

Public Reaction to Supreme Court Decisions

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The High-Wire Act

The Supreme Court and Public Opinion

“The Court’s authority – possessed of neither the purse nor the sword – ultimately rests on sustained public confidence in its moral sanction.”

– Justice Felix Frankfurter¹

Every few decades, the Supreme Court hands down a monumental decision that grasps both public and elite attention. It is almost impossible to think of the Court without conjuring up images of such decisions as *Brown v. Board of Education* (1954), *Roe v. Wade* (1973), and most recently, *Bush v. Gore* (2000). Each was followed by intense media coverage, heated debate among citizens and scholars alike about the issues in the cases, as well as discussions about the very legitimacy of the Court itself.

After *Bush v. Gore*, for example, many people wondered whether the ultimate winner of this strange presidential election would have an effective mandate to govern. The question on every mind, and at the forefront of many discussions, was whether or not the Court’s decision would be able to cast legitimacy on an otherwise disputable electoral outcome. After a majority on the Court ruled in support of George W. Bush in what appeared to be a closely divided partisan and ideological division, a new topic of discussion emerged. Now, in addition to discussions about whether the Court could cast legitimacy on Bush’s presidential administration, speculation about the consequences of the decision for the Court itself quickly emerged. By entering into such a contentious and political dispute, would the Court’s decision ultimately cause itself immediate and

¹ *Baker v. Carr* (1962).

long-term damage? In his dissent, Justice John Paul Stevens clearly thinks so. He writes

The endorsement of that position by the majority of this Court can only lend credence to the most cynical appraisal of the work of judges throughout the land. It is confidence in the men and women who administer the judicial system that is the true backbone of the rule of law. Time will one day heal the wound to that confidence that will be inflicted by today's decision. One thing, however, is certain. Although we may never know with complete certainty the identity of the winner of this year's Presidential election, the identity of the loser is perfectly clear. It is the Nation's confidence in the judge as an impartial guardian of the rule of law. I respectfully dissent.

While *Bush v. Gore* is the most recent and salient example, it is not unique by any means. The Court has found itself in other controversies of similar magnitude. In *Brown v. Board of Education*, for example, the Court found itself embroiled in one of the most important and entrenched political and legal battles of the twentieth century. Both before and after the Court announced its decision, people questioned whether the Court's decision would be implemented and whether the decision would promote advances in civil rights more generally. At the same time, the very divisiveness of the issue caused speculation about whether the Court's decision would affect support for the Court itself. What would be the implications for the Court if the decision was ignored, evaded, or outright defied? Could the Court's legitimacy withstand the possible aftermath? The repercussions of *Roe v. Wade* were similar. While the decision required less action from public officials (Rosenberg 1991), the Court's involvement in abortion generates a great deal of negative attention. These concerns about implementation and Court legitimacy seem inevitable following the announcement of such contentious, salient, and divisive issues.

What about the mundane decisions that make up the Court's docket each year? What effect can and do these ordinary decisions have on public opinion? After all, cases such as *Bush v. Gore*, *Roe v. Wade*, and *Brown v. Board of Education* are the exceptions, not the rule. In any given term, only one or two of the Court's decisions, if any, will generate significant national controversy and attention. Is there any public interest and attention to these other, more ordinary cases? Do these decisions have any effect on public opinion? Do these decisions factor into public support for the Court? These are the questions addressed in this book.

In cases such as *Brown v. Board of Education*, *Roe v. Wade*, and *Bush v. Gore*, the consequences are often enormous. But every case has consequences, even if those consequences are not felt nationally. Every case

represents a conflict between two parties on an issue broad enough to merit our highest Court's attention. Every Supreme Court decision will affect some segment of the population and will attract some media attention. The question is whether these ordinary decisions representing the vast majority of the Court's work have any effect on public opinion or on support for the Court.

