



Extra-judicial Actor Induced Change in Supreme Court Legitimacy

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Abstract

Although public support for the U.S. Supreme Court is generally stable, various cues and heuristics affect how individuals derive political opinions. And while the Court is capable of conferring support on its own decisions, information from extra-judicial sources—such as presidential candidates—may have a potentially (de)legitimizing influence on individuals and their attitudes. Using a survey experimental design, I manipulate the source of negative statements about the judiciary to determine whether extra-judicial actors are capable of altering support for the Court and, if so, whether it is via ideological updating or is a purely affective response. I find that political actors unrelated to the Court are capable of producing change in attitudes and that those changes are affective. Those positive toward the cue source decrease their level of support upon hearing indicting statements, and vice versa, but individuals do not alter their perceived ideological distance from the Court. This finding has implications for the stability of the support on which the Court relies to expect compliance with its rulings, as well as how affective attachments to groups and their representatives influence institutional loyalty.

Keywords

Supreme Court, legitimacy, public opinion, affective politics

President Donald Trump has proven to be an effective rhetorician, inducing action from corporations and consumers alike when he makes proclamations. For instance, his tweet “Cancel order!” to Boeing compelled the aircraft manufacturer to commit to rein in costs of the new Air Force One project and to donate to Trump’s inauguration. Even actions only tangential to Trump have spurred action among consumers; #BoycottNiemans, #BoycottStarbucks, and #DeleteUber are grassroots responses to various actions of companies perceived to either support or oppose President Trump. As journalists write, “. . . the heads of big American companies are being confronted by a leader willing to call them out directly and publicly for his policy and political aims” (Shear and Drew 2016). Perhaps most striking is that 51 percent of Trump supporters agree with his claim that the media is the enemy. This is all to say that people react when Trump speaks, be it via boycott, “buy-cott,” or altering or entrenching one’s political attitudes.

Under scrutiny here is what might happen should the U.S. Supreme Court become the subject of Trump’s ire. More generally, I evaluate what happens when affective attachments to an institution confront similar attachments to a political figure. That is, what is the outcome when a president who effectively compels action with his words sets his sights on an institution for which there is a strong basis of support, that is viewed as highly legitimate, and who relies on public support to expect the elected branches

to enforce its decisions? More broadly, can political actors—such as President Trump or once presidential candidate Hillary Clinton—compel individuals to reevaluate their attitudes toward the Supreme Court and disrupt the delicate separation of powers balance? And, if so, are individuals altering their attitudes in a strictly affective manner or are they learning something about the ideological location of the Court?

Members of the American public largely believe that the Supreme Court is worthy of trust and that its actions are legitimate (Caldeira and Gibson 1992). These psychological attachments to the judiciary—termed *institutional legitimacy* or *diffuse support*—tend to be connected to enduring orientations such as democratic values (Gibson and Nelson 2015a) and support for procedural justice (Baird 2001; Tyler 2006). Yet recent research suggests there is mobility in legitimacy attitudes and that they are more closely connected to performance evaluations and political cues than previously believed (Bartels and Johnston 2013; Christenson and Glick 2015; Clark and Kastellec 2015). Thus, there are conflicting accounts on

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whether positivity toward the Court can be altered. On one hand, some argue that a wealth of positive attitudes insulates the judiciary even when it has made an unpopular decision (Gibson, Caldeira, and Spence 2003b). On the other hand, some salient and politically charged cases may cause people to reevaluate their position vis-à-vis the judiciary and, ultimately, adjust their level of support (Christenson and Glick 2015). Furthermore, political figures are adept at influencing public sentiments toward various political stimuli (e.g., Bullock 2011; Lenz 2012). Finally, misperceptions of the ideological location of the Supreme Court appear capable of driving individual-level support for the institution (Bartels and Johnston 2013; Hetherington and Smith 2007). Here, I set out to determine whether those misperceptions can be manipulated by extra-judicial political actors such as President Trump.

There is little question that sustained disappointment with judicial outcomes will lead to less support for the institution. It is the swiftness with which these changes occur that is open to debate. Furthermore, it is assumed that individuals only adjust their assessments of the judiciary following the actions of the Court itself. Yet members of the mass public frequently rely on heuristics and various source cues when generating opinions (Clark and Kastellec 2015; Goren, Federico, and Kittilson 2009; Lupia 1994). As Nicholson and Hansford (2014) relate, “In making political judgments, the public is most likely to draw on trusted and credible source cues” (p. 2). Relatively unexamined in this line of research is the role of more expressly political figures in assessments of diffuse support for the Court. While evaluations of other political institutions are related to support for the Supreme Court (e.g., Caldeira 1986; Ura and Wohlfarth 2010), to the best of my knowledge, no scholarship asks whether individual political figures can cause modifications to individual levels of legitimacy (although see Dolbeare and Hammond (1968), who demonstrate that public attitudes toward the Court are related to whether one’s preferred political party controls the White House). I suggest that individuals may desire cognitive balance when considering their preferred political figures in relation to support for the judiciary. This is an important consideration, as political figures frequently discuss the Court, its actions, and actors (see Jaffe 2015). Should individuals alter their attitudes to align with frequent and occasionally inconsistent statements made by politicians, it calls into question whether attitudes regarding the Court are derived from assessments of the judiciary alone.

In this article, I use two original survey experiments to test whether salient political figures—in this case, Donald Trump and Hillary Clinton—are capable of modifying individual level positivity toward the judicial branch by making statements that indict the Court. Furthermore, I

ask whether any changes that may occur are driven by affective motivated reasoning or ideological updating. That is, are changes in evaluations of the Court a function of one’s affective attachments to Trump or Clinton or of receiving information from those sources and updating one’s ideological position vis-à-vis the Court? The results are clear: diffuse support is malleable, and alterations are affective. Individuals who dislike a political figure increase their level of support for the Supreme Court after exposure to that person’s negative statements and vice versa. Across the range of support for Clinton, there is a nearly 50 percent difference across the range of change in support for the Supreme Court. For Trump, this value is around 35 percent.

