Source Cues and Public Support for the Supreme Court

American Politics Research
2015, Vol. 43(3) 504–535

DOI: 10.1177/1532673X14560809
apr.sagepub.com
SAGE

Tom S. Clark[1] and Jonathan P. Kastellec[2]

Abstract

It is well known that the public often relies on cues or heuristics when forming opinions. At the same time, leading theories of opinion formation about the Supreme Court see such support as relatively fixed. Using a series of survey experiments, we find source cues significantly influence the public's support for the Court, including the extent to which individuals believe the Court should be independent from the elected branches. Specifically, we find partisan source cues play a significant role in shaping public opinion regarding life tenure for the justices and the extent to which the Court should have the final say in constitutional matters—individuals are less likely to support court-curbing measures when informed that elites from the opposite party have proposed them than when such measures are endorsed by either a neutral source or members of their own party. We also find a strong connection between specific support for particular decisions and the degree to which people believe the Court should be free from external influence, as individuals are more likely to say the justices should be influenced by demonstrators when the side they favor is the one doing the demonstrating. These results have important implications for understanding the extent to which politicians can shape the public's overall support for the Court, as well as for assessing the degree to which the public views the Court as a "political" institution.

[1]Emory University, Atlanta, GA, USA
[2]Princeton University, NJ, USA

Corresponding Author:
Tom S. Clark, Department of Political Science, Emory University, 327 Tarbutton Hall, 1555 Dickey Drive, Atlanta, GA 30322, USA.
Email: tom.clark@emory.edu

Keywords
Supreme Court, public opinion, source cues, judicial independence

Introduction

As an idealization, courts are supposed to be apolitical institutions, and judges are supposed to be non-ideological. At the level of a case, the removal of "politics" from judging ensures fairness for litigants and promotes the rule of law. From an institutional perspective, this removal helps promote public support for courts and compliance with their decisions, even unpopular ones. However, a central finding of political scientists who study the courts is that this idealization is just that (Segal & Spaeth, 2002). Courts are political institutions, and judges are political actors who are often influenced by factors other than simply the law, such as judicial ideology, personal values, and institutional context. In light of these findings, students of the courts have often asked whether public perceptions of the courts as "political" rather than "legal" institutions affect public approval of and support for the courts (e.g., Caldeira & Gibson, 1992; Gibson, 2007; Gibson & Caldeira, 2011; Zink, Spriggs, & Scott, 2009).

How the politics surrounding the courts affects public support for the judiciary is critical, because as the "least dangerous branch" (Hamilton, 1788), courts are unable to enforce their own decisions without help from the public and political actors (e.g., Carrubba, 2009; Stephenson, 2004; Vanberg, 2005). Thus, courts must maintain a reservoir of institutional legitimacy and support to be effective (e.g., Clark, 2011; Friedman, 2009; Staton, 2010). This includes the support of the American public. In the idealized view of courts and judges, public evaluation of them would be based on a careful evaluation of the legal quality of their decisions. Several factors preclude this, of course. First, the average American does not necessarily know much about how courts operate. Second, and more important for our purposes, the public's evaluation of courts might not be shaped by independent assessments of the performance of judges, but by political factors orthogonal to what courts and judges are actually doing. Indeed, research on judicial legitimacy has shown that there is more to public support than simple evaluations of the court's decisions (Clark, 2011).

Consider the following. The *Gallup* organization has periodically asked the public, "Do you approve or disapprove of the way the Supreme Court is handling its job?" The left-hand graph in Figure 1 shows the results from this survey in September 2000 and January 2001, whereas the right-hand graph shows the results from September 2008 and June 2009. For both graphs, the responses are broken down into Democrats, Independents, and Republicans.

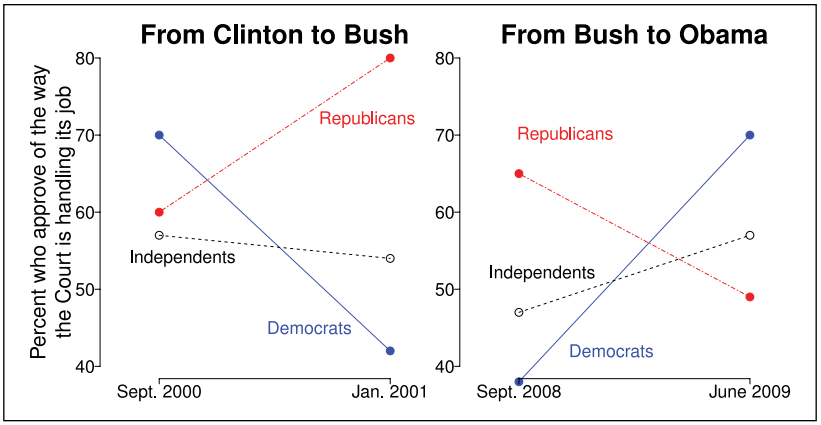

Figure 1. Approval of the Supreme Court across (a) 2000 and 2001, and (b) 2008 and 2009 identification.
Note. The partisan opinion shifts track changes in partisan control of the White House.

These dates are not random, of course: The left graph looks at opinion first at the tail end of President Clinton's presidency and then immediately following the inauguration of George W. Bush (and the Supreme Court's decision in *Bush v. Gore*), whereas the right graph bookends the end of the Bush presidency and the beginning of the Obama presidency.[1]

The results are striking. In September 2000, during a Democratic presidential administration, 70% of Democrats approved of the Supreme Court, compared with only 60% of Republicans. By January, the pattern of approval had reversed, with 80% of Republicans supporting the Court and fewer than 50% of Democrats doing so. Similarly, in September 2008, following eight years of Republican control of the White House, 65% of Republicans approved of the Court, compared with fewer than 40% of Democrats. Following the inauguration of President Obama, the pattern again reversed, with Democrats more likely to support the Court. By contrast, opinion among independents either did not move (in 2001) or increased a relatively small amount (in 2009). Thus, in both cases, it seems that a simple shift in presidential control (which, in the first instance, was facilitated in part by the Court's decision in *Bush v. Gore*) may have reshaped public opinion of the Supreme Court.

In this article, we examine whether shifts of this nature are symptomatic of the ways in which cues from other political actors (in this case, the cue from the fact that a different party controls the presidency) may shape people's views of the Court. In particular, we evaluate how source cues may shape public support for the Court. This includes support for judicial independence

and support for the Court to make decisions free of external influence. The consequences of our findings go to the heart of much of the normative and positive scholarship implicated above. To the extent that public support for the courts is essential for the democratic efficacy and institutional capacity, understanding how political context—especially political source cues—affects public evaluations of the court speaks to the conditions under which a judicial system can effectively exercise its prerogative to "check and balance" the other branches. What is more, to the extent the literature supposes the way in which opinion about the judiciary is formed differs from the way in which the mass forms opinions about other institutions, understanding whether political source cues can manipulate opinion has implications for the nature of the judiciary relative to other institutions of governance.

We use a set of survey experiments fielded throughout the spring of 2012 to evaluate several related ways in which public opinion about the Supreme Court is conditional on source cues. Our experiment demonstrates that partisan source cues play a key role in shaping the extent to which the public supports proposals to curb the independence of the Court—individuals are less likely to support court-curbing measures when informed that elites from the opposite party have proposed them than when such measures are endorsed by either a neutral source or members of their own party. Related, in an experimental design that leverages the political debate that took place in the spring of 2012 surrounding the Supreme Court's evaluation of the national health care law ("Obamacare"), we find that individuals are more likely to say that the justices should be influenced by demonstrators when the side they favor is the one doing the demonstration. Finally, we find that party identification plays a large role in shaping the views of people about whether it is appropriate for the president to comment on a case that is still being deliberated by the justices—that is, whether the Court should be able to decide cases without external pressure from the president.

To the best of our knowledge, these are the first set of results to document that public opinion regarding the Supreme Court is influenced by source cues.[2] These results have important implications for understanding the extent to which politicians can shape the public's overall support for the Supreme Court, as well as for assessing the degree to which the public views the Court as a "political" institution.

Theoretical Foundations of Public Support for the Court

Our theoretical expectations derive from a group of related literatures concerned with the nature and origins of mass opinion—both in general and with

specific application to the judiciary. Political scientists have long been interested in the correlates of public opinion about political institutions. Compared with other political institutions, the judiciary is relatively unique in the sources and determinants of its public support and approval. Courts are normatively supposed to be "above politics," serving a function as a neutral arbiter of disputes—both those between private parties and those involving the government. Unlike presidents and members of Congress, justices wear robes and are shrouded in symbols of justice, thereby imparting their work with more legitimacy among the public (Gibson, Lodge, & Woodson, 2012).