This book examines media coverage and public reaction to four Supreme Court decisions in the communities where the controversies began. The cases included are representative of ones the Court regularly considers each term. Not one generates the kind of attention paid to cases such as *Bush v. Gore*, *Brown v. Board of Education*, or *Roe v. Wade*. Still, as is true with most of the Court's cases, they were important and had consequences to the parties and to their communities. Thus, they may attract more intense and sustained local media interest, providing us with the opportunity to learn about the effect of these local cases among community members.

Looking to the effect in local communities is important for a number of reasons. First, if we assume that only the huge national landmark cases affect public opinion, in essence, we are saying that the remainder of the Court's work is inconsequential, at least in terms of public opinion. Moreover, examinations of national public opinion data may (falsely) confirm this. Using national data, it may be possible to connect cases such as *Bush v. Gore* to changes in public opinion and support for the Court (Kritzer 2001; Gibson, Caldeira, and Spence 2001). But at the national level, the effect of other, more routine decisions may look unsystematic and not clearly connected to public opinion or institutional support.

However, beneath the noise may actually be systematic effects – ones not easily detectable or the same for all citizens – but systematic nonetheless. If citizens learn about different Court decisions based on information available and salient to them, then looking for uniform national level effects is misguided. This does not mean that Court decisions are without national effect. If the Court's effect is more localized – either in terms of geography or some other process – we might still see the effect of Court decisions on public opinion and that Court decisions might affect support for the Court on a national level. The process is just more subtle and possibly more gradual. Another reason to look at local public opinion is that Court decisions frequently require active implementation, oftentimes by local officials. If the Court can change public opinion on the issues, or at least cast legitimacy on the policy under review, the probability of successful implementation is greatly enhanced (Canon and Johnson 1998). In short, a better understanding of the effects of Court decisions on local

public opinion is important to a more complete understanding of the more general relationship between the Court and public opinion.

Included in the analysis is an examination of the quality and quantity of media coverage and subsequent levels of local awareness, the effect of those decisions on attitudes toward the issues in the cases, and finally, changes in support for the Court in the wake of these decisions. The unique data collected for this project come from four two-wave panel studies measuring citizens' attitudes prior to and following the Supreme Court's decisions in the local communities where the controversies began. Unlike most previous work on the Court and public opinion which relies on *static, national* samples and *aggregate-level* public opinion data, the panel data provide better insights into the dynamic process of opinion change, the effect in communities where access to information is sufficient to observe an effect, and finally, the effect at the individual level. The goal of this book is to help shed light on the nature of the relationship between the Supreme Court and public opinion by taking the logic of the experimental approach and implementing it in the context of a real-world situation.

THE SUPREME COURT AND PUBLIC OPINION

Although researchers have been interested in the relationship between the Court and public opinion for decades, and this research has produced a significant body of research, we do not really know the answers to many of the most pressing questions about the Supreme Court and public opinion. Unlike scholars of Congress or the presidency, scholars of the Court seem content to assume that the Court's decisions, besides the occasional *Roe v. Wade*, *Brown v. Board of Education*, or now *Bush v. Gore*, have little or no effect. In part, this assumption comes from national public opinion polls that show: 1) scant knowledge about the Court and its activities, 2) few aggregate shifts in support for issues on which the Court has decided, and 3) few aggregate shifts in support for the Court. But, these questions are about individual level behavior, and so they require research on individual level changes in response to actual Supreme Court decisions.

On the other hand, the question of whether public opinion affects Supreme Court decision making is hotly debated and systematically investigated in the profession's leading journals (Mishler and Sheehan 1993, 1996; Norpoth and Segal 1994; Stimson, MacKuen, and Erikson 1995; Flemming and Wood 1997). Although debate continues, some of this research concludes that public opinion has a direct effect on the justices' decisions (Mishler and Sheehan 1993, 1996; Stimson et al. 1995;

Flemming and Wood 1997). But, if the Court's support is insulated from public reactions to its decisions, as we have been content to assume, why should it care about whether its decisions reflect current preferences? The main reason is that implicit in this line of research is that Court decisions, contrary to public opinion, have negative consequences for the Court. Such decisions affect the Court's legitimacy or may lead to the lack of implementation or outright defiance of its mandates. It is difficult to reconcile the assumptions in this line of inquiry with the assumption that Court decisions have little to no effect on public opinion or support for the Court.