This study directly links statements of individual politicians—specifically, a presidential candidate and president elect, both of whom were in positions to frequently discuss the Supreme Court—to changes in diffuse support for the judiciary and demonstrates that those changes are affective in nature. Previous studies have linked particular cues to alterations in support (e.g., Christenson and Glick 2015; Clark and Kastellec 2015), but none have simultaneously examined diffuse support, individual political figures, and the mechanisms underpinning attitudinal change. In addition, these results imply that affect toward a partisan figure—with whom one’s social identity may be connected (Huddy, Mason, and Aarøe 2015; Suhay 2015)—outweighs existing positivity toward an institution. Affective attachments to partisan figures from whom citizens regularly adopt their political stances (see Lenz 2012) may be legitimacy’s unique vulnerability. These effects also have very serious potential consequences for the Supreme Court’s ability to produce decisions that are enforced. The public plays a crucial role in the separation of powers exchange such that the elected branches are compelled to offer deference to the Court when the public is supportive (Clark 2009; Ura and Wohlfarth 2010). That members of the elected branches, or salient political figures more generally, may be capable of altering this support is troublesome, as it would offer these institutions license to curb court authority.

Elite Cueing and Support for the Supreme Court

Downs (1957) famously noted that members of the mass public “cannot be expert in all the fields of policy Therefore, [one] will seek assistance from [those] who are experts in those fields, have the same political goals . . . and have good judgment” (p. 233). Others suggest that the masses look to the elites to find out “what goes with what” in politics (Zaller 1992). In other words, individuals can easily obtain information about political stimuli and form attitudes by looking to their preferred political leaders.

Researchers argue that there is a “dominating impact” of group influence on political beliefs (Cohen 2003) and that political elites frequently lead this influence (Zaller 1992). Campbell et al. (1960) characterize political parties as “a supplier of cues by which the individual may evaluate the elements of politics” (p. 128). Even when individuals are capable of making informed decisions, they frequently conform to the positions advocated by their preferred partisan group and “neglect policy information in reaching evaluations” (Rahn 1993; see also Bullock 2011; Iyengar and Valentino 2000). And, particularly important for the purposes here, political information can actually produce *changes* in assessments; partisan information motivates individuals to align with their party when they initially indicated reticence to do so (Dilliplane 2014). While there is some skepticism regarding the degree to which these source cues alone cause opinion change (Nicholson 2011), it is generally accepted that cues have a formidable influence in opinion change.

As Lenz (2012) shows, citizens “follow the leader,” meaning they adopt a politician’s policy views *after* choosing the candidate. Simply, who one supports influences her views on political issues, other political figures, and possibly, as I set out to answer here, institutions. This is sensible; while elite messages can offer ideological or policy information as to where one should orient herself in the political world, one’s affect toward the figure offers an easier pathway to do the same. In fact, affective attachments are the central motivation when citizens are making political judgments (Abramowitz and Saunders 2008; Iyengar and Westwood 2015; Lodge and Taber 2005). Although members of the mass public find the act of appropriately orienting various political stimuli notoriously difficult (Converse 1964; Lupton, Myers, and Thornton 2015), they make even nonpolitical judgments about objects with strong affective information (e.g., partisanship) with ease (Iyengar and Westwood 2015). For instance, individuals who identify with a party are likely to hold negative views of members of the other party, such that co-partisans are believed to exhibit positive socio-political traits (e.g., patriotism) while counter-partisans are not (Iyengar, Sood, and Lelkes 2012). Individuals are also more incredulous of members of the political out-group for behaving in a similar fashion to members of their own group; many are simultaneously willing to overlook information that their preferred politician has ulterior motives while scrutinizing counter-identity politicians for the same behavior (Munro, Weih, and Tsai 2010). This is particularly important when it comes to two objects toward which a person has positive affect. Should individuals generally like the Supreme Court—which they overwhelmingly do (Gibson, Caldeira, and Baird 1998)—they must confront this dueling affect when exposed to information that their preferred politician has scrutinized

the institution. Yet affective attachments to parties and partisan figures are a fundamental component of one’s social identity (Green, Palmquist, and Shickler 2004; Mason 2015; Suhay 2015). As such, even an institution for which one has great respect may not withstand affronts to one’s identity.

While elite cues typically lead opinions on things like public policy preferences, there is little reason to believe that one’s evaluations of the judiciary should be free from elite cueing, group and partisan attachments, and informational short-cuts, particularly when one stimuli is connected to one’s social identity. Indeed, partisan cues affect the degree to which one accepts particular decisions of the Court; Nicholson and Hansford (2014) show that partisan attributions (e.g., a “Republican” Court decision) affect acceptance of that decision more than the “imprimatur” of the Court. Likewise, Clark and Kestellec (2015) find that individuals oppose court curbing measures when out-party officials have advocated for their use. Concisely, elite cues are effective when it comes to attitudes about the Court. Moreover, these cues are effective when the source is clearly partisan, as they are here. Still, the Court is unique in its level of preexisting support; legitimacy is a function of factors more stable than simply the Court’s outputs (Gibson and Nelson 2015a). Here, I consider the consequence of “checking-in” to the Court, or receiving information about the institution, when legitimating forces are not present (i.e., during a routine political event).

In this study, I provide individuals with an information source that only some survey participants will find credible to determine whether such sources are capable of affecting diffuse support. Specifically, I ask whether negative statements regarding the Supreme Court by then-presidential candidate Hillary Clinton or then-president elect Donald Trump are capable of altering individual levels of the support for the judiciary.¹ Importantly, elite criticisms of the Court are a frequent practice, particularly following a displeasing outcome (e.g., Boehner 2015; Jaffe 2015). Furthermore, where other studies examine support for particular decisions (Nicholson and Hansford 2014) or whether the Court itself can affect support (Salamone 2014; Zink, Spriggs, and Scott 2009), this study asks whether source cues can affect diffuse support broadly. Although Clark and Kestellec (2015) examine broad levels of support, they comment that the items they utilize to tap support are different from previous studies and “incorporate aspects of both diffuse and specific support,” and that “these distinctions pose challenges of interpretation in the framework of diffuse and specific support” (p. 525). Thus, there are two major differences in my study. First, I ask whether an *individual* political figure is capable of moving attitudes toward the Supreme Court. Second, I ask whether *diffuse* support is alterable.

The Formation of Diffuse Support

To understand how cues can influence attitudes regarding the judiciary, it is important to note the psychological underpinnings of diffuse support. One process by which diffuse support is built is through a sequence of decisions with which one agrees on policy grounds (Gibson, Caldeira, and Baird 1998). Some argue that support is merely a “running tally,” where individuals record favorable and unfavorable outcomes (Baird 2001). Under this conceptualization, it may be possible to increase the tallies in the favorable column swiftly. Previous research suggests that the converse may not be true; dissatisfaction with decisions only produces short-term alterations to diffuse support (e.g., Durr, Martin, and Wolbrecht 2000). That is, tallies in the unfavorable category quickly dissipate and only briefly factor into the overall calculation of support. However, scant attention has been paid to extrajudicial causes of unfavorability and whether such forces can alter support to a greater degree than the Court’s own rulings. More concisely, while dissatisfaction with Court outputs quickly cedes to the democratic values that underpin support for the Court (Durr, Martin, and Wolbrecht 2000; Ura 2014), other political stimuli—like a politician or other partisan figure—may more fundamentally alter the considerations one makes when determining her level of support. Again, this may be the case because individual political figures—from whom people assume political positions (Lenz 2012)—represent the parties with which individuals socially identify (Huddy, Mason, and Aarøe 2015).

