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Who Can Impact the US Supreme Court's Legitimacy?

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ABSTRACT

Individuals make judgments about the US Supreme Court via an uncommon preexisting positivity toward the institution. But they are also influenced by elite cues. Under scrutiny here is whether figures who are not as notorious as, say, presidents can influence attitudes toward the Supreme Court. I argue that lesser-salience figures can influence public support for the judiciary, but that some limit of influence surely exists. Using two original survey experiments, I demonstrate both of these propositions to be true. Altogether, of the 12 political figures purported to criticize the Court, 8 are able to compel respondents to change how legitimate they believe the judiciary is in a manner consistent with feelings toward the figure. Figures whom many individuals cannot associate with a particular partisan group do not wield this influence. The support on which the Court relies may be more malleable than previously believed, but is not entirely unresisting.

KEYWORDS

Supreme Court; legitimacy; source cues; affect; survey experiment

In a speech given shortly after the confirmation of US Supreme Court Justice Neil Gorsuch, Chief Justice John Roberts remarked, "It is a real danger that the partisan hostility that people see in the political branches will affect the nonpartisan activity of the judicial branch" (quoted in Greenhouse 2017). More pointedly, longtime *New York Times* Court reporter Linda Greenhouse asks, "Will politics tarnish the Supreme Court's legitimacy?" It is certainly a question worth asking. The Court relies on the widespread belief that the judiciary is legitimate in order to expect compliance with, and elected-branch enforcement of, its rulings.

Despite the Court's large stores of public support (Gibson, Caldeira, and Baird 1998; Post 2015), and attitudes toward it emanating from preexisting positive attachments (Gibson and Caldeira 2009), it is not immune to the effects of partisan ties (Clark and Kastellec 2015) or attacks from high-salience political actors, like presidents (Armaly 2018). Unclear, however, is whether less salient and authoritative sources—like journalists, Congresspersons, or presidential candidates very early in the nomination process—are capable of triggering partisan motivated evaluations of the Court. Is only the president capable of altering support for the Court? More generally, are only the stimuli frequently employed by researchers—often, very authoritative partisan sources, like major party candidates or the parties themselves—capable of influencing individual judgments of the Court? What limits influence?

Under scrutiny here is whether the ability to alter support for the Court is unique to only the most notorious political figures and, should limits exist, what explains those limitations. I argue that associating a political figure with a political identity group (i.e., partisan group) is paramount. In other words, I believe that even low salience figures of whose partisan attachment one is aware will prove influential in altering views of the judiciary. Increasing identification with a

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particular political group, as well as heightened psychological/emotional attachments to group figures, may increase reliance on cues offered by that group. Moreover, although people are affectively attached to both the Supreme Court and their social group, only the latter is an *identity*. Simply, one's identity is a more basic, fundamental orientation than attachment to the Supreme Court. Thus, evaluations of the Court are likely to move in response to those cues (when they are clear).

To determine whether Chief Justice Roberts ought to be concerned with only a handful of political agents, or whether the pool of potential influencers is large, I conduct two survey experiments. The general argument is political figures who are less notorious than presidential candidates are still capable of influencing support for the Supreme Court, provided that their political affiliation is clear. The first study asks if emotional reactions toward 6 political figures—former and current politicians, journalists, and "talking heads" —are capable of impacting legitimacy. I find that affective attachment to the figure conditions changes in evaluations of the judiciary when one is told a particular figure made disparaging comments about the Court. These psychological attachments drive the effect, and both positive and negative attachments seem influential; reorienting oneself vis-à-vis the Supreme Court in ideological space (i.e., ideologically updating) has no effect.

In the second experiment, I assess emotional reactions to 6 additional, less salient political figures. The ability to influence public views of the Court extends to less salient individuals, but limitations exist. More importantly, I ask individuals with which party they associate all 12 figures considered in this study. In the aggregate, when many are not familiar with an individual (i.e., when they cannot associate her with a particular party), that individual is incapable of altering support for the Court. When one's partisanship is relatively understood, individuals seem persuaded (either positively or negatively) by their criticisms of the judiciary. Thus, the second experiment supports the findings of the first—figures less notorious than presidents can influence public attitudes about the Court—but also serves to locate the lower-limit of influence.

This study demonstrates that, in the face of dueling affect, figures that trigger one's partisan/social identity iscapable of influencing the support on which the Supreme Court relies to expect compliance with its decisions. As such, there are limits to this influence. These findings make three important contributions. First, although previous accounts show individual political figures are able to change public support for the judiciary (Armaly 2018), and decades of psychology and political science research demonstrates the power of identity-laden cues, it is important to discover that such cues can influence—and, in some instances, harm—a stimulus toward which people are generally positive. It is sensible for a political elite to influence an average citizen to loathe an out-party controlled Congress or an abstract policy proposition. It is something else entirely for that same figure to have the same effect on a well-liked Court that citizens generally cannot place ideologically (Bartels and Johnston 2013; Hetherington and Smith 2007). In other words, the baseline orientation toward the Supreme Court is positivity, not identifiable group-based dispositions. Here, evidence suggests that identity-based cues can overcome an orientation biased toward positivity.

Second, the mechanism that underpins this attitudinal change—that is, identity-based attachments toward the cue source, even those that are presumed—is not reserved for salient political figures. Indeed, one merely needs to connect the source to her identity, even if the source is only tangentially related. Perception of a shared identity is sufficient to undermine support for the Court. Finally, influence over public attitudes toward the judiciary is not unlimited. Ultimately, only trusted source cues will be drawn upon (Nicholson and Hansford 2014; Sternthal, Dholakia, and Leavitt 1978); *some* level of notoriety must exist in order for an individual source to be trusted, though that level is perhaps lower than previously expected.