In some respects, comparisons with Congress or the presidency are neither appropriate nor fair. Unlike its democratically selected and accountable counterparts, the Supreme Court appears relatively isolated from and unconstrained by public opinion. Its members do not run for election, and once in office, they essentially serve for life. While this certainly places them in an enviable position, the justices must rely on public support for the implementation of their policies since they possess "neither the purse nor the sword." The Court's lack of many enforcement mechanisms makes public support even more essential to the Court than it is to other institutions. This public support may generate an important source of political capital for the Court (Choper 1980).

The political capital on which the Court relies when it hands down controversial decisions, according to many accounts, is its relatively high and stable levels of popularity among members of the mass public (Choper 1980; Mondak 1992, 1994; Hoekstra 1995; Mondak and Smithey 1997). Indeed, support for the Court is consistently higher than for either Congress or the president (Marshall 1989; Hibbing and Theiss-Morse 1995; Mondak and Smithey 1997). While many researchers believe the Court's popularity can influence public opinion, and such effects have been found in experimental tests, this relationship proves difficult to demonstrate outside the laboratory setting. Similarly difficult to uncover is the relationship between the Court's decisions and support for the institution. If the Court's level of support is a valuable commodity, it is important to understand whether its decisions ultimately affect its supply of this commodity. In other words, is the Court's support an *expendable* and *exhaustible* commodity?

Hypotheses

This section elaborates on the specific research hypotheses examined in the empirical chapters. The hypotheses are broadly divided into the following

topics: 1) media coverage, public awareness, and perceptions of the importance of the issue in the Court's decision; 2) change in opinion on the issues contained in the case; and 3) change in support for the Court following its decisions.

Media Coverage and Public Knowledge

Although the research on the relationship between public opinion and the Supreme Court is rife with contradictions, it is possible to draw some preliminary conclusions. First, national public opinion polls typically report low levels of knowledge about the Supreme Court (Caldeira 1991). Most cases simply do not appear to resonate on the national agenda. However, reliance on national public opinion polls may be part of the problem. Simply stated, most Americans read their local paper, not *The New York Times*. If a story does not appear in the media to which most people are attuned, they simply will not have the opportunity to encounter any information about the Court. Instead, it is necessary to look to those places where access to information is sufficient to produce informed citizens.

Examples of this are found in existing research. For example, Berkson's (1978) examination of occupational groups found high levels of information regarding cases that had some bearing on job-related activities. Kritzer's (2001) analysis of the effect of *Bush v. Gore* shows that the extensive media coverage of that decision provided a bit of a civics lesson in that people learned other things about the Court as well. Franklin and his colleagues (Franklin, Kosaki, and Kritzer 1993; Franklin and Kosaki 1995) found high levels of attention in both a national and city (St. Louis) sample when they conducted their interviews shortly after the Court announced its decisions. This research clearly supports the conclusion that decisions about *where* and *when* to sample are important to consider.