In light of these features of the judiciary, there is some reason to expect the way people form their opinions about courts is different from the way they develop opinions about other political institutions (MacKuen, Erikson, & Stimson, 1992; Rudolph, 2002). Because the presidency and Congress are expressly political institutions, evaluations by the public of the president and Congress are likely to be based primarily on retrospective and prospective evaluations of the performances of the relevant political actors themselves, rather than on institutional concerns. Evaluations of courts, however, will be colored by the impression that they are supposed to exist above politics.

The literature therefore commonly distinguishes between two components of public opinion about courts. The first component, known as "diffuse" support, relates explicitly to opinion about the Court as an *institution* (Easton, 1965; Gibson & Caldeira, 2011; Gibson, Caldeira, & Spence, 2003). This support for judicial institutions appears to be driven by satisfaction with the courts (e.g., Gibson, Caldeira, & Baird, 1998), knowledge of the courts (e.g., Caldeira & Gibson, 1992), and perceptions of fairness and impartiality (Tyler, 2006). The second component, known as "specific" support, relates to the particular *decisions* the Court makes.

Much research on diffuse support for the Supreme Court finds it to be relatively immalleable. Caldeira and Gibson (1992), for example, find only a weak connection between diffuse and specific support. In particular, they show that on average Americans oppose limiting judicial power, even if they do not agree with the overall ideological tenor of the Court's decisions at a particular point in time. Moreover, unlike with many issues, diffuse support for the Court does not appear to be related to partisanship. In two recent articles, Gibson (2007; Gibson et al., 2012) shows that there is little difference among Republicans and Democrats in their institutional support for the Court, even though the Court has been largely (though not absolutely) conservative in its decision making in recent years. Thus, under this account, support for the Court as an institution—*including support for the Court's independence*—would be relatively fixed, absent a series of controversial decisions or actions that drained the Court's "reservoir of goodwill and

commitment" among the mass public (Caldeira & Gibson, 1992). Such actions could include sustained attacks by one party or the other on the Court's independence (i.e., "court-curbing" measures designed to reign in the power of the justices). However, research on specific support indicates that the same factors that shape policy views on myriad issues can shape the extent to which the public supports specific decisions.

Mass Opinion Formation and Source Cues

If it is indeed the case that courts are not "political," the conclusion that support for the Court is relatively immalleable makes sense. However, this conclusion would seem to be somewhat in tension with the broader literature on opinion formation, which often takes as its starting point the proposition that the public does not have a great deal of information or knowledge about most political topics. That literature argues that mass opinion is often very subject to manipulation by high-salience political leaders (e.g., Zaller, 1992). Although some studies (Mondak, 1994, inter alia) suggest that political elites can help mold opinion about the courts, this literature has generally focused on the extent to which the Supreme Court itself can influence public opinion (see also Staton, 2010). The description of public opinion as only weakly constituted and subject to manipulation seems particularly appropriate in the context of the judiciary, which, relative to other political institutions, may be considered as especially low salience (Caldarone, Canes-Wrone, & Clark, 2009; Hojnacki & Baum, 1992; Kritzer, 2001).[3] Indeed, in the strongest view, we might think of support for the Court as an institution—that is, diffuse support—is a direct function of aggregated specific support and the induced beliefs the public has about the Court (Carrubba, 2009).

When individuals lack rich information or well-formed beliefs, they often rely on heuristics, or shortcuts, to make political evaluations (Lupia & McCubbins, 1998; Mondak, 1993). Perhaps the most well known such shortcut is partisanship (Campbell, Converse, Miller, & Stokes, 1960). In the strongest view, voters are seen as choosing policies on the basis of their partisanship, rather than choosing a partisan identification based on policies they favor (e.g., Wlezien, Franklin, & Twiggs, 1997). This phenomenon has been labeled *partisan bias*, as partisanship can be thought to bias how citizens view the world. A wealth of research in the past decade shows how partisan bias affects knowledge of objective facts (L. M. Bartels, 2002; Jacobson, 2010), the interpretation of those facts (Gaines, Kuklinski, Quirk, Peyton, & Verkuilen, 2007), and how citizens apportion blame to politicians and parties in the event of policy failures (Malhotra & Kuo, 2008; Tilley & Hobolt, 2011).

An important implication of this literature is that individuals rely on cues to make political evaluations, rather than coming to independent judgments (Arceneaux, 2008; Boudreau, 2009; Kam, 2005; Kuklinski & Hurley, 1994; Rahn, 1993; Sniderman, Brody, & Tetlock, 1993). Indeed, recent experimental evidence shows that the accompaniment of political messages with either the "brand names" of parties (Tomz & Sniderman, 2005) or the "source cues" of partisanship (Goren, Federico, & Kittilson, 2009) has a significant influence on how different partisans interpret those messages. Partisans are much more likely to support a policy position or agree with a statement of certain values if it is proposed by a co-partisan than if it is proposed by a neutral source or a member of the opposite party. Similarly, Bullock (2011) finds that while the availability and type of policy information is central to opinion formation, party cues also play an important role in shaping preferences over specific policies. Finally, Druckman, Peterson, and Slothuus (2013) show that party cues are particularly influential during periods of high partisan polarization among elites—as is the case today in the United States.

Source Cues and Public Support for Courts

These studies have significant implications for assessing the formation and sustainability of public opinion on a wide range of issues. They also present a conundrum for the literature on opinion about courts. On one hand, if public opinion is in fact multi-faceted and consists of a durable, underlying commitment to the institution, then it ought not to be influenced by the political contextual factors that have been shown to affect opinion on a broad range of political issues. On the other hand, there exists evidence across the general study of public opinion that the effects of these factors are wide ranging, and should also be seen in public opinion surrounding the courts.

Most research on the effect of context on public opinion about the Supreme Court has examined the extent to which Court decisions can affect public opinion about policy questions (Gibson et al., 2003; Mondak, 1994; Persily, Citrin, & Egan, 2008). Unfortunately, relatively little attention has been paid to the potential influence of both partisan bias and source cues on public opinion about courts. The few exceptions are worth noting. In one early study, Dolbeare and Hammond (1968) find the party of the president is a powerful determinant of public support for the Court's institutional integrity, such as whether the Court should be subject to reform (but see Casey, 1975). More recently, Hansford and Nicholson (2012) examine the variation in public acceptance of policy decisions. Using an experimental design, they find that the public is more likely to support decisions that were made by co-partisans on the Court—for example, a Republican respondent is more likely

to accept a decision made by a "Republican majority" on the Court compared with a Democratic majority. This study illustrates the powerful effect that partisanship and source cues can have on acceptance of the Court's decisions. Still unknown, however, is how partisan cues can affect support for the Court itself.

The question arises, though, what theoretical foundations justify an expectation that the documented effects of source cues should apply to courts as well as institutions previously studied. On one hand, the application of the source cues literature to the courts is fairly straightforward. The mechanism by which source cues affect opinion formation is a general psychological phenomenon and therefore should apply in essentially any context. Furthermore, source cues are potentially most effective when individuals have relatively little information and, by implication, only thinly held opinions. One view of the courts is that they are institutions of relatively low salience, and therefore they are most susceptible to opinion manipulation. Of course, a countervailing perspective is that opinion about the courts is rooted in apolitical concerns and therefore should not be subject to the effects of source cues documented in other contexts. To the extent we find evidence of source cues affecting opinion about the courts, we have evidence against that view and suggestive that courts are evaluated as are other institutions in American politics.

Thus, the time seems ripe for an investigation into this question. Given the existing literature, we would expect political source cues, such as partisanship, to influence public opinion—even on issues related to diffuse support for the Court (such as judicial independence) that has traditionally thought to be relatively immalleable. Specifically, the public should support proposals to curtail judicial independence when those proposals are made by their copartisans than when they are made by their political opponents. Our experiments allow us to directly assess the effect of source cues on public support for judicial independence. In addition, we can test whether views about whether the Court should be influenced by external forces—something that captures more specific support—are also influenced by source cues.

Experimental Analysis

To test these predictions, we employ a set of survey experiments.[4] We conducted our experiments using Amazon's Mechanical Turk (MTurk). MTurk is becoming an increasingly common mechanism for recruiting survey or experiment participants, and recent research demonstrates that while the subject population is less representative of the U.S. population than national probability samples, it is more representative than the common in-person

samples used in most political science experiments (Berinsky, Huber, & Lenz, 2012). We discuss below how the fact that we draw convenience samples from MTurk affects our empirical approach and the inferences we make.

We fielded three survey experiments across the winter and spring of 2012. *Survey 1* was conducted in February and March 2012, *Survey 2* in March and April 2012, *Survey 3* in April and May 2012. We obtained 494, 1,311, and 552 responses, respectively. Because we wanted to take advantage of contemporary political events that implicated the subject matter of our survey—namely, the Supreme Court's hearings in the challenges to the Affordable Care Act (March 26-28, 2012)—we added content to Survey 2 that was not included in Survey 1 and again altered the survey in Survey 3.