Source Cues, Political Identity, and Public Support for the Court

The influence of partisan source cues in making political judgments is well established. These cues—or indications about how to think or behave—have a "dominating impact" on political

beliefs (Cohen 2003). For instance, people often ignore independent policy information and instead adopt their preferred political figure's view (Rahn 1993); this adoption occurs *after* one aligns with a political figure (Lenz 2012). Importantly, research on public evaluations of the Supreme Court often utilize survey experiments where respondents are confronted by partisan or ideological cues via salient political figures, such as the president/presidential candidates (Armaly 2018) and the parties themselves (Clark and Kastellec 2015; Nicholson and Hansford 2014). These studies activate partisan identities, facilitate the individual use of those identities in evaluating the Court, and demonstrate that these cues do have an effect on such evaluations.

Although these studies show a connection between source cues and evaluations of the judiciary, orientations toward the Supreme Court itself are unique when compared to other political institutions and stimuli. First, the Court is, in the minds of the masses, a highly respected and legitimate institution worthy of support (Gibson and Caldeira 1992; Gibson, Caldeira, and Baird 1998; Nelson and Tucker 2017). More importantly, individuals tend to be psychologically attached to and positively biased toward the Court in a manner atypical of other institutions and more typical of social groups (Gibson and Caldeira 2009; Gibson, Lodge, and Woodson 2014). As Nicholson and Hansford (2014) state, the Court itself is "a unique, and perhaps uniquely strong, source cue" (4). This uncommon institutional attachment leaves open the question of whether less salient and authoritative sources are capable of triggering partisan motivated reasoning, or whether only the most authoritative partisan sources are capable of influencing individual judgements of the Court. In other words, which partisan stimuli are capable of confronting the well-established positive light in which ordinary Americans hold the Court? Has previous research provided only a very "easy" test of the partisan motivated reasoning thesis as it pertains to Court evaluations and orientations?

When it comes to these dueling attachments, while one is to an institution, the other is to the groups or figures that represent (or are an affront to) one's identity. Individuals dislike attitudinal imbalance; they will change one, or both, of their attitudes to bring them into alignment (Zimbardo and Leippe 1991). Generally, when two attitudes are in conflict and one of the attitudes is connected to one's identity, the nonidentity attitude is likely to be altered. Indeed, party cues shape evaluations of enduring, deep-seated objects like political values (Goren, Federico, and Kittilson 2009); activating partisan identities should have the same effect on positivity-based objects. Party cues can overwhelm policy content (Cohen 2003; Nicholson 2011; Rahn 1993), but can they overwhelm preexisting positivity? I hypothesize that when attitudes toward the Supreme Court are confronted by attitudes toward one's political identity, attitudes toward the Court are likely to be altered.

There are, however, limits to source cues (e.g., Nicholson 2011). As Nicholson and Hansford (2014) note, "… the public is most likely to draw on *trusted* and *credible* source cues" (2; emphasis added). Ultimately, the question is which figures are sufficiently trusted and credible to influence attitudes toward the judiciary. As Armaly (2018) argues, any figure that has a "known or assumed party may be able to influence attitudes toward the judiciary" (611). I argue that cues by a source to whom one can attach a party label will be seen as credible, even if that label is implicit, assumed, or otherwise not patently obvious. Stated differently, the null hypothesis is that most political figures *cannot* influence support for the Court. Because people are so positively oriented toward the Court, and because there are limits to source cues, the inability of many political figures to influence the Court is feasible. However, due to the "dominating impact" of cues (Cohen 2003), and the expectation that identity-based attachments prevail over positivity-based ones in attachment duels, I argue that lesser- and unknown political figures—Congresspersons, journalists, or media personalities—are capable of influencing attitudes toward the Court. Conversely, attachment to the Court will prevail when many cannot attach a label to a particular figure.

Normatively speaking, if only the most blatantly partisan individuals or the parties themselves are capable of affecting support for Court decisions or for the Court as a whole, then Chief Justice Roberts can likely breathe a sigh of relief regarding his concerns about partisan politics. If, on the other hand, those who are not high-salience political figures are capable of influencing legitimacy, the Court's unique position may not be able to protect it, and Roberts' worry may be warranted. Generally, I hypothesize that individuals will alter their level of diffuse support for the judiciary upon hearing a political figure make statements about the Court, even when the person making those statements is either not high-salience (e.g., Congresspersons) or not specifically connected to a party (e.g., journalists). Because I present the results of multiple experiments, I more specifically hypothesize below.

Notoriety, Affect, and Support for the Court

To test the proposition that cue sources need not be as notorious as presidential candidates to influence Supreme Court legitimacy, I surveyed 522 US adults using Amazon's Mechanical Turk (MTurk) in March 2018.[1] I consider how MTurk may influence the results uncovered here in the discussion section.

The expectation is that survey respondents who are told a particular political figure made negative statements about the Court will update their support for the Court in a manner consistent with their feelings toward that figure. This is consistent with what Armaly (2018) uncovers using Hillary Clinton and Donald Trump as treatment stimuli. The major difference on which this study capitalizes is that the treatment stimuli (i.e., the political figures purported to be making negative statements about the Court) are lower salience than presidential candidates. If lower salience political figures are incapable of altering support for the Court, than the most insidious consequences of legitimacy malleability may be overblown. On the other hand, if individuals are compelled by political figures of all levels of influence, legitimacy malleability may be far more consequential than is commonly believed.

