a business career that featured more than four thousand law suits (Penzenstadler and Reilly, 2016), Donald Trump, though not always a winner, became adept at working the American judicial system to his advantage. After losing the 2020 election, he again became entangled in its web, although this time not at all voluntarily. He eventually lost three civil suits and a criminal case, at least at the trial level: In May 2023, a jury found him liable for sexually abusing journalist E. Jean Carroll and in January 2024, a second jury ordered Trump to pay her \$83 million in damages for defamation; the judge in these cases said Trump had, in the common meaning of the term, raped her (Weiser et al. 2024, Blake 2023). In September 2023, a New York judge ruled that Trump's real estate company had for years fraudulently manipulated its property's values to get better insurance and tax rates and subsequently ordered it to pay more than \$450 million in penalties and interest (O'Connell 2024). In May 2024, he was convicted by a New York jury in the first of his four criminal cases on all 34 counts of falsifying business records to cover up his payment of hush money to a porn star to keep news of their tryst from the 2016 electorate (Gamio et al. 2024). A federal indictment in Florida (for mishandling classified documents and

obstructing government efforts to retrieve them) remains on hold pending an appeal of the Trump-appointed Trial judge's dismissal of the case on the ground that the appointment of the special counsel prosecuting the case was unconstitutional. A federal indictment in the District of Columbia (for conspiring with six others to obstruct official proceedings and overturn the 2020 election) also remains on hold pending a response to the Supreme Court decision that granted Trump immunity for "official acts" and left it up to lower courts to determine which if any of the crimes he is charged with were not official acts and thus still subject to prosecution (*Trump v. the United States*, No. 23-939, July 1 2024). Trial on a state indictment in Georgia (for conspiring with eighteen others to overturn Biden's victory there) awaits an appeals court decision whether the prosecutor should be dismissed (O'Kruk and Merrill 2024). None of the three cases, which currently involve 54 criminal charges, will be adjudicated before the election.

Multiple judicial proceedings against a former president are, to say the least, unprecedented, but they have had only a modest effect on belief in Trump's malfeasance and thus his standing with the public. The most important felony charges involve his efforts to overturn the 2020 election, and beliefs about the events of January 6 have profoundly shaped popular reactions to these indictments. The data in Table 1 summarize some basic patterns in opinions regarding January 6 and its aftermath (see Jacobson 2023b and 2024a for much more detailed analyses). Trump's endlessly repeated lie that he won the 2020 election "by a landslide" only to have it fraudulently stolen from him is preposterous on its face, devoid of evidence, and exhaustively discredited; it is questionable whether even Trump is self-deluding enough to believe it.<sup>7</sup> Only tiny proportion of Democrats and even fewer people who say they voted for Biden—on the order of 2 or 3 percent—endorse Trump's big lie, a share that is likely exaggerated by respondent disengagement and measurement error. But belief that the election was stolen from Trump immediately became orthodoxy among ordinary Republicans and was accepted at even higher rates—by about 5 points—by people who had voted for him (Jacobson 2023b).<sup>8</sup> Although its proponents failed in venue after venue to produce any material evidence for their claims, the share of Republicans embracing the stolen election lie, at 68 percent in 2024 polls, is down only a couple of points since 2021. Moreover, all available research suggests that the belief is sincere rather than merely expressive—that is, it is not simply partisan cheerleading or trolling a pollster (Graham and Yair 2023, Cuthbert and Theodoridis 2022, Fahey 2022, Jacobson 2024a).

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<sup>7</sup> For assessments of election fraud claims, see King 2020, Rodden 2020, Eggers, Garro and Grimmer 2021, Danforth et al. 2022, Cassidy 2022, Dale 2022, Grofman and Cervas 2023, and Jacobson 2023b.

<sup>8</sup> Almost all of the independents who deny Biden's legitimacy—about 96 percent—were Trump voters (Jacobson 2023).

**Table 1. Trump and the January 6, 2021 Invasion of the Capitol**

	<b>All</b>		<b>Democrats</b>		<b>Independents</b>		<b>Republicans</b>	
	<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Yes</u></b>	<b><u>No</u></b>
The election was stolen from Trump (259)	35.2	61.2	5.8	92.0	35.5	58.6	69.2	27.2
2020 (21)	36.4	57.2	5.0	91.7	35.0	56.0	73.6	20.6
2021 (89)	34.1	60.9	5.0	91.4	33.9	59.8	70.3	24.9
2022 (83)	36.1	61.1	7.0	90.7	37.2	61.1	68.8	28.4
2023 (45)	35.3	62.2	6.2	92.9	36.9	54.0	66.8	31.3
2024 (22)	34.9	62.9	4.5	94.8	34.0	62.0	68.2	29.5
Trump was responsible for the incursion (58)	55.5	36.9	87.0	9.6	53.4	37.0	22.8	70.6
Trump incited violence (19)	50.4	38.2	85.1	8.2	50.1	38.3	15.3	75.6
Inciting insurrection is a serious crime (2)	67.0	17.3	87.4	6.5	65.8	18.3	44.8	32.3
Trump should be impeached (48)	<b>52.0</b>	<b>41.4</b>	<b>87.2</b>	<b>8.4</b>	<b>48.7</b>	<b>43.2</b>	<b>13.1</b>	<b>82.8</b>

*Note:* The number of polls averaged is in parentheses.

*Source:* For a list of surveys organizations that produced the data used in this and subsequent tables, see the Appendix.

The widespread acceptance by Trump’s supporters of his stolen election lie has been fundamental to his political revival. People who believe the election was stolen naturally absolve Trump and, to some extent, the Capitol invaders from charges of wrongdoing because blame belongs to the election thieves, not patriots trying to rescue democracy by blocking an illegitimate president from taking office. Thus although the Capitol would not have been invaded and trashed had Trump not refused to accept the reality of defeat and summoned supporters to Washington on January 6 to “stop the steal,” a large majority of Republicans hold him blameless for the event and an even larger majority, for its violence. Those who believe the election was stolen are of course especially inclined to absolve him of blame for what happened at the Capitol (Jacobson 2024a, 24). Most Americans do think that “inciting or aiding an insurrection against the federal government” is a serious crime (67 percent to 17 percent, the rest uncertain),<sup>9</sup> although in the aftermath of January 6 partisans differed on this question as well, with 87 percent of Democrats compared to 45 percent of Republicans considering insurrection a serious crime. But because most Republicans thought that even if it was a crime, Trump was innocent of it, they were overwhelmingly opposed to Trump’s impeachment and conviction for his January 6 actions, with an

<sup>9</sup> Averages from two Yahoo/YouGov polls, May and August 2023.



average of 13 percent in favor, 83 percent opposed in 48 surveys that asked the question in some form (Jacobson 2024a).

### Reactions to Trump’s Indictments

Responses to impeachment set the pattern for subsequent public reactions to Trump’s indictments for election-related crimes, summarized in the first section of Table 2. Most people think attempting to obstruct certification or conspiring to overturn an election are serious crimes, but partisans differ sharply,

**Table 2. Opinions on Trump’s Election Obstruction and Classified Documents Cases**

	All		Democrats		Independents		Republicans	
	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
<i>Election Obstruction Cases</i>								
Crimes alleged are serious (21)	67.0	22.1	91.0	4.9	66.8	21.5	42.0	42.6
Did something illegal/should be indicted, is guilty (101)	<b>48.3</b>	<b>37.8</b>	<b>82.9</b>	<b>8.9</b>	<b>46.5</b>	<b>36.6</b>	<b>12.6</b>	<b>75.2</b>
Pre-indictments (51)	47.3	39.5	81.4	10.4	44.7	38.6	12.2	76.7
Post-indictments (50)	49.2	36.0	84.2	7.6	48.4	34.8	13.1	73.7
Change	<b>1.9*</b>	<b>-3.5***</b>	<b>2.8**</b>	<b>-2.8**</b>	<b>3.7**</b>	<b>-3.8*</b>	<b>0.9</b>	<b>-3.0*</b>
<i>Classified Documents Case</i>								
Crimes alleged are serious (15)	65.3	23.9	89.7	6.3	63.9	23.7	40.2	45.1
Took classified documents (16)	60.3	26.3	86.1	7.4	58.3	23.9	35.8	47.5
Action was illegal/favor indictment/Trump guilty (67)	<b>53.9</b>	<b>34.5</b>	<b>84.5</b>	<b>9.2</b>	<b>52.4</b>	<b>32.5</b>	<b>22.7</b>	<b>64.6</b>
Pre-indictment (28)	51.9	36.1	82.5	11.0	47.9	36.1	21.4	65.7
Post-indictment (39)	55.3	33.6	85.9	7.9	55.7	30.1	23.8	63.9
Change	<b>3.4*</b>	<b>-2.5</b>	<b>3.4**</b>	<b>-3.1**</b>	<b>7.8***</b>	<b>-6.0**</b>	<b>2.4</b>	<b>-1.8</b>

*Note:* The number of surveys analyzed is in parentheses; \*p<05; \*\*p<.01; \*\*\*p<.001.