The core questions in each survey asked respondents their opinion about recent proposals to limit the Supreme Court's independence (so-called "court-curbing" proposals). To gain analytic leverage on the extent to which respondents' view of the Court are shaped by political context and source cues, we randomly manipulated the language with which the respondents were asked about their opinion of court curbing. Specifically, in each survey, we asked respondents the following question:

> Federal judges, including Supreme Court Justices, serve during "good behavior," which essentially means for life. Recently, [**some people/some Democrats/some Republicans**] have proposed limiting the tenure of federal judges and Supreme Court Justices to 18 years. Do you approve or disapprove of those proposals?

The bolded phrases were randomly assigned to each respondent. In Surveys 1 and 2, we also asked,

> It is generally thought that the Supreme Court has the final say on constitutional questions. [**Some people/Some Democrats/Some Republicans**] have proposed allowing the president and Congress to reverse Supreme Court decisions that they disagree with. Do you approve or disapprove of those proposals?

Whereas these questions do not correspond exactly to survey items used to measure diffuse support in previous studies (e.g., Caldeira & Gibson, 1992), they do tap into the core ideas those items seek to measure. Specifically, they go to the heart of common conceptualizations of judicial independence in the literature, which consider the insulation of judges from political retribution (life tenure) and the authority to exercise judicial power (final say) What is more, these questions are particularly appropriate for our experimental setting because they are actual proposals being debated in politics today (as

opposed to, for example, proposals to completely abolish the Supreme Court). For instance, the possibility of curbing the Supreme Court played a visible role in the 2012 Republican primary for president. Governor Rick Perry of Texas called for both the end of life tenure for the justices and a constitutional amendment to allow Congress to overturn Supreme Court decisions with a two-thirds vote, while Newt Gingrinch argued, "judicial supremacy is factually wrong, it is morally wrong and it is an affront to the American system of self-government" (Liptak & Shear, 2011). However, it is important to recognize that there is a potential mismatch between the actual political debates about the judiciary, which are the subject of our analysis, and the theoretical concepts traditionally associated with particular batteries of questions on fielded surveys. The consequence is that interpretation of our results in light of past studies requires judgment calls about the mapping from our survey to underlying mechanisms of opinion formation. We return to this issue in the conclusion.

Separately, in Survey 2, we also asked respondents about their opinions concerning recent developments in the Supreme Court's hearings in the challenges to the Affordable Care Act.

> The Supreme Court recently heard oral arguments in the challenge to the national health care law. [**Many people/Many of the law's supporters/Many of the law's opponents**] demonstrated out front of the Court. Do you think the demonstrators' views should influence the Court's decision in this case?

The bolded language was randomly assigned. This question—combined with the fact that we ask respondents their opinion about the health care law itself—is designed to test the degree to which a respondent's preference for the Court to remain independent (i.e., not influenced by demonstrators) is influenced by an individual's preference over the outcome of the case.

In Survey 3, we asked respondents their opinions about President Obama's comments on the Supreme Court. Although this part of the survey was not experimental, it allows us to link our analysis back to the question of presidential influence on public opinion. Specifically, we asked,

> President Obama recently took the rare step of commenting on an ongoing Supreme Court case, and predicted that the justices would uphold the 2010 health care act. He said, "I'd just remind conservative commentators that for years what we've heard is, the biggest problem on the bench was judicial activism or a lack of judicial restraint—that an unelected group of people would somehow overturn a duly constituted and passed law." Do you think the president should comment on Supreme Court cases while the justices are still deliberating?

Table 1. Summary of Experimental Surveys.

Experimental manipulations of source cues
Tenure: Federal judges, including Supreme Court Justices, serve during good behavior, which essentially means for life. Recently, [**some people/some Democrats/some Republicans**] have proposed limiting the tenure of federal judges and Supreme Court Justices to 18 years. Do you approve or disapprove of those proposals? (1, 2, 3)
Final say: It is generally thought that the Supreme Court has the final say on constitutional questions. [**Some people/Some Democrats/Some Republicans**] have proposed allowing the president and Congress to reverse Supreme Court decisions that they disagree with. Do you approve or disapprove of those proposals? (1, 2)
Health Care Demonstrators: The Supreme Court recently heard oral arguments in the challenge to the national health care law. [**Many people/Many of the law's supporters/Many of the law's opponents**] demonstrated out front of the Court. Do you think the demonstrators' views should influence the Court's decision in this case? (2)
Article I. President commenting on health care
President Obama recently took the rare step of commenting on an ongoing Supreme Court case, and predicted that the justices would uphold the 2010 health care act. He said, I'd just remind conservative commentators that for years what we've heard is, the biggest problem on the bench was judicial activism or a lack of judicial restraint—that an unelected group of people would somehow overturn a duly constituted and passed law. Do you think the president should comment on Supreme Court cases while the justices are still deliberating? (3)

Note. The numbers in parentheses indicate the surveys in which that question was asked. For more details on the surveys, see Appendix A. For every question, respondents were given a "Don't Know/No opinion" option.

Table 1 presents a summary of the questions we asked; it also indicates the survey in which each question was asked. More details on the surveys, including a complete description of the demographic variables, can be found in Appendix A. Note that for every question we asked in all our surveys, respondents were given a "Don't Know/No Opinion" option. At the end of each survey, we also asked respondents for the following political and demographic information: partisanship (we code "leaners" as partisans), age, race, gender, and education. Table B1 in Appendix B presents descriptive statistics on our substantive opinion questions, as well as these demographic variables. In addition, we also conduct a randomization check in Appendix B, and find very good balance across treatments.

Internal Versus External Validity

Perhaps the most immediate concern about the external validity of our experiment is that the sample of respondents is skewed in such a way that we will estimate treatment effects that are particular to a specific demographic group. As it turns out, our sample of respondents is younger, more Democratic, more White, more educated, and more male than the national population. In addition, even controlling for demographics, MTurk users may differ in systematic ways from the population—for example, they are more likely to be frequent Internet users. Accordingly, in our presentation of the results, we emphasize internal validity over external validity. In addition, our focus is on evaluating treatment effects and changes across relevant groups rather than analyzing the levels of public opinion. For example, our interest is less in estimating what percentage of Americans believes that life tenure for the justices should be eliminated, and more in evaluating how support for this proposal varies across the type of source cue that accompanies the proposals.[5] Importantly, along these lines, Berinsky et al. (2012) were able to replicate several classic experimental findings, suggesting that MTurk is an effective platform for evaluating treatment effects.

With this focus in mind, our analyses proceed on two tracks. First, we focus on differences of means in our data, and present the relevant comparisons graphically (e.g., difference in means of support for a court-curbing proposal across source cues). Next, we estimate a series of logit models that allow us to see whether the relationship in the raw data holds when we control for demographic variables.

Finally, it is worth noting that although our sample is skewed Democratic and Independent, and thus underrepresents Republicans, for nearly all of our analyses, we either evaluate respondents separately by party identification or control for partisanship. Thus, the distribution of partisanship in our sample does not create any problems of bias.

Source Cues and Support for Court Curbing

We begin our analysis of public support for an independent judiciary by examining the effect of source cues on court-curbing proposals. As noted above, the source cues literature suggests that public support for the judiciary should be affected by cues accompanying such proposals. Specifically, the public should be more likely to support proposals to curtail judicial independence or power when those proposals are made by their co-partisans than when they are made by their political opponents. Our experiment allows us to directly assess the effect of such cues on public support for the Supreme Court.

Before turning to the treatment effects of source cues, we first note the overall distribution of support for Court-curbing proposals. Among respondents who received neutral source cues only (i.e., "some people"), 78% favor ending life tenure, compared with only 30% who favor removing the Court's final say.[6] This accords with how we think about the severity of the two court-curbing proposals; reducing the tenure of justices to 18 years would be a much less radical change than giving Congress to power reverse constitutional decisions by the Supreme Court. The difference in opinion thus suggests that our respondents are giving meaningful answers to the questions we ask.

How do source cues affect support for ending life tenure on the Court and removing the Court's final say on constitutional questions? Figure 2A presents support on both questions, broken down in two ways: first, by the partisanship of the respondent; second, by the source cue the respondent received. The points show the mean level of support for each proposal among the relevant partisanship/source cue pair, while the vertical lines depict 95% confidence intervals.[7] The pattern among partisans is clear, and is consistent with what we would expect to find, based on the existing literature. Democrats are much less likely to support either proposal to curb the independence of the Court when it is proposed by "some Republicans," compared with a source cue of either "some Democrats" or "some people." For example, 78% of Democrats approve of restricting life tenure when it is proposed by "some Democrats," compared with only 60% when proposed by "some Republicans." We see a symmetric pattern with Republicans: They are much less likely to support either proposal when it is proposed by Democrats compared with when it is proposed by Republicans. Finally, among Independents, support for restricting tenure does not vary across source cue; for restricting life tenure, Independents are slightly more likely to support the proposal when it is made by a neutral source compared with a partisan one.