Respondents were first asked the legitimacy questions popularized by Gibson and his colleagues (2003). These questions ask, for instance, whether one agrees with statements like "Justices who consistently make decisions at odds with what a majority of people want should be removed." Those who agree are less supportive of the judiciary's independence and believe it to be less legitimate.[2] Upon answering these questions—as well as questions regarding socio-demographics and political predispositions[3]—respondents were randomized into one of six treatment groups. Other respondents were randomized into a control group. Thus, this is a 6 x 1 design with a control group. Control group respondents simply responded to the legitimacy battery a second time (again, after answering socio-demographic questions). Those in the treatment group were exposed to the following statement:

> Recently, [INSERT NAME] made some controversial remarks regarding the United States Supreme Court. Below, some of [his/her] critiques will be paraphrased. Please indicate your level of agreement with [INSERT NAME]'s statements.

[1]The use of MTurk raises certain concerns, as the samples drawn using the platform are less representative of the U.S. population than national probability samples. One major concern is fraudulent data. The results reported here are robust to fraud-avoidance corrections recommended by Kennedy et al. (2018); the data used here are not fraudulent and the quality appears to be high. More broadly, MTurk samples have been used widely in law and courts research (Armaly 2018; Christenson and GlickChristenson 2015; KastellecClark and Kastellec 2015) and replicate findings from "better" sources (Irvine, Hoffman, and Wilkinson-RyanIrvine 2017).

[2]Psychometric properties for all scales used in this paper can be found in the Supplemental Materials.

[3]Measuring political predispositions and a host of socio-demographic characteristics in between the feeling thermometers and the experimental vignettes served, in part, as disruptive tasks. In addition to responding to all six feeling thermometers (and thereby evoking cross-cutting affect), these tasks reduce the likelihood that the experimental results presented below are a function of priming the individual stimuli.

The individuals purported to have criticized the Supreme Court were media personalities, both liberal (Anderson Cooper and Rachel Maddow) and conservative (Rush Limbaugh and Bill O'Reilly) and politicians, both a Republican (Mitt Romney) and Democrat (Chuck Schumer). Respondents were given no information about these individuals. These individuals were chosen because, while they are important political figures, they are not nearly as notorious or well-known as current- or very recent-presidential candidates. I explicitly consider notoriety below. Still, it was important to select individuals who are able to reach a national audience, so as to stave off issues that may arise due to media markets. Similarly, I chose individuals of various political proclivities—both left and right. Altogether, it was necessary to choose individuals who are generally well-known enough that individuals who recognize their name should be able to attach an identity label to it, but toward whom preexisting personal affect may be less concrete, relative to more prominent figures. For instance, a liberal respondent may not listen to Rush Limbaugh's radio show or know a great deal about the particulars of his political worldview, but he may know enough to understand that Limbaugh is a conservative Republican and, therefore, not a source with which he is likely to agree. Ultimately, the argument is that *any* figure toward whom one can attach an identity label is capable of influencing attitudes toward the Court.

After reading the vignette, respondents were presented with the original legitimacy questions, but were told that the controversy-sparking individual had made those statements. For instance, instead of being asked whether they agree with "The U.S. Supreme Court ought to be made less independent so that it listens a lot more to what the people want," somebody who was told that Romney had made controversial remarks was told "Mitt Romney commented that "The Supreme Court ought to be made less independent" so that it listens a lot more to what the people want. Do you agree or disagree?"

Importantly, before assignment to a treatment group, respondents were asked how they felt about each of these individuals using a feeling thermometer. These measures of affect are used to determine how distant one feels from the object being rated. As such, they are an apt tool to measure the impact of identification with the individual (and the group they represent), or the lack thereof. Simply, political stimuli are evaluated on emotional, valenced grounds (see Huddy, Mason, and Aarøe 2015; Iyengar and Westwood 2015; Suhay 2015). This emotional attachment is a measure of how connected a particular stimuli is with the rater's identity. That is, individuals will feel warm or positive toward figures whom they identify as part of their group and cold or negative toward figures who represent the group with which they do not identify. Even among favorable stimuli, a rating will be higher for a political object that is more closely connected to one's identity. Responses on the feeling thermometer were collapsed to an ordinal scale ranging from 0 to 10, where 0 is cold feeling or dislike of the figure, 5 is neutral, and 10 is warmth or like of the individual.[4]

Affect toward the individual one was told criticized the Court is the main variable of interest. I hypothesize that, upon hearing the individuals' claims, respondents will reevaluate their attitudes vis-à-vis the Court. Those who dislike the figure will increase their level of support, relative to their pre-treatment levels. Those who like the individual will decrease their level of support, relative to the pre-treatment levels. In order to determine if individuals change how supportive of the Supreme Court they are upon hearing critical statements by a political figure, I merely subtract each respondent's pre-treatment legitimacy score from their post-treatment score. Each legitimacy score is scaled 0–1, such that higher values indicate greater diffuse support. The resulting change in diffuse support scale ranges −1 to 1, such that negative values indicate a decrease in legitimacy

[4]Distributions of affect represented via kernel density estimates can be found in the Supplemental Appendix. Respondents were able to state that they did not know how they felt about the individual; this is the option one would choose if they did not know who the person was. Of the 507 respondents, nearly all were aware of or affective toward Romney (94.4%). Most knew Cooper (89.2%), O'Reilly (88.2%), and Limbaugh (87.7%), but subjects were less aware of Schumer (72.4%) and Maddow (72.1%).