Recently, scholars have shown that subjective ideological (dis)agreement—a form of satisfaction with the Court’s job performance—is related to legitimacy assessments (e.g., Christenson and Glick 2015); up-to-date perceptions of the ideological distance between oneself and the Court predicts the level of support one offers the judiciary. Those who perceive themselves to be closer to the Court ideologically, regardless of the Court’s true position on the left–right policy continuum, attribute more support, and vice versa. Thus, it is not necessarily the number of tallies in the favorable column that influence support, but what types of information potential tallies in either column provide regarding one’s position vis-à-vis the ideological position of the Court.

As Gibson and Nelson (2015b) note, developing these up-to-date perceptions of subjective agreement is a two-step process where “. . . (1) citizens evaluate the [Court’s] decision, and then (2) recalculate the ideological distance between themselves and the Court, as revealed by its new decision.” Just as a salient Supreme Court decision can influence one’s running tally, so too may other political evaluations. In other words, it is possible that individuals use some political stimulus other than a Court decision

and recalculate their relationship to the Court as revealed by that political information. Indeed, many assessments of political institutions and actors are affected by politically motivated covariates. For instance, presidential approval is affected by evaluations of economic performance (e.g., Norpoth, Lewis-Beck, and Lafay 1991). Likewise, certain operationalizations of support for the Supreme Court are a function of presidential approval and political events unrelated to the judiciary (Caldeira 1986; Ura 2014). Therefore, there is reason to suspect that various assessments of the Court are not free from other political evaluations. One’s running tally of support for the Court may be influenced by nonjudicial political stimuli.

Finally, individuals may face some level of cognitive dissonance when faced with competing information regarding the Supreme Court. Because support for the Court is generally high, external challenges to the Court, particularly from a credible or favored source, may produce inconsistency in evaluations. The purpose of this study is to produce and record the impact of such inconsistencies and to determine whether they are affective or a product of updating on gaining new information.

On one hand, consistency theory (Zimbardo and Leippe 1991) suggests that individuals desire consistency between their attitudes and will alter one or both to achieve relative balance. Furthermore, this affective-cognitive consistency suggests that adding new information to the “attitude system”—typically via a persuasive message—may bring the attitudes into balance (Simonson and Maushak 1995; Zimbardo and Leippe 1991). It is through this framework that I examine alterations to attitudes regarding the Supreme Court following the introduction of new information. Here, and as described in greater detail below, the new information is the knowledge that Hillary Clinton or Donald Trump is not supportive of the Supreme Court. Thus, consistency theory suggests that individuals who are affectively positive toward Clinton or Trump (or the parties that they represent) must reconcile their beliefs regarding the Supreme Court with that valence.

On the other hand, some scholars suggest that priming experiments or source cues merely inform respondents, allowing them to make informed decisions to survey items (Lenz 2009; Nicholson 2011; Tesler 2015). That is, there is a learning process that occurs. In this study, the mechanism of change can be determined. I record subjective ideological disagreement with the Supreme Court both pre- and post-treatment. If individuals learned the position of the Supreme Court and altered their views accordingly, they will be said to have updated ideologically; individuals who exhibit no updating have responded to the cue.

Table 1. Experimental Outcomes.

Affect	Δ in legitimacy	Outcome
Positive	Positive	Judicial Autonomists
	Negative	Support Malleable
	None	Diffuse Supporters
Negative	Positive	Support Malleable
	Negative	Court Hostile
	None	Diffuse Supporters

Expected Changes in Diffuse Support

The expectation is that priming survey respondents to consider their attitudes toward political figures when evaluating the Supreme Court can spur changes in those evaluations.

However, given that partisan affect has powerful motivating properties (e.g., Iyengar and Westwood 2015) and only credible sources are persuasive (Sternthal, Dholakia, and Leavitt 1978), only some respondents will find each figure's commentary compelling. This leads to the following hypotheses:

Diffuse Support Hypothesis: Affect toward Clinton/Trump will not impact support for the Supreme Court.

Support Malleability Hypothesis: Individuals who have high (low) affect toward Clinton/Trump will attribute less (more) support to the Court relative to baseline levels of support following treatment.

Judicial Autonomist/Court Hostile Hypothesis: Individuals who have high (low) affect toward Clinton/Trump will attribute more (less) support to the Court relative to baseline levels of support following treatment.

These hypotheses are depicted in Table 1.

Note that Trump and Clinton's "statements" are negative, meaning agreement with them is in opposition to the Court. Those who display no change—conditions in dark gray—are "Diffuse Supporters," steadfast in their opinions toward the Court; this is the null hypothesis. Those who have positive (negative) affect for the political figures and whose ascription of legitimacy is lower (higher) after the treatment—the conditions highlighted in light gray in Table 1—are "Support Malleable," meaning their attitudes toward the Court can be shaped by non-Court political figures. The other two conditions are not expected to occur systematically.

Data, Cues, and Methodology

This study asks two major questions. First, can elites move diffuse support? That is—in light of recent discoveries challenging the conventional wisdom that attitudes

regarding the judiciary are stable—is diffuse support free from the considerations and political biases that affect other political evaluations? Or, is support for the Court unique in that it is a function only of Court behavior? While the Court *is* uniquely able to confer legitimacy on its own decisions (Salamone 2014), it is not clear that considerations of the Court are *exclusively* related to the judiciary. Second, should changes in evaluations of the Court be present, are they motivated by the consistency in evaluations account or the informational account? That is, are individuals forced to reconcile different attitudes toward two political stimuli, or do they learn new information about the Court and adjust assessments accordingly?

To test these questions, I conducted two original survey experiments, both from Amazon's Mechanical Turk (MTurk). Although samples using MTurk as a recruitment tool are not as representative as national probability samples, they are generally valid (Berinsky, Huber, and Lenz 2012; Clifford, Jewell, and Waggoner 2015), are particularly useful for experimental designs (Horton, Rand, and Zeckhauser 2011), and have commonly been used to study public attitudes toward the Court (Christenson and Glick 2015; Clark and Kastellec 2015). First, in October 2016, 708 respondents were randomly assigned to either the Hillary Clinton treatment or the control group. In December 2016, 503 respondents were randomly assigned to either the Donald Trump treatment or the control group.

