

Partisans in Robes: Party Cues and Public Acceptance of Supreme Court Decisions

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The public perceives the Supreme Court to be a legal institution. This perception enables the Court's legitimacy-conferring function, which serves to increase public acceptance of its decisions. Yet, the public acknowledges a political aspect to the Court as well. To evaluate how the public responds to the different images of the Supreme Court, we investigate whether and how depictions of specifically partisan (e.g., Republican) Court rulings shape public acceptance of its decisions while varying institutional, legal, and issue characteristics. Using survey experiments, we find that party cues and partisanship, more so than the imprimatur of the Court, affect public acceptance. We also find that polarization diminishes the effect of party cues. Attributing a decision to the Court does little to increase baseline acceptance or attenuate partisan cue effects. The Court's uniqueness, at least in terms of its legitimacy-conferring function, is perhaps overstated.

The public is of two minds about the Supreme Court. In contrast to the elected branches of government, the public views the Court as a legal institution that bases its decisions on “the law” in a relatively neutral, impartial fashion. Viewed in this way, the Supreme Court may confer legitimacy on the decisions it hands down (e.g., Hanley, Salamone, and Wright 2012; Mondak 1994). However, most Americans also view the Supreme Court as a political institution (e.g., Scheb and Lyons 2000). High-profile decisions such as *Bush v. Gore* (2000) highlight partisan divisions on the Court, creating differences in public support among partisans (Hetherington and Smith 2007; Kritzer 2001). In sum, the public holds an image of the Supreme Court that is both legalistic and political (Bybee 2010; Gibson and Caldeira 2011).

Although partisan politics is a primary ingredient in public opinion research on policy attitudes, research on public opinion and the Supreme Court largely neglects the role of party in shaping public acceptance of Court decisions. Some of this neglect is likely attributed to the

Supreme Court eschewing blatantly partisan behavior, but a good deal might also stem from how, for the last century, the Court has not clearly divided along party lines. However, as Baum and Devins (2011) observe, “for the first time in more than a century, the ideological positions of the justices on today’s Supreme Court can be identified purely by party affiliation.” The contemporary Supreme Court, then, is more clearly partisan, which may heighten the possibility that the public responds to its decisions in a partisan fashion. Partisan polarization among the mass public (Hetherington 2001) only deepens the potential for a partisan response by the public.

We advance the study of the Supreme Court and public opinion by investigating how specifically partisan depictions of Court decisions (e.g., decisions reached by a Republican-appointed majority) affect public acceptance of Court decisions. We investigate how the two images of the Supreme Court—legal and political—affect public acceptance of Court decisions and whether one or the other prevails when provided simultaneously. Specifically, we pit institutional source cues against party cues

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in the context of Supreme Court decisions. If the image of the Court as a legalistic, neutral decision maker dominates, we expect the Court to act as a positive institutional source cue. On the other hand, if the political image of the Court dominates, we expect party cues to activate partisan attachments in much the same way as they do for the elected branches of government.

Using survey experiments based on four recent Supreme Court decisions, we find that the public responds to both legal and partisan images of the Court when making decisions about whether to accept Supreme Court decisions but that the partisan response is larger and more consistent. Despite a sizable sample and accompanying statistical power, we fail to find a consistent or substantial Supreme Court source cue effect. On the other hand, we find that the public consistently responds to Supreme Court decisions in a partisan fashion. Although party cues or partisan depictions do not change the average response to a Court decision, we find that they have a conditional effect on partisan subgroups. For example, identifying a decision as the product of a Republican majority on the Court does not affect overall levels of public acceptance, but it does increase acceptance among Republicans and diminish acceptance among Democrats. Importantly, the conditional effect of party cues is not attenuated when the Court is identified as the source of the decision.

We also explore the idea that party cues are likely most informative, and persuasive, when the public is not polarized on an issue. We find that party cues have a larger effect for issues on which the public is not polarized along party lines. On the other hand, when the public is already polarized on an issue, elite cues appear to have a limited influence in moving opinion, at least in the short term.

The results of our study have important implications for understanding public perceptions of the Supreme Court as a policy maker and the study of public opinion more broadly. In light of our findings, the Supreme Court's uniqueness in the American political system is perhaps overstated, at least in terms of its ability to generate acceptance of its decisions. The Supreme Court may be left more vulnerable since it has no direct mechanism for enforcing its decisions and public acceptance is often viewed as a critical indirect path toward compliance. Yet, even though the public perceives the Supreme Court as having a political component, it is not widely viewed as being cut from the same partisan cloth as the elected branches of government. To find that party cues can flow from sources that are ambiguously partisan provides further evidence of the deep reach of party information in the American political system.

Source Cues, the Supreme Court, and Public Opinion

In evaluating a policy decision, people have limited information. To cope with limited information, people make use of heuristics, information shortcuts that enable people to make judgments about complex matters. Although heuristics come in many flavors, cues are bits of information that people use to make judgments about an attitude object for which they have limited information (Eagly and Chaiken 1993). In navigating the everyday world, people make ample use of cues for making fast, efficient, and mostly informed decisions (Gigerenzer, Todd, and the ABC Research Group 1999). Politics is no different. In making political judgments, the public is most likely to draw on trusted and credible source cues (Lupia and McCubbins 1998) such as political parties (Arceneaux 2008; Kam 2005).

The image of the U.S. Supreme Court as a legalistic, relatively nonpartisan institution suggests that attributing a policy to the Court—identifying it as the source—can increase public acceptance of the policy (e.g., Hoekstra 1995; Mondak 1990, 1992; Stoutenborough, Haider-Markel, and Allen 2006; cf. Franklin and Kosaki 1989). Since the Court dresses itself in legal symbols, both literally (i.e., the wearing of black robes by the justices) and figuratively (by emphasizing reliance on the Constitution, precedent, and legal norms), its image is decidedly positive relative to the elected branches of government. Media coverage of the Supreme Court also largely emphasizes legal factors and procedural fairness (Gibson, Caldeira, and Spence 2003; cf. Spill and Oxley 2003) whereas media coverage of the elected branches focuses on partisan politics (Hibbing and Theiss-Morse 1995, 2002). As a consequence, the public generally perceives the Court's decision-making processes to be driven by legal considerations (Baird 2001; Scheb and Lyons 2000) and procedural fairness (Gibson 1989; Mondak 1993).

Despite the legal image of the Court, the public also perceives it to be political. Scheb and Lyons (2000), for example, find that over two-thirds of the public perceived that ideological or partisan influences had at least some effect on Supreme Court decisions. Hetherington and Smith (2007) conclude that perceptions of the Supreme Court's ideological makeup also shape support among partisan identifiers, further suggesting that the Court has a widely acknowledged political image.

The uniqueness of the Supreme Court is that it is viewed as both legal and political, partisan and nonpartisan. According to Bybee (2010, 4), the public holds a "half-politics-half-law" understanding of the courts: "On

one hand, many Americans acknowledge that the judicial process is infused with politics; on the other hand, almost everyone seems to believe that judicial decisions are determined on nonpolitical, purely legal grounds.” Similarly, Gibson and Caldeira (2011, 207) find the public split on the question of whether partisanship influences judges’ decision making, “with a slim plurality believing that party affiliations have little to do with judges’ decisions (43.9 versus 39.2 percent).”

What do we make of a public that perceives the Supreme Court to be guided by legal principles, fairness, and neutrality, on the one hand, and politics on the other? Public perceptions of the Court are contradictory, but it is not uncommon for the public to be of two minds about political matters. For example, the public desires limited government but is opposed to cutting most government programs (Jacoby 2000). According to Zaller (1992), contradictory (or unstable) attitudes are expected because of the variation in flows of information. The sample of considerations varies over time with alterations in the flow of information, moving public opinion in predictable ways. For example, if the flow of information about the Supreme Court emphasizes partisanship, the public is more likely to view it as a political institution, whereas if legal factors dominate the flow of information, the public is more likely to view the Court as a legal institution.

The relevance of information, however, depends on whether the public is evaluating the Court’s legitimacy (diffuse support) or its policy outputs (specific support). The research of Caldeira and Gibson shows that public perceptions of the Court’s legitimacy are largely unresponsive to its actions (e.g., Caldeira and Gibson 1992). Even for highly controversial decisions such as *Bush v. Gore*, “it appears that judgments of the fairness of the Court’s decision and attitudes towards the Court itself are cut from different cloth” (Gibson, Caldeira, and Spence 2003, 549). We focus on specific support by examining whether the Supreme Court confers legitimacy on the policies it endorses and therefore do not speak to the question of public perceptions of the Court’s legitimacy of an institution, an area of research suggesting that political depictions of the Court may be less consequential (Caldeira and Gibson 1992; Gibson, Caldeira, and Spence 2003).