*Source:* For a list of surveys organizations that produced the data used in this and subsequent tables, see the Appendix.

with an average of 91 percent of Democrats but only 43 percent of Republicans saying they are. Surveys asked respondents variously whether, in light of his efforts to nullify Biden’s victory, Trump committed a crime, should be indicted, or should be found guilty. The distribution of responses does not vary significantly with question wording or whether it refers to the January 6 events, the Georgia or DC cases, or is not specific, so I analyze them as a set. On average, a plurality representing slightly less than half of

the public thinks Trump committed crimes deserving indictment and conviction in taking actions meant to overturn the 2020 election, while 38 percent say he did not. As with impeachment, partisan differences are stark, with 83 percent of Democrats but only 13 percent of Republicans judging Trump guilty of a crime.

Opinions about Trump's culpability in the election cases were evidently affected to a small but statistically significant extent by the issuing of formal indictments. I estimated the effects of indictments by regressing aggregate responses to each question on a categorical variable (0-1) indicating whether the question was asked before or after the indictments, with survey sponsor fixed effects.<sup>10</sup> Taking into account both increases in "yes" and decreases in "no" responses, which need not be symmetrical, the results suggest an overall increase of a little under 3 points in favor of a "guilty" response, with the greatest effect for independents (nearly 4 points) and the smallest for Republicans (less than 2 points).

Another case involves charges that Trump illegally took classified documents from the White House to his residence in Mar-a-Lago, stored them insecurely, and obstructed government efforts to retrieve them. The judge overseeing the case indulged his lawyers' efforts to delay the trial and, as noted earlier, eventually dismissed the case (with the dismissal now on appeal), so even if these do not count as official acts and are thus subject to prosecution, voters will not learn what the case may reveal about Trump's culpability before they vote. Again, nearly two-thirds of the public have said the alleged actions would be serious crimes, with partisan differences on the question very similar to the impeachment and election cases. Some surveys also asked the simple factual question of whether Trump had indeed taken classified documents with him to Mar-a-Lago (without implying anything about the legality of doing so), a question for which the true answer was unambiguously "yes."<sup>11</sup> Yet it is telling that on average nearly half of Republicans said "no" to this question, a reflexive refusal to acknowledge the truth of any potentially negative information about Trump. Better to put the blame elsewhere; responding to the *Economist*/YouGov surveys taken in August and September, 2022, asking if it were true or false that "former President Trump was keeping sensitive national security documents at his home in Mar-a-Lago" and that "the FBI planted classified documents at former President Trump's home in Mar-a-Lago," 25 percent of Republicans said the first statement was true, while 51 percent said the second statement was true.<sup>12</sup>

Although only an average of only 23 percent of Republicans say Trump had done something illegal, should be indicted, or should be found guilty in the classified documents case, this minority is

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<sup>10</sup> The "pre" entries in this analysis are the intercepts, the "post" entries are the intercepts plus coefficients on the indictment variables.

<sup>11</sup> Not even Trump has denied taking at least some documents, although he claims that he had automatically declassified them in doing so (Savage 2022).

<sup>12</sup> The baseless rumor about FBI planting material was circulated by Trump's allies in the right-wing media (Palmer 2022).

larger than for any of the other judicial actions against him listed in Tables 2 or 3. More Democrats and independents also say Trump is culpable in this than in the other cases, producing overall majority of 54 percent believing he acted illegally. As in the election cases, the issuing of formal indictments in the classified documents case was followed by an increase of a few points in the share of respondents who think Trump was guilty of illegal actions, greatest among independents, smaller but significant among Democrats, and smaller yet and insignificant among Republicans. It is clearly to Trump's advantage that this case will not come to trial before people vote.

### **The Other Cases**

The allegations in the one criminal proceeding in which Trump has now been tried and convicted, the New York case involving the falsification of business records in the Stormy Daniels hush money case, are notably less likely than those in the elections and classified documents cases to be considered serious, especially by Republicans and independents (Table 3). In addition, slightly smaller proportions of all respondents and of Democrats and independents supported the indictment and considered Trump guilty (before the jury spoke) than in the previous cases; only 14 percent of Republicans did so. The question of whether Trump actually had sex with Daniels—which he denies—was asked in April 2018 and again in three surveys taken during and after the trial. The distribution of responses was virtually identical both before and after the trial, with averages of 58 percent of all respondents, 83 percent of Democrats, 55 percent of independents, and 33 percent of Republicans in the 2024 surveys saying he did.<sup>13</sup> That only 33 percent of Republicans said he had the tryst despite his shelling out \$130,000 to hush it up, and that only 35 percent said he had indeed paid Daniels to remain silent, underline once again their widespread disinclination among Republican to acknowledge anything negative about Trump no matter how well documented.<sup>14</sup>

On average in polls taken since the verdict, a majority of Americans have said they agree with it, 53 percent, with 34 percent disagreeing. The partisan gap is wider for the verdict than for opinions about Trump's guilt prior to the trial; 90 percent of Democrats agreed with the verdict (up from an average of 81 percent deeming him guilty); 73 percent of Republicans disagreed with it (compared to 68 percent denying his guilt earlier). Differences between the net ("yes" minus "no") pre- and post-verdict percentages are statistically significant at  $p < .05$  among all respondents, Democrats, and independents but not Republicans. Responses to the question about how serious the alleged crimes were suggest that the

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<sup>13</sup> The first was the Quinnipiac Poll of April 6-9, 2018 (<https://poll.qu.edu/Poll-Release-Legacy?releaseid=2534> ; the others were the from the YouGov organization in May and June 2024).

<sup>14</sup> About 34 and 29 percent of Republicans and Trump voters, respectively, pleaded ignorance on these two questions.

hush money case was the least politically potent of Trump’s legal challenges, underlining his good fortune in having it rather than the others tried before the election.

**Table 3. Opinions on Trump’s Other Cases**

	<b>All</b>		<b>Democrats</b>		<b>Independents</b>		<b>Republicans</b>	
	<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Yes</u></b>	<b><u>No</u></b>
<b><i>Hush Money Fraud Case</i></b>								
Crimes alleged are serious (20)	55.4	34.9	85.0	10.5	51.2	35.6	27.8	61.9
Before verdict: did something illegal/should be indicted, is guilty (41)	47.2	36.1	80.9	10.6	44.4	33.8	14.3	68.1
After verdict: approve verdict, is guilty (21)	<b>52.8</b>	<b>34.3</b>	<b>89.6</b>	<b>4.7</b>	<b>51.1</b>	<b>28.2</b>	<b>15.0</b>	<b>72.5</b>
<b><i>Inflated Property Values Case</i></b>								
If fraud, should be prosecuted (1)	62.0	16.0	84.0	6.0	64.0	17.0	39.0	30.0
Committed fraud (8)	45.9	23.9	76.6	7.5	42.5	19.3	16.1	48.9
Before verdict (3)	44.3	23.3	76.7	7.0	40.7	20.3	13.7	48.0
After verdict (5)	<b>47.5</b>	<b>24.0</b>	<b>77.2</b>	<b>8.3</b>	<b>43.7</b>	<b>18.5</b>	<b>19.0</b>	<b>47.3</b>
<b><i>E. Jean Carroll Suit</i></b>								
Believe sexual assault/defamation charges (4)	36.8	31.0	65.5	9.8	32.0	29.3	8.5	63.0
Agree with verdict (3)	<b>45.5</b>	<b>35.5</b>	<b>80.0</b>	<b>6.5</b>	<b>42.0</b>	<b>30.5</b>	<b>13.0</b>	<b>72.0</b>

*Note:* The number of surveys analyzed is in parentheses.