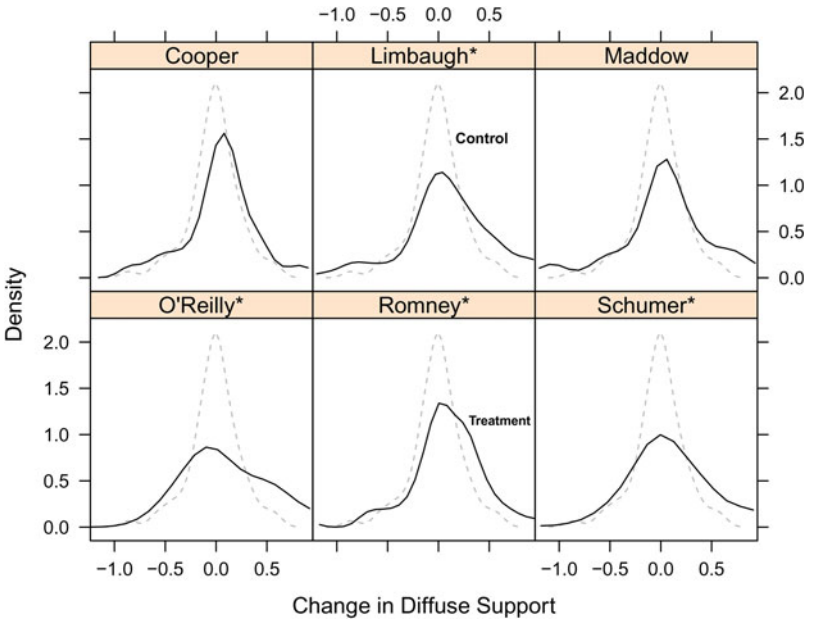

Figure 1. Distribution of change in diffuse support for control group (dashed gray lines) and treatment group (solid black line). * denotes treatment distribution is statistically distinct from control distribution per Kolmogorov–Smirnov test ($p < 0.05$ for one-tailed test).

from pre-treatment to post-treatment, and positive values indicate an increase. The actual range of the variable is −0.71 to 0.85.

Recording instantaneous change in diffuse support may, at first blush, seem like a strange track to take. First and foremost, this measurement strategy is consistent with previous studies examining changes to diffuse support (e.g., Armaly 2018; Christenson and Glick 2015). Still, if diffuse support measures a person's deep-seated feelings about the legitimacy of Courts, it ought to be stable. Indeed, this is precisely why this measurement strategy is useful; if feelings about legitimacy are deep-seated, extra-judicial attacks should fail to influence responses to the diffuse support items. I consider this further in the discussion section.

This resistance to attacks is not borne out in the data. The distribution of change in diffuse support for each treatment is displayed in Figure 1. In each panel, the dashed gray line represents the change in diffuse support for the control group. Importantly, there is no meaningful change in the pre- and post-legitimacy batteries for the control group; while some respondents did not respond identically, any observed change is not distinct from zero ($p = 0.633$).[5] The black line within each panel is the change in diffuse support for the respective treatment group. An asterisk in the panel label indicates that the treatment distribution is distinct from the control distribution per a Kolmogorov–Smirnov test ($p < 0.05$ for one-tailed test).

As the treatment distributions suggest, several respondents remain resolute in their evaluation of the judiciary (i.e., treatment distributions tend to center around 0, or no change in diffuse support). Importantly, the across-the-board decrease in kurtosis for the treatment groups shown in Figure 1 indicates that several respondents alter their responses to a greater degree than those in the control group. That is, fewer people in the treatment groups give identical or near-identical responses to both the pre- and post-treatment legitimacy battery, relative to the control group. This serves as evidence that treatments were effective, and that treated respondents meaningfully

[5]See supplemental appendix for more information regarding the control group. In short, they do not alter their level of diffuse support across the two question batteries, nor are there any systematic differences across any of the variables of interest.

Table 1. OLS Regression on change in legitimacy.

	Cooper	Limbaugh	Maddow	O'Reilly	Schumer	Romney
Affect	−0.05*	−0.05*	−0.06*	−0.35**	−0.89*	−0.08*
	(0.02)	(0.02)	(0.03)	(0.18)	(0.36)	(0.03)
ΔIdeo. Distance	−0.06	−0.18	−0.11	0.09	0.21	−0.21
	(0.10)	(0.11)	(0.10)	(0.07)	(0.22)	(0.15)
Constant	0.42*	0.32*	0.32	0.23*	0.58*	0.49*
	(0.13)	(0.09)	(0.17)	(0.08)	(0.19)	(0.17)
R^2	0.123	0.131	0.129	0.067	0.138	0.085
n	69	66	54	68	48	76

Dependent variable is ΔLegitimacy from $t_1 \rightarrow t_2$.
Cell entries are OLS coefficients. Standard errors appear in parentheses.
*$p < 0.05$ for two-tailed test.
**One–tailed test.

alter their attitudes regarding the Court. However, the main hypothesis asserts these differences are systematic across the level of psychological attachment (i.e., affect) to the treatment figure. Again, information from a source toward whom one is attached based on political identity will have greater authority. However, information from a source that represents one's counter-identity will still be utilized, but in a punitive manner.

One alternative explanation for why negative statements about the Court might compel individuals to reassess how supportive they are of the institution is that they may obtain ideological information about the Court—and their relation to it—from the speaker. That is, perhaps it's not how connected one is to the figure making the statement on identity grounds, but their understanding of where that individual is in ideological space. As Armaly (2018) states, "If one knows her position in relation to the [political figure] and learns the position of that [figure] in relation to the Court, she can more easily place herself in relation to the Court" (8). Because people have a difficult time determining where the Court is in ideological space (Bartels and Johnston 2013; Hetherington and Smith 2007), they can utilize the knowledge that the figure does or does not belong to their political group as an anchor and place themselves relative to the Court accordingly. Thus, one may update ideologically after receiving new information about the Court. To account for this, I record change in ideological distance, which is calculated by subtracting one's pre-treatment ideological distance from the Court from one's post-treatment ideological distance. Both pre- and post-treatment ideological distances are calculated as the difference between one's ideological self-placement on a 5-point scale from one's placement of the Supreme Court on that same 5-point scale. The change in ideological distance measure ranges from -4 to 4, where negative values indicate that perceived ideological distance has decreased. The observed range of this variable is -3 to 4.