Thus, one obvious place to look, the *where* part of the equation, is in the local communities where the controversies began. There, the local media should be more likely to report on a local case that makes it to the Supreme Court than on a similar case that originates in some other part of the country (Graber 1997). If the media do report about these cases, then it is reasonable to expect local levels of awareness to be high. While research suggests that the media may not be able to change how people think about issues, it can certainly tell them which issues are important to think about (Iyengar and Kinder 1987; Iyengar 1991). This leads to the following two hypotheses:

Media Coverage Hypothesis: *The local media should cover local cases more extensively than the national media and media from other parts of the nation.*

Local/National Awareness Hypothesis: *Because of the local saturation of media coverage, levels of awareness in these local communities will be higher than typically found in national samples.*

While local media coverage is expected to be high, producing highly informed citizens throughout the local communities, those from the *immediate* communities should have even more interest in these cases than will their neighbors in the surrounding communities. The work by Franklin and Kosaki (1995) suggests that while media coverage is critical, it is only one important predictor of knowledge of Supreme Court decisions. Individual citizens bring their own interests, biases, and abilities to the table as well. Those who are more engaged in politics, are better educated, and have a greater interest in an issue, for example, are more likely to learn about a Supreme Court case even when information is relatively high. For instance, Catholics should be more attuned to cases affecting abortion rights, and African Americans to cases about desegregation or affirmative action, even though the general public has equal access to information about the cases.

Since the conflict started in the *immediate* community – often involving local public officials, local issues, local groups, and even neighbors – all else equal, the residents of the immediate communities will actively seek out and pay greater attention to information than will their counterparts in the surrounding communities, even where *access* to the information is equal. This leads to the second awareness hypothesis:

Immediate/Surrounding Awareness Hypothesis: *Levels of awareness among residents in the immediate communities will be higher than among residents of the surrounding communities.*

Local Perceptions of Importance

Implicit in this hypothesis is that residents of the local community should feel more strongly about the issue and perceive it to be more important than do the residents of the surrounding communities. Why would the local residents care about this issue more than would those from the surrounding communities? One of the cases pits members of the logging industry in Oregon against the northern spotted owl. In that community, Sweet Home, Oregon, the economic well-being of the community was greatly affected by the Court's decision. So, at least in this case, material

self-interest was directly implicated. This is one straightforward route to policy importance. For this reason alone, one would expect the residents of this logging community to attach greater policy relevance to the Supreme Court case than those from the surrounding communities. But there are other routes to policy relevance.

In the following three cases, there was little or no direct connection with material self-interest. At issue in another case was whether the state of Oklahoma could collect taxes on gasoline sold by Native Americans. While clearly this case involves an economic issue, there were only two filling stations owned by members of the tribe challenging the tax. So, it is unlikely that many other non-Native Americans who owned filling stations were really in economic competition with the Native American stations. Another case involves a school board's denial of a request by a local church pastor to show a religiously inspired film in the high school auditorium. In yet another case, the issue was whether a state legislature could create a special school district for disabled Hasidic school children whose parents did not want them to have to interact with non-Hasidic children. In these last three cases, clearly, the issue was not material self-interest.

So, why might the local residents be more interested in these cases and feel more strongly about the issues? They should care for the simple reason that perceptions of importance do not need to derive from the implication of some tangible material self-interest. In fact, social psychologists emphasize the *subjective* sense of importance (Boninger, Krosnick, and Berent 1995). Another source of the perception of importance can include such considerations as identifying with the people involved (e.g., members of groups in the local community) (Krosnick, Boninger, and Chuang 1993; Boninger, et al. 1995). So, when a Court case involves individuals or groups from one's own community, it is reasonable to expect that individual to feel more strongly about the issue than if the exact same case originated in some other town or community. If it is happening elsewhere to other people, it is just not as compelling. Thus, residents of the immediate communities should feel more strongly about the issues in a Supreme Court case than those from the surrounding communities. This leads to the fourth hypothesis:

Local Importance Hypothesis: Those from the immediate community should perceive the case as more important than those from the surrounding communities.

Can Court Decisions Shape Public Opinion?

Many scholars believe that the Court can sway people in the direction of its decisions. This belief dates back to Dahl's work on the legitimacy

conferring capacity of the Court (1957). According to Dahl, the Supreme Court is rarely out of step with lawmaking majorities. Instead, the Court lends legitimacy to the policies of the other branches of government. Implicit in this statement is that the Court *can* lend its legitimacy to these policies. Since Dahl's seminal work, scholars have attempted to test this implication – with mixed success.