Do these patterns hold when we account for possible demographic correlates of public opinion? Table 2 presents 13 regression models, each of which analyzes the results of a single question, with separate models to capture the effects of the treatment on different groups of respondents. In each model, we control for age, education (using three categories: high school graduate or less/some college/college graduate), gender, and race (using four categories: White, Black, Hispanic, and Asian).[8] Focusing first on the source cue and court-curbing results, the first two sets of models in Table 2 (Models 1-6) present the results of models in which the dependent variable is support for restricting tenure or final say (we return to Models 7-13 below). We estimate separate models for Democrats, Independents, and Republicans. In each model, the key predictors are whether the proposal came from Democrats or Republicans. The "some people" source cue is therefore the baseline category, and the coefficients represent how the Republican or Democrat source cue shifts support relative to the "some people" baseline.

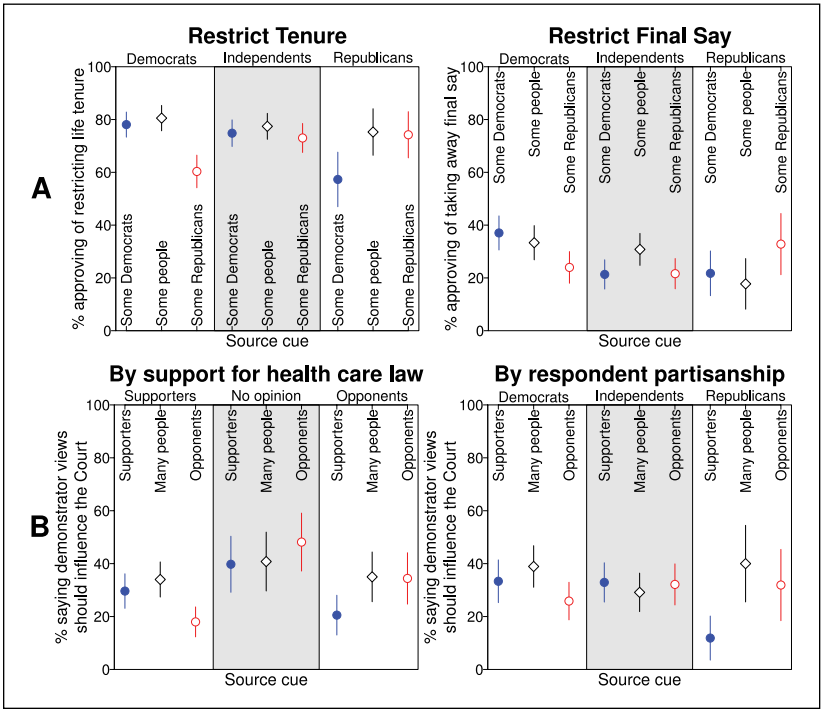

Figure 2. Support for the Supreme Court across source cues.

Note. In each plot, points depict mean approval rates and vertical lines depict 95% confidence intervals. (A) Approval of court-curbing proposals by partisan alignment with proposers. The left plot depicts approval of proposals to restrict judicial tenure; the right plot depicts approval of proposals to remove the Court's final say over constitutional questions. The graphs reveal large partisan effects in approval of measures to restrict the independent of the Court. (B) Approval of demonstrators influencing the Court, by opinion on the health care law and partisanship, respectively.

To make the results substantively interpretable, we calculate the "average predicted probability" of a respondent favoring each court-curbing proposal conditional on the treatment received and the respondent's partisanship. More specifically, we use the observed values in our data to calculate the probability of a "yes" response for every respondent, then average across these responses to generate a summary distribution (Gelman & Pardoe, 2007; Hanmer & Ozan Kalkan, 2013). In doing so, we use simulations of the coefficients from the model (based on variances and covariances) to compute confidence intervals on all of our quantities of interest, as well as the key differences between them.

Table 2. Regression Models of Opinion.

Question	Restrict tenure			Restrict final say			Health care, by support for law			Health care, by partisanship			
Respondents	Dems.	Inds.	Reps.	Dems.	Inds.	Reps.	Supporters	No opinion	Opponents	Dems.	Inds.	Reps.	Obama
Model	1	2	3	4	5	6	7	8	9	10	11	12	13
Intercept	1.72***	1.61***	1.73**	0.40	−0.12	0.39	0.50	0.81	0.90*	0.34	0.44	2.93**	0.92*
	(0.36)	(0.35)	(0.56)	(0.38)	(0.38)	(0.70)	(0.45)	(0.60)	(0.53)	(0.46)	(0.46)	(0.90)	(0.44)
Democrat treatment	−0.15	−0.18	−0.83*	0.20	−0.63**	0.32							
	(0.21)	(0.21)	(0.33)	(0.21)	(0.23)	(0.43)							
Republican treatment	−1.05***	−0.29	0.02	−0.46*	−0.42†	0.82†							
	(0.21)	(0.21)	(0.35)	(0.23)	(0.23)	(0.44)							
Supporters treatment							−0.29	−0.07	−0.98**	−0.25	0.09	−2.12	
							(0.23)	(0.34)	(0.24)	(0.26)	(0.26)	(0.57)	
Opponents treatment							−0.97***	0.33	−0.18	−0.66*	0.03	−0.63	
							(0.26)	(0.34)	(0.33)	(0.27)	(0.27)	(0.50)	
Age	−0.01	−0.01	−0.02†	−0.03**	−0.02†	−0.05**	−0.04***	−0.03*	−0.04***	−0.03**	−0.04**	−0.06**	−0.04**
	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.02)	(0.01)	(0.02)	(0.01)	(0.01)	(0.01)	(0.02)	(0.01)
Some college	−0.03	0.01	−0.24	−0.37	−0.07	−0.72	0.11	−0.31	−0.32	−0.16	0.06	−1.24*	−0.03
	(0.27)	(0.25)	(0.42)	(0.29)	(0.26)	(0.50)	(0.32)	(0.37)	(0.35)	(0.34)	(0.29)	(0.59)	(0.31)
College grad	−0.04	−0.13	−0.35	−0.63*	−0.38	−0.28	−0.43	−0.52	−1.41***	−0.58†	−0.81*	−1.65**	0.02
	(0.26)	(0.25)	(0.39)	(0.29)	(0.27)	(0.46)	(0.33)	(0.38)	(0.27)	(0.34)	(0.32)	(0.60)	(0.30)
Female	−0.09	0.23	0.81*	0.15	0.03	0.13	0.53*	0.18	0.73*	0.72**	0.40	0.27	−0.30
	(0.17)	(0.19)	(0.32)	(0.19)	(0.22)	(0.37)	(0.21)	(0.30)	(0.31)	(0.23)	(0.25)	(0.47)	(0.23)
Black	−0.55†	0.57	−0.46	0.51	0.07		−0.06	−0.21	1.03	0.32	−0.19		−0.21
	(0.30)	(0.55)	(0.95)	(0.38)	(0.50)		(0.46)	(0.68)	(0.95)	(0.44)	(0.57)		(0.45)
Hispanic	0.41	−0.51	1.22	−0.05	0.31		−0.76	−0.02	−0.52	0.49	−0.15		0.14
	(0.44)	(0.42)	(1.08)	(0.47)	(0.52)		(0.84)	(0.60)	(0.86)	(0.63)	(0.67)		(0.51)

(continued)

Table 2. (continued)

Question	Restrict tenure			Restrict final say			Health care, by support for law			Health care, by partisanship			
Respondents	Dems.	Inds.	Reps.	Dems.	Inds.	Reps.	Supporters	No opinion	Opponents	Dems.	Inds.	Reps.	Obama
Model	1	2	3	4	5	6	7	8	9	10	11	12	13
Asian	−0.20	−0.39	0.33	0.76**	0.71*		0.61*	−0.06	1.34*	1.01**	−0.17		0.27
	(0.29)	(0.28)	(0.55)	(0.28)	(0.31)		(0.31)	(0.50)	(0.54)	(0.36)	(0.40)		(0.36)
Democrat													0.46*
													(0.22)
Republican													−1.27***
													(0.36)
n	783	796	276	607	615	217	553	233	297	422	433	149	410
Log *L*	−404.38	−408.23	−130.02	−330.17	−303.34	−90.03	−270.84	−125.25	−124.91	−218.66	−223.04	−48.75	−228.85

Note. See text for descriptions of models. Standard errors are given in parentheses. In Models 6 and 12, there is no enough variation in race to include fixed effects.
Dems. = Democrats; Inds. = Independents; Reps. = Republicans.
†$p < .10$. *$p < .05$. **$p < .01$. ***$p < .001$.