An important ingredient of the legitimacy-conferring hypothesis is that the myth of legalism drives the Supreme Court’s legitimacy, though the evidence on this point is mixed. In experimental studies, Bass and Thomas (1984) and Mondak (1994) find that mentions of the Constitution and precedent did not increase public acceptance of Court decisions. More recent experimental work, however, suggests that public acceptance of Supreme Court

decisions increases when the Court bases its decisions on legal considerations (Gibson, Caldeira, and Spence 2005; Zink, Spriggs, and Scott 2009). Underlying the potential importance of legal considerations is the public’s concern with “judicial activism,” which, though vague, typically connotes judicial decisions that somehow conflict with current law, broadly defined (Lindquist and Cross 2009).

In sum, much of the work on public reactions to the Supreme Court and its decisions implies that the Court constitutes a particularly strong, positive institutional source cue. This cue effect, however, rests on perceptions of the Court as being an apolitical, legalistic, and non-activist institution. We will test two predictions drawn from this research tradition:

Supreme Court Hypothesis: Decisions attributed to the Supreme Court will garner higher public acceptance than decisions attributed elsewhere.

Activist Court Hypothesis: The positive effect of the Supreme Court source cue will diminish if the Court’s decisions are portrayed as overturning existing law.

Party Cues, Polarization, and Public Acceptance of Supreme Court Decisions

Although a good deal of research investigates whether political perceptions of the Supreme Court harm its institutional legitimacy (Gibson, Caldeira and Spence 2003; Nicholson and Howard 2003; Ramirez 2008), only a few studies test whether general, ambiguous partisan divisions on the Court affect acceptance of decisions (Gibson, Caldeira, and Spence 2005; Zink, Spriggs, and Scott 2009). None of these studies, however, invoke a *specific* partisan outcome. Gibson and colleagues invoke a partisan *process*, whereas Zink and colleagues avoid mention of partisanship altogether, characterizing the Court’s decision as unanimous or divided. In neither case, then, are respondents “treated” with a decision in which a specific partisan coalition on the Court decided the outcome, a cue with the potential to affect acceptance of the decision.

A generically partisan decision (e.g., a divided or partisan Court decided) versus a specifically partisan decision (e.g., a Republican majority on the Court decided) is no small distinction. As Hibbing and Theiss-Morse (1995, 2002) demonstrate, the American public exhibits a strong distaste for partisan politics. Yet, despite the antipathy toward party politics, parties are the central organizing feature of American politics, structuring the public’s menu of choices (Sniderman 2000) as categorical opposites

(Heit and Nicholson 2010). The importance of party elites in shaping public opinion has only increased likely due to party polarization (Druckman, Peterson, and Slothuus 2013; Hetherington 2001; Nicholson 2012).

Simply put, the public dislikes partisanship but relies on parties to help make sense of the political world. Party identification strongly shapes vote choice (Campbell et al. 1960), opinion toward policy issues (Jacoby 1988), and evaluation of political leaders (Jacobson 2007). Furthermore, party cues are likely to be the most abundant, relevant, and understood source of political information in the American political system and are a potent source of opinion change (Arceneaux 2008; Kam 2005; Lau and Redlawsk 2006; Rahn 1993). In perhaps the strongest illustration of how party cues affect policy attitudes, Cohen (2003) shows that party cues overwhelm policy content (but see Bullock 2011; Nicholson 2011). This is not an isolated finding, as Rahn (1993) has demonstrated that partisans ignore policy substance if party cues are available.

Thus, characterizing any policy decision, made by the Court or not, as resulting from a partisan process is altogether different from attributing it to a Republican or Democratic majority. The public may dislike partisan processes, but whether it dislikes, for example, a Republican decision hinges on party identification. More generally, the presence of a party cue should amplify the degree to which a person's acceptance of a policy hinges upon his or her partisan identification. Accordingly, we propose the following:

Party Cue Hypothesis: Regardless of the institutional source, partisans are more likely to accept a decision when it is attributed to public officials (e.g., justices) of their party and less likely to accept a decision attributed to public officials of the other party.

The conditioning effect of party cues, however, is likely to vary according to the degree to which an issue has been incorporated into partisan politics (see Levendusky 2010; Nicholson 2012). A novel issue, lacking a clearly defined preexisting partisan dimension, increases reliance on party cues. Well-known issues, those on which the public is already polarized along party lines, are less susceptible to the influence of party cues. We anticipate party cues having the largest effect on policy acceptance when the issue at stake exhibits less partisan polarization. The more polarizing the issue is, that is, the larger the preexisting opinion gap between Democrats and Republicans, the less likely that party cues will activate partisan attitudes. Based on this logic, we offer the following:

Polarization Hypothesis 1: The less polarized the issue, the more likely it is that party cues will amplify the effect of partisan identification on policy acceptance.

Similarly, the effect of institutional source cues invoking the Supreme Court might also vary according to preexisting partisan polarization on an issue. If the issue has a clear partisan dimension, we might expect the Court's imprimatur, whether it be legalistic or partisan, to have less of a legitimizing effect. On the other hand, with less polarizing issues, we might expect institutional source cues to matter more.

Polarization Hypothesis 2: The effect of the Supreme Court cue on policy acceptance will be greatest with less polarized issues (issues on which partisans exhibit little disagreement).

Crosscutting Cues

As discussed above, the literature suggests that overall acceptance of a policy is likely to increase for a decision attributed to the Supreme Court. However, we expect the presence of a party cue to increase support among co-partisans and diminish support among out-partisans. Examining the role of party cues and the Supreme Court cue also provides us with an intriguing opportunity to investigate whether, and how, each cue moderates the effect of the other. To this end, we offer two hypotheses exploring these possibilities.

First, although partisans are likely to be more accepting of policy made by their party, the effect of party cues might be complicated when the partisan source is the Supreme Court. As discussed, the Court is a unique, and perhaps uniquely strong, source cue due to its neutral, legal image. To the extent that the Court's stamp of approval legitimizes policies thanks to its perceived apolitical nature, the mean level of acceptance of the policy should nonetheless decrease if a Court decision is labeled as Democratic or Republican. To be clear, this hypothesis concerns overall levels of support (all respondents).

Partisan Court Hypothesis: The Supreme Court's positive source cue effect will diminish if its decisions are portrayed as specifically partisan (e.g., made by Democrats).

Second, due to the general belief that the Court is less partisan than other policymaking entities, the effect of party cues might diminish if the Court is the source. For example, if people are made aware that

Democrats on the Court were responsible for a decision, Democratic Party identifiers will be more accepting of the decision than Republican Party identifiers. However, the attribution of the decision to the Supreme Court will diminish the gap between the levels of acceptance between Democrats and Republicans. In other words, we expect a party cue to increase the extent to which acceptance of a policy is a function of partisan identification, but this effect should be smaller when the policy is attributed to the Court instead of another institution.

Weakened Party Cue Hypothesis: The degree to which a party cue increases the effect of partisan identification on policy acceptance will diminish if the Court is the institutional source of the policy.

Overview of Experiments

We embedded experiments within the 2011 Cooperative Congressional Election Study (CCES), a Web survey of 15,000 respondents conducted from September 30 to November 11, 2011, to examine the influence of source cues on public acceptance of four relatively recent Supreme Court decisions: *Christian Legal Society v. Martinez* (2010), *District of Columbia v. Heller* (2008), *Graham v. Florida* (2010), and *Citizens United v. FEC* (2010).¹ In *Christian Legal Society*, the Court held that a law school can require that religious student clubs admit gay students. The *Heller* decision struck down Washington, DC's handgun ban, and *Graham* held that juveniles cannot be sentenced to life without parole for any crime other than murder. In *Citizens United*, the Court ruled that independent campaign expenditures cannot be limited.

The majorities deciding *Christian Legal Society* and *Graham* were composed of justices primarily appointed by Democratic presidents, whereas the majorities deciding *Heller* and *Citizens United* were composed of Republican appointees. In terms of partisan polarization, we expect the issues at stake in these cases to range from high (gays in religious clubs and gun control) to low (limits on the sentencing of juveniles and campaign finance). Three of the decisions overturned either a statute or a precedent, with *Christian Legal Society* being the exception.