After recording baseline levels of diffuse support using the Gibson, Caldeira, and Spence (2003a) legitimacy battery, which asks individuals whether they agree with statements, such as, "The Court gets too mixed up in politics," respondents from each survey were randomly assigned to either the control or treatment group.² The treatment groups were presented with a vignette that read,

Recently, in a speech given to supporters, Democratic presidential candidate Hillary Clinton (president-elect Donald Trump) made some controversial remarks regarding the United States Supreme Court. Below, some of her (his) critiques will be paraphrased. Please indicate your level of agreement with Hillary Clinton's (Donald Trump's) statements.

Then, these respondents were presented with the original legitimacy battery items but were led to believe that Clinton (in the first survey) or Trump (in the second) had made those statements. For instance, instead of being asked whether they agree with "The U.S. Supreme Court ought to be made less independent so that it listens a lot more to what the people want," respondents were told, "Hillary Clinton (Donald Trump) commented that 'The Supreme Court ought to be made less independent' so that it listens a lot more to what the people want. Do you agree or disagree?" The control group was simply asked

to complete the legitimacy battery a second time without any vignette or cue.

Importantly, I determined affect toward Clinton and Trump—as measured by a feeling thermometer ranging from 0 to 100, where higher values indicate more positive or warm feelings—*prior* to random assignment to treatment groups.³ For the second portion of the experiment, which determines whether the mechanism underlying changes in diffuse support is affective or a learning process, I measure subjective ideological disagreement with the Supreme Court both before and after treatment. Consistent with Bartels and Johnston (2013), ideological disagreement is measured by determining the difference between one's ideological self-placement on a 5-point scale from one's placement of the Supreme Court on a 5-point scale. Thus, the directionality of the disagreement does not matter, as both assessments are subjective and irrespective of operational ideology (see Ellis and Stimson 2012). The variable ranges from 0 to 4, where 0 means there is no difference between one's placement of themselves and of the Court and 4 indicates maximal distance. For instance, one who leans liberal and believes the Court does as well will score 0; so too will one who leans conservative and believes the Court does. Conversely, one who leans liberal and believes the Court is solidly, but not extremely, conservative will score 3. The *change* in perceived ideological distance—which ranges from -4 to 4—is calculated by subtracting one's post-treatment ideological distance from her pre-treatment ideological distance, such that larger values indicate the perceived distance between oneself and the Court has grown.

To determine whether elite condemnations of the Court can affect public support for the judiciary, I simply subtract one's post-treatment legitimacy score from their pre-treatment legitimacy score, such that larger values indicate an increase in support. The result is the change in one's assessment of diffuse support. Such a calculation is consistent with other work examining changes in diffuse support (e.g., Christenson and Glick 2015). The distribution of these changes for the Clinton sample is displayed in Figure 1 for both the control and treatment groups. As can be seen, there is much greater variance in the treatment group's diffuse support distribution; the variance in the treatment distribution (dashed line) is 1.4 times that of the control distribution (solid line). A Kolmogorov–Smirnov test indicates that there are significant differences in the overall distribution of change in diffuse support for the two groups ($p = .001$); the same test produces the same information for the Trump sample ($p = .00$). To be clear, the only difference between the two distributions in Figure 1 is that those in the treatment group believe Hillary Clinton has made negative statements about the Supreme Court, where those in the control group have responded to the same negative sentiments that are unattributed to any particular political actor.

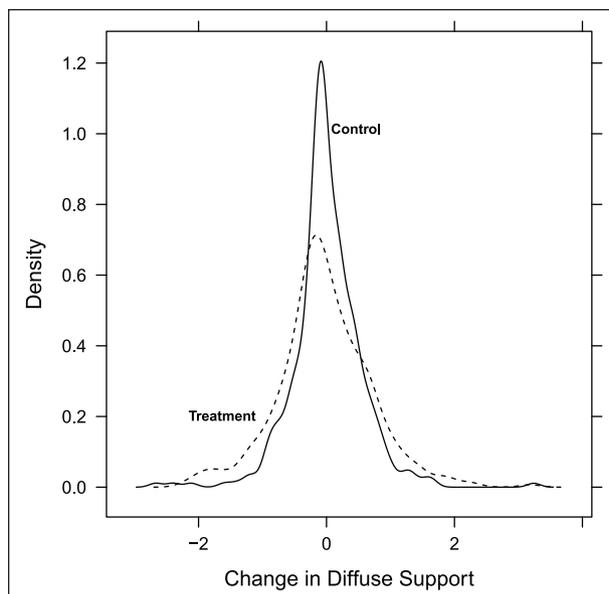


Figure 1. Density of change in legitimacy for Clinton sample, by group.

More straightforwardly, the correlation between legitimacy_{t1} and legitimacy_{t2} is 0.83 for the control group and 0.71 for treatment in the Clinton sample. The corresponding values for the Trump sample are 0.89 and 0.72. Greater continuity in the pre- and post-treatment support scores for the control groups is to be expected.

Next, I determine the effect of *Clinton Affect* and *Trump Affect* on the change in support for the Supreme Court. To do so, I estimate two separate models. The first regresses the change in legitimacy onto Clinton affect, a binary variable indicating presence in the control group or treatment condition, and an interaction between the two. The data used for this model come from the first experimental sample. The second does the same but uses Trump affect; the data for this model come from the second experimental sample. Because assignment to the treatment group was randomized and randomization was successful, I exclude control variables.⁴

Malleability Results

On the advice of Brambor, Clark, and Golder (2006), I interpret the results of these interactive models graphically and omit a results table.⁵ Figure 2 displays these results. The results for the Clinton experiment appear on the left and those for the Trump experiment on the right. In each, the line represents the estimated effect across the range of affect toward the respective political figure on the change in diffuse support for each group; groups are denoted by text. Dashed lines are 95 percent confidence intervals around the estimates.

