

Ideological Divergence and Public Support for the Supreme Court

Robert H. Durr Washington University
Andrew D. Martin Washington University
Christina Wolbrecht University of Notre Dame

We examine the degree to which aggregate-level support for the Supreme Court is a function of its divergence from the ideological mood of the country. We first overcome the problem of irregular and infrequent measurement of attitudes toward the Supreme Court by employing an approach developed by Stimson (1991) which allows us to pool seventeen similar survey items administered a total of ninety-three times to produce a single, semi-annual time series of support for the Supreme Court, extending from 1973 through 1993. We then consider the effect of the Court's ideological position on the level of support it enjoys. In contrast to previous research, we take into account that both the Court's and the public's ideological preferences vary over time. Our analysis indicates that the public's appraisal of the Supreme Court responds not to the Court's ideological position per se, but rather to the extent to which the Court's position diverges from the ideological preferences of the citizenry; when the Court deviates from the public mood, its support erodes.

Scholars have long been interested in determining and explaining levels of public support for the Supreme Court. As a result, we know a great deal about the determinants of individual-level attitudes toward the Supreme Court (cf. Mondak and Grosskopf 1998; Caldeira and Gibson 1992; and references therein). We know less, however, about the ebb and flow of Court support over time (but see Mondak and Smithey 1997; Caldeira 1986, 1987). A major obstacle to studying the dynamics of Court support has been the infrequent and inconsistent manner in which survey organizations have queried citizens' attitudes toward the Court. Here, we offer an approach to the available data that allows us to measure support for the Supreme Court on a semi-annual basis over a twenty-year period. We then use this unique series to model Court support as a function of its divergence from the public's ideological mood. In contrast to past work, we take into account that both the Court's ideological position and the public mood vary over time and focus on the shifting divergence and convergence of the two as an explanation for changes in support for the Supreme Court.

Measuring Supreme Court Support

Scholars interested in assessing variation in Supreme Court support over time must contend with the irregular and inconsistent application of appropriate survey items. By combining similar items from the Harris organi-

Robert H. Durr was Assistant Professor of Political Science, Washington University, St. Louis, MO 63130, at the time of his death in 1996. Andrew D. Martin is Assistant Professor of Political Science, Washington University, St. Louis, MO 63130 (admartin@arts.wustl.edu). Christina Wolbrecht is Packey J. Dee Assistant Professor of Government and International Studies, University of Notre Dame, Notre Dame, IN 46556 (Wolbrecht.1@nd.edu).

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zation and the National Opinion Research Center (NORC), previous research has been able to build annual (Caldeira 1986) and semi-annual (Mondak and Smithey 1997) series of Court support using interpolation.¹ The annual series contains relatively few observations, confounding statistical inference, and previous approaches to building semi-annual series require strong assumptions to justify linear interpolation. Both approaches fail to take advantage of the information provided by other, smaller series that tap similar attitudes.

Stimson (1991) develops an approach to constructing a single time series of public opinion data based upon multiple individual series and distinct survey marginals. This modeling process, intended to circumvent problems associated with the infrequent and sporadic administrations of single-issue time series of opinion-poll data, permits identification of the shared movement over time across all individual series (see Stimson 1991, 1994 for details). This allows us to employ a rich *collection* of partially overlapping time series to build our measure of Court support.² Given the different emphasis and wording of each series, we would not be surprised if each has a dynamic of its own; but it is the *shared* movement over time we presume to indicate citizens' support for the Supreme Court.³

¹While Mondak and Smithey plot an irregular series without interpolation when describing the dynamics of Supreme Court support (see their Figure 1 and footnote 5), they necessarily create a regular (semi-annual) series via linear interpolation for statistical analysis (Mondak and Smithey 1997, 1135).

²We prefer our measurement strategy to Mondak and Smithey's (1997) because it takes advantage of a greater amount of information, specifically a substantial number of additional survey items, and does not require the assumptions on which their interpolation is based. Our approach does require us to make the assumption that these series have a common component. The high correlations of each individual series with our final series (see Table W2 on the replication website) provide confirmation for this assumption. For surveys administered more than twice, the minimum correlation between a component series and our measure is $r = 0.852$; the median correlation is $r = 0.932$; the maximum correlation is $r = 0.990$.