The dependent variable in all of our analyses is acceptance of the decision (Gibson, Caldeira, and Spence

2005). We specifically ask, "Do you accept the decision? That is, do you think that the decision ought to be accepted and considered to be the final word on the matter or that there ought to be an effort to challenge the decision and get it changed?" Responses to this question fall on a 4-point scale ranging from *strongly not accept* to *strongly accept*.²

As shown in Table 1, at the heart of the experiment is a fully crossed between-subjects design for each Court decision. We include two conditions for party cues, one mentioning that a Republican-appointed (or Democratic-appointed) majority on the Court made the decision and the other making no mention of party. We also include two conditions for the Supreme Court, one naming the Court's involvement and the other mentioning "the government."³ Taken together, the two factors produce four combinations: (1) Government, (2) Government/Majority Party, (3) Supreme Court, and (4) Supreme Court/Majority Party.

If relevant to the case, we also include a factor to examine whether "activism" affects acceptance of the decisions. Although there is a good deal of debate regarding what constitutes judicial activism, the overturning of law is at the heart of most definitions (Lindquist and Cross 2009). To examine the effect of this type of activism, we included two additional conditions: (5) Supreme Court/Overturning Law and (6) Supreme Court/Majority Party/Overturning Law. By comparing the activism conditions to (3) Supreme Court and (4) Supreme Court/Majority Party, we can examine the independent effect of activism on acceptance.

For the majority of the analyses we report, the "government" source cue serves as the baseline. When assessing the uniqueness of the Supreme Court as an institutional source cue, we are contrasting it with the most generic conception of a governmental institution capable of making public policy—"the government." Furthermore, one group of respondents received neither type of cue but instead was simply told: "It was recently decided that . . ." before being given the description of a policy decision. Respondents from this condition are included only in the first analysis.

²While we follow Gibson, Caldeira, and Spence (2005) by using acceptance of a decision as our dependent variable, Zink, Spriggs, and Scott (2009) show that it makes little substantive difference whether "acceptance" or "agreement" is used.

³It is possible that people might think of the Court when they think of "the government." However, studies examining evaluations of government show that Congress and the president are the primary referents people have in mind (Hetherington 2005; Williams 1985).

¹For additional details regarding the survey, see the supplemental information (SI, p. 2).

TABLE 1 Treatments for Examining the Effect of Cues on Acceptance of Policy Decisions

Source Cue	Decision
1. The government recently decided that ...	A. ... colleges and universities can require Christian student clubs to accept gay or non-Christian members.
2. Democrats/Republicans in government recently decided that ...	B. ... a city could not ban handguns or require trigger locks for other types of guns.
3. The U.S. Supreme Court recently decided that ...	C. ... juveniles cannot be sentenced to life in prison without parole for any crime other than murder.
4. A Democratic/Republican-appointed majority on the U.S. Supreme Court recently decided that ...	D. ... corporations and unions can spend as much money as they want to help political candidates win elections.
5. The U.S. Supreme Court recently overturned existing law and decided that ...	
6. A Democratic/Republican-appointed majority on the U.S. Supreme Court recently overturned existing law and decided that ...	

Note: For decisions A and C, source cues 2, 4, and 6 use “Democratic.” For decisions B and D, these source cues use “Republican.” Cues 5 and 6 can be matched with decisions B, C, and D.

TABLE 2 The Average Effect of Institutional Source Cues on Policy Acceptance

Independent Variable	Gays in Religious Clubs	Handgun Ban	Juvenile Sentencing	Campaign Finance
Supreme Court (C)	.208* (.093)	.058 (.084)	.006 (.084)	.312* (.091)
Government (G)	.052 (.094)	.007 (.093)	-.035 (.092)	.151 (.099)
Likelihood ratio tests:				
null: all b = 0	6.52*	.86	.40	14.3*
null: b _C = b _G	4.20*	.61	.39	5.48*
N	2,861	4,088	3,988	4,063

Note: Cell entries are ordered logit estimates (with standard errors). The baseline condition for these models is no source cue. Estimated cut points for these and subsequent models are presented in the supplemental information (SI, pp. 3–5).

*p ≤ .05 (one-tailed test).

Results

Though we are primarily interested in how party and institutional cues combine with partisan predispositions to determine policy acceptance, we begin with a basic test of the Supreme Court Hypothesis (decisions attributed to the Supreme Court will have higher levels of acceptance than those attributed to the government). We estimate four ordered logit models—one for each policy outcome. In each model, there are only two treatment-based independent variables: *Supreme Court* and *Government*. The former equals 1 if the decision is attributed to the Court, whereas the latter equals 1 if it is attributed to “the government.” Respondents who were given neither institutional source cue are included as the reference category for this set of models. The results are presented in Table 2.

The Supreme Court hypothesis predicts that the coefficient estimates for *Supreme Court* will be positive, which they are in all four models. However, the estimates are only statistically significant for the gays in religious clubs and campaign finance decisions. Revealing that the Supreme Court was behind these decisions increased the degree of acceptance for the two outcomes. Despite being statistically significant in these models, though, the substantive effect size of *Supreme Court* is quite small. The largest estimate for this variable is for the campaign finance decision, but attributing this decision to the Court, as compared to no institutional source, increases the probability of a respondent strongly accepting the decision by only .026 (i.e., the probability of strongly accepting increases from .081 to .107).

The estimates for the *Government* cue fail to achieve statistical significance in all four models, indicating that

there is no difference in the acceptance of these policy outcomes when attributing them to the government as compared to revealing no source at all. Likelihood ratio tests further reveal that in the two models in which *Supreme Court* is significant, there is also a statistically significant difference between the estimates for *Supreme Court* and *Government*. Taken together, the results indicate that the *Government* treatment can be considered equivalent to the baseline condition of no institutional cue. As previously discussed, in subsequent analyses, we use the government source as the baseline condition and exclude respondents who were not given an institutional source cue.

Our first set of results is thus mixed. For two of the policy outcomes, there is evidence of a Supreme Court source cue effect, though the effect is small. For the other two decisions, there is no such evidence. Nonetheless, our next step is to test whether this modest effect is diminished due to the presence of a party cue (Partisan Court Hypothesis), an “activist” characterization of the decision (Activist Court Hypothesis), or higher levels of partisan polarization (Polarization Hypothesis 2). We estimate a total of five ordered logit models: one in which all four policy outcomes (i.e., decisions) are pooled together and then separate models for each policy outcome. The pooled model is necessary to test the polarization hypotheses, which rely on between-decision variation.

The three main treatment-based independent variables included in the models are *Supreme Court*, *Party Cue*, and *Activist*. *Party Cue* equals 1 if the partisan identity of the majority responsible for the decision is revealed and 0 otherwise. To test the Partisan Court Hypothesis, we interact *Party Cue* with *Supreme Court* and expect a negative coefficient. Since we do not include party identification in the model, the coefficient for *Party Cue* only reveals how depicting a decision as specifically partisan affects overall public acceptance, not acceptance among partisan subgroups. In subsequent analyses, we examine the Party Cue Hypothesis by testing how party cues condition the effect of party identification. *Activist* equals 1 if the decision involved overturning existing law and 0 otherwise. To test the Activist Court Hypothesis, *Activist* is interacted with *Supreme Court*, and we expect a negative coefficient. *Activist* is not included in the model as a “main effect” because it is only theoretically relevant when paired with the Supreme Court.⁴

The pooled model also allows us to test the conditioning effect of variation in the partisan polarization

associated with the different issues underlying the four policy decisions. To assess *Party Polarization*, we use the 2,289 respondents who were given no source cues and are otherwise not included in this analysis. Policy acceptance for these respondents is therefore not a function of any of the experimental treatments. *Party Polarization* equals the absolute value of the difference between the mean levels of acceptance by party for respondents in the baseline condition. The decision involving gays in religious clubs has the largest partisan gap (1.26), whereas juvenile sentencing has the lowest (0.39). We interact *Party Polarization* with *Supreme Court* to test whether polarization decreases any positive source cue effect associated with the Court. *Party Polarization* is not included in the policy-specific models since it only varies between decisions.

The pooled model also requires that we control for differences in the mean level of acceptance of the four decisions. We do not include dummy variables for the issues/decisions in the pooled model because such variables are perfectly collinear with *Party Polarization*, which only varies between decisions. Instead, we again use the respondents who were not given any source cues and are excluded from the analysis. *Baseline Acceptance* is the mean acceptance for a given decision among these respondents.⁵ Table 3 presents the results for the pooled and decision-specific models.

Given the presence of the interaction terms, the estimate for *Supreme Court* now reveals the effect of attributing the decision to the Court when there is no party cue, no *Activist* treatment, and zero *Party Polarization*. This should be the scenario in which the Supreme Court has its strongest positive source cue effect. However, the estimate for *Supreme Court* is only positive and statistically significant for the campaign finance decision. Surprisingly, the “main” effect of *Party Cue* (i.e., a Republican majority made the decision) is also positive and significant in the campaign finance model and is similar in magnitude to the estimate for *Supreme Court*. Perhaps the best way to interpret this counterintuitive result is that this unpopular decision is more accepted as long as it is attributed to something recognizable—the Supreme Court or Republicans.