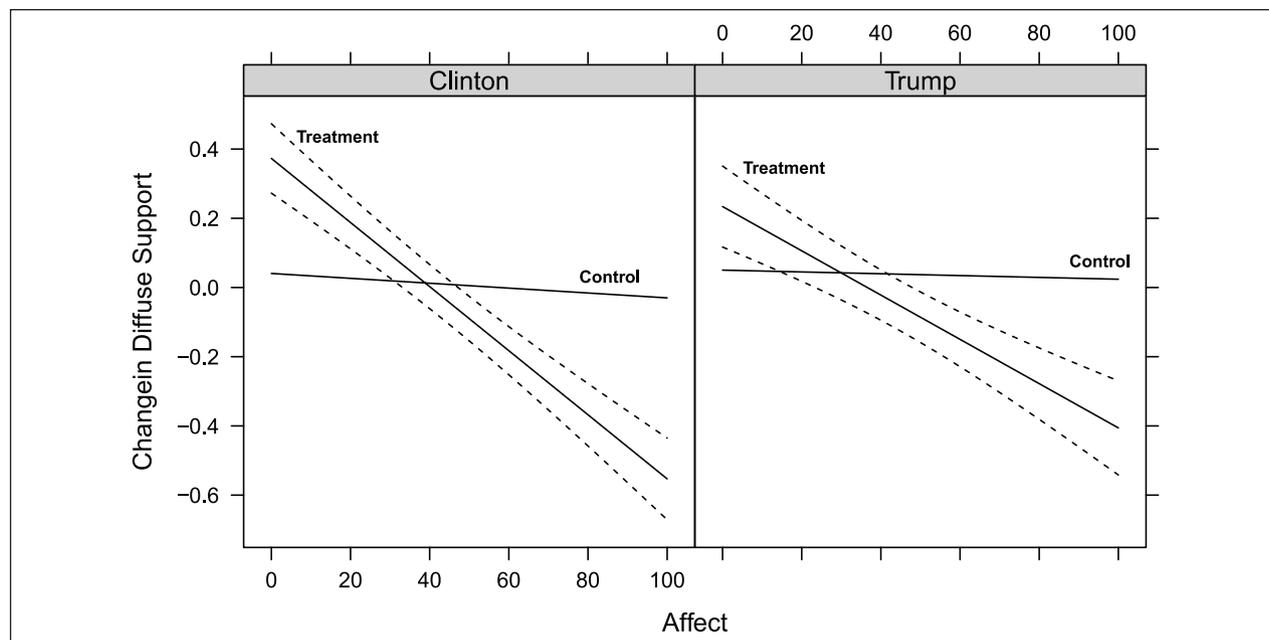


Figure 2. Effect of treatment on change in diffuse support across affect toward Clinton (left) and Trump (right). Condition denoted by text; dashed lines are 95% confidence intervals around estimate.

I begin with the control group in the Clinton experiment (at left). Simply, individuals in the control group do not change their assessments of the Supreme Court based on evaluations of other political stimuli. That is, assessments of legitimacy are not dependent on feelings toward Hillary Clinton. The same is true of the Trump experiment (at right). These findings are consistent with expectations regarding the general stability of diffuse support (Gibson and Nelson 2015a).

On the other hand, there are conditional effects of affect for both treatment groups. Beginning with Clinton, at left, for cold or negative feelings, from around 0 to 30, the effect is positive, suggesting that individuals who dislike Clinton increase their level of support for the Supreme Court on hearing her criticisms of the justices and the judiciary. For moderate values of Clinton affect, around 30 to 55, there is no statistically significant effect. Finally, for high values, around 55 to 100, the effect of treatment on changes to diffuse support is negative, indicating that those who have positive feelings toward Clinton decrease their level of support for the Court on hearing Clinton's negative statements about the institution. I discuss the substantive effects of affect on changes in diffuse support for the treatment groups below.

Moving next to the Trump experiment (at right), the result holds, but are somewhat attenuated for certain values. For negative/cold feelings toward Trump, from around 0 to 20, the effect is positive, meaning Trump-haters like the Supreme Court more as a result of his criticisms. From around 20 to 50, the effect is inconclusive.

Just as for Clinton, from around middling Trump affect to extremely warm feelings, individuals decrease their level of support for the Court on hearing Trump's negative statements about the institution.

These results are consistent with the support malleability hypothesis presented above. A salient extra-judicial actor can indeed alter levels of support for the Supreme Court. As a positive, both political figures are capable of *increasing* support for the judiciary. However, they are similarly able to harm the Court; individuals who have high affect toward Trump or Clinton internalize their critiques of the Supreme Court and attribute less support to the judiciary (and vice versa). Given that diffuse support records the extent to which an individual believes an institution, its actors, and actions are "appropriate, proper, and just" (Tyler 2006, 375), it is troublesome to discover that simply believing that a political figure has condemned the Court can alter one's attitudes, even if it is in a positive manner.

There are several possibilities for why this may be the case. First, diffuse support may be more strongly connected to political evaluations than previously believed. However, given the universal power and durability of legitimacy (Gibson, Caldeira, and Baird 1998), this claim seems unlikely. Alternatively, diffuse support may be more strongly connected to political evaluations now than in the past. This may account for recent challenges to the conventional wisdom that diffuse support is solid (e.g., Bartels and Johnston 2013). Finally, the primacy of salient partisan cues may simply overpower other

evaluations, even if one is generally fond of the second stimulus (Bullock 2011). Although legitimacy has not been harmed by polarization generally (Gibson 2007), affective polarization affects a broad swath of both political and nonpolitical judgments (Iyengar and Westwood 2015). Affect toward partisan political figures—such as Hillary Clinton and Donald Trump—may be so connected to one’s social identity as to compel individuals to alter their attitudes toward other political stimuli to align with that component of identity. Below, I consider whether changes in diffuse support are indeed affective.

Affective-Cognitive Balance or Ideological Updating?

Next, I move on to consider whether changes to diffuse support are a product of ideological updating or trying to balance one’s attitudes. I ask whether the affective or informational components of the elite cue dominate. More specifically, I determine whether respondents (1) attempt to bring their attitudes/beliefs into alignment using affective reasoning or (2) infer the ideological position of the Court using signals provided by the cue source whose ideological position vis-à-vis the respondent is clearer than that of the Court. This is important because classical legitimacy theory suggests that evaluations of the judiciary should be institution specific (Tyler 2006). If citizens update their assessments of the Court as a function of affect toward political figures, they may deprive the Court of the political capital on which it relies based on extra-judicial information. On the other hand, altering assessments on learning information from an extra-judicial source is institution specific and consistent with legitimacy theory.

To be clear, the ideological updating mechanism suggests that an individual has difficulty placing the Court in ideological space but has a much easier time placing a well-known politician. If one knows her own position in relation to the politician and learns the position of that politician in relation to the Court, she can more easily place herself in relation to the Court. As opposed to evaluating a Court decision and recalculating one’s ideological distance as revealed by that decision, one is evaluating the politician’s signal as to the position of the Court and recalculating her ideological distance as revealed by the politician’s placement of the Court. I assume that people will be better able to place Clinton and Trump than the Court for both partisan and ideological reasons. First, whether one belongs to the same group as the source cue should offer some information as to whether or not their policies align with one’s own (Iyengar, Sood, and Lelkes 2012). Second, although the American public has not always demonstrated the ability to structure their political thinking ideologically (Converse 1964; Lupton, Myers,

Table 2. OLS Regression on Change in Legitimacy for Treatment.