To determine whether diffuse support is malleable as a function of negative statements by political figures who are not as salient as a president or the parties, and, if so, which of these mechanisms is at play, I regress change in diffuse support onto affect toward the political figure and one's change in ideological distance from the Court. I estimate a separate least squares regression for each treatment, though results hold when using other specifications (such as pooling and using fixed effects); see supplemental appendix for more information.[6] Due to randomization, control variables are omitted. The results of the least squares models appear in Table 1.

In each model, the effect of affect is negative and statistically significant. That is, as the degree to which one feels connected to the figure purported to have made negative statements about the Supreme Court increases, legitimacy decreases. The effect of change in ideological distance, on the other hand, is not statistically significant in any model. Thus, there is no evidence that changes in diffuse support are a result of altering how distant one feels vis-à-vis the Court in

[6]These alternate specifications that pool data also assuage any concerns regarding small sample sizes in the models in Table 1.

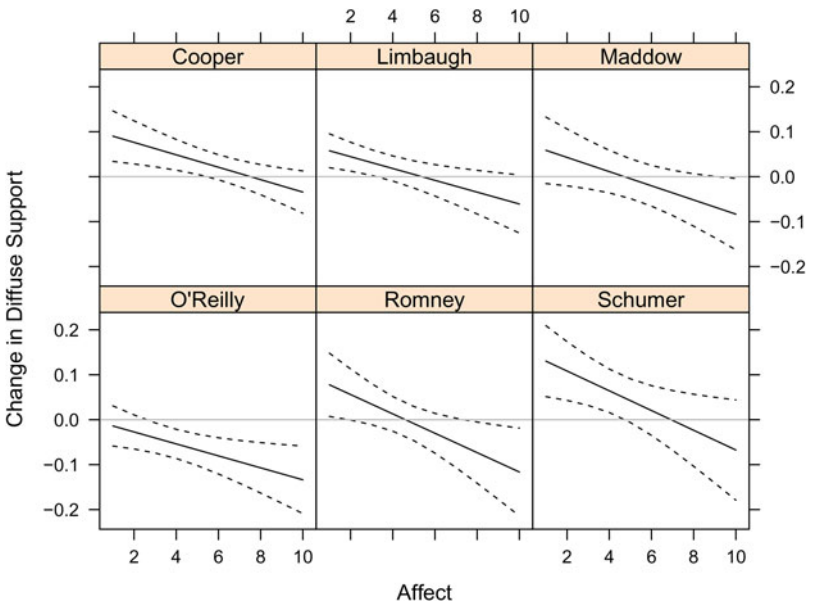

Figure 2. Effect of affect on change in diffuse support. Solid lines are estimated effect; dashed lines are 95% confidence intervals. Horizontal line at 0; where confidence intervals overlap horizontal line, effect is not statistically significant.

ideological space. This suggests that the statement made by the political figures do not offer listeners any information about the Court's location in ideological space to which they can compare themselves.[7] Instead, these statements seem to prime attachments (be they positive or negative) to the figures who made them and compel listeners to reevaluate the Court in light of their affect toward the speaker.

Figure 2 displays the substantive impact of affects on the change in diffuse support. Solid lines display the estimated effect of affects on the change in diffuse support for the respective regression model; dashed lines are 95% confidence intervals around those estimates. The horizontal line at 0 represents the control group, or no effect, as the change in diffuse support for the control group never differs across the range of affect for any of the political figures (see supplemental appendix). So, any distance between the horizontal line and slope is the treatment group's difference from the control group.

Each figure is capable of moving diffuse support.[8] In four of the models (Cooper, Limbaugh, Romney, and Schumer), the figure is capable of increasing support for the Court among his detractors. In three of the models (Maddow, O'Reilly, and Romney) the figure is capable of decreasing support for the Court among his or her supporters (although Maddow is only capable of doing so among her staunchest supporters, so the substantive effect is minor). In other words, positivity toward the Court is malleable when confronted by a partisan-activating cue. The point at which each figure's influence is limited is different. For example, even those relatively neutral

[7]Regarding the substantive effect of change in ideological distance on change in legitimacy—for which a figure can be found in the supplemental appendix—simply, there is no meaningful substantive effect across the level of change in ideological distance. For some treatment groups, such as Limbaugh, there is a *very* minor positive effect at values of change in ideological support of -1 and 0 (i.e., a small decrease or no change in distance). However, across treatment groups, both these minor effects and slopes are inconsistent.

[8]One possible cause of the relationship between affect and change in support is an individual's need for consistency in responding to survey items. If a respondent said they felt very coldly toward, say, Schumer, she might be compelled to disagree with him on subsequent items. I doubt this account for several reasons. As is detailed above, each respondent responds to all six feeling thermometers, 3 of which are for conservative figures and 3 for liberals. This should evoke cross-cutting affective attachments. Second, I include items on socio-demographic characteristics and political predispositions as disruptive tasks, so it is unlikely the aforementioned subject recalls, exactly, her response regarding Schumer.

toward Cooper (affect = 5) increase their support for the Court after hearing his statement. For Limbaugh, this is only true among those who are cold (affect < 4). Interestingly, O'Reilly seems able to move those who are relatively neutral toward him, although effects are small until affect reaches a level of support. Finally, Romney is the only political figure who is capable of increasing legitimacy among his detractors as well as decreasing it among his supporters. In substantive terms, the average change in diffuse support across the range of affect is 0.20, or around 13% of the range of change in diffuse support. In other words, on average, a pejorative statement by a well-liked figure could compel one to alter their support for the Court to a degree sufficient to move one from supportive to unsupportive of the Supreme Court. Conversely, a statement by a disliked figure could boost one from middling to solidly supportive.