The insignificant coefficients for the interaction of *Supreme Court* and *Party Cue* suggest there is no support for the Partisan Court Hypothesis. Specifically, partisan depictions of Supreme Court decisions do not diminish the Court’s positive institutional cue effect, which makes sense since there is very little evidence here for

⁴As Kam and Franzese (2007, 99–100) note, it is not always necessary, nor practical, to include a “main effect” if theory suggests otherwise.

⁵The supplemental information provides a version of the pooled model in which *Baseline Acceptance* is excluded and dummy variables for two decisions are included (SI, pp. 8–9).

TABLE 3 The Conditional Effect of the Supreme Court Source Cue on Policy Acceptance

Independent Variable	Pooled	Gays in Religious Clubs	Handgun Ban	Juvenile Sentencing	Campaign Finance
Supreme Court (C)	.047 (.085)	.111 (.108)	-.018 (.100)	.029 (.100)	.236* (.106)
Party Cue (P)	-.032 (.054)	-.038 (.108)	-.195 (.107)	-.169 (.106)	.301** (.113)
C × P	.059 (.068)	.088 (.152)	.151 (.131)	.087 (.131)	-.095 (.138)
C × Activist	-.028 (.042)	–	-.014 (.076)	-.063 (.077)	-.060 (.079)
Party Polarization (Po)	.130 (.068)	–	–	–	–
C × Po	.050 (.087)	–	–	–	–
Baseline Acceptance	1.44** (.036)	–	–	–	–
Likelihood ratio test, all b = 0	1,944*	4.51	4.30	4.72	19.9*
N	12,711	2,298	3,510	3,419	3,484

Note: Cell entries are ordered logit estimates (with standard errors). The baseline condition for these models is the government source cue without party cue (Source Cue 1 in Table 1).

* $p \leq .05$ (one-tailed test, for hypothesized relationships), ** $p \leq .05$ (two-tailed test, for main effects/constituent terms and control variables about which we have no hypothesis).

the Court serving as an institutional source cue. In later analyses, though, we examine the Party Cue Hypothesis that party cues interact with the party identification of respondents.

Other than the estimate for the *Baseline Acceptance* control variable in the pooled model, there are no other statistically significant results. *Activist* and *Party Polarization* fail to diminish a boost in acceptance for Supreme Court decisions. The acceptance of the Court's decisions is not affected by whether the Court is portrayed as activist (Activist Court Hypothesis) or whether the issue at stake is polarized (Polarization Hypothesis 2). In sum, the Table 3 models provide little to no support for the Supreme Court serving as an institutional source cue sensitive to partisan or activist depictions.

Figure 1 presents predicted probabilities generated by the models of Table 3.⁶ For the purposes of simplicity, all the figures we present plot the predicted probability of “strongly accepting” the decision in question.⁷ Figure 1A depicts the results for the Supreme Court and Activist

Court Hypotheses, as it shows the effect of the *Supreme Court* cue as conditioned by the *Activist* condition. With the exception of the gays in religious clubs decision (for which there was no *Activist* condition), there are three probabilities plotted for each decision and for the pooled model. The first is predicted when *Supreme Court* is 1 and *Activist* is 0. The second is predicted with both *Supreme Court* and *Activist* set at 1, and the third is predicted when *Supreme Court* and *Activist* are 0 (i.e., when the source of the decision is the government). For all of these predicted probabilities, *Party Cue* is held at zero.

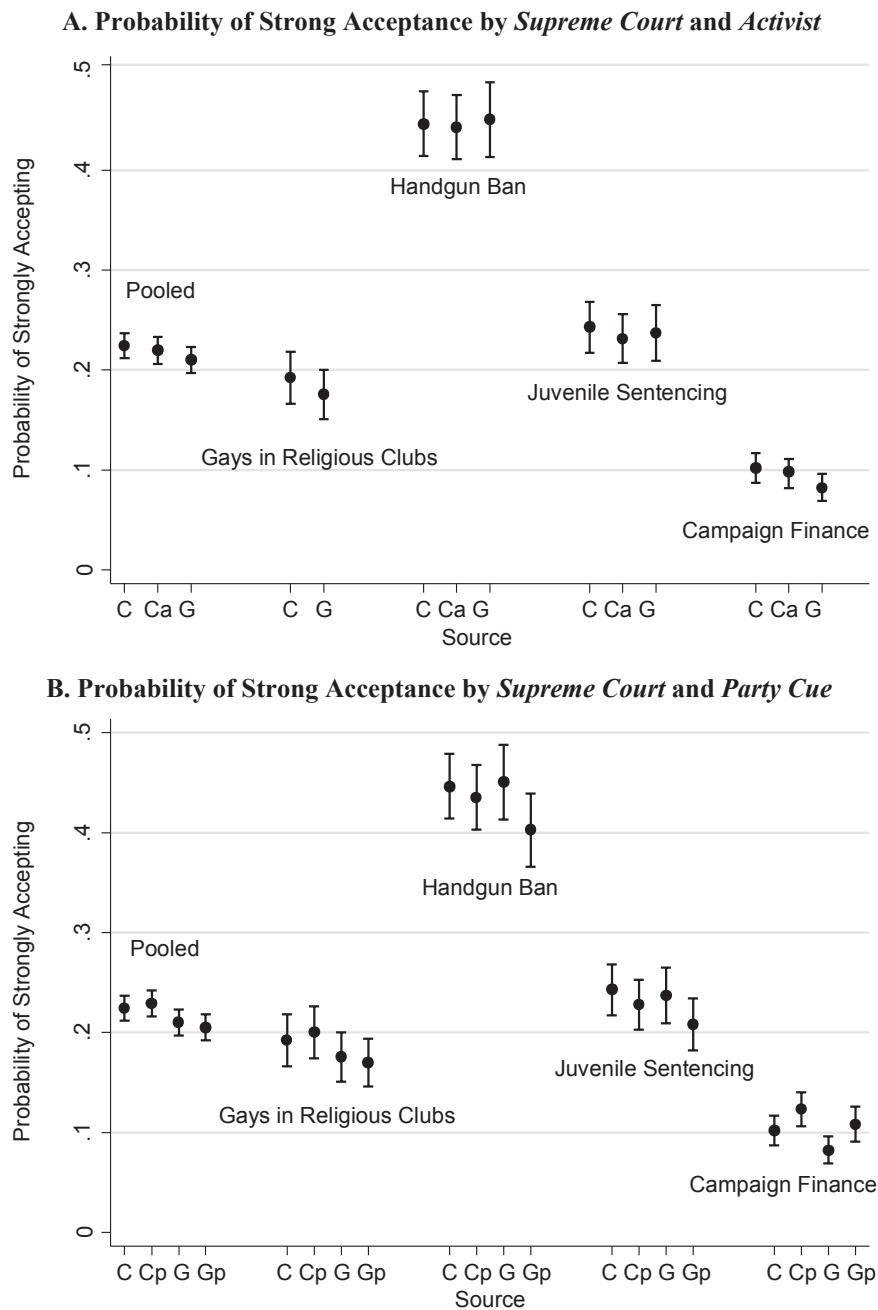
Three patterns emerge from the predicted probabilities depicted in Figure 1A. First, with the exception of the handgun ban, the highest probability of strongly accepting the decision is associated with a non-activist Supreme Court, though these differences are small. Second, for all five models, the probability of strongly accepting a Court decision decreases slightly when the *Activist* condition is present. Third, variation in the institutional source of a decision clearly has much less influence than variation in the nature of the decision itself.

⁶The delta method is used to create the standard errors used to construct the confidence intervals (see Kam and Franzese 2007; Karaca-Mandic, Norton, and Dowd 2012).

⁷This is preferable to plotting probabilities of either “somewhat accepting” or “somewhat not accepting,” since the probability of a

respondent selecting one of these categories may not be monotonically related to increases in the latent dependent variable.

FIGURE 1 Probability of Strong Acceptance (Table 3 Models)



Note (1A): C, Ca, and G represent Supreme Court ($C = 1, A = 0$), activist Court ($C = 1, A = 1$), and government ($C = 0, A = 0$) sources, respectively. Bars are 95% confidence intervals. Note (1B): C and Cp represent a Supreme Court source, without and with party cue. G and Gp represent a government source, without and with party cue. Bars are 95% confidence intervals.