³Previous research, drawing from the work of Easton (1965, 1975), often distinguishes between specific support, based on the degree to which an institution accomplishes particular policies or actions, and diffuse support, a longer-term disposition toward an institution which is presumably more insulated from short-term evaluations of job performance (see Hibbing and Theiss-Morse 1995; Caldeira and Gibson 1992). It is difficult, and perhaps impossible, to disentangle completely these types empirically with available instruments (as opposed to items specifically designed to tap such a distinction). The questions repeatedly posed in major surveys are quite broad, querying respondents with regards to the Supreme Court as an institution or "the people running" a long list of institutions, including the Court. Our conception is probably closer to specific than diffuse support, although we expect that the two are related (Murphy and Tanenhaus 1990; but see Caldeira and Gibson 1992). Our goal is to measure basic support for the Court,

Using the Roper Center for Public Opinion Research archives, we identify seventeen different survey items tapping attitudes toward the Supreme Court and administered in the exact same form more than once during our period of study. Given the comprehensiveness of the Roper archives, we are confident that these items represent (or very nearly so) the universe of mass survey items measuring attitudes toward the Court from 1973 to 1993.⁴ With these data, we are able to produce a single, semi-annual measure of Supreme Court support, extending from the first half of 1973 through the second half of 1993 ($n = 42$).⁵

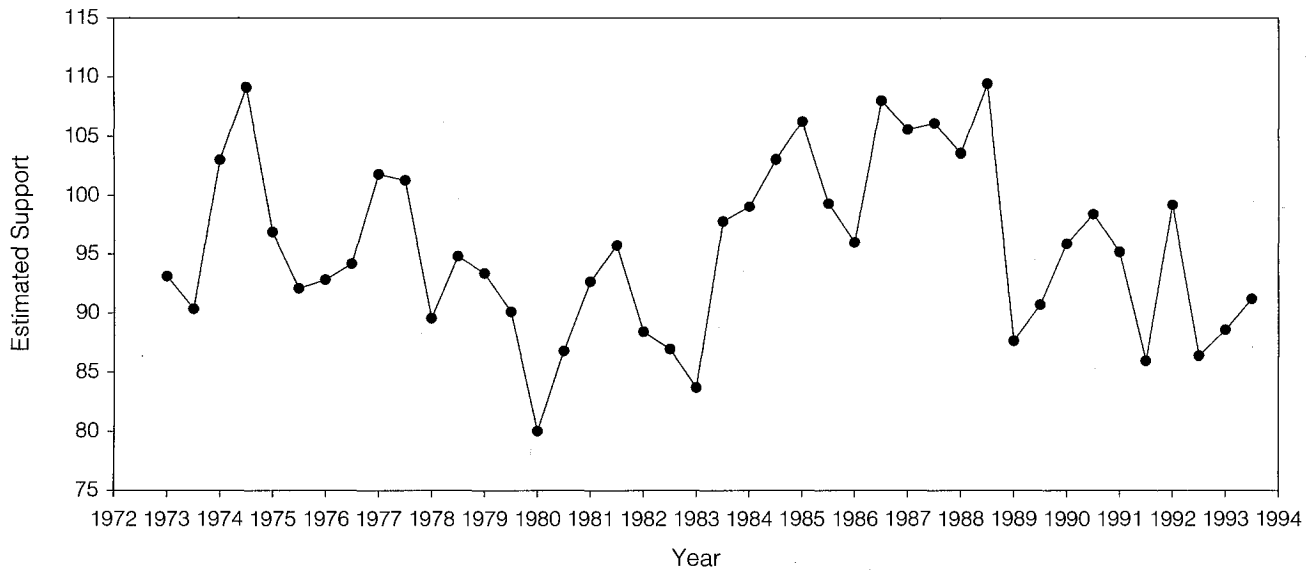
Figure 1 shows our measure of Supreme Court support. Support rises rapidly in 1974, an increase conventionally attributed to the Court's successful maneuvering during the Watergate crisis (Caldeira 1986). With considerable variation, support for the Court generally declines from its 1974 peak across the second half of the 1970s. After hitting its nadir in the first half of 1980, support for the Court begins to rise, although experiencing something of a setback around the first half of 1983. By the late 1980s, the Court enjoys popularity nearing, and at one point (second half of 1988) even slightly surpassing, its post-Watergate highs. Support declines sharply in 1989, bounces back somewhat by the first half of 1991, and then falls again, with only a sharp one-period rebound in the first half of 1992.⁶

broadly construed, comparable to indicators of presidential and congressional support or approval; many of the items included in our measure employ the exact same wording as those traditionally used to measure presidential and congressional approval (cf. Durr, Gilmour, and Wolbrecht 1997).