In one of the most exhaustive studies of the effect of Court decisions on public opinion, Marshall (1988, 1989) found that following Supreme Court decisions, there is very little evidence of aggregate opinion shifts in the direction of the decisions. Similarly, Rosenberg (1991) argues those Court decisions, specifically *Roe v. Wade* and *Brown v. Board of Education*, did very little on their own to change policy, access to abortion, or public attitudes on race. By no means has Rosenberg's analysis been the final word, however. In particular, Canon and Johnson (1998) argue that on many policy issues in the twentieth century, the Court has been effective in bringing about social change, even in the face of opposition from other political actors.

In contrast to the “null effects” literature, Franklin and Kosaki's (1989) research on abortion attitudes in the wake of *Roe v. Wade*, and Johnson and Martin's (1998) research on capital punishment, emphasized the need to look beyond persuasion as the only structure of response to Court decisions. Franklin and Kosaki (1989) found that on the less controversial dimensions of abortion policy (abortion in the case of rape, incest, or to preserve the woman's health) the Court's decision increased public support. But on the more controversial issue of discretionary abortions, they found that Court decisions actually polarized public opinion. In other words, those who initially supported discretionary abortion became more supportive; those who previously opposed, became increasingly opposed. Johnson and Martin (1998) found similar results in their examination of public response to Court decisions on capital punishment. Both groups of authors suspect that polarization is limited to such visible and controversial issues, and that this structure of opinion change may not be the same pattern observed for other kinds of cases. Less controversial issues, such as the ones included in this book, may be where persuasion is more likely to occur. Such a hypothesis is further buttressed by the findings of experimental research that found that Court decisions can positively influence public opinion (Mondak 1990, 1991, 1992, 1994; Hoekstra 1995; but see Bass and Thomas 1984).²

² The section on research design discusses one possible explanation for why it is that experimental research has been so much more successful in detecting persuasion than have

Given these previous findings, what kind of effect of Court decisions on public opinion might we expect? Three possibilities emerge from the earlier discussion: persuasion, no effect, or polarization. Polarization was found following highly salient and controversial decisions dealing with abortion and capital punishment, and is less likely to occur following the more routine kinds of cases the Court hears each term. The null findings are based largely on aggregate data which can obscure individual level effects. With individual level data, more subtle patterns might emerge. Finally, persuasion has been found, mostly in the experimental studies where attitudes are measured soon after exposure to information about a Court decision and where the measures are created with specific issues in mind. Therefore, even though the results from past research appear somewhat contradictory, by examining *individual* level opinion, and following more *routine* cases where media, and hence, public attention is high, persuasion effects are quite possible.

But persuasion is a complicated process and it may not occur for all people in equal measures. To understand the conditions where persuasion is most likely to result, it is first necessary to understand more about the processes underlying persuasion.

Research from social psychology provides guidance. In short, this research shows that persuasion varies with individual and situational factors (Petty and Cacioppo 1986).³ First, for persuasion to occur, individuals must hear and think about a persuasive message, such as a Court decision. However, simple knowledge of a Court decision does not necessarily lead to persuasion – the process is slightly more complicated.

At one end of the spectrum, some individuals hear the information, but do not spend a great deal of time thinking about the issue. At the other end, there are individuals with prior information or who feel strongly about the issue and are motivated to think about and process information about the issue, but they also “have greater ability to do so. Thus, when a message contains information that is inconsistent with subjects’ initial opinions, high relevance subjects should be more motivated and generally more able to generate counterarguments to the arguments presented” (Petty and Cacioppo 1986, 146; see also Fiske and Taylor 1991, 205–52). In other words, the more important the issue is to an individual, the greater

traditional survey-based approaches. In short, some argue that the positive findings of experimental research are simply artifacts of the research approach. For example, some argue that experiments artificially increase knowledge of decisions among people least likely to learn about the decisions outside of the experimental lab.