Overall, it seems that affect toward a political figure making disparaging comments about the Court may influence diffuse support, and plays a much larger role on evaluations of the judiciary relative to ideological compatibility. This is consistent with accounts of support malleability at the hands of political figures (Armaly 2018), as well as the limited influence of ideology on legitimacy (Gibson and Nelson 2015). The key difference here is that the notoriety of the individual seems less important than previously believed. It appears, then, that many figures may be capable of influencing public support for the Court. Finally, these results show that when individuals are confronted by dueling affect toward two political stimuli, identity-based cues seem capable of overwhelming positivity-based orientations. In other words, even the Court—with its uncommon source of stable, affective support—may be no match for cues that prime partisan attachments.

Lower Notoriety & Partisan Association

Above, I find that political figures are capable of influencing support for the Court when purported to criticize the judiciary, even among those who are not as salient as, say, the president. However, two remaining questions must be considered before concluding that political figures who prime partisanship can influence the public's views of the Supreme Court. First, are even *lower* salience figures—such as low-ranking Congresspersons—able to influence Court support? Second, what are the limits of this influence? Who is *not* capable of impacting public dispositions toward the Court, and why? To find out, I conducted a second experiment that very much resembles the first. I surveyed a total of 1,468 US adults in August 2019 using MTurk, and asked about 6 additional political figures: Congresspersons Steve Scalise, Ayanna Pressley, and Tulsi Gabbard (who was also one of 24 candidates in the 2020 Democratic primary); Attorney General William Barr; former Colorado Governor John Hickenlooper (also a Democratic presidential candidate); and former Massachusetts Governor William (Bill) Weld (who was challenging President Trump in the 2020 Republican primary).

An important component to this second experiment is that the figures are *not* particularly well-known. The general expectation is that these figures—because they lack notoriety[9]—will be limited in their ability to influence public attitudes toward the Court, relative to other, more salient political figures. Just as was the case in the experiment presented above, individuals responded to an initial legitimacy battery before responding to several other survey items. Before moving to explicitly consider notoriety (which I do below), I first replicate the analysis above with these political figures (though I omit considerations of ideological updating). Figure 3 displays the effect of affect toward each political figure on the change in diffuse support;

[9]This is a potentially controversial assertion, as 3 of the figures were (technically) running for president, another was a member of the press-garnering "The Squad" (Pressley), another had been a contentious figure for decades (Barr), and another had been shot and wounded in an attack on members of Congress (Scalise). Notoriety is explicitly considered below. In short, these figures are relatively unknown.

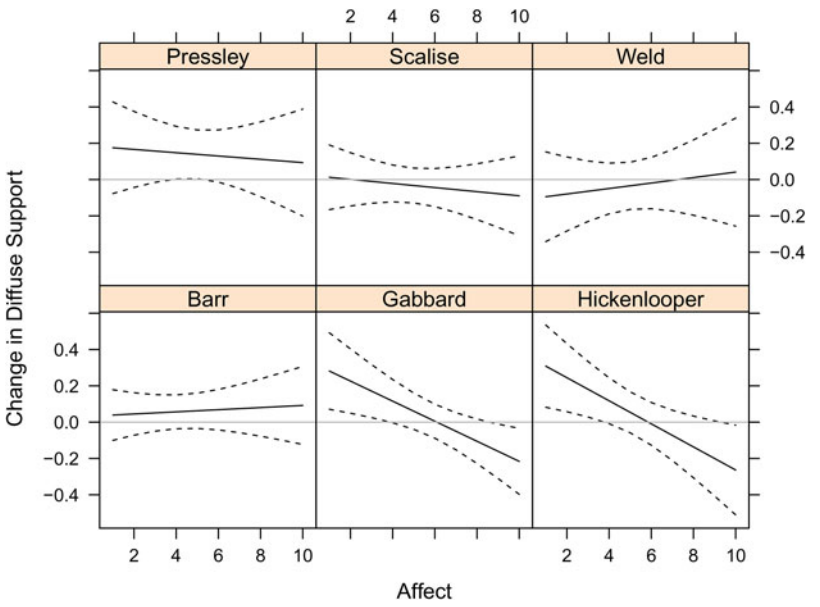

Figure 3. Effect of affect on change in diffuse support. Solid lines are estimated effect; dashed lines are 95% confidence intervals. Horizontal line at 0; where confidence intervals overlap horizontal line, effect is not statistically significant.

randomization procedures, treatment vignettes, and variable measurement are all identical to the experiment described above.[10]

Only two political figures—those who, at the time the survey was conducted, had recently participated in (very) early presidential primary debates—are capable of influencing perceptions of the Supreme Court in a manner consistent with previous findings (both Armaly 2018 and above). Specifically, Gabbard and Hickenlooper seem able to compel individuals who are affectively negative toward them to increase their support for the Court and those who are affectively positive to decrease their support. I do not find a similar effect for other political figures. So, I am able to answer the first remaining question—whether lower salience figures can influence Court support—in the affirmative (though only partially). These results affirm what is detailed above: many political actors—beyond just presidents, parties, party nominees, and Congressional leaders—are able to influence support for the Supreme Court. But, several figures fail to prove influential, indicating that limits of influence exist.

In regards to the second remaining question—the limits of influence, and what might explain those limitations—I argue that recognition of party affiliation is an important consideration. Indeed, only trusted source cues are influential (Nicholson and Hansford 2014); a figure with whom one cannot connect any existing heuristic—namely, partisanship—is unlikely to influence any political position. As such, I asked survey respondents ($n = 300$) whether they "more closely associate the following individuals with the Democratic Party, the Republican Party, or neither."[11]

Figure 4 displays the proportion of survey respondents who responded "don't know" when asked to associate a figure with a political party for each of the political figures; horizontal lines

[10]Though respondents had an equal probability of being randomized into each treatment group, sample sizes vary, as nonresponse to the feeling thermometers varies by figure. Sample sizes are as follows: Control (132), Weld (47), Hickenlooper (65), Gabbard (87), Barr (85), Pressley (53), and Scalise (68).