*Source:* For a list of surveys organizations that produced these data, see the Appendix.

The civil cases that Trump lost at the trial level, with verdicts now on appeal, round out the list of Trump’s current legal entanglements. The case against the Trump organization for falsifying property values at his behest has drawn comparatively little polling attention. I could find no survey that asked about the seriousness of the charges, although one asked whether, if Trump committed the fraud, he should be prosecuted, and the pattern of responses looks similar those regarding the seriousness of the charges in the other cases, with Democrats much more likely to support prosecution than Republicans. More people are uncertain about this case than the others and express no opinion,<sup>15</sup> but those who do are nearly twice as likely to say fraud was committed that to say it was not. The verdict was followed by an

<sup>15</sup> For example, for all respondents, the average proportion expressing no opinion is 29 percent in this case; in the other cases the average proportion expressing no opinion ranges from 11 percent to 19 percent..

increase of about 3 points overall in the belief that Trump had committed fraud.<sup>16</sup> The largest increase was among Republicans, up about 5 points, but still only 19 percent say fraud was committed despite the court's ruling that it was and the huge financial penalty it thought appropriate to impose; about a third deal with the question by pleading ignorance.

E. Jean Carroll's two suits accusing Trump of sexually assaulting and defaming her have received even less polling attention (why so little is a question worth pondering<sup>17</sup>). A small plurality of the 68 percent of respondents who, answered the question one way or the other in the four polls that posed it believe the accusations; it includes 66 percent of Democrats but only 9 percent of Republicans; responses did not differ between polls taken before and after the jury's decision. Despite the notorious "Access Hollywood" tape of Trump bragging about grabbing women's genitals and public accusations of sexual abuse by at least 26 women, very few Republicans say that he has ever abused anyone.<sup>18</sup> A plurality but not a majority of American agreed with the jury's decision; the numbers are lower than for the hush money verdict in all partisan categories, but this is partly because fewer respondents offered opinions on these cases. Republicans' overwhelming rejection of the jury's decision reflects their overwhelming refusal to believe that Trump abused or defamed Carroll.

Finally, two polling firms produced a total of 24 surveys taken both before and after Trump's indictments that asked if Trump ever committed *any* serious crime either while in office or at any time in his life, but without specifying which crime; responses do not differ significantly depending on the specified time span, so the results are combined here for analysis. A majority of American say Trump has committed a serious crime, with numbers similar to those for opinions of his culpability in the classified documents case. Trump's indictments evidently did have an effect on these judgments, raising the average proportion believing he has committed a serious crime by about 5 points, up to 57 percent as against 28 percent who say he has not. The biggest difference is among independents, but indictment was also followed by increases in the already high average among Democrats. The proportion of Republicans saying Trump had committed a crime also went up about three points, reaching 22 percent, but the most sizable shift was the drop in the proportion saying that he had never committed a crime, down to 58

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<sup>16</sup> All questions referenced Trump, not his organization.

<sup>17</sup> After diligent searching, I could find only three polling organizations that asked specifically about the case, all from the YouGov family (*Economist/YouGov*, *Yahoo News/YouGov*, and *Huffington Post/YouGov*). So far as I have been able to determine, none of the other major national polls asked about opinions of E. Jean Carroll's charges or her court victories.

<sup>18</sup> Shortly after the tape was exposed, the CBS News/*New York Times* poll taken October 28-November 1, 2016 found only 20 percent of Republicans thought that "allegations that Donald Trump made unwanted sexual advances against women" were "mostly true"; several years later when a 2019 YouGov/*Huffington Post* poll asked, "a number of women have accused Donald Trump of sexual harassment or sexual assault. Do you think that these assertions generally are or are not credible?" only 15 percent of Republicans said they were credible; [https://d3nkl3psvxxpe9.cloudfront.net/documents/tabs\\_HP\\_Assault\\_allegations\\_20190621.pdf](https://d3nkl3psvxxpe9.cloudfront.net/documents/tabs_HP_Assault_allegations_20190621.pdf).

percent. That said, 58 percent remains a strikingly high figure for this question in light of all the revelations that have accompanied Trump’s multiple indictments and trials.

**Table 4. Has Trump Ever Committed Any Serious Crime?**

	<b>All</b>		<b>Democrats</b>		<b>Independents</b>		<b>Republicans</b>	
	<b>Yes</b>	<b>No</b>	<b>Yes</b>	<b>No</b>	<b>Yes</b>	<b>No</b>	<b>Yes</b>	<b>No</b>
<i>Any Crime-Unspecified</i> (24)	<b>53.9</b>	<b>30.5</b>	<b>84.5</b>	<b>7.3</b>	<b>52.9</b>	<b>26.6</b>	<b>20.8</b>	<b>61.2</b>
Pre-Indictments (13)	51.5	32.7	82.7	8.9	50.5	29.3	19.4	63.9
Post-indictments (11)	56.6	28.0	86.8	5.4	55.8	23.3	22.3	58.0
Change	<b>5.1***</b>	<b>-4.7***</b>	<b>4.1**</b>	<b>-3.5***</b>	<b>5.3*</b>	<b>-6.0**</b>	<b>2.9†</b>	<b>-5.9*</b>

Note: The number of surveys analyzed is in parentheses; †p<.10; \*p<05; \*\*p<.01; \*\*\*p<.001.  
Source: YouGov and Navigator Research polls.

### Summary of Responses to Trump’s Court Cases

The results displayed in Tables 2-4 reveal a consistent pattern across the cases and in the effects of indictment and conviction on opinions of Trump’s alleged transgressions. In every case, the vast majority of Democrats (85-91 percent) think the crimes charged were serious, while only 37-45 percent of Republicans regard them so. Most Democrats (averaging from 77-83 percent across the cases) think Trump broke the law while only a small minority of Republicans (13-23 percent) agrees. To most Republicans, then, the crimes Trump stands accused of are not that serious and he did not commit them—absolution either way. The effects of indictments (and the hush money verdict), summarized in Table 5, are also generally similar across cases, increasing belief in Trump’s malfeasance a few points, with

**Table 5. Summary: Change in Views of Trump’s Guilt After Indictments/Conviction**

	<b>All</b>		<b>Democrats</b>		<b>Independents</b>		<b>Republicans</b>	
	<b>Δ Yes</b>	<b>Δ No</b>	<b>Δ Yes</b>	<b>Δ No</b>	<b>Δ Yes</b>	<b>Δ No</b>	<b>Δ Yes</b>	<b>Δ No</b>
Election-related cases	1.9	-3.5	2.8	-2.8	7.8	-3.8	0.9	-3.0
Classified documents	3.4	-2.5	3.4	-3.1	8.0	-6.0	2.4	-1.8
Hush money case	5.3	-1.7	8.4	-5.6	7.2	-5.2	1.0	5.4
Property values case	3.2	0.7	0.5	1.3	3.0	-1.8	5.3	-0.7
Any crime (unspecified)	4.9	-4.9	3.9	-3.4	5.4	-6.4	2.2	-5.6
Average	<b>3.7</b>	<b>-2.4</b>	<b>3.8</b>	<b>-2.7</b>	<b>6.3</b>	<b>-4.6</b>	<b>2.4</b>	<b>-1.1</b>

Source: Tables 2-4.

independents showing the largest effects and Republicans, the smallest. Public opinion has not been entirely unaffected by the progress of Trump’s legal odyssey, but aggregate shifts have generally been modest.