⁴A list of each item, administering organizations, number and dates of administration, and correlation of the item with our final Court support series can be found in Tables W1 and W2 at the replication website.

⁵Specifically, we calculate a score for each observation as 100 plus percent supporting the Court minus percent not supporting. The measure thus can range from 0 to 200. For each observation, Stimson's algorithm employs this score, along with the date of administration and sample size for the survey in which the question was posed, to produce the final series. Since first developing the dyad ratios algorithm, Stimson has incorporated a number of minor modifications (Stimson 1994; for a complete description of the original algorithm see the appendix of Stimson 1991). The algorithm computes ratios both backward and forward through time, averaging the resulting pair of time series. We use the exponential smoothing option, which smooths the data using a simple exponential smoothness prior to the extraction of the common measure (see Stimson 1994, 20, for a description of the procedure).

⁶One drawback of Stimson's algorithm is that it produces a series on an artificial, and perhaps not substantively meaningful, metric. To determine whether our series has meaningful variance, we turn to the component series that contributes the most information to the analysis: Harris' series on confidence in the Supreme Court. This series, with twenty-two observations, varies by as many as

FIGURE 1 Supreme Court Support Measure, 1973–1993

Accounting for Support

With this improved measure of Court support in hand, we turn now to modeling variation in Court support over time as a function of the degree to which the Court's ideological position diverges from the ideological mood of the American people.

Ideological Divergence

Scholars have long surmised that the Court's support relies in part on the degree to which the public agrees or disagrees with its decisions, a linkage supported by findings at the individual level (cf. Mondak and Grosskopf

twenty-three points during this time period. As our series generally reflects levels of variation similar to that of the Harris and NORC series employed by previous research, we are confident in asserting, as others have, that support for the Court is not static, but varies over time (Caldeira 1986). Mondak and Smithey (1997), by contrast, emphasize the stability of support for the Supreme Court over time, rather than its variability. Their depiction of the character of aggregate Court support over time as stable is partially a function of measurement. Mondak and Smithey employ both the "a great deal" and "only some" responses to Harris' and NORC's Supreme Court confidence questions in an effort to avoid what they consider "polarization effects" (1997, 1118). For each of the various survey items that contribute to our measure of Supreme Court support, we calculate percent supporting as the percentage of purely positive responses to a particular item. We do not consider the "only some" response to be a uniformly positive response to the Harris and NORC confidence items, and thus, unlike Mondak and Smithey, do not include such responses in our percent-supporting calculation.

1998; Mondak 1992). Previous aggregate-level research has assumed invariant public preferences, e.g., that the public consistently opposes liberal decision making (cf. Caldeira 1986). In contrast, we recognize that the ideological preferences of both the Court and the public vary across time. Specifically, we consider whether variation in aggregate-level support is explained in part by the degree to which the ideological position of the Court diverges from the ideological mood of the country.⁷

To gauge the Court's current ideological position, we begin with its salient cases, those cases that elites, including the justices themselves, view as important and consequential. Research suggests that justices care most about salient cases, as suggested by chief justices' disproportionate assignment of salient cases to themselves (Epstein and Segal 2000). Because of their perceived importance and the attendant coverage of such cases throughout the process (including grants of *certiorari*, oral argument, and decision), we reason that these are the cases the public is most likely to hear about and thus, most likely to shape the views of elites and citizens as to the Court's ideological position.

To identify salient Supreme Court decisions, we employ Epstein and Segal's (2000) measure of case salience: coverage of the case on the front page of the *New York Times*. Our index of Supreme Court liberalism for each

⁷ The Supreme Court is generally in line with U.S. domestic policy sentiment, although less so than the other two branches (Stimson, MacKuen, and Erikson 1995; Mishler and Sheehan 1993, 1994; Norpoth and Segal 1994).