Variable	Clinton	β	Trump	β
Affect	-0.01* (0.00)	-.45	-0.01* (0.00)	-.30
Δ Ideological Distance	-0.07 (0.47)	-.07	-0.13* (0.07)	-.12
Constant	0.37* (0.06)		0.23* (0.07)	
Sample size	350		250	
Adjusted R^2	.21		.11	

Cell entries are OLS coefficients; standard errors in parentheses.

* denotes $p < 0.05$, two-tailed test. Dependent variable is Δ Legitimacy from $t_1 \rightarrow t_2$. β = standardized regression coefficients; OLS = ordinary least squares.

and Thornton 2015), and does not accurately identify the Court’s ideological location (Bartels and Johnston 2013; Hetherington and Smith 2007), there is variability in the ideological content of various political stimuli (Jacoby 1995). Given that presidential candidates are much more in the public eye than the Court and that their ideological/policy views are on display and under scrutiny, it seems intuitive that Clinton and Trump will be easier to place ideologically than the Court.

To test these theories, I estimate two models. For the first, I regress the change in legitimacy, operationalized in the same manner as above, onto Clinton affect and the change in ideological distance. Only individuals in the treatment group from the Clinton survey are included in this analysis, as only those exposed to the Clinton treatment would have the opportunity to learn from the priming cue about the Court’s ideological location. The same is true for the second model, swapping Trump for Clinton. Again, control variables are omitted due to the success of randomization. These results appear in Table 2.

The evidence for affect in Table 2 is clear: changes in legitimacy are a product of one’s feelings toward Clinton or Trump. Figure 3 displays each of these effects, with affect toward Clinton in the upper left and change in ideological distance below it in the bottom left; the respective Trump panels appear to the right. The results for Clinton affect conform to what is presented above; those who dislike Clinton increase their support for the Court after hearing her negative commentary and those who like Clinton decrease Court support. The same is true for Trump. The changes in diffuse support across the range of affect toward Clinton and Trump, respectively, span 50 percent and 34 percent of the range of the dependent variable. In other words, differences in affect—a persistent and powerful force in modern politics—can represent large changes in Supreme Court legitimacy. For instance,

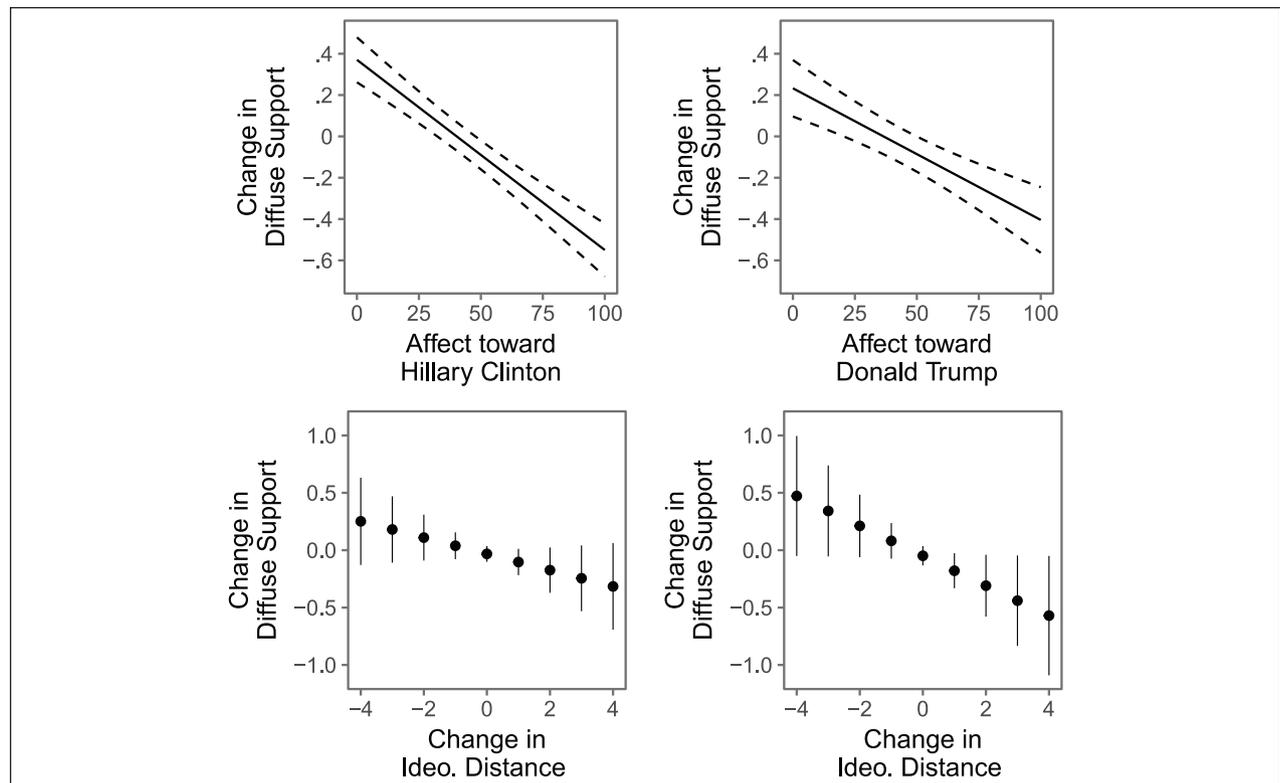


Figure 3. Effect of affect and change in ideological distance on diffuse support. For affect (above) lines represent estimated effect; dashed lines are 95% confidence intervals around estimates. For change in ideological distance (below), dots represent estimated effect; vertical lines are 95% confidence intervals.

even one who only moderately disfavors Clinton may still alter her support for the Court by a tenth of the diffuse support scale.

Next, the evidence for change in ideological distance appears, at first glance, mixed (i.e., the average effect is significant for the Trump sample but not for the Clinton sample), but a more nuanced story unfolds when examined graphically in Figure 3. Beginning with Clinton, at bottom left, despite a general downward trend, there is no appreciable influence of the change in ideological distance on change in diffuse support. That is, hearing Clinton's statements does not cause one to perceive themselves to be closer or farther from the Supreme Court in ideological space. The same is true for those who feel closer to the Court after hearing Trump's negative statements, but those who feel that the distance between oneself and the Court is larger decrease support. Those who believe themselves to be further from the Supreme Court after hearing Trump's statements offer less support. These findings are consistent with those in Bartels and Johnston (2013) and Christenson and Glick (2015).