### **Has Trump Been Treated Fairly?**

A substantial majority of Republicans and Trump supporters continue to believe that none of the charges against Trump are warranted and thus remain fully receptive to his claim that he is innocent victim of scheming partisan Democrats and a corrupt judicial system (Gregorian and Cui 2024). Surveys have asked in a variety of ways about the fairness of the judicial proceeding against Trump: Were the investigations fair and justified or politically motivated witch hunts? Will the trials be fair? Could Trump get a fair trial in New York, DC, or Georgia? Can judges and jurors treat him fairly? No matter how the question is worded, Republicans and Trump supporters have consistently said “no.” In the 28 surveys I have found posing such questions before the hush money verdict, between 67 and 85 percent of Republicans (average, 74 percent) have said the various proceedings against Trump would be or were unfair; among who voted for Trump in 2020 or plan to vote for him in 2024, the average is 81 percent.<sup>19</sup> After the hush money verdict, an average of 78 Republicans and 86 percent of prospective Trump voters said the prosecution, trial, judge, or jury had been unfair.<sup>20</sup> Trump’s persistent whining about how unfairly he is being treated—amped up a few decibels after his conviction in the hush money case—finds a receptive audience among his partisans.

### **Immunity**

Not only do a substantial majority of Republicans deny that Trump ever committed a serious crime as president, but an even larger majority believe he should be immune from prosecution if he did (Table 6). Most Americans did not believe presidents enjoyed immunity before the Supreme Court decided otherwise, at least for official as opposed to private acts, a distinction now to be parsed by lower courts. Whether presidents should have immunity is another matter; prior to the Court’s decision, most Americans said no, but responses depended on whether the question is about presidents generally or Trump specifically. Even when Trump is not mentioned, the question is understandably taken by many respondents to be about him, hence the notable partisan differences on the question. Still, making it explicitly about Trump elicits significantly higher support for immunity, driven by independents favorable toward Trump and especially by Republicans, whose support for presidential immunity is 24

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<sup>19</sup> Only an average of 13 percent of Democrats agree, as do 38 percent of independents; the questions are in 11 *Economist/YouGov*, 3 Ipsos, 3 Yahoo/YouGov, 2 Fox News, and 1 ApNorc poll taken between April 2023 and May 2024..

<sup>20</sup> Based, respectively, on 15 and 6 post-conviction surveys.

points higher when Trump is the explicit referent.<sup>21</sup> It would be interesting to see how partisans would respond if the question were applied to Biden; we may find out if Trump wins in 2024 and fulfills his vow to prosecute him (Feuer and Haberman 2024, Shear 2024)—although the Court has now presumably made this harder. In the present instance, responses to the immunity question again display the reflexive pro-Trump response triggered among Republican by any question involving him.

**Table 6. Immunity from Prosecution for Crimes Committed as President**

	<b>All</b>		<b>Democrats</b>		<b>Independents</b>		<b>Republicans</b>	
	<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Yes</u></b>	<b><u>No</u></b>
Presidents do have immunity (6)	23.8	51.6	15.0	71.4	19.8	57.2	39.0	30.4
Presidents should have immunity (12)	22.0	62.1	7.7	85.8	18.2	64.3	39.1	42.0
Trump should have immunity (7)	34.9	61.4	9.7	87.9	28.4	62.0	63.1	30.3
Difference when Trump mentioned	<b>12.9***</b>	<b>-0.7</b>	<b>2.0</b>	<b>2.1</b>	<b>9.8**</b>	<b>-2.3</b>	<b>24.0***</b>	<b>-11.7*</b>

*Note:* The number of surveys averaged is in parentheses; \*p<05; \*\*p<.01; \*\*\*p<.001.

*Source:* ABC News/Ipsos, CBS News/YouGov, *Economist*/YouGov, Ipsos/Politico, Ipsos/Reuters, NPR/Marist, and Quinnipiac University polls.

### WOULD ADDITIONAL CONVICTIONS HAVE MADE A DIFFERENCE?

Despite his legal troubles, Trump was running only slightly behind in national presidential preference polls taken through late August 2024. Even though averages of between 13 and 23 percent of Republicans think him guilty each of the cases listed in Tables 2 and 3, in polls taken in 2024 before Biden’s withdrawal, an average of 91 percent said they would vote for him, only 5 percent for Biden (the respective figures are 87 percent and 4 percent when third-party options are listed).<sup>22</sup> Republican support for Trump against Harris since Biden’s departure has been at least as high (averages of 91 to 5 and 89 to 4, respectively). Viewed another way, among voters who opt for Trump in these polls, somewhere between 10 and 15 percent think he committed one or more of the felonies charged in his indictments.

<sup>21</sup> The significance of the difference was estimated by regressing the responses from surveys asking the “should” question on whether it refers to presidents generally or Trump specifically. The proportion of non-responses also drops sharply when Trump is mentioned, from 6 percent to 3 percent among Democrats, from 19 percent to 11 percent among independents, and from 20 percent to 8 percent among Republicans.

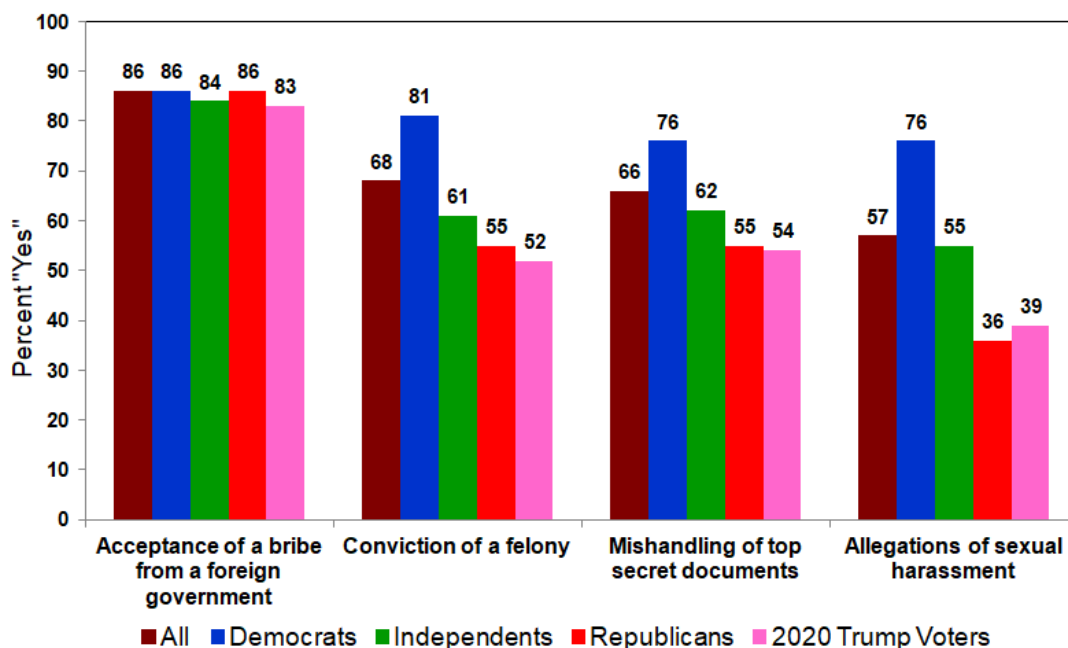
<sup>22</sup> Averages are from a selection of 45 surveys without the third part option and 38 surveys with the option taken since the beginning of 2024 and reported at [https://projects.fivethirtyeight.com/polls/president-general/2024/national/?ex\\_cid=abcpromo](https://projects.fivethirtyeight.com/polls/president-general/2024/national/?ex_cid=abcpromo) and the survey sponsors’ websites.



That is, millions of Americans are evidently prepared to vote for a presidential candidate they believe to be a criminal. How many will do so?