Court term is the ratio of liberal decisions on salient cases to all salient case decisions. We aggregate to the Supreme Court term, rather than the half-year (the level of aggregation of our support measure), in order to provide an accurate representation of the sitting Court's ideological position. Because most case outcomes are announced in the spring, any semi-annual measure would be based on a small and possibly unrepresentative number of cases for the second half of the calendar year. Our approach is appropriate as we are less interested in the impact of decisions per se. Rather, we are interested in what the Court's salient decisions tell us about its ideological position. To measure the public's ideological preferences, we reaggregate Stimson's (1991, 1994) quarterly measure of the domestic policy mood semi-annually (see Durr 1993).

We use both series to construct our measure of ideological divergence. Such a measure should increase (indicating greater divergence) when the Court is conservative and the public is liberal, or vice versa. Conversely, the measure should decrease (indicating convergence) when both the Court and the public are conservative or liberal. If both public mood and the Court's ideological position were measured on the same metric, a simple absolute difference measure would suffice. However, these two series are likely *not* on the same metric. Consequently, we employ a negative interaction of the mean deviation of both series as our measure of ideological divergence.⁸ Thus, for example, if the sitting Court is more liberal than average (a positive value), but the public is more conservative (negative value), our measure of ideological divergence (interaction multiplied by -1) would be appropriately large and positive. This measure requires an assumption that the public evaluates the Supreme Court as a function of its deviation from a moderate, central position. To the extent that we are modeling dynamics, this is a reasonable way to capture the conservative and liberal swings in Court position during this time period. It is plausible that either Court liberalism or public mood *alone* directly affects Court support. That is, the observed effect for ideological divergence may be a function of the (masked) direct effect of only one component, rather than the interaction of the two. To control for this possibility, we have also included public mood and Court liberalism mean deviations as direct effects in the model.

In addition, we include the following control variables in our model of Supreme Court support.

⁸ The specific divergence measure we employ is: ideological divergence = $-100 \cdot [\text{mood} - E(\text{mood})] \cdot [\% \text{ liberal decisions} - E(\% \text{ liberal decisions})]$, where E denotes expected value. We use a *negative* interaction to generate a variable with the necessary qualities: increasing values indicating greater divergence and decreasing values indicating greater convergence. We multiply by 100 to keep the estimated coefficient in a reasonable range.

Countermajoritarian Behavior

The degree to which the Court goes against the public's preferences as mediated through the other branches might also impinge on Court support. When the Court goes against Congress or the president, it is rejecting the positions of the (presumably) representative branches of the federal government, raising concerns about the dangers of judicial independence or heightening awareness of the Court's considerable policy-making powers in light of its insulation from electoral accountability. For these reasons, we expect countermajoritarian behavior to depress Court support.

To measure countermajoritarian behavior vis-à-vis Congress, for each time period we record the number of cases in which the Court declares federal laws unconstitutional.⁹ We only include invalidations of federal laws passed by Congress in the preceding four years. Our rationale is that the rejection of recently passed laws represents a repudiation of the citizens' representatives. When the Court overturns laws passed in the more distant past, however, it is less likely rejecting the policies of the current electoral majority in Congress (see Dahl 1958).¹⁰ To measure countermajoritarian behavior vis-à-vis the President, we focus on *amicus curiae* briefs filed by the solicitor general because participation as *amicus curiae* is discretionary and reflects the preferences of the administration. The federal government can also participate as an appellant or appellee, but such participation may be less indicative of the president's preferences because the law often requires the solicitor general participate as a respondent. When the Court rules against the party for which the solicitor general has filed an *amicus* brief, we infer that the decision reflects disagreement between the Court and the president. For each term, we record the ratio of rulings against the party supported by an *amicus* brief filed by the solicitor general to all cases where the solicitor general files such a brief.¹¹

⁹Source: Spaeth's Supreme Court Database and data collected by the authors.

¹⁰Caldeira (1986) employs the Court's invalidation of federal laws as an indicator of "judicial activism," but the variable is constructed virtually the same as our measure of countermajoritarian behavior vis-à-vis Congress. The difference, which we believe to be important, is that Caldeira includes invalidations of *all* federal laws, regardless of the date of passage (see Caldeira 1986, footnote 4), and we limit our analysis to the invalidation of bills passed by Congress in the preceding four years.