The effect of change in ideological distance is substantively uncertain and statistically mixed. It is clear that the influence of affect is greater in both samples. That is,

there is some evidence to support both the affective reasoning hypothesis and the ideological distance hypothesis, but the results for the affective reasoning hypothesis are much stronger than for the ideological distance hypothesis. The expectation was that individuals who felt closer to the Court after treatment would ascribe to the judiciary more legitimacy. This is not borne out in the data; the converse is only borne out in a single sample.

It appears that the desire for cognitive-affective balance is greater than the effect of learning. This finding directly confronts research regarding preexisting positivity toward the Supreme Court (e.g., Gibson and Caldeira 2009). On average, positivity toward the Supreme Court is high. For instance, average affect toward the Court in the surveys used here is eleven points higher than toward Clinton and twelve higher than Trump. However, when political figures discuss the Supreme Court—such as at presidential debates, campaign events, or the State of the Union address—individuals are not inundated with the positive and legitimating judicial symbols or accounts of the Court's apolitical decision-making process that tend to fortify support for the Court (Baird and Gangl 2006; Gibson and Caldeira 2011). The evidence presented here suggests that, when confronted with competing assessments of two

political stimuli, affect outweighs what are generally perceived to be more calculated assessments. That is, in the absence of legitimating symbols, it appears that positivity (or negativity) toward other actors is capable of outweighing positivity toward the Court.

Of course, in question is how frequently political leaders attack the Supreme Court. Journalistic accounts suggest that, although historically rare, the practice has become somewhat commonplace in the twenty-first century (Jaffe 2015; Liptak 2010; Totenberg 2017). More generally, given the effectiveness of appeals to emotion in politics (e.g., Brader 2006), increasing partisan and ideological divisions (e.g., McCarty, Poole, and Rosenthal 2006), and the intense power of in-group preference and out-group disdain (Iyengar and Westwood 2015)—not to mention protracted political battles regarding the Supreme Court, such as the refusal to act on President Obama's nominee in an election year—it is plausible that such methods may become a tool in the separation of powers exchange. Couple this with the leverage that accompanies a rhetorically influential president (Tulis 1988)—such as Trump—and the columns in the running tally that forms diffuse support that receive ticks may begin to change.

Discussion

This study set out to answer two questions. First, can an extra-judicial political figure alter the level of diffuse support for the Supreme Court? The evidence points to yes. Individuals who were told that Hillary Clinton had made statements about the Court such that it got too mixed up in politics and ruled in favor of certain groups too frequently revised how legitimate they believed the judiciary to be in a manner consistent with their feelings toward Clinton. Those who feel warmly (coldly) toward Clinton offered less (more) support after hearing her negative statements. The same was true of individuals who were led to believe Donald Trump made such remarks, although the Trump vignette was less able to increase support for the Court. These findings suggest that there is some degree of volatility in individual attributions of legitimacy to the Supreme Court. This counters evidence that legitimacy tends to be durable (Caldeira and Gibson 1992; Gibson and Nelson 2015a) but builds on recent evidence that support is sensitive to other political assessments (Bartels and Johnston 2013; Clark and Kastellec 2015).

Second, are these attitude changes a product of bringing one's attitudes regarding the Court into alignment with one's feelings toward the extra-judicial political figure? Or did that figure offer some information as to the ideological location of the Supreme Court, which allowed one to reassess her perception of whether the Court's rulings were aligned with her policy preferences? Here,

there was evidence for both mechanisms of change, but support for the affective balance hypothesis outweighs the ideological updating hypothesis. That is, changes in diffuse support as a result of an extra-judicial political actor are largely due to affect toward that figure. This finding conforms to previous research regarding the power of elite cueing (e.g., Cohen 2003; Lenz 2012; Zaller 1992), particularly from a polarizing partisan figure (Dilliplane 2014), as well as how various affective attachments can affect assessments of the Supreme Court and its decisions (Nicholson and Hansford 2014). Concisely, cue-taking, at least in relation to the Supreme Court, is related to affective political attachments, and is only weakly informative. This is consistent with the view that partisanship is largely expressive, as opposed to instrumental (Huddy, Mason, and Aarøe 2015). In other words, when taking a cue from a figure whose partisanship is clear, it is easier to adopt (or rebuke) the figure's stance because you are (or are not) on the same political "team" than it is to receive and cognitively integrate new information into one's worldview (Lenz 2012).

These findings are sensible, given that individuals find locating the Court on the left-right policy continuum difficult (Hetherington and Smith 2007; although see Malhotra and Jessee 2014) and that knowledge of the Court is low, compared with other political stimuli. And, in conjunction with the well-established evidence that individuals heavily rely on cues when forming opinions (Arceneaux 2008; Kam 2005), even when capable of utilizing issue-knowledge (e.g., Rahn 1993), members of the mass public may be particularly reliant on cues in relation to the judiciary. This reliance may increase susceptibility to manipulations of judicial attitudes by members of the elected branches. Importantly, the experimental cue offered here was not issue specific. The conclusions would be different if respondents believed a political figure lambasted the Court for a particular ruling on, say, abortion or gun rights. Instead, politicians can affect general orientations toward the Court.

These findings raise additional questions about how institutional legitimacy generally relates to the affective attachments that characterize American politics. In other words, how should we think about legitimacy if partisan attachments influence it? Although other evaluations of institutions—such as trust—are politicized (Hetherington 2005), legitimacy is often thought to transcend politics. While one may dislike a particular Congress's policies, for example, most generally feel that they possess the legitimate authority to make decisions. This is particularly true of the Supreme Court, where evaluations are often less politicized than similar judgments of other branches. Yet, the question remains, "Is legitimacy truly a measure of one's loyalty to an institution?" I believe the answer is yes, as frequently characterized by Gibson and

his colleagues, but suspect that partisan loyalties—and attachments to the figures that represent parties—present a unique vulnerability to institutional loyalties. Studies consistently demonstrate that partisan content can influence evaluations of the Court (e.g., Clark and Kastellec 2015; Nicholson and Hansford 2014). Here, I show that the effects of these partisan stimuli are strictly related to the affect toward the party (and, here, party figures) but not to any informational function. It is important for scholars to determine how loyalties to institutions interact with identity-laden loyalties to groups. The evidence here is that when pitted against a group to whom one is loyal, the institution suffers.