[11]These survey respondents were not included in the experimental portion of the survey described above. While MTurk respondents are not a representative cross-section of the American public, they are generally more politically sophisticated than the general population (Berinsky, Huber, and LenzBerinsky 2012). Given that I assert that recognition of a political figure's partisan affiliation is critical to their ability to influence members of the public, using MTurk respondents biases findings *against* expectations; more sophisticated respondents are likely to do "better" than the average citizen.

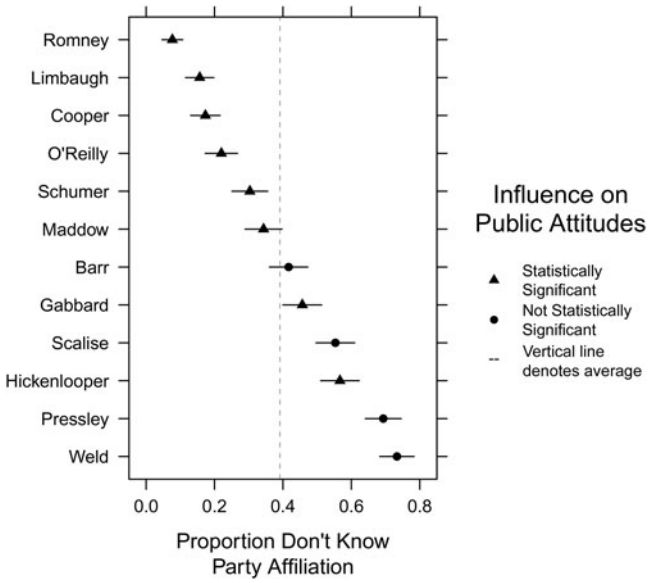

Figure 4. Proportion of respondents' who respond "don't know" on figure's party affiliation.

are 95% confidence intervals.[12] The dashed vertical line is the average proportion of "don't know" responses for all political figures, 0.391.[13] The figures considered in the first experiment (from top to bottom, Romney through Maddow) are clearly more well-known than the remaining figures (Barr through Weld). From Barr downward, no figure can be considered "familiar" to the average respondent; all of the figures from Maddow upward are more firmly connected with a particular political party.[14]

Triangular plotting symbols indicate that the associated political figure along the y-axis is capable of significantly influencing public attitudes regarding the Supreme Court commensurate with one's affective evaluation of that figure; circular plotting symbols denote no significant influence. As can be seen, survey respondents are more familiar than average with the bulk of the influential figures. The average figure from Romney-Maddow is capable of influencing attitudes toward the Court (across affect); the average figure from Barr-Weld is not. The difference in "don't know" rates between these two groups—0.212 and 0.570, respectively—is itself statistically significant ($p = 0.00$).

So, the limitations of influence appear related to the ability to connect a figure to a particular political group. More specifically, the political figures whose criticisms of the Supreme Court influenced survey respondents legitimacy assessments in a manner consistent with affect toward the figure are those to whom a political party is commonly attached. This is sensible. If one does not know to which party a political figure belongs, that figure is unlikely to prime partisan attachment. And, if one cannot determine whether to (dis)trust a particular political message

[12]Heretofore, I have presented evidence at the respondent level. Henceforth, it is at the political figure level.

[13]The correlation between the proportion of "don't know" responses and "correct" responses is -0.981. Thus, respondents generally know the figure's partisan affiliation or not; incorrect association is rare.

[14]Though the first experiment was conducted in March 2018, all partisan association assessments were recorded in August 2019. In order to assure that this does not bias inferences about the influence of partisan association leveraged only from 2019 levels, I also consider a measure of notoriety that is contemporaneous for each survey. Specifically, I consider average Google Trends interest levels for each figure from the day of, and the days following, each survey. That is, I record the Trends data from March 2018 for the figures in the first survey and from August 2019 for the figures in the second. These contemporaneous measurements of familiarity strongly correlate with the data represented in Figure 4 (ρ= -0.91). This suggests that the data in Figure 4 accurately represent familiarity from March 2018.

(based on partisan attachment), she is unlikely to heed it. This is particularly true when it comes to a message critical of the Supreme Court, toward which individuals are positively biased.[15]

These results also shed light on the limits of influence vis-à-vis public support for the Supreme Court. Many, but not all, political actors can wield influence. Limits appear to be related to one's ability to connect the figure to a political party (or, knowing who the figure is in the first place). Indeed, the Pearson product-moment correlation between the proportion of respondents unfamiliar with a figure's political party for all 12 political figures used in this study and the standardized coefficient for affect toward that figure is 0.67, which is statistically significant.[16] That is, there is a fairly strong linear relationship between connection to a party and the effect of affect on change in legitimacy, such that those whose party label is clear are more able to influence views of the Court, on average.

Discussion

This study set out to answer a series of interrelated questions: (1) what happens when conflicting affective attachments—toward the Court and one's political identity—are primed by a single source cue, (2) whether the notoriety of cue source affects the degree to which that figure can influence diffuse public support for the judiciary, and (3) which figures are limited in their ability to influence attitudes on the judiciary. The answers seem to be, respectively, that identity cues are more powerful than positivity cues, that many figures—even those who are not particularly notorious—can influence views of the Court, and that the influence is limited to those whose partisan label is relatively clear.

More specifically, eight of 12 public figures—all of whom are in the public eye, but a far cry from presidential-level public notoriety—were capable of influencing legitimacy attitudes. These results show that, while people do like the Supreme Court (especially relative to other political institutions), esteem for the judiciary only seems to be a match for identity-based affective attachments in certain instances. When support for the Court is confronted by an identity-related figure suggesting one ought to change his mind about the judiciary, the receiver of that identity-based cue is likely to oblige. The power of positivity toward one's in-group, its members, and leaders—as well as negativity toward the out-group and its members and leaders—may be a unique "Kryptonite" to the positivity bias that usually defines attitudes toward the Supreme Court.