The top panel in Table 3 presents the results of this analysis. These results largely mirror the results presented in Figure 2A. For instance, when Republican respondents are given the Democratic treatment, the average predicted probability of a response favoring limiting lifetime tenure is .56, compared with .74 when they receive the Republican treatment. This 18 percentage point difference is substantively very large; as a point of reference, it exceeds most of the source cue effects presented in Goren, Federico, and Kittilson (2009, Tables 4 and 5). More generally, the difference between the Republican proposal and the Democratic proposal is negative for Democratic identifiers and positive for Republican identifiers. Each of these differences is statistically different from zero at the 95% confidence level, except for Republican respondents in the Final Say model, in which the confidence interval includes zero.[9] However, a one-tailed 95% confidence interval does not include 0. In contrast, among Independents, there is little substantive difference, and no statistical difference, in predicted levels of support across the different source cues.

Support for Protestor Influence and Preferences Over Cases

We next investigate whether instead the public's support for the insulation of the Court is conditional on preferences over cases outcomes. In Survey 2, we asked respondents whether they believed the Supreme Court should uphold or strike down the Affordable Care Act. Based on the responses, we can categorize each respondent as being a "supporter" of the law, an "opponent," or having no opinion. Unsurprisingly, opinion on the law was highly correlated with partisanship, as Democrats were much more likely to be supporters and Republicans more likely to be opponents. As noted above, in Survey 2, we also performed the following experimental manipulation: We told respondents of protesters out front of the Supreme Court, randomly describing the protesters as "opponents," "supporters," or "many people." We then asked whether the demonstrators' views should influence the Court's decision in the health care case. With this design, we can thus evaluate the relationship between preferences over specific decisions and the public's willingness to allow the justices to decide without the influence of outside pressures.

Beginning with the unmodeled data, Figure 2B presents the results from this experiment, broken down in two ways: by support for the law, and by partisanship. First, among those who want to uphold the health care law (the left column in Figure 2B), respondents are less likely to say the Supreme Court "should listen to" protesters when those protesters are described as opponents than when they are described as supporters or "many people." The converse pattern holds among those who do prefer the Supreme Court invalidate the health care law. Respondents are less likely to say the Supreme Court

Table 3. Average Predicted Probabilities of Support for Court-Curbing and Whether Demonstrators' Views Should Influence the Court.

(A) Court-curbing analyses

Tenure	Democratic respondents	Independent respondents	Republican respondents
Democratic treatment	0.78 [0.72, 0.82]	0.75 [0.7, 0.8]	0.56 [0.46, 0.66]
Republican treatment	0.59 [0.53, 0.66]	0.73 [0.67, 0.78]	0.74 [0.65, 0.82]
Difference between treatment effects	0.19 [0.1, 0.26]	0.02 [−0.05, 0.1]	−0.18 [−0.32, −0.04]

Final say	Democratic respondents	Independent respondents	Republican respondents
Democratic treatment	0.38 [0.31, 0.44]	0.2 [0.15, 0.26]	0.23 [0.16, 0.33]
Republican treatment	0.25 [0.19, 0.31]	0.24 [0.18, 0.3]	0.33 [0.23, 0.44]
Difference between treatment effects	0.13 [0.04, 0.21]	−0.03 [−0.12, 0.05]	−0.09 [−0.22, 0.05]

(B) Health care analyses

By support/opposition to health care law	Respondents in favor of law	Respondents with no opinion	Respondents opposed to law
Supporters treatment	0.29 [0.24, 0.36]	0.4 [0.3, 0.5]	0.20 [0.14, 0.27]
Opponents treatment	0.18 [0.13, 0.25]	0.49 [0.39, 0.61]	0.33 [0.24, 0.42]
Difference between treatment effects	0.11 [0.03, 0.19]	−0.09 [−0.23, 0.05]	−0.13 [−0.24, −0.02]

By partisanship	Democratic respondents	Independent respondents	Republican respondents
Supporters treatment	0.34 [0.26, 0.42]	0.33 [0.26, 0.4]	0.12 [0.06, 0.23]
Opponents treatment	0.26 [0.2, 0.33]	0.32 [0.24, 0.39]	0.32 [0.21, 0.44]
Difference between treatment effects	0.08 [−0.03, 0.17]	0.01 [−0.09, 0.11]	−0.2 [−0.34, −0.05]

Note. The probabilities are generated using the respective models in Table 2. The numbers in brackets depict 95% confidence intervals, which are generated via simulation.

should listen to protesters when those protesters are described as supporters than when they are described as opponents or "many people." Finally, among those with no opinion on the law, the type of cue does not affect opinion.

Figure 2B tells a similar story with respect to partisanship. Democrats are less likely to say that the demonstrators' views should influence the Court when "opponents" of the law demonstrate, compared with "supporters" or "many people." The pattern among Republicans is even more striking. Only 12% of Republican respondents believe the Court should heed the views of "supporters" of the law, compared with 40% when it is "opponents" who are demonstrating.

Do these patterns hold when we account for possible demographic correlates of public opinion? Models 6 to 12 in Table 2 present the results of several logistic regressions. In each, the dependent variable is whether the respondent said the demonstrators' views should influence the Court's decision in this case. The key predictors are whether the respondent received the supporters or opponents treatment, with "many people" serving again as the excluded category. Again, we calculate the average predicted probability of a yes response, across treatments and the type of respondents, which are presented under "Health care analyses" in Table 3. Again, the modeled results mirror the results seen in Figure 2B. Moreover, the difference between the effect of describing the protesters as opponents and describing the protesters as supporters is itself substantively large and statistically meaningful. The results thus indicate support for the Court being shielded from external pressures is conditional on how individuals wish a case to be decided.

Summary of court-curbing results. On their face, these results may seem unsurprising—those who support the law do not want the Supreme Court to listen to its opponents, and vice versa. However, what is noteworthy is that respondents do not differentiate between protestors who share their view and protestors described as "many people." Among those who want to uphold the law, the "supporters treatment" has basically no effect. Similarly, among those who want to strike down the law, the "opponents treatment" has little effect. Thus, individuals do not seem to distinguish between protestors of their own view and generic protestors, though they do distinguish protestors of the opposing view.[10]

Although beyond the scope of our study, it bears discussing another mechanism that might be at work (and is hence a good candidate for future study). It is possible that there is a general negative effect on support for proposals that are accompanied by *any* partisan label. The consequence might be that receiving a co-partisan source cue leads to both a *negative* effect associated with the attachment of a partisan cue and a *positive* effect from the source of

the cue. Such counter-effects could lead to a net difference of zero between the neutral cue and the co-partisan cue. At the same time, the opposing partisan source cue can lead to two negative effects, from both the attachment of the partisan source cue and the nature of the source cue. If this is so, then all of our estimates of differences between source cues would be unbiased, because the negative effect applies in all instances, but we would underestimate the theoretical effect of co-partisan source cues relative to neutral cues. Of course, if the overall negative effect applies no matter what, the counterfactual scenario of a co-partisan cue without the negative effect from *any* partisan cue is conceptually difficult to understand.

Presidential Involvement in Supreme Court Deliberations

Finally, we bring our analysis full circle from the introduction by returning to the role of the president in shaping opinion about the Supreme Court. In Survey 3, we asked respondents,

> President Obama recently took the rare step of commenting on an ongoing Supreme Court case, and predicted that the justices would uphold the 2010 health care act. He said, "I'd just remind conservative commentators that for years what we've heard is, the biggest problem on the bench was judicial activism or a lack of judicial restraint—that an unelected group of people would somehow overturn a duly constituted and passed law." Do you think the president should comment on Supreme Court cases while the justices are still deliberating?

Given the influence of partisanship that we have seen so far, we would expect the party identification of respondents to heavily shape the views of people about whether it is appropriate for the president to comment on a case that is still being deliberated by the justices. Indeed, as seen in Figure 3, that is exactly what we find. The partisan split between Democrats and Republicans is enormous: 56% of Democrats said that the president should comment, compared with only 17% of Republicans (45% of Independents approved). When we specify a logit model (see Model 13 in Table 2) that includes controls for respondents' demographic characteristics, we confirm this finding. Relative to independents, Democrats are statistically and substantively likely to say the president should comment and Republicans are less likely to hold that view. That difference is statistically distinguishable from 0. Combined with the shifts in opinion across the two most recent presidential transitions, we can be fairly confident that the next time there is a Republican in the White House, the support among Democrats and Republicans for presidential involvement in an ongoing case would reverse itself.