Survey studies paint an opaque picture of how people might react if Trump were found guilty in the cases yet to be tried, but the most direct evidence suggests that the effects would be small but sufficient to make a material difference in the outcome of a close race. Considering the question at its most abstract, most Americans say they would not vote for a candidate guilty of the things Trump stands accused of. The 2024 ANES Pilot Study, fielded February 20-March 1 2024, asked whether a list of actions would keep respondents from voting for a candidate, with results summarized in Figure 2. Accepting a bribe from a foreign government would preclude support from almost all voters of every partisan persuasion; Trump has not been charged with that particular offense, so Republicans and prospective Trump voters were free to join the consensus. On the other questions, which relate in some way to allegations involving Trump, the familiar partisan gradient appears. Still, a majority of Republicans and 2020 Trump voters say conviction for a felony or for mishandling classified documents would keep them from supporting a candidate, and 36 percent of Republicans and 39 percent of Trump voters said the same for sexual harassment.

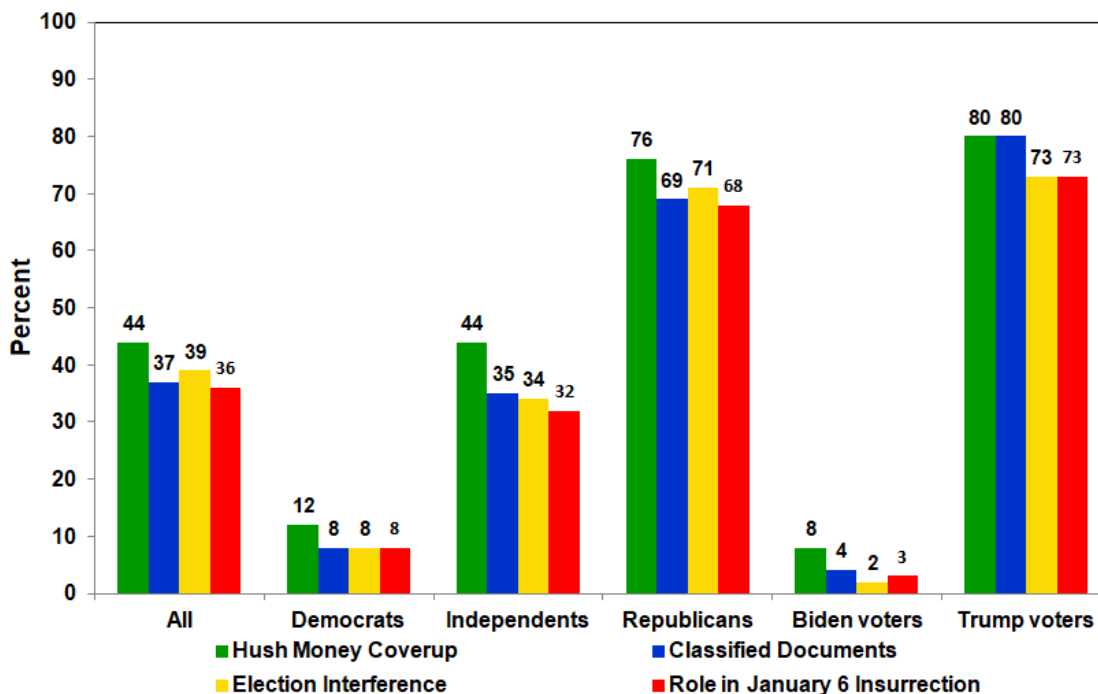
**Figure 2 Would the Action Keep You from Voting for a Candidate?**



Source: ANES 2024 Pilot Study

On the other hand, very large majorities of Republicans and Trump voters say that the charges in any of the cases, even if true, would not render Trump unfit for the presidency (Figure 3). The April 2024 CNN Poll asked, “For each of [Trump’s court cases], please indicate whether you think, if true, those charges should disqualify Trump from the presidency, cast doubts on his fitness for the job, but are not disqualifying, or are not relevant to his fitness for the presidency.” Very few Republicans (6 to 13 percent depending on the charges) or prospective Trump voters (5 to 9 percent) said the charges, even if true, would be disqualifying. Between 16 and 22 percent said they would cast doubts, while between 68 and 80 percent say the charges were not relevant to qualification for office. In predictable contrast, very few Democrats and Biden voters deem the charges irrelevant, and majorities range from 54 percent for the hush money case to 90 percent for the January 6 insurrection say confirmed charges would be disqualifying. The truth of the hush money charges was projected to have the smallest effect on assessments of Trump’s fitness for the White House, another indication that this was the least weighty of the criminal cases in the minds of voters.

**Figure 3. Charges, Even if True, Are Not Relevant to Trump's Fitness for the Presidency**



Source: CNN Poll, April 18-23, 2024

Assessing qualification is not the same as voting, and a pair of questions asked in three Ipsos/Reuters surveys taken before the hush money verdict suggested that actual conviction for a felony

and prospective incarceration might cost Trump considerably more support than implied by the responses to the fitness question (Table 7). On average in these surveys, only 47 percent of Republicans said they would vote for Trump if he were convicted of a felony and only 39 percent said they would do so if he were in jail; 25 percent say they would not vote for him in the first circumstance, 35 percent in the latter; the rest were uncertain. Democrats expressed no such uncertainty, of course, with 91 percent saying they would not vote for him in either circumstance; as usual, independents fall in between the partisans. If predictive, these responses imply that a felony conviction or a jail sentence would devastate Trump’s support, but they are not at all predictive. Ipsos/Reuters asked the same two questions after the hush money verdict was announced and the proportion of Republicans willing to vote for a convicted or jailed felon rose 20 points. Once Trump was convicted, many of his supporters simply changed their minds about voting for a felon so they could stick with Trump.

**Table 7. Willingness to Vote for Trump if Convicted or in Jail Before and After Hush Money Conviction**

	<b>All</b>		<b>Democrats</b>		<b>Independents</b>		<b>Republicans</b>	
	<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Yes</u></b>	<b><u>No</u></b>
If convicted:								
Before conviction (3)	23.0	57.7	3.7	90.7	16.7	53.3	47.3	25.3
After conviction (1)	30.0	53.0	5.0	90.0	28.0	58.0	66.0	14.0
Difference	<b>+7.0</b>	<b>-4.7</b>	<b>+1.3</b>	<b>-0.7</b>	<b>+11.3</b>	<b>-5.3</b>	<b>+19.7</b>	<b>-11.3</b>
If in jail:								
Before conviction (3)	20.0	60.7	3.7	91.0	16.0	55.7	39.3	34.7
After conviction (1)	27.0	57.0	5.0	90.0	24.0	61.0	59.0	23.0
Difference	<b>+7.0</b>	<b>-2.3</b>	<b>+1.3</b>	<b>-1.0</b>	<b>8.0</b>	<b>-5.3</b>	<b>+19.7</b>	<b>-11.1</b>

Note: The number of surveys averaged is in parentheses.

Source: Ipsos/Reuters surveys, January, February, April, and (after conviction) late May 2024.

The revision was even starker in two YouGov surveys bracketing the trial that asked if a convicted felon should be allowed to run for president and if the respondent would vote for one.<sup>23</sup> Table 8 displays responses from just before the trial and just after the guilty verdict. Republicans and prospective Trump voters’ opinions shifted dramatically after Trump was convicted. Support for allowing a felon to become president rose 41 points among Republicans and 45 points among Trump voters, up to 58 and 67 percent, respectively. Similarly, willingness to vote for a felon rose 25 points and 33 points for the two groups to reach 74 percent and 85 percent, respectively. The strain for consistency

<sup>23</sup> The questions were, “Do you think that someone who has been convicted of a felony should be allowed to become president?” and “Are there any circumstances in which you would be willing to vote for someone convicted of a felony who is running for President?”

also led to greater acceptance of felons as candidates for other offices, including Congress, illustrating the broader influence of commitment to Trump on expressed political values; if they seem to conflict with support for Trump, they are set aside. Still, more Republicans and Trump voters were willing to vote for a felon for president than for Congress—presumably as long as the presidential candidate was Trump.