Figure 1B illustrates our results for the Partisan Court Hypothesis by showing the effect of the *Supreme Court* cue as conditioned by *Party Cue*. There are four probabilities plotted for each decision and for the pooled model, one for each of the possible combinations of *Supreme*

Court and *Party Cue*. For all of the predicted probabilities, *Activist* is held at zero. According to the Partisan Court Hypothesis, the probability of strongly accepting a Court decision should be smaller than when there is a party cue (i.e., the probabilities for Cp, or

Supreme Court source with a party cue, should be smaller than for *C*, or Supreme Court source without a party cue). This turns out to be the case only for the handgun ban and juvenile sentencing decisions. Even for these two decisions, the 95% confidence intervals clearly overlap.⁸

The previous analyses examined the average effect of party cues among the public as a whole and thus did not test the Party Cue Hypothesis, the prediction that partisans are more likely to accept a decision when it is attributed to policy makers (e.g., justices) of their party and less likely to accept a decision attributed to policy makers of the other party. We test this hypothesis and the Weakened Party Cue Hypothesis (the prediction that the conditional effect of party cues will diminish if the Court is the institutional source) by including the respondent's *Party ID* as an independent variable and interacting it separately and jointly with *Party Cue* and *Supreme Court*.⁹ This analysis tests whether party cues increase the importance of *Party ID* in determining policy acceptance and whether adding the Court as the institutional source mutes the amplifying effect of party cues. *Party ID* is measured using the traditional 7-point scale centered on zero, with higher values associated with Republican identification. Table 4 presents the results for these models.

For all four decisions, *Party ID* is in the appropriate direction and is statistically significant. The estimates reveal the effect of party identification on the acceptance of the decisions, absent Court or party cues. As anticipated, Republicans (Democrats) are less (more) accepting of the decisions on gays in religious clubs and life sentences for juveniles. Republicans (Democrats) are more (less) accepting of prohibiting handgun bans and allowing unlimited independent campaign expenditures.

The Party Cue Hypothesis holds that the effect of *Party ID* will increase in magnitude when the party cue is present, meaning that the estimate for *Party Cue* \times *Party ID* should have the same sign as the estimate for the main effect of *Party ID*. The results conform with this expectation for the handgun ban, juvenile sentencing, and campaign finance decisions. When a party cue is provided, the effect of party identification increases. For example, the effect of party identification on acceptance of the campaign finance decision nearly doubles when it

is revealed that Republicans are responsible for the decision (the conditional coefficient for *Party ID* increases from .212 to .404 when there is a party cue and *Supreme Court* is held at zero). The sign of the estimate is in the predicted direction for the gays in religious clubs decision, though it is not statistically significant. Recall that this is the most polarized of the four issue areas, and thus it is unsurprising that party cues do not activate partisan attitudes.

The Weakened Party Cue Hypothesis predicts that the stimulating effect of party cues will diminish when the Supreme Court is identified as the source of the policy decision. This means that the coefficient for *Supreme Court* \times *Party Cue* \times *Party ID* should have the opposite sign as *Party Cue* \times *Party ID*. The conditional effect of *Party ID* in the presence of a party cue should be smaller in magnitude when the source is the Court, not the government. The estimate for *Supreme Court* \times *Party Cue* \times *Party ID* is in the predicted direction in all four models, but it is not statistically significant in any of them. The result suggests that the amplifying effect of party cues on the influence of partisan identification does not vary based on whether the Supreme Court is the source.¹⁰ In other words, there is no support for the Weakened Party Cue Hypothesis.

The across-the-board null results for the three interaction terms involving *Supreme Court* are surprising. Again, these results run contrary to the conventional wisdom that the Court is qualitatively different from other policy makers. If people view the Court as less political, less partisan, and more constrained by legal norms, then this view does not translate to a diminishment of the degree to which party cues and partisan identification matter. The null results are particularly impressive given that our large sample sizes should allow us to uncover small effect sizes. Furthermore, even if this analysis is limited to the respondents who are most likely to view the Court and its decisions differently (i.e., those who are particularly approving of the Court as an institution and those with high levels of political knowledge; see Gibson, Caldeira, and Baird 1998), we still find little evidence that identifying the Supreme Court as the source of a policy has a direct effect on acceptance or on the importance of party cues and partisanship in determining acceptance (see the supplemental information, pp. 13–15).

⁸We do not present a plot here of predicted probabilities associated with a manipulation of the *Party Polarization* variable because the estimate for this variable is in the wrong direction. This figure is contained in the supplemental information, however (SI, pp. 6–7).

⁹To simplify this and all subsequent analyses, the observations for which respondents were given the *Activist* treatment are excluded.

¹⁰In the campaign finance model, for example, the conditional coefficient for *Party ID* with a party cue present is .404 (with a 95% confidence interval of [.326, .482]) when the government is the source and .394 (with a 95% confidence interval of [.319, .469]) when the Court is the source.

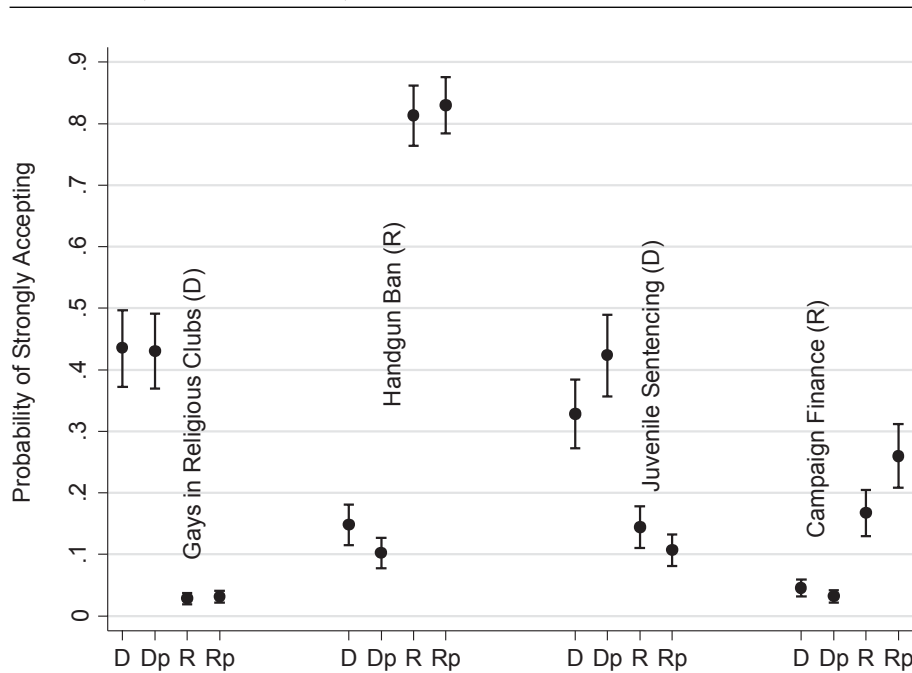
TABLE 4 Testing Whether the Supreme Court Source Cue Conditions the Effect of Partisan Cues on Policy Acceptance

Independent Variable	Gays in Religious Clubs (Dem. Majority)	Handgun Ban (GOP Majority)	Juvenile Sentencing (Dem. Majority)	Campaign Finance (GOP Majority)
Supreme Court (C)	.184 (.119)	.116 (.119)	.031 (.109)	.299* (.118)
Party Cue (P)	-.162 (.123)	-.111 (.119)	-.133 (.108)	.221 (.121)
Party ID (ID)	-.538* (.040)	.508* (.040)	-.194* (.034)	.212* (.038)
P × ID	-.088 (.057)	.103* (.056)	-.144* (.047)	.192* (.055)
C × P	.215 (.170)	-.042 (.170)	.167 (.155)	-.123 (.169)
C × ID	-.011 (.055)	.029 (.055)	.016 (.048)	.029 (.053)
C × P × ID	.113 (.078)	-.014 (.079)	.020 (.069)	-.039 (.076)
Likelihood ratio test, all b = 0	849.7*	869.2*	229.9*	314.0*
N	2,259	2,284	2,254	2,290

Note: Cell entries are ordered logit estimates (with standard errors). The baseline condition for these models is the government source cue without party cue (Source Cue 1 in Table 1). To simplify the models, subjects given the *Activist* treatment are excluded. The supplemental information includes versions of these models in which the data are split by institutional source (SI, pp. 10–12).