What is particularly noteworthy about this finding is that partisanship colors not necessarily support for the president's position but rather support for

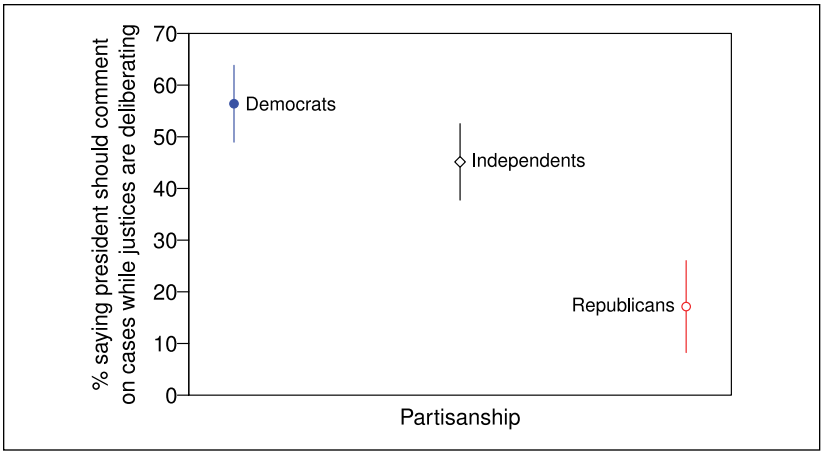

Figure 3. Effect of party identification on support for president commenting on Supreme Court case.
Note. Points depict mean rates of agreement; vertical lines depict 95% confidence intervals.

the degree of the Court's independence from the executive branch—as mediated through specific support or opposition to the health care law. In this example, presidential opposition to the Court seems to serve as a strong signal to his co-partisans that judicial independence will interfere with their policy goals; it signals the opposite to his political opponents.

Discussion and Conclusion

The results of our survey experiments suggest that the public does not evaluate the Supreme Court in a neutral manner. Instead, we find people key on source cues to evaluate how much independence the Court should have. Our survey experiments showed partisans are much less likely to support curbing the independence of the Court when a proposal is endorsed by the member of the out-party. Likewise, in looking at public reaction to the health care in 2012, we showed respondents were more likely to say that the Court should be influenced by demonstrators when those demonstrators were on the "other side" (whether defined by support for the law or partisanship). Finally, partisanship heavily influenced whether respondents approved of the president placing external pressure on the Court, with Democrats substantially more likely to approve it than Republicans.

The process by which the mass public forms opinions about politics is a subject of extensive scholarly attention, and the question has been particularly

complicated when studying opinion about courts, because of both their peculiar institutional setting and the information environment in which they operate. Although the Supreme Court is a highly political institution, its source of power and prestige is largely predicated on its perception as an apolitical, neutral arbiter of constitutional disputes. Thus, the criteria by which the Court *should* be evaluated are potentially unclear for any given individual. Informationally, the Supreme Court is of much lower salience than the White House or Congress, and the public tends to be less familiar with the major decisions it makes than those made in executive and legislative politics. One consequence of these features of the Supreme Court is that the public must simultaneously evaluate whether it likes the Court as an institution and also whether it likes what the Court does. Furthermore, the relatively low level of information the public has about the Court implies that political context may influence how the public makes both of these decisions. Our analysis documents a number of previously unappreciated pathways through which political cues and evaluations of the Court interact with each other.

It is worth placing these findings in the context of prior research that has found diffuse support to be less malleable. First, the experimental analysis of the effect of source cues on public support for the Court is not typical of past research designs, which are straightforward observational studies. Second, the battery of questions we ask respondents diverges from those used in traditional studies of support (e.g., Gibson and Caldeira (1992). Although different from past studies, our questions have particular value insofar as they map to actual contemporary political debates and events. Thus, we might imagine respondents' answers incorporate real-world, ongoing context. Finally, and related, our survey questions incorporate aspects of both diffuse and specific support. This is in part intentional, as we seek to evaluate how individuals think about judicial independence and court decisions jointly, as they might be in the context of an active political debate. However, these distinctions pose challenges of interpretation in the framework of diffuse and specific support. Certainly, our results comprise just a first step toward understanding how much public support for the Court is malleable, and further research is warranted.

With these caveats noted, we believe that it makes sense to locate our results into what one might call a "revisionist" account of the Supreme Court, which suggests that it is viewed as more of a political institution than previously thought. As noted earlier, Hansford and Nicholson (2012) find that partisans in the mass public respond to a "partisan" Supreme Court decision differently than they do to a "non-partisan" decision. In addition, Bartels and Johnston (2013) find a surprisingly strong relationship between the public's institutional loyalty to the Court and its ideological evaluations of the Court's outputs. As Americans perceive themselves as more ideologically distant from the Court, they are less likely to extend institutional legitimacy to the Court (e.g., there are more likely to hold opinions like it "might be better to

do away with the Court" altogether if it makes rulings that go against majority preferences). Finally, Christenson and Glick (in press) also analyze the Court's health care decision and find that portraying Chief Justice Roberts' decision in a political light decreases individuals' assessment of the legitimacy of the Court. Thus, the revisionist account suggests a tighter link between what the Court does and how it is perceived than is traditionally thought to be the case (see also Grosskopf & Mondak, 1998; Mondak, 1994; Mondak & Smithey, 1997). Our findings fit with this account insofar as they demonstrate the larger political context through which the public learns about the Court can affect its support for the institution. Rather than benefiting from an unshakable reservoir of goodwill, from which the Court derives diffuse support, support for the Court as an institution, insofar as support for life tenure and constitutional review capture such support, appears to be conditioned on the political context in which such issues are framed.

At the same time, the degree to which people think the Court should be susceptible to outside influence is strongly tied to their views over the outcome of the case, as our survey experiment regarding the health care case showed. Thus, it is notable that Republican approval of the Supreme Court declined rapidly during the summer of 2012, following the Supreme Court's decision to uphold the individual mandate provision in the Affordable Care Act (Jones, 2012). In the wake of the decision, Republican politicians engaged in a full-scale verbal assault on the Court, especially focusing their animosity on Chief Justice Roberts, who provided the pivotal vote to uphold the individual mandate in the health care. In the wake of that decision and the Republican-led attacks, approval of the Court plummeted among Republicans (Campbell & Persily, 2013). Somewhat ironically, though, the Republican criticisms of the Court may have served to enhance the Court's standing among Democrats.

Relatedly, although one might worry that politicians' criticism of the courts may undermine or erode public support for judicial independence (e.g., Clark, 2011, chap. 3), our evidence provides some evidence against that possibility. It is clear that public support for proposals to limit judicial power are conditional on who makes those proposals; however, we find that partisans only seem to respond to proposals from "the other side," and this effect is to *decrease* support for court-curbing measures. For example, if Republicans attack the Court, it would not affect support among Republicans, but would *increase* support for the Court among Democrats, and, as a result, makes it less likely that a majority of Americans would support a court-curbing measure. Thus, the very fact that the Court is viewed in a political lens may help insulate it from partisan attacks. In an era of increasing elite partisan polarization, it is increasingly likely that a majority of the Court will find itself at extreme odds with one of the parties (Cameron, Kastellec, & Park, 2013). If this occurs, the malleability of public opinion on the Court—and the fact that

partisan attacks trigger a counter-reaction among out-partisans—could play a significant role in the Court maintaining its institutional power.

Appendix A

Information on Survey Experiments

Summary. MTurk is an online service that allows one to post Human Intelligence Tasks (HITs) online, where workers can select which HITS they would like to complete. For our survey experiments, we created a survey using Qualtrics and posted a link to the survey on MTurk. Respondents completing the survey were given a unique completion code, which they were to enter into the MTurk assignment; respondents were paid (by us, through MTurk) after they entered a valid completion code.

Questions. For all questions on our survey, respondents could choose "Don't know" and could also skip the question without choosing any option and without any penalty (i.e., they could still complete the survey and receive their financial compensation).

In terms of information about each respondent, we first asked respondents, "Generally speaking, do you consider yourself a Republican, Democrat, or an Independent?" with the options of "Republican," "Democrat," "Independent," or "Other Party." Respondents who selected "Independent" were then asked a follow-up: "Generally speaking, would you say you lean towards the Republican Party, lean towards the Democratic Party, or neither?" with the options of "Lean Democrat," "Lean Republican," or "Neither." We then asked respondents for their age. Next, we asked respondents, "What is your race?" with the options of "African American," "Asian," "White," "Latino/Hispanic," and "None of the above." Next, respondents were asked for their gender. We then asked respondents, "What is the highest level of education you have completed?" with the options of "Some high school," "High school degree," "Some college," "Trade or technical degree," "Four-year college degree," and "Graduate degree." Finally, we asked respondents for their state of residence.

Appendix B

Descriptive Statistics and Randomization Check

Descriptive statistics. Table B1 presents descriptive statistics from our data. The first four variables present the mean level of responses to the court-curbing, health care, and president commenting questions. Note that these

summaries pool across all possible treatments. The rest of the variables summarize the demographic distribution in our data.

Table B1. Descriptive Statistics for Questions Related to Supreme Court and Demographic Characteristics of Respondents.

Variable	*M*	*SD*	Minimum	Maximum
Limit tenure	0.78	0.41	0	1
No final say	0.3	0.46	0	1
Demonstrators should influence	0.64	0.48	0	1
President should comment	0.45	0.5	0	1
Democrats	0.42	0.49	0	1
Independents	0.43	0.5	0	1
Republicans	0.15	0.35	0	1
Age	30.42	11.26	18	84
HS grad or less	0.16	0.37	0	1
Some college	0.4	0.49	0	1
College grad	0.44	0.5	0	1
Female	0.38	0.48	0	1
White	0.82	0.38	0	1
Black	0.05	0.21	0	1
Hispanic	0.04	0.19	0	1
Asian	0.09	0.29	0	1

Note. HS = high school; grad = graduate.