**Table 8. Opinions on Candidates with Felony Convictions Before and After the Hush Money Verdict**

	A felon should be allowed to become President	Willing to vote for a felon for President under some circumstances	Willing vote for a felon for Congress under some circumstances
<b>All Respondents</b>			
Before verdict	14	32	33
After verdict	34	44	41
Change	<b>+20</b>	<b>+22</b>	<b>+8</b>
<b>Democrats</b>			
Before verdict	10	16	22
After verdict	12	18	21
Change	<b>+2</b>	<b>+2</b>	<b>-1</b>
<b>Independents</b>			
Before verdict	16	32	34
After verdict	33	42	40
Change	<b>+17</b>	<b>+10</b>	<b>+6</b>
<b>Republicans</b>			
Before verdict	17	49	43
After verdict	58	74	66
Change	<b>+42</b>	<b>+25</b>	<b>+23</b>
<b>Trump Voters</b>			
Before verdict	22	57	47
After verdict	67	85	74
Change	<b>+45</b>	<b>+33</b>	<b>+27</b>

*Source:* The data are from YouGov surveys, “before” data from the April 1-8, 2024 survey, the “after” data from the May 31-June 2, 2024 survey;

Although the post-election polls reveal a sharp increase in the share of Republicans and prospective Trump voters willing to vote for a felon, a potentially decisive share (14 percent of Republicans, 7 percent of Trump voters) still said they were not willing to do so. Other survey data suggest that even these responses substantially overstate the potential effect of conviction on the vote of this or any other of Trump’s felony cases. Surveys that have posed the presidential vote question early in

the questionnaire and later asked how respondents would vote if Trump were convicted in any or all of the cases report smaller if still potentially consequential erosion in Trump’s support. They also find that very few of Trump’s prospective voters would shift to supporting Biden (all of these surveys were taken before his withdrawal). The average results from two sets of surveys enabling such a comparison are listed in Table 9. The first set comprises three Harvard/Harris polls that, following an earlier survey question about vote intentions, asked how people would vote if Trump were convicted, with one-third of the sample asked about each of three cases (Florida, Georgia, and D.C.). For analysis, I combined the three conviction questions, as they generally produced very similar results.<sup>24</sup> The Harvard/Harris data allow comparison of only dichotomous preference for Biden or Trump. The results suggest that conviction would cost Trump 3.3 points and majority support, with the largest drop among independents but with some erosion among Republicans as well.<sup>25</sup>

**Table 9. The Effect of a Hypothetical Trump Conviction on Vote Intentions**

	<b>All</b>		<b>Democrats</b>		<b>Independents</b>		<b>Republicans</b>	
	<b>Biden</b>	<b>Trump</b>	<b>Biden</b>	<b>Trump</b>	<b>Biden</b>	<b>Trump</b>	<b>Biden</b>	<b>Trump</b>
<i>Harvard/Harris (3)</i>								
Initial Vote	47.0	53.0	88.3	11.7	44.3	55.7	7.0	93.0
If convicted	50.3	49.7	87.0	13.0	50.7	49.3	9.5	90.5
Difference	<b>3.3</b>	<b>-3.3</b>	<b>-1.3</b>	<b>1.3</b>	<b>6.3</b>	<b>-6.3</b>	<b>2.5</b>	<b>-2.5</b>
<i>Yahoo News/YouGov (5) and Marquette (1)</i>								
Initial Vote	44.7	44.2	90.0	3.7	36.8	41.3	4.0	88.8
If convicted	45.8	39.0	90.3	2.7	39.5	36.0	4.3	79.5
Difference	<b>1.1</b>	<b>-5.2</b>	<b>0.3</b>	<b>-1.0</b>	<b>2.7</b>	<b>-5.3</b>	<b>0.3</b>	<b>-9.3</b>

Note: The number of surveys averaged is in parentheses.

Six other surveys, five from Yahoo/YouGov, one from Marquette University, allow a comparable analysis but with voting options that include other candidates, uncertainty, or not voting at all.<sup>26</sup> Their

<sup>24</sup> The exception was for among Republicans, for whom the difference in the classified documents case was smaller (+/- 1.0 point) than in the other two (+/- 6.5 points). The three surveys were taken in January, April, and May 2024.

<sup>25</sup> Curiously, Trump’s support among Democrats is actually 1.3 points higher if convicted, a difference probably best attributed to respondent inattention. A peculiarity of the Harvard/Harris data is that it estimates the major-party defection rates among Democrats in polls taken in 2024 at, on average, 10.2 percent, nearly twice as high and more than two standard deviations above the average defection rates in other comparable horserace polls, 5.2 percent; the defection rates shown in the lower section of the table are much more typical.

<sup>26</sup> One of the five Yahoo/YouGov polls asked about the vote if the conviction was in the hush money case, as did the Marquette poll; the other four worded it as “convicted of a serious crime.” This made no noticeable difference in the results so the six polls have been combined for analysis. The surveys were taken between August 2023 and May 2024.

results also suggest an overall penalty for conviction, again on the order about 3 points, but identify the key source of the difference conviction would make: it would derive much more from fewer votes for Trump than from more votes for his opponent. This is particularly true among Republicans; they would desert Trump in appreciable numbers, but only a tiny proportion said they would then vote for Biden. This is also the case for Trump voters specifically; among respondents in the five Yahoo News/YouGov surveys who initially said they would vote for Trump, an average of 84.6 percent said they would still vote for him if he were convicted, 9.8 were unsure, 3.8 percent would not vote, but only 1.8 percent said they would vote for Biden.

These findings point to a crucial reason why Trump's indictments and trial losses did so little to move the needle in Biden's favor: Most Republicans and independent Trump supporters had developed an intense antipathy toward the president that made voting for him unthinkable. In the weekly *Economist/YouGov* surveys taken in 2024 through July, 92.6 percent of Republicans expressed very (83.3 percent) or somewhat (9.3) unfavorable opinions of Biden.<sup>27</sup> Their animus for Biden actually exceeds that expressed by Democrats toward Trump in the same polls—89.1 percent very (82.1 percent) or somewhat (7.0 percent) unfavorable. Biden's average approval rating among Republicans in Gallup Polls, 5.7 percent, is the lowest ever recorded among rival-party identifiers for any president in the Gallup series going back to Truman; Trump previously held the record at 7.4 percent.<sup>28</sup> Republican disapproval is strong as well as nearly universal; in the seven monthly Quinnipiac Polls taken so far in 2024, 93 percent of Republicans have said they disapproved of Biden's performance, 86 percent "strongly."

Republican hostility toward Biden reflects in part the belief that his presidency is illegitimate; among the 71 percent in the 2024 *Economist/YouGov* series who endorse Trump's big lie, 97.6 percent view Biden very (93.1 percent) or somewhat (4.5 percent) unfavorably. It also reflects the success of a sustained campaign by right-wing media outlets and Republican politicians in Congress and elsewhere to portray Biden as a corrupt, radically-leftist dotard (Jacobson 2024b). Eighty-five percent of Republican in the *Economist/YouGov* polls taken in 2024 say he is not "honest and trustworthy" (7 percent say he is); 85 percent think "Biden has personally profited from his son Hunter Biden's business dealings."<sup>29</sup> A January 16-21 Pew survey asked whether "Biden has done things that are grounds for impeachment"; 86 percent of Republicans answered probably (31 percent) or definitely (55 percent) "yes."<sup>30</sup> They are also highly critical of his performance in policy areas they rate as very important, such as immigration (90

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<sup>27</sup> N=18,959; the numbers a virtually identical on the job approval question.

<sup>28</sup> Since the beginning of 2023, the average Gallup approval rating offered by Republicans has been even lower, 4.6 percent.

<sup>29</sup> *Economist/YouGov* poll, February 18-20, 2024.