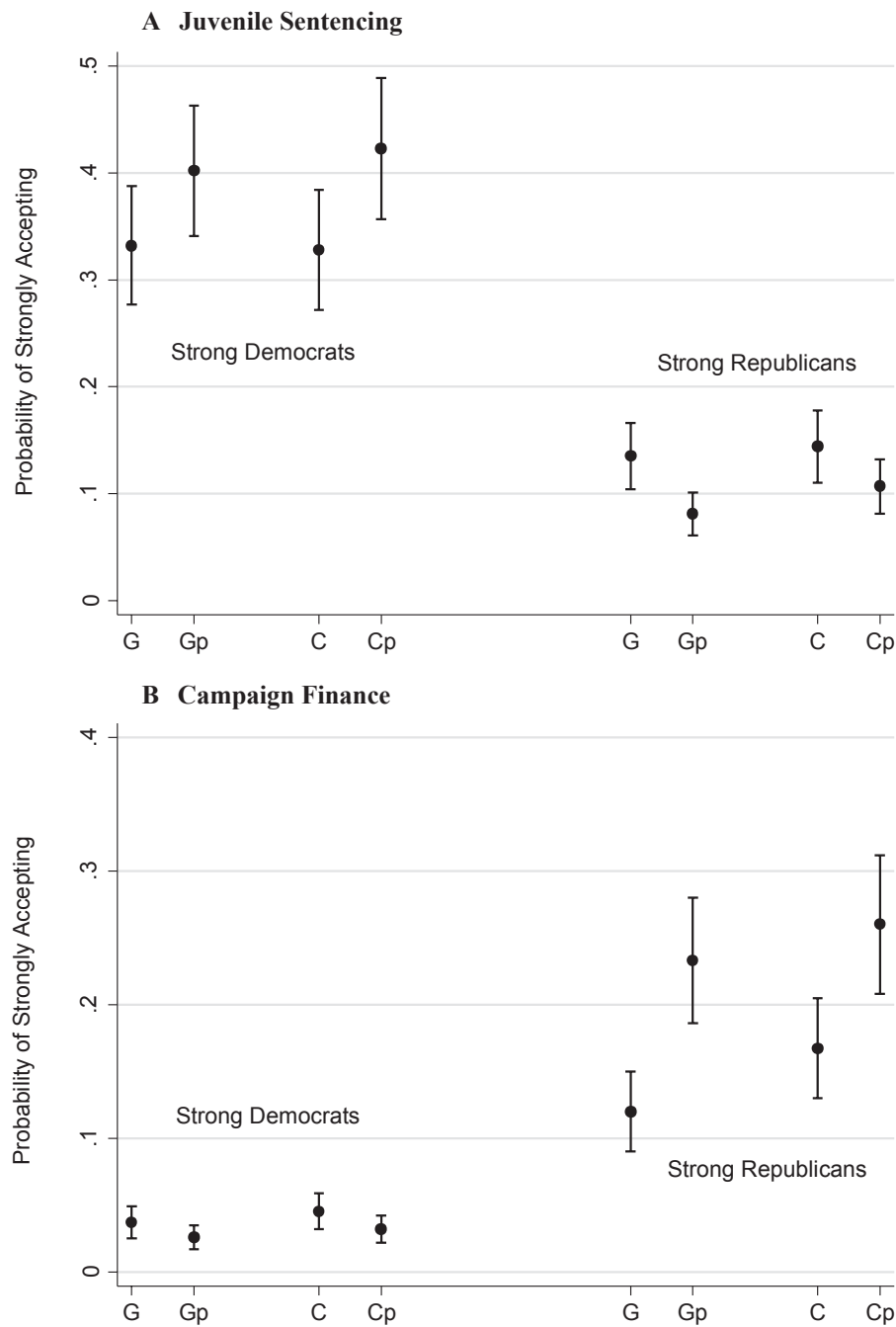
*p ≤ .05 (one-tailed test, for hypothesized relationships), **p ≤ .05 (two-tailed test, for main effects/constituent terms about which we have no hypothesis).

FIGURE 2 Probability of Strong Acceptance by Party ID and Party Cue (Table 4 Models)



Note: D and R on the x-axis represent strong Democrat or strong Republican subject, and p indicates the presence of the *Party Cue*. D and R in the decision label reveal the partisan identity of the majority behind the decision. For all the predicted probabilities presented here, *Supreme Court* is held at one. Bars are 95% confidence intervals.

FIGURE 3 Probability of Strong Acceptance by Party ID, Party Cue, and Supreme Court (Table 4 Models)



Note: G and C represent government and Supreme Court sources, respectively, and p indicates the presence of the Party Cue. Bars are 95% confidence intervals.

To illustrate the results for the Party Cue Hypothesis, Figure 2 depicts predicted probabilities of strongly accepting the four different policy outcomes while varying party identification and whether there is a party cue. We hold *Supreme Court* constant at one for all the predictions. Figure 2 reveals that even though the Supreme

Court is identified as the source for the policy decisions, partisanship has a major impact on the probability of strongly accepting the decision. The presence of a party cue has virtually no effect on the role of partisanship for the decision to allow universities to force religious clubs to include gay students, however. For the particularly

polarized issue area where gay rights intersect with religious freedom, respondents apparently did not need a party cue to sort out whether they accepted the decision.

For the other three decisions, there is an increase in the gap between the probability of opposing partisans accepting the decision when there is a party cue (i.e., when the partisanship of the justices in the majority is indicated). This is particularly true for the juvenile sentencing and campaign finance decisions. For the campaign finance decision, for example, the Republican Party cue increases acceptance by Republicans and decreases acceptance by Democrats.

The insignificant estimates for *Supreme Court* × *Party Cue* × *Party ID* in Table 4 suggest that there is no difference between attaching the party cue to the Supreme Court as compared to “the government,” but we nonetheless plot predicted probabilities of strongly accepting a decision by these variables. Figure 3 depicts the predicted probabilities for the two decisions in which there is the clearest party cue effect: juvenile sentencing and campaign finance.

The predicted probabilities in Figure 3 reveal that the substantive effect size of *Party Cue* is considerably larger than any institutional cue effect. There is generally little difference between the predicted probabilities associated with the Supreme Court and the government. Moreover, there is very little indication that the party cue effect (i.e., the polarization of responses along party lines that results from the presence of the party cue) is meaningfully different when the Supreme Court is the source. In sum, the results of the analyses from Table 4 and Figure 3 indicate that acceptance of policy decisions is driven by partisanship, which is magnified by party cues. Whether the Supreme Court is the institutional source of the policy matters little, either in terms of overall acceptance or in terms of the type of effect exerted by the party cue.

We now examine Polarization Hypothesis 1, the prediction that party cues will amplify the effect of partisan identification when an issue is less partisan polarized. Recall that our measure of party polarization is the absolute value of the difference between the mean levels of party acceptance for respondents in the baseline condition. Using this measure, the public is clearly more polarized on the handgun (1.13) and gays in religious clubs (1.26) decisions than the juvenile sentencing (0.39) and campaign finance (0.42) decisions. This analysis should also help illuminate why party cues did not have a significant effect on acceptance of the gays in religious clubs decision and a relatively small effect in the handgun ban decision, the decisions on which the public is more polarized.

To test whether the effect of party cues on the acceptance of policy outcomes is conditioned by the de-

TABLE 5 The Effect of Party Polarization and Party Cues on Policy Acceptance

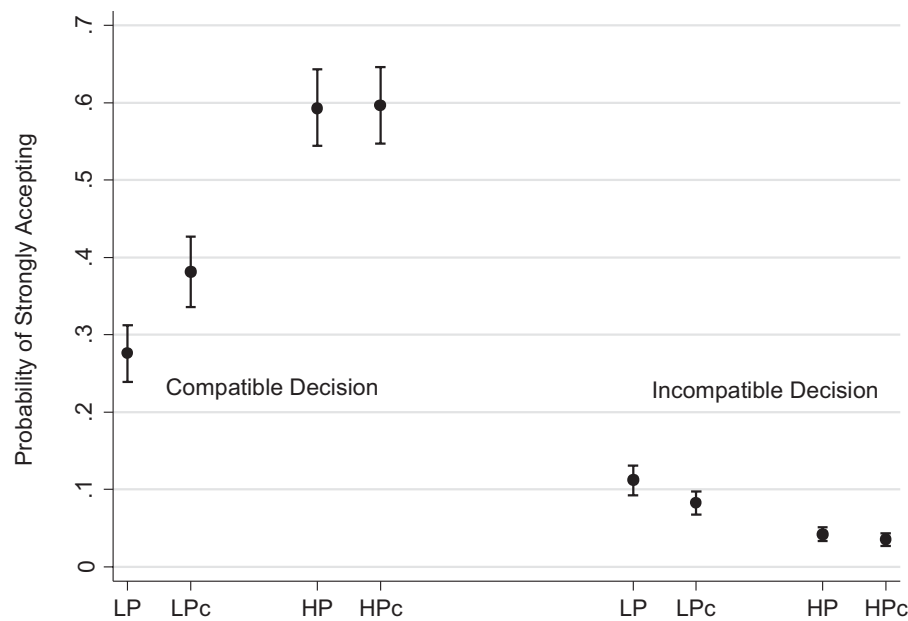
Independent Variable	Supreme Court Source	Government Source
Party Cue (PC)	.142 (.124)	.155 (.125)
Party Compatibility (C)	.006 (.039)	-.000 (.039)
Party Polarization (PP)	.168 (.100)	.136 (.101)
PC × C	.184* (.056)	.202* (.056)
PC × PP	-.180 (.142)	-.256 (.143)
C × PP	.459* (.045)	.462* (.046)
PC × C × PP	-.120* (.064)	-.089 (.065)
Baseline Acceptance	1.69** (.063)	1.90** (.065)
Likelihood ratio test, all b = 0	1,778*	1,937*
N	4,543	4,544