These findings raise questions about the relationship between loyalties to institutions and identity-laden loyalties to groups. Previous evidence shows that the Court is affected when pitted against a group to whom one is loyal (Armaly 2018). While the evidence here is somewhat more mixed (i.e., *increases* in diffuse support are most frequent), the question regarding overall influence of group loyalties on institutional attitudes remains. Members of the mass public are attached to the Supreme Court because of perceptions of procedural fairness and justice, adherence to the law, democratic values, and other relatively ethereal legal concepts (see Baird 2001; Baird and Gangl 2006; Gibson and Nelson 2015; Tyler 2006). Political figures who are associated with—but do not lead, or even necessarily identify with themselves—identity groups are able to alter support for the Court. What happens if more concrete identity-based attachments—which are increasing over time (Mason 2015, 2016) —come to overwhelm attachments based on more abstract concepts? Although the results here only partially confirm Chief Justice Roberts' worry about politics affecting the Court's legitimacy, the conflict between affective attachments to the Court and to a group does little to assuage his concern. Should American politics revert to a

[15]It is useful to note that "don't know" responses are strongly correlated with general familiarity, as measured on a 1-5 familiarity scale (ρ = -0.98). In other words, to know a political figure generally *is* to know his or her partisanship.

[16]I estimate each standardized coefficient (or "beta" coefficient) via a separate standardized regression with no control variables.

more placid state, perhaps these effects will wane; this seems unlikely in the immediate term, as partisan strife intensifies.

To be certain, though, I by no means suggest that individuals who hear political figures speak ill of the Court are suddenly wont to make fundamental alterations to the federal judiciary. Not only may exposure to the Court and its embrace of democratic values regenerate legitimacy after a shock (Gibson and Nelson 2014), but some individuals may wish to preserve the Court's independence to a greater degree after hearing criticisms by a source they dislike. Still, it is not necessarily the case that respondents will immediately revert to their previous attitudes about the Court. As Coppock, Erkins and Kirby (2018) demonstrate, information from trusted sources can influence attitudes in the long-term. And, political attacks on the Court are increasing in frequency (see Liptak 2010; Totenberg 2017). While I doubt impeachments, court-curbing, and court-packing are imminent, it is nevertheless important to learn that many political figures can affect the Court's status—even positively. Even if the effects uncovered here are merely a product of hyper-partisan times that perceptions of the Court can be altered by political figures is noteworthy. After all, the survey items created by Gibson and colleagues were designed to capture "willingness to support the continued functioning of the institution despite disagreement with its outputs" (Gibson and Caldeira 1995, 460). Thus, *any* alteration to legitimacy is noteworthy, especially when trusted, identity-connected individuals (or distrusted, counter-identity individuals) compel such alterations.

There are, of course, limitations to this study. First, the use of Amazon's Mechanical Turk may yield certain inferences that differ from those made using national probability samples. Of course, some caution should be taken when interpreting results from this—or any other—convenience sample. However, two things mitigate this concern. First, a great deal of research finds that samples drawn from MTurk have desirable properties and, therefore, are useful.[17] And, as mentioned above, the results presented here do not seem to be afflicted by recent concerns regarding fraudulent MTurk data (Kennedy et al. 2018).[18] Second, the nature of the experimental design means I am not particularly interested in, for example, how many Americans are influenced by political figures when it comes to attitudes about the judiciary. Instead, I wish to demonstrate how and in what circumstances attacks on the Court can influence attitudes toward it, and what mechanism underlies that influence. In this regard, MTurk "is an effective platform for evaluating treatment effects" (Clark and Kastellec 2015, 515; also see (Berinsky, Huber, and Lenz 2012)).

Although external validity is *always* a concern for survey experiments (see (Barabas and Jerit 2010)), there are plenty of real-world examples of attacks on the Court. Even if political actors do not frequently attack the Court, they seemingly discuss it on much more political grounds, which may serve to heighten the connection between the Court and political identity. For instance, President Trump referred to Republicans "holding" the Court (Trump 28 March 2018, 2:52 AM). Framing the Court in such a way may allow individuals to align it more directly with their political identity, making it more prone to partisan attacks. And, speaking of the Court in a negative fashion is not unique to Trump. One journalist asks "Why Does President Obama criticize the Supreme Court so much?" (Jaffe 2015). Other journalists note a historical increase in political attacks the Court (e.g., Liptak 2010; Totenberg 2017). Still, the effects uncovered here represent a best-case scenario, one where every person is exposed to aggression toward the Court. Researchers should devote focus to considering how long shocks to support for the Court last, as

[17]MTurk samples are valid (Berinsky, Huber, and LenzBerinsky 2012; Clifford, Jewell, and Waggoner 2015) and reliable (Buhrmester, Kwang, and Gosling 2011). "Turkers" seem to report information accurately on the platform (Rand 2012), pay attention, and buy-in to the surveys (Thomas and Clifford 2017). These samples are particularly useful for experimental designs (Horton, Rand, and Zeckhauser 2011). Perhaps most importantly, there is no shortage of replication projects showing that MTurk samples tend to replicate findings from other, "better" samples (Coppock Forthcoming; Irvine, Hoffman, and Wilkinson-Ryan 2017; Klein et al. 2014; Mullinix et al. 2015).

[18]More specifically, the "rIP" package in R, which detects fraudulent data in convenience samples, recommended that 7 data points be removed from the first sample. This comprised only 1.3% of the data. Results are robust to removing these observations.

well as who is exposed to political attacks on the Court. The results here suggest that Chief Justice Roberts' concerns about who can affect the Court may be understated.

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