There are, of course, limitations to these findings. Notably, it is unclear how durable these effects might be. As Gibson and Nelson (2014) note, “after a shock, diffuse support gradually increases, eventually returning to its equilibrium level, as democratic values regenerate support for the Court” (p. 206). However, I believe that demonstrating that these alterations to support are more strongly related to affect than ideology is important, and raises further questions regarding potential durability of effects. Simply, affective attachments to groups, and the figures that represent those groups, are an essential component of identity (e.g., Suhay 2015). And, affect toward political stimuli is activated automatically (Lodge and Taber 2005), meaning affect-based attachments may be primed before one makes a conscious evaluation of the judiciary. In many tests of devotion to the Supreme Court, the Court is the most affectively positive stimulus. Here, affect toward the Court is pitted against affect toward a political stimulus *that is related to one’s identity*. Attitude alterations may persist if individuals feel the Court does not represent the values that are tied in with their identity. The converse, of course, is also plausible. In the absence of reinforcing messages, opinions about the Court may revert to equilibrium. Nevertheless, it is important to discover that individual politicians—particularly those that may have a bully pulpit—are capable of influencing attitudes toward the Court. Finally, just as in any “laboratory” experiment, there are questions of external validity (Barabas and Jerit 2010). These findings—like many uncovered via survey experiments—represent a “best case scenario” of sorts. That is, they may approximate effects that would be more accurate if all members of the public were exposed to a speech, statement, or Tweet disparaging the Court.

Unsettled is which political stimuli are sufficiently notorious to effect the type of change uncovered here. That is, are only presidential candidates noteworthy enough to “outweigh” positivity toward the Court? Given that these data cannot provide an answer, I can merely speculate on how the predictions of consistency theory may play out with other actors weighing in on the Court. The problem lies in whether only *immensely* notorious

political figures can influence members of the public. Should no affect be tied to less prominent extra-judicial actors—say, any nonpresidential candidate—it is unclear how their public statements would influence positivity. However, we know that party cues are sufficient to influence attitudes toward the Court (Nicholson and Hansford 2014). And, individuals are able to make accurate inferences about their leaders—even at the local level—if there are appropriate party cues (Geys and Vermeir 2014). It is plausible that any individual who is prominent enough to have a known or assumed party may be able to influence attitudes toward the judiciary (or any political stimulus, for that matter). That is, any individual to whom members of the mass public have preexisting attachments and toward whom affect is triggered before cognitive processing occurs can reasonably force one’s attitudes into conflict (Gibson, Lodge, and Woodson 2014). Thus, while there is certainly some threshold, there are many individuals at all levels of politics—presidents, congresspersons, governors, former politicians (e.g., Mitt Romney), media personnel (e.g., Rush Limbaugh or Bill Maher), and so on—who may be sufficiently noteworthy to influence evaluations of the judiciary.

Public orientations play a very important role in the Supreme Court’s ability to function properly. Mainly, support for the judiciary insulates the Court from institutional encroachments (Clark 2009; Ura and Wohlfarth 2010). However, the evidence presented here suggests that political actors are readily able to make adjustments to that necessary support. This power presents a problematic separation of powers issue. More specifically, it appears that members of the elected branches are capable of altering the public’s preferences regarding institutional arrangements, which may give those branches the public go-ahead to use their court curbing authority. It is not necessarily the case that these attitude changes must be persistent. Of course, various cues are capable of altering opinions without changing attitudes (e.g., Iyengar and Kinder 1987). In other words, it is not clear that politicians are required to alter opinions, or even attitudes, in the long run. If attitudes are elastic, they may return to their baseline following some disruption. However, if politicians record attitudes during a dilation, they may come to incorrect conclusions regarding public preferences. Even if cueing does not permanently alter attitudes, politicians may be capable of turning the tides long enough to have license to act.

Finally, the separation of powers implications for the Court are complex. The ability to manipulate public evaluations of the judiciary may force the Court to strategically consider their actions so as to avoid extra-judicial aggression. When public support is high, the Court knows it is less constrained by the elected branches (e.g., Clark 2009). By that same intuition, the Court should know when a political figure might attempt to rhetorically

demean the judiciary. It is unclear what recourse the Court might have or what preventive measures it might take to assuage the effects of or to avoid altogether these rhetorical dressings-down. Simply, the threat seems ever-present. At least one political group will always be ideologically opposed to the Supreme Court, meaning there will always be ammunition to rhetorically attack the Court. Furthermore, surveys—including both analyzed here—regularly find the Supreme Court to be better liked than other institutions or politicians. Still, extra-judicial actors were able to influence support. While politicians are unlikely to dedicate resources to official Court curbing when the Court is popular (Ura and Wohlfarth 2010), rhetorical jabs are cheaper. And, even when the Court is popular, politicians do not hesitate to speak out (Jaffe 2015). Thus, it seems unlikely that there is ever a time when the Court will be more or less constrained by this threat. The Court may rely on receiving criticisms only irregularly, so as to allow the value-driven regeneration of diffuse support in the absence of persistent critiques.

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Notes

- Both Clinton and Trump are well-known and controversial political figures. Using these figures as source cues raises an important consideration: Which extra-judicial actors are prominent enough to spur an affective response, and potentially alter support attitudes? I return to this consideration in the “Discussion” section.
- Individual diffuse support scores are factor scores following exploratory factor analysis and are rescaled 0–1 such that larger values indicate greater diffuse support. All scales generated using these items have desirable psychometric properties such as reliability (average Chronbach’s alpha > 0.80) and unidimensionality (average eigenvalue for first unrotated factor > 3.0; for second < 1.0).
- One may ask whether invocation of the treatment subjects prior to treatment primed respondents. I believe there is little cause for concern. First, Trump and Clinton were only 2 of 13 feeling thermometer stimuli. Moreover, feeling thermometers appeared early in the survey—which themselves were long—and treatments were at the end. In short, there was plenty of nonideological, nonpartisan, and nonpolarizing content (e.g., demographic characteristics, media exposure, etc.) that I am confident any unintentional priming effects that may have occurred sufficiently subsided before intentional primes were introduced.
- See supplemental materials for randomization check information.
- See supplemental materials for models including control variables for the Clinton sample; no statistical or substantive conclusions presented here change in the presence of controls. No models with control variables are included for the Trump sample, as certain variables known to influence legitimacy were not recorded.

Supplemental Material

Supplemental materials for this article are available with the manuscript on the Political Research Quarterly (PRQ) website. Replication files can be found at <https://dataverse.harvard.edu/dataverse/ArmalyExtraJudicial>.

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