Randomization checks. Table B2 presents randomization checks for the various treatments we employ in our experiment. The first three sets of columns show the results of the randomization for the court-curbing and health care demonstrations. For each treatment, reading down the relevant column, we show the proportion of respondents in that treatment represented by each demographic category. (For age, we show the mean age in each treatment.) For example, the first column shows of the respondents who received the "Some Democrats" treatment for the tenure question, 43% were Democrats, 43% were Independents, and 14% were Republicans. One can see that the groups are balanced across treatments by reading across a demographic row: the partisan breakdown is nearly identical among those who received either the "Some People" treatment or the "Some Republicans" treatments.

More specifically, considering each category and treatments as a unit (e.g., Democrats/Tenure), there are 108 pairwise comparisons within which to assess balance (12 variables × 3 sets of treatments × 3 pairwise comparisons within each unit). For each pairwise comparison, we ran a two-tailed *t* test on the difference of means. Of the 108 comparisons, 5 were significantly different at $p < .05$. These are females receiving the "some Democrats" and "some people" tenure treatments; Republicans receiving the "some Democrats" and "some people" final say treatments; high school graduates or less receiving the "supporters" and "many people" health care treatments; Whites receiving "supporters" and "opponents" health care treatments; and Blacks receiving "supporters" and "opponents" health care treatments. Five of 108 equals 4.6%, or just about the proportion of deviations from randomness one would expect given random chance (and a significance level of .05). Thus, overall, the table shows very good balance across treatments. (And, of course, the regressions we run control for demographics and partisanship.)

Table B2. Randomization Check From Survey Experiments.

	Tenure			Final say			Health care demonstrations		
	Some Dems.	Some people	Some Reps.	Some Dems.	Some people	Some Reps.	Many of the law's supporters	Some people	Many of the law's opponents
Party ID									
Democrats	0.43	0.42	0.41	0.41	0.42	0.43	0.39	0.44	0.45
Independents	0.43	0.44	0.43	0.42	0.45	0.44	0.44	0.43	0.41
Republicans	0.14	0.14	0.16	0.17	0.12	0.13	0.17	0.13	0.14
Age									
M age	30.55	30.47	30.23	30.87	30.49	30.97	30.27	30.63	29.85
Education									
HS grad or less	0.17	0.17	0.15	0.14	0.15	0.17	0.18	0.12	0.15
Some college	0.42	0.38	0.4	0.44	0.39	0.39	0.39	0.45	0.46
College grad	0.41	0.45	0.45	0.42	0.45	0.44	0.42	0.43	0.39
Gender									
Female	0.37	0.41	0.35	0.39	0.38	0.37	0.37	0.4	0.35
Race									
White	0.84	0.8	0.82	0.83	0.82	0.83	0.86	0.83	0.8
Black	0.04	0.05	0.05	0.04	0.05	0.04	0.03	0.04	0.06
Hispanic	0.04	0.03	0.04	0.04	0.05	0.03	0.02	0.04	0.04
Asian	0.08	0.11	0.08	0.10	0.09	0.10	0.09	0.09	0.10

Note. The first three sets of columns show the results of the randomization for the court-curbing and health care demonstrations. For each treatment, we show the proportion of each group in the first column (i.e., party identification and demographics) that fall into the relevant treatment. (For age, we show the mean age in each treatment). The table shows good balance across all the randomizations in our experiments. Dems. = Democrats; Reps. = Republicans; HS = high school; grad = graduate.

Authors' Note

Complete replication materials can be found on the Dataverse Network at http://dx.doi.org/10.7910/DVN/27712

Acknowledgment

We thank Brandon Bartels, Deborah Beim, Michael Fix, Amy Lerman, Drew Linzer, Neil Mahotra, James Gibson, Jeff Staton, Ali Valenzuela, and Omar Wasow for helpful comments and suggestions.

Declaration of Conflicting Interests

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding

The author(s) received no financial support for the research, authorship, and/or publication of this article.

Notes

1. This pattern was noted by the *Monkey Cage* in June 2009 (Sides, 2009). The Gallup results come from Jones (2012). Importantly, the membership of the Court was stable in both of these intervals.
2. Below we discuss a related article by Hansford and Nicholson (2012), who find that source cues affect public acceptance of Supreme Court decisions. They do not, however, examine the effect of source cues on opinion of the Court itself.
3. But, see Gibson and Caldeira (2009) for a challenge to this conventional wisdom.
4. We fielded our experiments in the context of a larger survey that also asked questions about public opinion regarding Supreme Court decisions. For the purposes of this article, we focus solely on the source cue results.
5. However, in various footnotes below, we benchmark some of the levels of opinion we find in our sample against opinion taken in polls with nationally representative samples (when such polls exist). We find broad similarity, which suggests (but not does not prove) that the non-representativeness of the sample we use does not significantly affect our results.
6. In a Gallup poll taken in June 2012, 60% of respondents agreed with the statement, "appointing Supreme Court justices for life is a bad thing because it gives them too much power." Although that question and our question are not directly comparable, it seems clear that a significant majority of Americans would favor doing away with life tenure. Although we cannot find a question comparable with our "final say" question, one question asked by Ipsos in 2004 found that only 23% of respondents said that the Court has "too much power." An older survey item, from 1987, found that 58% of respondents said that the Court should have the power to declare laws unconstitutional.

7. While some of these confidence intervals overlap, one cannot assess the statistical significance of the difference between two predicted probabilities by simply examining whether they overlap (Austin & Hux, 2002). In the regression models and predicted probabilities discussed below and presented in Tables 2 and 3, we directly test whether the key quantities of interest are statistically different from one another.
8. In each model in Table 2, we drop observations with missing data. We have run parallel models using a Bayesian framework in which we can treat non-responses as missing data, and impute their values at each iteration of the simulation conditional on the model parameters. These models, which are available on request, produce the same substantive and statistical results as the frequentist logits estimated via maximum-likelihood, and hence we present the simpler models here.
9. This is due, in large part, to the relatively small number of Republicans in our sample, which increases the uncertainty of the comparison.
10. More generally, and incorporating the court-curbing results as well, these results seem consistent with what Goren, Federico, and Kittilson (2009) call "negativity bias" (see also Nicholson (2012)). When this occurs, cues from the "other side"—that is, the opposite party in the court-curbing analyses in Figure 2 or the opposing side of the health care case in Figure 2—should trigger larger shifts in opinion than should in-party cues. Indeed, with the exception of the final say question for Republicans, we consistently see no change in opinion when we compare the in-group cue to the neutral cue; it is only when people receive the out-group cue do we see shifts in opinion.

References

Arceneaux, K. (2008). Can partisan cues diminish democratic accountability? *Political Behavior*, *30*, 139-160.

Austin, P. C., & Hux, J. E. (2002). A brief note on overlapping confidence intervals. *Journal of Vascular Surgery*, *36*, 194-195.

Bartels, B. L., & Johnston, C. D. (2013). On the ideological foundations of Supreme Court legitimacy in the American public. *American Journal of Political Science*, *57*, 184-199.

Bartels, L. M. (2002). Beyond the running tally: Partisan bias in political perceptions. *Political Behavior*, *24*, 117-150.

Berinsky, A. J., Huber, G. A., & Lenz, G. S. (2012). Evaluating online labor markets for experimental research: Amazon.com's mechanical turk. *Political Analysis*, *20*, 351-368.

Boudreau, C. (2009). Closing the gap: When do cues eliminate differences between sophisticated and unsophisticated citizens? *Journal of Politics*, *71*, 964-976.

Bullock, J. G. (2011). Elite influence on public opinion in an informed electorate. *American Political Science Review*, *105*, 496-515.

Caldarone, R. P., Canes-Wrone, B., & Clark, T. S. (2009). Partisan labels and democratic accountability: An analysis of state Supreme Court abortion decisions. *The Journal of Politics*, *71*, 560-573.

Caldeira, G. A., & Gibson, J. L. (1992). The etiology of public support for the Supreme Court. *American Journal of Political Science*, *36*, 635-664.

Cameron, C. M., Kastellec, J. P., & Park, J.-K. (2013). Voting for justices: Change and continuity in confirmation voting 1937-2010. *Journal of Politics*, *72*, 283-299.

Campbell, A., Converse, P. E., Miller, W. E., & Stokes, D. E. (1960). *The American voter*. New York, NY: John Wiley.

Campbell, A., & Persily, N. (2013). The health care case in the public mind: Opinion on the Supreme Court and health reform in a polarized era. In N. Persily, G. E. Metzger, & T. W. Morrison (Eds.), *The health care case: The Supreme Court's decision and its implication*. New York, NY: Oxford University Press.