¹¹Source: Hoekstra (1995) and data collected by the authors. We exclude cases in which the Court rules against the solicitor general of the previous administration during periods of partisan change in the White House. For example, we drop those cases in which the Court rules against the party joined by Kenneth Starr (the solicitor general for Republican President George Bush) *after*

Presidential and Congressional Approval

Finally, we anticipate that citizens' basic affect toward governmental institutions will extend to their evaluations of the Supreme Court. Although variation in support for Congress and the president is surely a function of factors unique to those institutions (cf. Durr, Gilmour, and Wolbrecht 1997; Ostrom and Simon 1985), we expect that all three reflect *general* support for national political institutions. Previous analyses have focused on the link between presidential approval and Court support with mixed results (Caldeira and Gibson 1992; Caldeira 1986; Casey 1975). We believe congressional approval can also be expected to correlate with support for the Court. To the extent that presidential approval reflects evaluations of the specific person occupying the Oval Office, while congressional and Court support tap approval of institutions less bound to specific individuals, congressional and Court support are more likely to reflect generalized affect toward national political institutions. More generally, we view support for the other branches of government as capturing the myriad factors that shape affect toward government: economic conditions, events such as wars and domestic crises, and social factors such as concern about crime and violence. We therefore include separate measures of presidential and congressional approval in our model of support.¹²

Analysis and Results

We model Supreme Court support as a function of ideological divergence, the degree to which the Court acts as a countermajoritarian institution, and congressional and presidential approval. We expect exogenous variables to have their greatest impact contemporaneously and that their impact will diminish exponentially over time. We thus estimate a model of Supreme Court support employing an exponentially distributed lag setup, estimated using OLS invoking the Koyck transformation.¹³

the inauguration of Democrat Bill Clinton. As with the ideological divergence measure, we aggregate to the entire term because of the small number and potentially unrepresentative cases during the second half of the year.

¹²Sources: The presidential approval series is constructed from the traditional Gallup measure, obtained from the Roper archives; congressional approval is a semi-annual aggregation of the series developed by Durr, Gilmour, and Wolbrecht (1997), with the addition of observations for 1973.

¹³One concern is the potential simultaneity of the Supreme Court support measure and the ideological divergence measure. We

The results in Table 1 indicate that divergence between the ideological preferences of the Supreme Court and the public drives down support for the Court. At the same time, neither Court liberalism nor public mood exerts statistically significant effects on Court support. This suggests that variation in public support for the Court is not explained by Court liberalism (e.g., that the public always punishes a liberal Court with lowered support) or public mood (e.g., that a conservative public is systematically less supportive of the Court) alone, but by the degree to which the Court's ideological position deviates from the public's ideological preferences. Neither of our indicators of countermajoritarian behavior approach statistical significance. Countermajoritarian behavior, particularly vis-à-vis Congress, has long been employed as an indicator of congruence between the Court's actions and the preferences of the public as mediated through their elected representatives, important concerns in light of the Court's lack of electoral accountability (Dahl 1958; Casper 1976; Funston 1975). Our analysis, however, suggests the public does not share scholars' concerns regarding the countermajoritarian activities of the appointed Court, as support for the Supreme Court responds only to divergence from the public's preferences, not divergence from the preferences of their representatives. Our results indicate that citizens' attitudes toward the Supreme Court are related to their assessments of Congress, but independent of evaluations of the president. The different findings for the two branches are not surprising, given previous research which shows presidential and congressional approval to be unrelated phenomenon (Durr, Gilmour, and Wolbrecht 1997).¹⁴

therefore perform Granger causality tests between these two variables. For lag lengths one through five we fail to reject the null that Supreme Court support does not Granger cause ideological divergence. For lag lengths one through three, we fail to reject the null that ideological divergence does not Granger cause Supreme Court support; however, for lag lengths four and five, we reject the null at $\alpha = .05$ ($\chi^2 = 9.87$ and 13.37 , respectively). This suggests that our assumption that ideological divergence drives Supreme Court support is reasonable. Before estimating the model, we performed Augmented Dickey-Fuller (ADF) and KPSS tests to determine if our Supreme Court support series was stationary (Dickey and Fuller 1979; Kwiatkowski et al. 1992). For the ADF with a constant and a constant with a time trend (using nine lags [see Harris 1992]), we reject the null hypothesis of a unit root at $\alpha = .05$ ($t = -3.71$ and -3.66 , respectively). The KPSS test yields similar results, as we fail to reject the null of level stationarity at $\alpha = .05$ using zero and one lag ($I = 0.22$ and 0.15 , respectively). We also performed ADF and KPSS tests on each covariate, which lead us to conclude that these series are also stationary.