<sup>30</sup> <https://www.pewresearch.org/politics/2024/01/25/americans-more-upbeat-on-the-economy-bidens-job-rating-remains-very-low/>.

percent disapproving) and inflation (91 percent disapproving).<sup>31</sup> And they are of course overwhelmingly of the opinion that Biden is too old for the job (average of 88 percent in 22 surveys taken in 2024 before his withdrawal).<sup>32</sup>

These sentiments explain why Trump's losses from any felony conviction were projected to be Biden's gain almost entirely by subtraction. Few Trump supporters were open to voting for Biden under any circumstances; strongly negative attitudes toward Biden would likely have kept most of those who said they were not sure how they would react to a Trump conviction from coming over to Biden's side. They might, however, have been moved to stay home or vote for a third party candidate in numbers appreciable enough to make a difference in a close election.

Biden's replacement by Harris has modified this dynamic, at least marginally. She is nearly as unpopular among Republicans as Biden—89.9 percent viewing her very (81.3 percent) or somewhat (8.6 percent) unfavorably in the *Economist/YouGov* surveys taken in 2024. Still, she does not (at least yet) motivate the votes of as many Republicans as had Biden; only 17 percent of prospective Trump voters in the first *Economist/YouGov* taken after it was clear she would be the candidate said their vote was more against Harris than for Trump, whereas the comparable average for Biden in the ten previous surveys that asked the question was 30 percent. The Trump campaign's work to demonize Biden is now largely wasted effort, and as it pivots to attacking Harris it lacks the crucial target of age-related impairment, although it can still exploit unhappiness with the Biden administration's record on inflation and the border and Republicans' strong dislike for the Democratic Party.

### **TRUMP'S GRIP ON HIS MAGA SUPPORTERS**

The initial consensus after the hush money verdict was that it would have little effect on Trump's support (e.g. McManus 2024, Politico 2024). In light of Trump's long history of unpunished norm violation, observers were rightly skeptical that the pattern would be broken by a felony conviction arising from efforts to bury a sex scandal back in 2016. Trump's firm and apparently unshakable grip on his MAGA supporters is abundantly demonstrated by, among many other things, the data reviewed in this paper. Indeed, his indictments and trials have probably strengthened the loyalty of his base, at least in the short run, although they may have hurt him with voters outside the MAGA world.

The sources of Trump's appeal and tenacious support have been analyzed astutely and at length in the popular and scholarly literature (e.g., Jardana 2019, Ahler 2018, Sides, Tesler and Vavreck 2018, Sides, Tausanovich, and Vavreck 2022, Hassan 2020, Hibbing 2020, Kalmoe and Mason 2022, Lewis 2021, Mason, Wronski, and Kane 2021, Mercieca 2020, Alberta 2023, McNamara 2024). Drawing on

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<sup>31</sup> Data from the weekly *Economist/YouGov* series through July 2024.

<sup>32</sup> The data are from *Economist/YouGov*, Harvard Harris, Quinipiac, *New York Times/Siena*, Echelon, Fox News, Yahoo/YouGov, AP-NORC, Ipsos, and Gallup polls.

this and other work, I've offered my own summary account of the reasons for the persistence of enthusiasm for Trump among his MAGA supporters in previous publications (Jacobson 2021, 2023a, 2024a) and so will offer only a brief recapitulation here. The key element is the sense of shared identity that Trump has forged with his MAGA followers by effectively presenting himself as the champion of (mainly) white Americans who feel besieged economically and culturally by globalism, immigration, feminism, secularism, and the growing racial and ethnic diversity of the country (Jacobson 2017, Pew Research Center, 2024). Trump voices and validates the resentments, grievances, and antipathies of people who feel ignored or belittled by cultural, corporate and political elites in both parties, conventional Republicans as well as Democrats. He expresses their sentiments in their language; they are excited and entertained rather than put off by his crass ridicule of opponents, disdain for norms, authoritarian swagger, and hints of violent retribution against their common enemies (Sides, Tesler, & Vavreck 2018); appeals to racial resentment and xenophobia are no small part of the package (Abramowitz and McCoy 2018, Tesler, 2016, Sides, Tesler, and Vavreck 2018, Hooghe and Dassonneville 2018, Schaffner, Macwilliams, and Nteta 2018). Trump has succeeded in persuading millions of disaffected Americans, especially less educated non-urban whites and white evangelical Christians. that he is on their side, that his enemies are their enemies, and that attacks on him—including most specifically his indictments—are attacks on them (Jacobson 2024a). In the Manichean world Trump conjures up, his MAGA followers are the genuine Americans, while their opponents are evil “Marxists, fascists, and the radical left thugs that live like vermin within the confines of our country” (Kurtzleben 2023).

Trump's invocation of shared victimhood has been effective, and people who see him as their ally and champion in the battle against evil forces threatening their security and way of life have a powerful incentive to use one or more modes of motivated reasoning to protect their good opinion of him—avoiding, ignoring, disbelieving, discounting, excusing, or dismissing as irrelevant anything suggesting that he might not deserve their support (Lodge and Tabor 2013, Kunda 1990, Kahan 2016). And most do, as evidenced here by their reactions to his indictments, conviction, and civil suit losses. Trump has convinced most of his followers that any person or institution who dares to criticize him or hold him accountable is their common enemy and therefore to be despised and distrusted: the Democratic Party and its leaders, insufficiently sycophantic Republicans, the mainstream news media, and large swaths of the judicial system, including the FBI, the Justice Department, and the prosecutors, judges and jurors in every court where he has failed to get his way (Jacobson 2024a). Demonizing anyone who exposes or refutes any of his incessant lies, Trump forces his supporters to choose between believing him or them. The great majority have chosen to believe him. For example, the Republicans responding to the 14 Quinnipiac Polls taken during his presidency that asked who they trusted more to tell the truth, Trump or



the news media, an average of 78 percent said Trump, 13 percent, the news media.<sup>33</sup> Similarly, Trump’s attacks on investigators, prosecutors, judges, and juries have offered his followers a choice between trusting him or the American justice system, and a large majority of them have sided with him. By maligning anyone attempting to hold him accountable, Trump has effectively exploited and deepened the pervasive distrust in national institutions that now defines a large fraction of the Republican coalition (Gallup 2023; Pew 2023).

### **Denying Reality**

Choosing to side with Trump requires, among other things, accepting a variety of factual claims ranging from the extremely dubious to the demonstrably false. Table 10 lists some examples from this and other studies, with all statements well established as true. Majorities of Republicans and larger majorities of Trump voters are unwilling to recognize as valid almost any claim that puts Trump in a bad light. They not only agree with Trump’s stolen election lie, but also refuse to acknowledge some of its obvious byproducts: that Trump was at least partially responsible for January 6 Capitol invasion, that he and the rioters sought to overturn the election, that he pressured Georgia’s secretary of state to reverse that state’s results, that he sought to prevent or delay certification of the results. On this last question, denial requires ignoring Trump’s own repeated demands, featured prominently in his January 6 “Save America Rally” on the Ellipse, that vice president Pence do exactly that (Jacobson 2024a). Rejection of reality extends to the classified documents case, and very few Republicans or Trump voters accept the factual conclusions reached by jurors in the civil cases Trump lost at trial.

Some fraction of these responses no doubt represents partisan cheerleading—or, more accurately, partisan taunting of Trump’s detractors<sup>34</sup>—or simply reflexive declarations of loyalty to Trump, but as noted earlier, belief in the core stolen election lie appears to be sincere, and most of the associated beliefs viewed here are likely to be as well (Jacobson 2024a). The refusal of so many Trump supporters to acknowledge awkward facts suggests widespread *motivated ignorance*. Motivated ignorance differs from the more familiar concept of rational ignorance in that “ignorance is motivated by the anticipated costs of possessing knowledge, not acquiring it” (Williams 2021). That is, it is not simply that the benefits of accurate political knowledge may be less than the cost of attaining it and thus not worth pursuing (Downs 1957), but that the costs of *having* accurate information exceed the benefits. When expressed opinions and beliefs signal identification with a group, it is rational to stay ignorant of contradictory facts that, if acknowledged, would threaten to impose personal and social identity costs for the uncertain benefits of accurate knowledge (Williams 2021, Kahan 2017). Only by remaining ignorant of such facts as those

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<sup>33</sup> The Quinnipiac Polls are available at <https://poll.qu.edu/poll-results/>.