³ The following discussion is adopted from Hoekstra and Segal (1996).

the motivation to pay attention to, and spend time thinking about, the issue and its political implications (Petty and Cacioppo 1986; Fiske and Taylor 1992; Krosnick et al. 1993). This expectation is also supported by recent research on the role of certain affective responses on political evaluations. In their work on candidate evaluation, Marcus and MacKuen (1993) observed that heightened anxiety about personally relevant issues should increase attention to political information (see also Wyer et al. 1991).

Since those in the immediate community are expected to perceive the issue as more important (*The Importance Hypothesis*), their opinions should be more difficult to change. They are more likely to seek out and critically think about the different information. This thinking, or message elaboration, should mediate the impact of the Court's persuasive appeal. Overall, these people should be less likely to change their opinion on the issue in the direction of the Court's decision. Those from the surrounding communities, however, might become more supportive of the Court's decision. They too should be exposed to sufficient information, but they are expected to care somewhat less strongly about this issue than their counterparts in the immediate community, and thus spend less time thinking about the different dimensions to the issue. This leads to the first opinion change hypothesis:

Opinion Change/Town of Residence Hypothesis: All else equal, those from the surrounding communities will change their opinion in the direction of the Court's decision more than those from the immediate community.

The final consideration is the role of source characteristics. In order to increase the persuasive appeal of a message, individuals must be positively disposed toward the source of the message. One of the most central findings in the persuasion literature is that source credibility is critical (Petty and Cacioppo 1986; Fiske and Taylor 1992). Moreover, experimental research on the Supreme Court's persuasive ability emphasizes the role of support for the Court (Mondak 1990, 1991, 1992, 1994; Hoekstra 1995). Thus, those who start off with higher levels of support ought to be more likely to change their opinion in the direction of the Court's decision. Those who hold a less generous opinion of the Court should be less influenced by the Court's decision. This leads to the second of the opinion change hypotheses:

Opinion Change/Support for Court Hypothesis: Those with initially higher levels of support for the Court should show greater change in the direction of the Court's decision than those with lower levels of support for the Court.

Finally, the effect of support for the Court on attitude change should be contingent upon town of residence. Specifically, the effect of support for the Court (i.e., source credibility) should be strongest among those from the surrounding communities (those with less strongly held opinions) than those from the immediate community. This leads to the third and final opinion change hypothesis:

Town of Residence/Court Support Interaction Hypothesis: The effect of support for the Court on opinion change should be conditioned on respondents' town of residence.

Sources of Support for the Court

Most accounts of public support for the Supreme Court refer to the Court's legitimacy as an institution of government. Much of the recent research focuses on two particular concepts: diffuse and specific support. Diffuse support for the Court refers to relatively enduring attitudes about the role of the Court in our constitutional scheme of government. Specific support, on the other hand, refers more to evaluations of the Court's actions (Caldeira 1986; Caldeira and Gibson 1992; see also Jaros and Roper 1980; Murphy and Tanenhaus 1968a, 1968b, 1972, 1981). To many, these sources of support should be distinct; and, the prevailing consensus is that they are, especially among members of the mass public (Caldeira and Gibson 1992). Scholars who are interested in questions about specific and diffuse support typically are interested in different questions from the ones posed in this project. Often, the aim of that research is to understand the sources of diffuse support for the institution, and thus they wish to remove the influence of support for specific decisions from measures of diffuse support.

But, the bottom line is that most of this research suggests that agreement with specific Court decisions does not typically factor into overall support for the institution. Even so, this research does not preclude the impact of decisions. Rather, it assumes some dynamic component to the process, where especially notable or activist decisions may factor into the equation (Caldeira and Gibson 1992). Also, Mondak and Smithey's (1997) research suggests that while individual attitudes toward the Court are generally positive, these attitudes may change as a result of controversial and unpopular decisions. The main implication is that the high and stable aggregate levels of support for the Court do not preclude individual variability in response to Court decisions.