¹⁴We have reestimated the model with insignificant variables excluded from the analysis. The significance, sign, and magnitude of parameter estimates are robust to this alternative specification.

TABLE 1 OLS Estimates of an Exponentially Distributed Lag Model of Supreme Court Support, 1973–1993

Independent Variables	Coefficient	Supreme Court Support Standard Error	<i>p</i>
Supreme Court Support _{t-1}	0.1358	0.165	0.416
Ideological Divergence _t	-4.6504	2.383	0.060
Mood _t [Mean Deviation]	34.9524	27.775	0.217
% Liberal Decisions _t [Mean Deviation]	10.1998	8.460	0.237
Rulings Against SG's <i>Amicus</i> Briefs _t	16.0752	15.242	0.299
Laws Declared Unconstitutional _t	-0.4884	1.262	0.701
Presidential Approval _t	-0.0737	0.112	0.513
Congressional Approval _t	0.5271	0.132	0.000
Constant	51.6365	16.179	0.003
<i>n</i>	41		
Adjusted R ²	0.439		
Standard Error of the Estimate	5.734		
Durbin's <i>m</i>	0.955		
First-Order ARCH (1 d.f.)	2.762		
Ljung-Box Q (15 d.f.)	6.276		

Note: Data are semi-annual, 1973:1 to 1993:2. *p* values are for two-tailed tests, based on robust (Huber/White) standard errors. The Koyck transformation is used to estimate the distributed lag model. Durbin's *m* statistic is used to test for first-order autocorrelation in the estimated residuals. The coefficient shown, a non-significant *t*-ratio, fails to permit rejection of the null hypothesis of non-autocorrelation. The non-significant first-order autoregressive conditional heteroskedasticity (ARCH) test statistic indicates that the estimated model produces no clustering of large or small residuals. The results of the Ljung-Box Q test (a maintained null) suggest no higher order autocorrelation in the residuals.

Investigating the Substantive Dynamics of Supreme Court Support

We are interested in the *substantive* implications of the statistically significant coefficients in our model. In other words, what impact does a change (either temporary or permanent) in ideological divergence and congressional approval have on support for the Supreme Court over the long-term? We first set Supreme Court support at its equilibrium value of 95.7—near the sample mean of the actual Court support series (see the appendix)—and investigate temporary (one period) shocks to the system.¹⁵ For the ideological divergence measure, we start with the largest one period change in public mood (deviation from its mean) and the greatest one period change in percent liberal Supreme Court decisions (deviation from its mean) during our period of study. Although the interaction between the two (our ideological divergence measure) represents a larger value than actually observed in our series, it does represent a plausible event, as both individual deviations have in fact occurred. We then shock

¹⁵ The Supreme Court support measure has the following properties: mean = 95.5, minimum = 80.0, first quartile = 90.0, median = 95.0, third quartile = 101.3, maximum = 109.4, standard deviation = 7.3. The summary statistics for all other variables are available on Table W3 at the replication website.