<sup>34</sup> The antifa canard regarding January 6 is a strong candidate here (Jacobson 2024a).

**Table 10. The Distribution of True and False Beliefs held by Republicans and Trump Voters**

	Republicans Believe:				Trump Voters Believe:			
	<u>True</u>	<u>False</u>	<u>DK</u>	<u>N</u>	<u>True</u>	<u>False</u>	<u>DK</u>	<u>N</u>
Biden won legitimately in 2020	27	69	4	(264)	23	75	2	(181)
Trump had some responsibility for Jan. 6	23	71	6	(56)	17	76	7	(40)
Capitol invaders were <i>not</i> mostly Trump opponents/antifa	20	63	17	(12)	12	74	14	(9)
Capitol invaders were trying to overturn the election and keep Trump in power	36	64		(3)	31	69		(3)
Trump tried to overturn the 2020 election results	42	46	12	(3)	40	48	12	(3)
Trump sought to prevent or delay certification of the 2020 results	18	82		(3)				
Trump pressured Georgia secretary of state to overturn Georgia's presidential election results	20	57	23	(1)	13	68	19	(1)
Trump took classified documents to Mar-a-Lago	34	48	18	(15)	27	47	26	(10)
The FBI did not plant the classified documents	29	51	20	(2)	23	52	25	(2)
Trump had affair with Stormy Daniels	33	32	35	(4)	28	33	39	(3)
Trump paid hush money	36	41	23	(1)	31	48	21	(1)
Trump falsified business records	17	55	28	(7)	10	59	31	(6)
Biden was not behind the hush money prosecution	14	63	23	(1)				
Trump assaulted E. Jean Carroll	9	65	26	(3)	6	66	28	(2)

*Note:* The number of surveys averaged is in parentheses

*Source:* See the Appendix

listed in Table 10 can Trump supporters avoid facing the painful possibility that they might have been wrong about him and their despised enemies, right. Such a realization could unsettle their self and social identities, estranging them from family and friends who remain within the MAGA fold. As Michael Lynch, a philosopher who studies political convictions put it, “To be blunt, Trump supporters aren’t changing their minds because that change would require changing who they are, and they want to be that person” (quoted in Moritz 2023). Staying ignorant, deliberately or unconsciously, is thus rational. And of course numerous would-be opinion leaders are eager to help in that endeavor. People looking for

confirmation of false beliefs about these matters can easily find it among conservative media and internet personalities pursuing audiences and among Republican politicians pursuing votes who are willing to pander to the misinformed despite knowing better. They, too, have judged that the benefits of catering to their followers' ignorance exceed whatever reputational costs arise from doing so (Jacobson 2024a). Their refusal to call out Trump's big lie of a stolen election and attacks on the judicial processes aiming to hold him accountable are prime examples.

## CONCLUSION

Donald Trump's indictments, civil suit losses, and felony convictions have not prevented his political resurrection; they may even have helped it by feeding claims of unfair treatment and victimhood that are accepted uncritically by most of his followers. Although a substantial portion of Republicans have said in the abstract that they would not vote for a felon, the great majority now say they will, and of those who say they won't, only a tiny portion seem ready to switch their preference to Biden or now, apparently, to Harris.<sup>35</sup> The Supreme Court's decision on presidential immunity as well as hitches and delays in lower court proceedings have killed any chance of further action on Trump's other indictments before the election. By the evidence presented in this paper, additional convictions would have likely had a small but, in a very close election, potentially decisive influence on Trump's electoral support. Rather consistently, the analyses estimate indictments and convictions to move aggregate opinion by an average of about 3 points in Trump's disfavor, with the largest effects among independents, smallest among Republicans. Additional convictions could have eroded Trump's support among independent voters while depressing turnout if not raising defections among Republicans. Conceivably, then, the Republican-appointed judges on the Supreme Court and in Miami could, by their handling of the elections and documents cases, end up tipping the balance to Trump, although if so, it will be virtually impossible to demonstrate convincingly.

The effect of substituting Harris for Biden in this context is not yet clear, but it has altered one configuration that had been helping Trump. The public was split nearly in half on the question of whether Biden's age or Trump's criminal charges were the "bigger problem when it comes to their fitness for the presidency." In an April 2024 Yahoo News/YouGov poll asking the question, 38 percent said Biden's age, 40 percent, Trump's charges.<sup>36</sup> Biden's withdrawal took the first problem off the table, leaving Trump's criminal charges without the offset and Trump on the vulnerable side of the age issue. Harris's fate will be shaped in part by her campaign's effectiveness in exploiting this opening.

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<sup>35</sup> In surveys taken since Biden's withdrawal, an average of about 4 percent of Republicans say they will vote for her, about the same percentage who said they would vote for Biden in the month before he withdrew.

<sup>36</sup> Partisan differences were substantial, of course, with Republicans breaking 70:9, Democrats 15:73, and independents 37:37; see <https://www.scribd.com/document/723958908/20240415-news-tabs>.

On his part, Trump did the Democrats a great favor by quickly abandoning the “national unity” theme he briefly advanced after his attempted assassination, reverting to the familiar angry, divisive, mendacious and, yes, sometimes weird rhetorical riffs that evidently entertain his followers but have little appeal beyond their ranks (Samuels 2024). Even before his debate debacle, Biden was competitive only because of broad and often intense antipathy toward Trump outside the MAGA world. Through 2024 until his withdrawal from the race in July, Biden’s overall approval ratings averaged only 39 percent, with similar ratings of his handling of the economy and inflation and yet lower average ratings on handling foreign policy (35 percent approving), immigration (31 percent), and the Israel-Hamas conflict (30 percent) (Jacobson 2024b). Even without widespread doubts about his physical and cognitive ability to serve another four years, Biden’s persistently low approval numbers would almost certainly have doomed his reelection had he faced someone without Trump’s liabilities; historically, presidents with such dismal numbers do not win reelection (Jones 2024). Trump kept Biden competitive and now faces in Harris an opponent with the same appeal to people dreading a second Trump term but free of Biden’s geriatric issues. The alacrity with which Democrats elites and ordinary voters alike rallied behind Harris’s candidacy is eloquent testimony to Trump’s unmatched capacity to galvanize and unify their coalition. In late August, Harris enjoyed a small lead but tenuous lead in the horserace polls. We may be in for additional surprises before the election, but it seems likely that, given the closely divided and deeply polarized electorate, the outcome will be decided by how the cumulative events and revelations over the election season, including episodes in Trump’s legal odyssey, differentially affect partisan turnout and influence that small segment of the electorate that remains undecided.

## APPENDIX: SURVEY SOURCES

Survey data used in this paper were acquired from survey reports and data accessed through the FiveThirtyEight website, the Roper Center, news reports, and the survey sponsors' websites.

ABC News/Ipsos	<i>Economist/YouGov</i>	NPR/Marist
ABC News/ <i>Washington Post</i>	Fox News	Pew Research Center
American Perspectives Survey	Gallup	PRRI (Public Religion Research Institute)
ANES 2024 Pilot Study	Harvard Harris	Public Policy Polling
AP-NORC	IDB/Tipp	Quinnipiac University
Axios/Momentive	<i>Huffington Post/YouGov</i>	Suffolk University
Bright Line Watch	Ipsos/Reuters	Survey Monkey
CBS News and CBS News/YouGov	Marquette University	University of Massachusetts/YouGov
Civiqs	Monmouth University	<i>Wall Street Journal/GBAO</i>
CNN	Morning Consult	<i>Washington Post/</i> University of Maryland
Data for Progress	Navigator Research	Yahoo News/YouGov
Echelon Insights	NBC News/ <i>Wall Street Journal</i>	
	<i>New York Times/Sienna</i>	

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