Research by Grosskopf and Mondak (1998) and Kritzer (2001) establishes a strong empirical link between actual decisions and support for the Supreme Court. Grosskopf and Mondak examined the effect of two controversial decisions on support for the Court (*Webster v. Reproductive Health Services* and *Texas v. Johnson*) and showed that support for these decisions affected support for the Court. In fact, they found that disagreement outweighs agreement. Kritzer (2001) reported systematic partisan shifts in support for the Court among partisan groups in the wake of *Bush v. Gore*. Thus, there is good reason to suspect that support for specific decisions affects overall support for the institution.

Other research focuses on the Court's procedures, such as the secrecy of deliberations, infrequent media attention, and perceptions of being removed from partisan political battles both within the Court and between the Court and other branches of government. All this leads to high levels of public confidence in the Court compared with other institutions (Hibbing and Theiss-Morse 1995). Indeed, aggregate levels of support for the Court are consistently higher than levels of support for Congress and the executive, and they appear relatively more stable as well (Marshall 1989; Hibbing and Theiss-Morse 1995; Mondak and Smithey 1997). Though the data on aggregate public support for the Court are consistent with this process argument, the data are also consistent with citizens hearing about certain Supreme Court cases and changing their perception of the Court in response. As Mondak and Smithey note, "Individual level change does not necessarily preclude aggregate level stability" (1997, 1139).

The process argument bases its findings largely on aggregate measures of support for all three national institutions with little attention paid to variation at the individual level. Like the other explanations of support for the Court, the process argument does not entirely preclude the possibility for Court decisions to factor into evaluations of the Court. Rather, Hibbing and Theiss-Morse (1995) simply note that the role of process has been underappreciated in research on Congress. So, while scholarly accounts may underestimate the role of process in support for Congress, it is just the opposite in the study of public support for the Court. It seems as though our attention to process arguments has come at the expense of policy arguments.

Do Court decisions affect public support for the Court? If they do, the most straightforward effect would be that evaluations should change according to how the individual initially felt about the issue. All else equal, those who initially agree with the position the Court ultimately

takes should become increasingly supportive of the Court following the decision. Those who disagree should become less supportive. This leads to the first hypothesis about how support for the Court should change in response to the Court's decision.

Change in Support for the Court Hypothesis: Those who initially agree (disagree) with the Court's ultimate position should show an increase (decrease) in support for the Court.

Finally, while there are no hypotheses about how town of residence, on its own, affects change in support for the Court, town of residence is expected to interact with prior opinion on the issue in a way similar to the interactive effect described in the previous section on opinion change. In particular, since those in the immediate community are expected to rate the issue as more important, and have more strongly held opinions, they will also attach greater weight to (dis)agreement with the Court's decision than those from the surrounding communities. This leads to the final hypothesis:

Town of Residence/Support for the Court Hypothesis: The effect of policy agreement on support for the Court should be conditioned on town of residence. Those from the immediate community should attach greater significance to the decision, and thus show greater change according to how they initially felt about the issue.

RESEARCH DESIGN

The following pages briefly describe the research strategy and data collection. More detailed descriptions can be found in the Appendices. This discussion explains why these important questions about the Court and public opinion remain largely unanswered. Many of us suspect that Court decisions must have some impact on public opinion. Likewise, some of us suspect that its decisions are, at least in part, connected with public support for the institution. Unfortunately, there is only scant empirical evidence to support our suspicions, and as the following discussion shows, the evidence that does exist is often contradictory.

The Standard Approaches to the Study of the Supreme Court and Public Opinion

The most common techniques used to study the Court and public opinion are static cross-sectional survey research, longitudinal cross sections, and laboratory experiments. Each of these approaches has advantages and can