Note: Cell entries are ordered logit estimates (with standard errors). The baseline condition for the Supreme Court model is the Supreme Court source cue with no party cue (Source Cue 3 in Table 1). The baseline condition for the government model is the government source cue with no party cue (Source Cue 1 in Table 1). To simplify the models, subjects given the *Activist* treatment are excluded. The supplemental information includes versions of these models that exclude the *PC* × *C* × *PP* term (SI, pp. 16–17).

* $p \leq .05$ (one-tailed test, for hypothesized relationships), ** $p \leq .05$ (two-tailed test, for main effects/constituent terms and control variables about which we have no hypothesis).

gree to which the issue area is polarized, we estimate a pair of models: one in which the Supreme Court is the named source and one in which the government is the named source. Testing the conditioning effect of party polarization requires us to pool the data across the four policy decisions (issue polarization does not vary within a decision). We also recode *Party ID* so that its effect on acceptance of the policy outcomes will be consistent in direction. Specifically, we reverse-code *Party ID* for the gays in religious clubs and juvenile sentencing decisions so that high values of this variable will now be associated with greater acceptance of the (Democratic) decisions. To avoid confusion, we label the recoded variable *Party Compatibility*. We include *Party Polarization* in this model and interact it separately and jointly with *Party Compatibility* and *Party Cue*. We expect *Party Polarization* to increase the effect of *Party Compatibility* and decrease the importance

FIGURE 4 Probability of Strong Acceptance of Supreme Court Decisions by Party Compatibility, Party Cue, and Partisan Polarization (Table 5 Models)



Note: LP and HP correspond with low and high polarization, respectively, and *c* indicates the presence of Party Cue. Baseline Acceptance is held at its mean.

of party cues (i.e., the estimate for *Party Cue* × *Party Compatibility* × *Party Polarization* should have a negative coefficient). *Baseline Acceptance* is again included to control for differences in the average level of acceptance across the four decisions.¹¹

The results in Table 5 largely support the claim that the lower the partisan polarization on an issue, the more important a role party cues will play. The positive and statistically significant estimates for *Party Cue* × *Party Compatibility* reveal that when there is no ex ante partisan polarization surrounding an issue, party cues activate party identification. The larger the preexisting partisan gap, however, the greater the importance of raw, uncued party identification (see the positive and significant estimates for *Party Compatibility* × *Party Polarization*). The estimates for *Party Cue* × *Party Compatibility* × *Party Polarization* are also in the expected direction (negative), but they only cross the threshold of statistical significance in the Supreme Court model ($p \leq .05$, one-tailed test). Though the fact that we use four different decisions in our study represents an improvement over existing work that typically examines one or two decisions or issues, we

should point out that ideally it would be preferable to test Polarization Hypothesis 1 with a substantially larger number of decisions, which would allow for greater variation in the *Party Polarization* variable.

Figure 4 graphically depicts the results from Table 5 by plotting the predictions of the probability of strongly accepting a Supreme Court decision. The probabilities are generated for low and high levels of polarization (i.e., the lowest and highest observed values). We also vary whether there is a party cue present. As Figure 4 reveals, for a respondent who is predisposed toward accepting a decision (i.e., when *Party Compatibility* is high), the presence of a party cue increases acceptance in the less polarized issue area. For respondents for whom a decision is not compatible with their party identification, the party cue effect is also larger for the low polarization issue, though the direction of the effect is in the opposite direction.

Conclusion

The substantial body of literature examining public attitudes toward the Supreme Court and its decisions is based on the assumption that the Court is different from

¹¹The supplemental information presents a version of this model with fixed effects instead of *Baseline Acceptance* (SI, pp. 18–19).

the elected branches of government. There is good reason for this assumption since the public at least partially views the Court as a legal institution. The results of our survey-based experiments suggest, however, that the public perceives the contemporary Supreme Court as similar to other partisan actors, at least with regard to public acceptance of its decisions (i.e., specific support). For two of the four policy outcomes in our experiment, attribution to the Court increases acceptance of the decision, but only to a very small degree. Neither the activist treatment nor information about the partisan composition of the majority behind a decision conditions any Supreme Court cue effect, further suggesting that public expectations for the Court and its decisions may be no different than expectations for the elected branches of government.

On the other hand, the public appears to respond to the Court as a political institution, presumably accepting the justices as partisans in robes when it comes to evaluations of its policy outputs. Specifically, if the political party of the justices in the majority is invoked, the public's partisanship is activated in the same way as if the decision were attributed to the government. In other words, when there is a political party attached to a Court decision, it appears to operate as it might for other political actors, at least in terms of public acceptance of policy outcomes.

These results are important to the study of judicial politics since one of the primary mechanisms by which there is compliance with the Supreme Court's decisions turns on general perceptions of the Court as an apolitical, nonpartisan institution and public acceptance of its specific decisions. Yet, our results suggest that the public is highly amenable to viewing the Court as a partisan policy maker. Given the increasing partisan polarization of the American political system and the partisan and ideological divisions on the contemporary Supreme Court, it is possible that the Court may be entering a new era in which it is less capable of persuading the public to accept its decisions.

Our results also advance research on political parties, cue taking, and public opinion. We find that the effect of party cues depends on the amount of partisan polarization on an issue. In the absence of considerable party polarization on an issue, party cues inform partisans of what position they should hold. On the other hand, if partisans are already polarized on an issue, party cues offer little new information and thus provide little opportunity for further opinion change. Although we did not explore the possibility in this research, party cues might also induce opinion change on

partisan-polarized issues if justices take an unexpected position (e.g., Republican-appointed justices ruling in favor of abortion rights), a circumstance that would presumably enhance the credibility of partisan-identified justices since they would be taking positions contrary to their values (see Lupia and McCubbins 1998; Nicholson 2011).

Finally, our results suggest that the effect of party cues may reach far, shaping political attitudes beyond the elected, and more blatantly partisan, branches of government. It is not surprising that the positions adopted by party leaders often serve as cues for the public and cause people to sort based on their ideology or partisan identification. The U.S. Supreme Court, though, is a policymaking institution that serves as a demanding test of party cue theory, given that the public does not view it in exclusively partisan terms.

References

- Arceneaux, Kevin. 2008. "Can Partisan Cues Diminish Accountability?" *Political Behavior* 30(2): 139–160.
- Baird, Vanessa A. 2001. "Building Institutional Legitimacy: The Role of Procedural Justice." *Political Research Quarterly* 54(2): 333–54.
- Baum, Lawrence, and Neal Devins. 2011. "Split Definitive: For the First Time in a Century, the Supreme Court Is Divided Solely by Political Party." *Slate*. "http://www.slate.com/articles/news_and_politics/jurisprudence/2011/11/supreme_court_s_partisan_divide_and_obama_s_health_care_law.html" (accessed May 2, 2012).
- Bass, Larry, and Don Thomas. 1984. "The Supreme Court and Policy Legitimation: Experimental Tests." *American Politics Quarterly* 12(3): 335–60.
- Bullock, John G. 2011. "Elite Influence on Public Opinion in an Informed Electorate." *American Political Science Review* 105(3): 496–515.
- Bybee, Keith J. 2010. *All Judges Are Political—Except When They Are Not: Acceptable Hypocrisies and the Rule of Law*. Stanford, CA: Stanford University Press.
- Caldeira, Gregory A., and James L. Gibson. 1992. "The Etiology of Public Support for the Supreme Court." *American Journal of Political Science* 36(3): 635–64.
- Campbell, Angus, Philip E. Converse, Warren E. Miller, and Donald Stokes. 1960. *The American Voter*. New York: John Wiley and Sons.
- Cohen, Geoffrey L. 2003. "Party Over Policy: The Dominating Impact of Group Influence on Political Beliefs." *Journal of Personality and Social Psychology* 85(5): 808–22.
- Druckman, James N., Erik Peterson, and Rune Slothuus. 2013. "How Elite Partisan Polarization Affects Public Opinion Formation." *American Political Science Review* 107(1): 57–79.