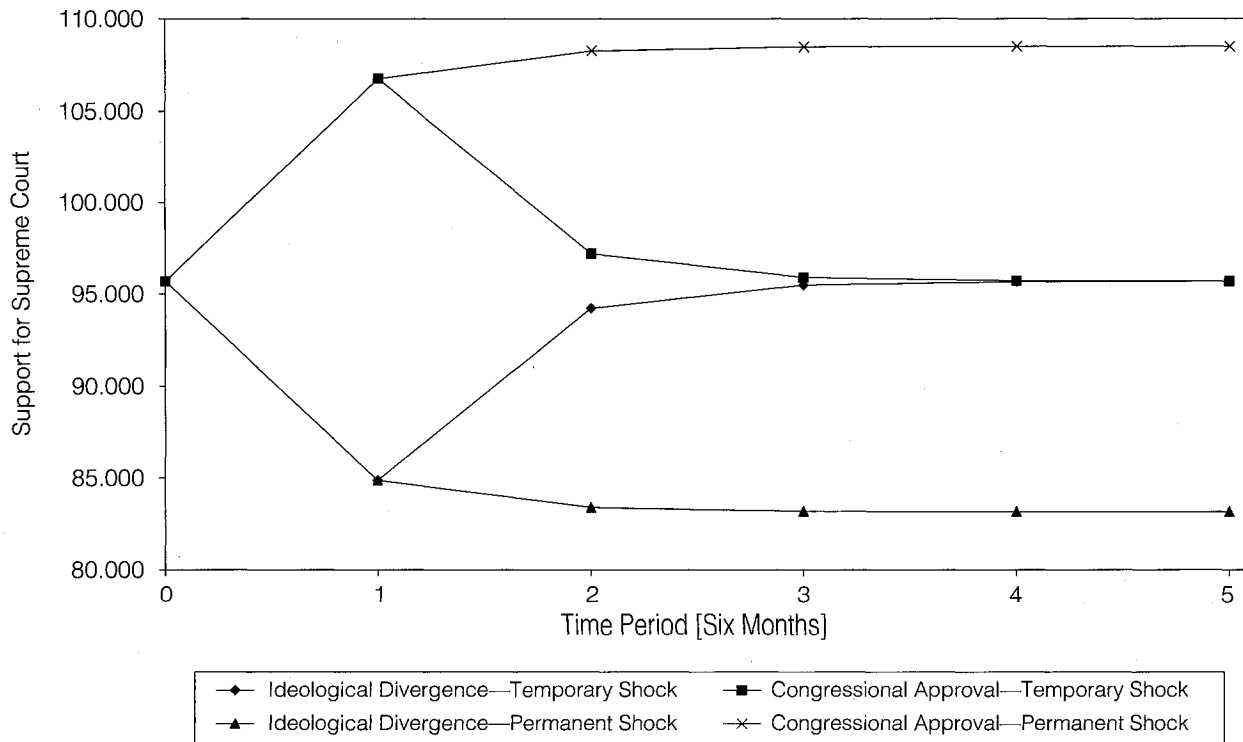
the system in period one by adding two times this value to the sample mean. For all time periods thereafter, we force ideological divergence to return to its sample mean. We use an extreme shock to highlight the possible impact of ideological divergence on Court support.

We perform similar analysis for the congressional approval measure, shocking it in time period one by adding two times the greatest historical change in the measure to its sample mean.¹⁶ While our shock is twice that observed in any one period, such dramatic shifts do occur over short periods of time. For example, across just two periods (1991.2 and 1992.1), corresponding to, among other things, the House Bank scandal, congressional approval fell by an amount nearly the size of the shock we employ.

Figure 2 reveals how Court support rises in response to a one-period increase in congressional approval and falls off following a one-period increase in ideological

¹⁶ Specifically, for the ideological divergence measure, we shock the system by adding 2.325 to its sample mean. For the congressional approval measure, we shock the system by adding 20.50 to its sample mean. Both of these were chosen for substantive reasons. We choose to use the greatest historical shocks during the time period of our analysis to account for the worst case scenario, as well as to investigate the impact of sustained major changes in the explanatory variables. Note that while the choice of the magnitude of shocks is arbitrary, the relative effects are invariant.

FIGURE 2 Effects of Ideological Divergence and Congressional Approval on Supreme Court Support (Temporary and Permanent Shocks)



divergence. Although clearly related to support for Congress, the Court's divergence from the public mood has a considerable impact as well. Indeed, given similar shocks to each (two times their greatest observed values), the change in Court support is slightly greater as a result of the change in ideological divergence than congressional approval. Scholars emphasize the imperceptibility of the Court to the public but this analysis suggests that the public does in some way perceive the Court's position vis-à-vis its own and evaluates the Court in light of that relationship.

In the case of both temporary shocks, the system returns to its equilibrium in just four periods (two years).¹⁷ The small value on the coefficient for lagged Court support (see Table 1) means that the long-term impact of any short-term change in an exogenous variable is necessarily quite short. In this sense, our results provide empirical support for Mondak and Smithey's (1997) premise that aggregate Court support responds to public evaluations of Court behavior, but for various reasons, the impact of temporary shocks is relatively short-lived.