Carrubba, C. J. (2009). A model of the endogenous development of judicial institutions in federal and international systems. *Journal of Politics*, *71*, 55-69.

Casey, G. (1975). The theory of presidential association: A replication. *American Journal of Political Science*, *19*, 19-25.

Christenson, D. P., & Glick, D. M. (in press). Roberts's health care decision disrobed: The micro-foundations of the court's legitimacy. *American Journal of Political Science*.

Clark, T. S. (2011). *The limits of judicial independence*. New York, NY: Cambridge University Press.

Dolbeare, K. M., & Hammond, P. E. (1968). The political party basis of attitudes toward the Supreme Court. *Public Opinion Quarterly*, *37*, 16-30.

Druckman, J., Peterson, E., & Slothuus, R. (2013). How elite partisan polarization affects public opinion formation. *American Political Science Review*, *107*, 57-79.

Easton, D. (1965). *A systems analysis of political life*. New York, NY: John Wiley.

Friedman, B. (2009). *The will of the people: How public opinion has influenced the Supreme Court and shaped the meaning of the constitution*. New York, NY: Farrar, Straus and Giroux.

Gaines, B., Kuklinski, J., Quirk, P., Peyton, B., & Verkuilen, J. (2007). Same facts, different interpretations: Partisan motivation and opinion on Iraq. *Journal of Politics*, *69*, 957-974.

Gelman, A., & Pardoe, I. (2007). Average predictive comparisons for models with nonlinearity, interactions, and variance components. *Sociological Methodology*, *37*, 23-51.

Gibson, J. L. (2007). The legitimacy of the U.S. Supreme Court in a polarized polity. *Journal of Empirical Legal Studies*, *4*, 507-538.

Gibson, J. L., & Caldeira, G. A. (1992). Blacks and the United States Supreme Court: Models of diffuse support. *The Journal of Politics*, *54*, 1120-1145.

Gibson, J. L., & Caldeira, G. A. (2009). *Citizens, courts, and confirmations*. Princeton, NJ: Princeton University Press.

Gibson, J. L., & Caldeira, G. A. (2011). Has legal realism damaged the legitimacy of the U.S. Supreme Court? *Law & Society Review*, *45*, 195-219.

Gibson, J. L., Caldeira, G. A., & Baird, V. (1998). On the legitimacy of national high courts. *American Political Science Review*, *92*, 343-358.

Gibson, J. L., Caldeira, G. A., & Spence, L. K. (2003). Measuring attitudes toward the United States Supreme Court. *British Journal of Political Science*, *33*, 535-556.

Gibson, J. L., Lodge, M., & Woodson, B. (2012). *The symbols of judicial legitimacy: Thinking, fast and slow, about the U.S. Supreme Court* (Washington University Working Paper).

Goren, P., Federico, C., & Kittilson, M. (2009). Source cues, partisan identities, and political value expression. *American Journal of Political Science*, *53*, 805-820.

Grosskopf, A., & Mondak, J. J. (1998). Do attitudes toward specific Supreme Court decisions matter? The impact of Webster and Texas v. Johnson on public confidence in the Supreme Court. *Political Research Quarterly*, *51*, 633-654.

Hamilton, A. (1788). The federalist papers, #78. Retrieved from http://www.constitution.org/fed/federa78.htm.

Hanmer, M. J., & Ozan Kalkan, K. (2013). Behind the curve: Clarifying the best approach to calculating predicted probabilities and marginal effects from limited dependent variable models. *American Journal of Political Science*, *57*, 263-277.

Hansford, T. G., & Nicholson, S. P. (2012). *Partisans in black robes: Source cues and public acceptance of Supreme Court decisions*. Paper presented at the annual meeting of the Midwest Political Science Association, Chicago, IL.

Hojnacki, M., & Baum, L. (1992). "New style" judicial campaigns and the voters: Economic issues and union members in Ohio. *Western Political Quarterly*, *45*, 921-948.

Jacobson, G. C. (2010). Perception, memory, and partisan polarization on the Iraq War. *Political Science Quarterly*, *125*, 31-56.

Jones, J. M. (2012). *Party divide still evident in Supreme Court job approval*. Retrieved from http://www.gallup.com/poll/157754/party-divide-evident-supreme-court-job-approval.aspx

Kam, C. D. (2005). Who toes the party line? Cues, values, and individual differences. *Political Behavior*, *27*, 163-182.

Kritzer, H. M. (2001). The impact of Bush v. Gore on public perceptions and knowledge of the Supreme Court. *Judicature*, *85*, 32-38.

Kuklinski, J. H., & Hurley, N. L. (1994). On hearing and interpreting political messages: A cautionary tale of citizen cue-taking. *Journal of Politics*, *56*, 729-751.

Liptak, A., & Shear, M. D. (2011, October 23). Republicans turn judicial power into a campaign issue. *The New York Times*. Retrieved from http://www.nytimes.com/2011/10/24/us/politics/republicans-turn-judicial-power-into-a-campaign-issue.html

Lupia, A., & McCubbins, M. D. (1998). *The democratic dilemma: Can citizens learn what they need to know?* New York, NY: Cambridge University Press.

MacKuen, M. B., Erikson, R. S., & Stimson, J. A. (1992). Peasants or bankers? The American electorate and the US economy. *The American Political Science Review*, *88*, 597-611.

Malhotra, N., & Kuo, A. G. (2008). Attributing blame: The public's response to Hurricane Katrina. *The Journal of Politics*, *70*, 120-135.

Mondak, J. J. (1993). Source cues and policy approval: The cognitive dynamics of public support for the Reagan agenda. *American Journal of Political Science*, *37*, 186-212.

Mondak, J. J. (1994). Policy legitimacy and the Supreme Court: The sources and contexts of legitimation. *Political Research Quarterly*, *47*, 675-692.

Mondak, J. J., & Smithey, S. I. (1997). The dynamics of public support for the Supreme Court. *Journal of Politics*, *59*, 1114-1142.

Nicholson, S. P. (2012). Polarizing cues. *American journal of Political Science*, *56*, 52-66.

Persily, N., Citrin, J., & Egan, P. J. (Eds.). (2008). *Public opinion and constitutional controversy*. New York, NY: Oxford University Press.

Rahn, W. M. (1993). The role of partisan stereotypes in information processing about political candidates. *American Journal of Political Science*, *37*, 472-496.

Ríos-Figueroa, J., & Staton, J. K. (2013). An evaluation of cross-national measures an evaluation of cross-national measures of judicial independence. *Journal of Law, Economics & Organization*, *31*, 104-137.

Rudolph, T. J. (2002). The economic sources of congressional approval. *Legislative Studies Quarterly*, *27*, 577-599.

Segal, J. A., & Spaeth, H. J. (2002). *The Supreme Court and the attitudinal model revisited*. New York, NY: Cambridge University Press.

Sides, J. (2009, June 24). *Partisan bias in evaluations of the Supreme Court. The Monkey Cage*. Retrieved from http://themonkeycage.org/2009/06/24/partisan_bias_in_evaluations_o

Sniderman, P. M., Brody, R. A., & Tetlock, P. E. (1993). *Reasoning and choice: Explorations in political psychology*. New York, NY: Cambridge University Press.

Staton, J. K. (2010). *Why do judges go public? Constitutional review and judicial public relations in Mexico*. New York, NY: Cambridge University Press.

Stephenson, M. C. (2004). Court of public opinion: Government accountability and judicial independence. *Journal of Law, Economics & Organization*, *20*, 379-399.

Tilley, J., & Hobolt, S. (2011). Is the government to blame? An experimental test of how partisanship shapes perceptions of performance and responsibility. *The Journal of Politics*, *73*, 316-330.

Tomz, M., & Sniderman, P. M. (2005). *Brand names and the organization of mass belief systems* (Stanford University Working Paper). Retrieved from http://web.stanford.edu/~tomz/working/TomzSniderman2005.pdf

Tyler, T. (2006). *Why people obey the law*. Princeton, NJ: Princeton University Press.

Vanberg, G. (2005). *The politics of constitutional review in Germany*. New York, NY: Cambridge University Press.

Wlezien, C., Franklin, M., & Twiggs, D. (1997). Economic perceptions and vote choice: Disentangling the endogeneity. *Political Behavior*, *19*, 7-17.

Zaller, J. R. (1992). *The nature and origins of mass opinion*. New York, NY: Cambridge University Press.

Zink, J. R., Spriggs, J. F., II., & Scott, J. T. (2009). Courting the public: The influence of decision attributes on individuals' views of court opinions. *Journal of Politics*, *71*, 909-925.

Author Biographies

Tom S. Clark is Asa Griggs Candler Professor in the Department of Political Science, Emory University. His research interests include judicial institutional design, learning and rule-making in the judiciary, and and judicial independence.

Jonathan P. Kastellec is an assistant professor in the Department of Politics at Princeton University.