- Eagley, Alice H., and Shelly Chaiken. 1993. *The Psychology of Attitudes*. Fort Worth, TX: Harcourt, Brace, and Janovich.
- Franklin, Charles H., and Liane C. Kosaki. 1989. "Republican Schoolmaster: The U.S. Supreme Court, Public Opinion, and Abortion." *American Political Science Review* 83(3): 751–71.
- Gibson, James L. 1989. "Understandings of Justice: Institutional Legitimacy, Procedural Justice, and Political Tolerance." *Law and Society Review* 23(3): 469–496.
- Gibson, James L., and Gregory A. Caldeira. 2011. "Has Legal Realism Damaged the Legitimacy of the U.S. Supreme Court?" *Law & Society Review* 45(1): 195–219.
- Gibson, James L., Gregory A. Caldeira, and Vanessa A. Baird. 1998. "On the Legitimacy of National High Courts." *American Political Science Review* 92(2): 343–358.
- Gibson, James L., Gregory A. Caldeira, and Lester Kenyatta Spence. 2003. "The Supreme Court and the U.S. Presidential Election of 2000: Wounds, Self-Inflicted or Otherwise?" *British Journal of Political Science* 33(4): 535–56.
- Gibson, James L., Gregory A. Caldeira, and Lester Kenyatta Spence. 2005. "Why Do People Accept Public Policies They Oppose? Testing Legitimacy Theory with a Survey-Based Experiment." *Political Research Quarterly* 58(2): 187–201.
- Gigerenzer, Gerd, Peter M. Todd, and the ABC Research Group. 1999. *Simple Heuristics That Make Us Smart*. New York: Oxford University Press.
- Hanley, John, Michael Salamone, and Matthew Wright. 2012. "Reviving the Schoolmaster: Reevaluating Public Opinion in the Wake of *Roe v. Wade*." *Political Research Quarterly* 65(2): 408–421.
- Heit, Evan, and Stephen P. Nicholson. 2010. "The Opposite of Republican: Polarization and Political Categorization." *Cognitive Science* 34(8): 1503–16.
- Hetherington, Marc J. 2001. "Resurgent Mass Partisanship: The Role of Elite Polarization." *American Political Science Review* 95(3): 619–31.
- Hetherington, Marc J. 2005. *Why Trust Matters: Declining Political Trust and the Demise of American Liberalism*. Princeton, NJ: Princeton University Press.
- Hetherington, Marc J., and Joseph L. Smith. 2007. "Issue Preferences and Evaluations of the U.S. Supreme Court." *Public Opinion Quarterly* 71(1): 40–66.
- Hibbing, John R., and Elizabeth Theiss-Morse. 1995. *Congress as Public Enemy: Public Attitudes Toward American Political Institutions*. New York: Cambridge University Press.
- Hibbing, John R., and Elizabeth Theiss-Morse. 2002. *Stealth Democracy: Americans Beliefs about How Government Should Work*. New York: Cambridge University Press.
- Hoekstra, Valerie J. 1995. "The Supreme Court and Opinion Change: An Experimental Study of the Court's Ability to Change Opinion." *American Politics Quarterly* 23(1): 109–29.
- Jacobson, Gary C. 2007. *A Divider, Not a Uniter: George W. Bush and the American People*. New York: Pearson Longman.
- Jacoby, William G. 1988. "The Impact of Party Identification on Issue Attitudes." *American Journal of Political Science* 32(3): 750–67.
- Jacoby, William G. 2000. "Issue Framing and Public Opinion on Government Spending." *American Journal of Political Science* 44(4): 750–67.
- Kam, Cindy D. 2005. "Who Toes the Party Line? Cues, Values, and Individual Differences." *Political Behavior* 27(2): 163–82.
- Kam, Cindy D., and Robert J. Franzese Jr. 2007. *Modeling and Interpreting Interactive Hypotheses in Regression Analysis*. Ann Arbor: University of Michigan Press.
- Karaca-Mandic, Pinar, Edward C. Norton, and Bryan Dowd. 2012. "Interaction Terms in Nonlinear Models." *Health Services Research* 47(1): 255–74.
- Kritzer, Herbert M. 2001. "The Impact of *Bush v. Gore* on Public Perceptions and Knowledge of the Supreme Court." *Judicature* 85(1): 32–38.
- Lau, Richard R., and David P. Redlawsk. 2006. *How Voters Decide: Information Processing during Election Campaigns*. New York: Cambridge University Press.
- Levendusky, Matthew S. 2010. "Clearer Cues, More Consistent Voters: A Benefit of Elite Polarization." *Political Behavior* 32(1): 111–31.
- Lindquist, Stefanie A., and Frank B. Cross. 2009. *Measuring Judicial Activism*. New York: Oxford University Press.
- Lupia, Arthur, and Mathew D. McCubbins. 1998. *The Democratic Dilemma: Can Citizens Learn What They Need to Know?* Cambridge: Cambridge University Press.
- Mondak, Jeffery J. 1990. "Perceived Legitimacy of Supreme Court Decisions: Three Functions of Source Credibility." *Political Behavior* 12(4): 363–84.
- Mondak, Jeffery J. 1992. "Institutional Legitimacy, Policy Legitimacy, and the Supreme Court." *American Politics Quarterly* 20(4): 457–77.
- Mondak, Jeffery J. 1993. "Public Opinion and Heuristic Processing of Source Cues." *Political Behavior* 15(2): 167–192.
- Mondak, Jeffery J. 1994. "Policy Legitimacy and the Supreme Court: The Sources and Contexts of Legitimation." *Political Research Quarterly* 47(3): 675–92.
- Nicholson, Stephen P. 2011. "Dominating Cues and the Limits of Elite Influence." *Journal of Politics* 73(4): 1165–1177.
- Nicholson, Stephen P. 2012. "Polarizing Cues." *American Journal of Political Science* 56(1): 52–66.
- Nicholson, Stephen P., and Robert M. Howard. 2003. "Framing Support for the Supreme Court in the Aftermath of *Bush v. Gore*." *Journal of Politics* 65(3): 676–95.
- Rahn, Wendy. 1993. "The Role of Partisan Stereotypes in Information Processing about Political Candidates." *American Journal of Political Science* 37(2): 472–97.
- Ramirez, Mark D. 2008. "Procedural Perceptions and Support for the U.S. Supreme Court." *Political Psychology* 29(5): 675–698.
- Scheb II, John M., II, and William Lyons. 2000. "The Myth of Legality and Public Evaluation of the Supreme Court." *Social Science Quarterly* 81(4): 928–40.
- Sniderman, Paul M. 2000. "Taking Sides: A Fixed Choice Theory of Political Reasoning." In *Elements of Reason: Cognition, Choice and the Bounds of Rationality*, eds., Arthur

- Lupia, Mathew McCubbins, and Samuel L. Popkin. New York: Cambridge University Press, 67–84.
- Spill, Rorie L., and Zoe M. Oxley. 2003. “Philosopher Kings or Political Actors?” *Judicature* 87(1): 22–29.
- Stoutenborough, James W., Donald P. Haider-Markel, and Mahalley D. Allen. 2006. “Re-assessing the Impact of Supreme Court Decisions on Public Opinion: Gay Civil Rights Cases.” *Political Research Quarterly* 59(3): 419–33.
- Williams, John T. 1985. “Systemic Influences on Political Trust: The Importance of Perceived Institutional Performance.” *Political Methodology* 11(1/2): 125–42.
- Zaller, John R. 1992. *The Nature and Origins of Mass Opinion*. New York: Cambridge University Press.
- Zink, James R., James F. Spriggs, II, and John T. Scott. 2009. “Courting the Public: The Influence of Decision Attributes on Individuals’ Views of Court Opinions.” *Journal of Politics* 71(3): 909–25.

Supporting Information

Additional Supporting Information may be found in the online version of this article at the publisher’s website:

- The Cooperative Congressional Election Study
Cut Points for the Ordered Logit Models
The Marginal Effect of Party Polarization Based on Pooled
Model in **Table 3**
The Pooled Model from **Table 3** with Fixed Effects
Table 4 Models Without Triple Interaction Terms
Table 4 Models with High Approval and High Knowledge
Subgroups
Table 5 Models Without Triple Interaction Terms
Table 5 Models with Fixed Effects