We perform similar analysis for permanent shocks to this dynamic system. In this instance, we add the same values as above in time-period one, but leave them at their increased values for the remainder of the simulation. Substantively, this would either be a sustained profound shift in the Court's ideological position relative to public mood (such as might occur as a result of a change in the Court's ideological position following a number of retirements from the bench), or vice versa, or a long-term level shift in public approval of Congress (such as the general decline in approval of institutions believed to have followed Watergate and the Vietnam War). These results are also presented in Figure 2. The permanent change in congressional approval causes Court support to reach a new equilibrium level at 108.5, which is near the sample maximum. In other words, given a permanent change of this magnitude, support for the Court, *ceteris paribus*, would reach the highest observed values of this series. Similarly, for ideological divergence, the system rapidly attains a new equilibrium at 83.2, a value near the sample minimum. Thus, extreme divergence between the ideological positions of the Supreme Court and the public, maintained over time, causes Court support to erode to nearly the all-time observed low, with potential consequences for the legitimacy of the institution. Although both explana-

¹⁷We note that Durr, Gilmour, and Wolbrecht (1997) mislabel their Figure 4, which captures the effects of *permanent*, not temporary, shocks.

tory variables are important, dramatic change in ideological divergence causes the greatest change in the level of public support for the Supreme Court.

Conclusion

We propose an approach to measuring Supreme Court support that uses the available infrequently and inconsistently worded survey data to produce a semi-annual gauge of citizen support for the Court. The result is a richer and more detailed picture of the variation in Court support over a twenty-year period than would be possible with any single available series. Recent research has focused on the puzzle of declining support for and trust in various political institutions, seeking to explain what is basically characterized as a downward slope (cf. Craig 1993; Hibbing and Theiss-Morse 1995). Our approach to observing aggregate Supreme Court support, however, reveals meaningful variation; public support moves in both directions. Comprehensive accounts of the determinants of public affect toward political institutions such as the Supreme Court must necessarily explain not only why support falls, but also why it rises.

We expect our improved measure of aggregate Supreme Court support will be useful to other students of the Court. Unlike support for other institutions, interest in Supreme Court support is driven not by a hypothesized electoral linkage, but by the expectation that the Court necessarily depends on public support as a source of institutional legitimacy and political capital. The level of support the Court enjoys has long been viewed as a crucial resource, both by helping engender a positive response to the Court's decisions and by encouraging the successful execution of its proclamations, necessarily carried out by other actors and institutions (Caldeira 1986). Future research might explore the relationship between aggregate Court support and such phenomenon as public acquiescence to Court decisions and the successful implementation of its decrees. From time to time, the justices themselves acknowledge the weakness of their institutional position and their dependence on the public's support (e.g., *Baker v. Carr* [1962]; *United States v. Lee* [1882]). Future research might also investigate whether the willingness of a strategic Court to diverge from the public mood is related to the level of support it enjoys.

The public is often portrayed as ignorant and uninformed about the political world, particularly the Supreme Court. Our analysis suggests that Supreme Court support is partially explained by variation in support for its sister institution, Congress, a reflection, we suspect, of general affect toward national political institutions. More

importantly, public support for the Supreme Court can, in part, be attributed to the public's reaction to the Court's divergence from the ideological mood of the country. Despite the supposed imperceptibility of the Court, this research suggests that in some way, the public perceives the Court's ideological position vis-à-vis its own, and evaluates the Court in light of the congruence between the two. The Supreme Court may be shielded from direct electoral accountability, but our analysis here suggests that the public does punish the Court's divergence from its preferences, not at the ballot box, but by depleting one of its most valuable resources, the support of the American people.

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Appendix

The statistical model presented in Table 1 takes the form of a linear regression model with a lagged dependent variable:

$$Y_t = \gamma + \lambda Y_{t-1} + x_t' \beta + \varepsilon_t, \quad \varepsilon_t \sim N(0, \sigma^2) \quad [1]$$

Y_t is the dependent variable (Supreme Court support) indexed by time, γ is the y-intercept coefficient, λ is the scalar rate of decay parameter, the row vector x_t' is a row vector of explanatory variables, and β is a column vector of parameters capturing the short-term effect of x_t' on Y_t . To calculate the system equilibrium, we replace Y_t in Equation 1 with its equilibrium value Y^* , and fix the covariates at their mean values \bar{x}' . This yields the following (suppressing the error term):

$$Y^* = \hat{\gamma} + \hat{\lambda} Y^* + \bar{x}' \hat{\beta} \quad [2]$$

Subtracting $\hat{\lambda} Y^*$ from each side, factoring out Y^* , and dividing through by $(1 - \hat{\lambda})$ yields the following equilibrium:

$$Y^* = \frac{\hat{\gamma} + \bar{x}' \hat{\beta}}{1 - \hat{\lambda}} \quad [3]$$

The simulations presented in Figure 2 were generated using the recursion relation in Equation 2.

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