

The Stability and Durability of the U.S. Supreme Court's Legitimacy

Is support for the U.S. Supreme Court stable over time? Recent studies present conflicting evidence about the extent to which dissatisfaction with the Court's performance affects its public support. Drawing upon a four-year panel study of Americans' support for the Supreme Court, we demonstrate that the Court's support has been remarkably stable in the aggregate, though there has been systematic change at the individual level. These individual-level changes are related to individuals' satisfaction with the Court's performance and their political orientations. The results both confirm and challenge conventional wisdom, emphasizing the importance of studying individual-level change in attitudes even in the face of aggregate stability.

All institutions rely on public support to be effective. One important form of public support is *legitimacy*, often called diffuse support. Conventional wisdom suggests that the U.S. Supreme Court's legitimacy is robust and stable over time (Gibson and Nelson 2015). However, recent studies suggest that support for the Court is more closely tied to performance satisfaction, also called specific support, than the conventional wisdom suggested (Bartels and Johnston 2013; Christenson and Glick 2015). These competing theoretical perspectives suggest conflicting expectations about legitimacy's stability. The conventional wisdom implies that the Court's legitimacy should be stable and relatively unconnected to specific support. The newer studies suggest more over-time variability due, in part, to a tighter connection between specific and diffuse support.

Understanding legitimacy's dynamics is essential to appreciate the position of courts in separation-of-powers systems. Courts draw on their constituents' support at one point in time to achieve implementation and acceptance of an unpopular decision at a later time. If legitimacy depends heavily on performance satisfaction, strategic courts may be unwilling to make additional unpopular decisions. On the other hand, if support for the Court tends to revert back to an equilibrium level, then courts are free to make decisions that anger their constituents with relative impunity. Understanding the dynamics of institutional support is necessary to understand which institutions will be willing and able to defy the public.

We assess the stability of the Court's legitimacy over the second half of the Obama administration, a period of time in which the Court issued salient rulings on issues as diverse as the Affordable Care Act, same-sex marriage, and affirmative action. Tracking attitudes toward the Court over eleven waves and four years, we assess whether individuals shift in their support of the Court, whether those shifts are tied to the Court's annual June release of its marquee decisions (Epstein, Landes and Posner 2015), and what individual-level characteristics explain those shifts. Thus, we investigate the magnitude and variability of systematic stability in public attitudes towards the Supreme Court at both the aggregate and individual levels using the longest panel of Supreme Court attitudes ever assembled. Our results suggest a long-term aggregate stability in diffuse support yet provide evidence of more variable attitudes towards the Court at the individual level. We demonstrate that

these individual-level changes are associated with the surge in the Court’s salience at the end of each June, respondents’ judgments about institutional performance, and their political orientations.

The Dynamics of Institutional Support

Whether one expects diffuse support to stay stable or to fluctuate over time depends, in large part, about one’s theoretical view about the relationship between specific and diffuse support. Specific support refers to performance satisfaction, broadly construed. It encompasses a constellation of attitudes, including judgments of the Court’s decisions, institutional management, and the justices’ off-the-bench activities (Gibson and Nelson 2015). In his original conceptualization of these two concepts, Easton (1965) suggested that they should only have a weak relationship with one another, writing “[e]xcept in the long run, diffuse support is independent of the effects of daily outputs. It consists of a reserve of support that enables a system to weather the many storms when outputs cannot be balanced off against inputs of demands” (273). Many studies have presented empirical evidence to support Easton. For example, Gibson and Caldeira (2009, Appendix C), relying upon repeated cross-sectional samples, found the Court maintained its high level of diffuse support after its highly controversial ruling in *Bush v. Gore*. Gibson and Nelson (2015) find a statistically significant, though substantively small, relationship between several measures of specific support and legitimacy, concluding that “[t]he legitimacy of the Court is not overly dependent upon perceptions and evaluations of its performance” (163).

However, recent studies suggest the relationship between specific support—especially satisfaction with individual decisions—and diffuse support is actually fairly strong. Bartels and Johnston (2013), relying on both observational and experimental data, argue that there is a “potent ideological foundation” to the U.S. Supreme Court’s legitimacy (184). Likewise, Christenson and Glick (2015), relying upon a short panel design surrounding the U.S. Supreme Court’s first ruling on the constitutionality of the Affordable Care Act (*National Federation of Independent Business v. Sebelius*), find a statistically significant change in support for the Court’s legitimacy tied with individual-level agreement with that decision.

This existing evidence on judicial legitimacy has been based primarily upon cross-sectional surveys, single-shot experiments, and relatively short panels. For example, Christenson and Glick (2015) used a panel that spanned a month around the Court’s ruling on the Affordable Care Act. Gibson and Caldeira (2009) used a year-long panel to study legitimacy in the wake of the Alito confirmation, Clawson and Waltenburg (2009) conducted a two-wave panel survey of African Americans surrounding the Court’s consideration of affirmative action, and Hoekstra (2000) used panels spanning the time between oral argument in a case and two weeks after the decision to understand local reactions to U.S. Supreme Court decisions. While these studies taught us much about legitimacy, they are necessarily limited by their ability to explain change over a period of months, rather than years. The lack of over time evidence is so severe that Gibson and Nelson (2014) suggest that “[t]he most pressing need for those seeking to understand judicial legitimacy is data capable of supporting dynamic analysis” (215). Indeed, if support for the Court tends to revert back to an equilibrium level, as Mondak and Smithey (1997) suggest, support for the Court may change in short-term panel surveys or in experimental settings but would actually be relatively stable—even at the individual level—over time. We adjudicate between these expectations using data that enables us to (a) examine these effects over several years and (b) relate any changes in support to particular respondent-level characteristics.

Research Design, Data, and Method

Our data come from the May 2012 to July 2016 waves of The American Panel Survey (TAPS), a nationally-representative online panel that regularly queried respondents about their views toward the U.S. Supreme Court.¹ Panelists answered diffuse support questions over eleven waves, the timing of which are shown in Table C1. Panelists were surveyed in every July, meaning that respondents provided their opinions on the Court within a few weeks of the Court’s most important decisions, which are announced in late June each year (Epstein, Landes and Posner 2015). The outcome variable is diffuse support for the Supreme Court. We take the summed scores of panelists’

¹Appendix C provides details about TAPS, including a discussion of attrition.

responses to six questions gauging attitudes towards the institutional legitimacy of the Supreme Court in each wave. Descriptions of the variables may be found in Appendix D.

Our analysis is three-pronged. First, we present descriptive findings suggesting that, though aggregate-level support is stable, modest change in diffuse support occurs at the individual level over the course of our panel. Second, we estimate a series of regression models to demonstrate that diffuse support is significantly, albeit modestly, likely to shift among partisans and ideologues following major Supreme Court decisions in June. Third, we estimate a fixed-effects model to demonstrate that specific support predicts changes in Americans' levels of diffuse support for the Supreme Court.

Results

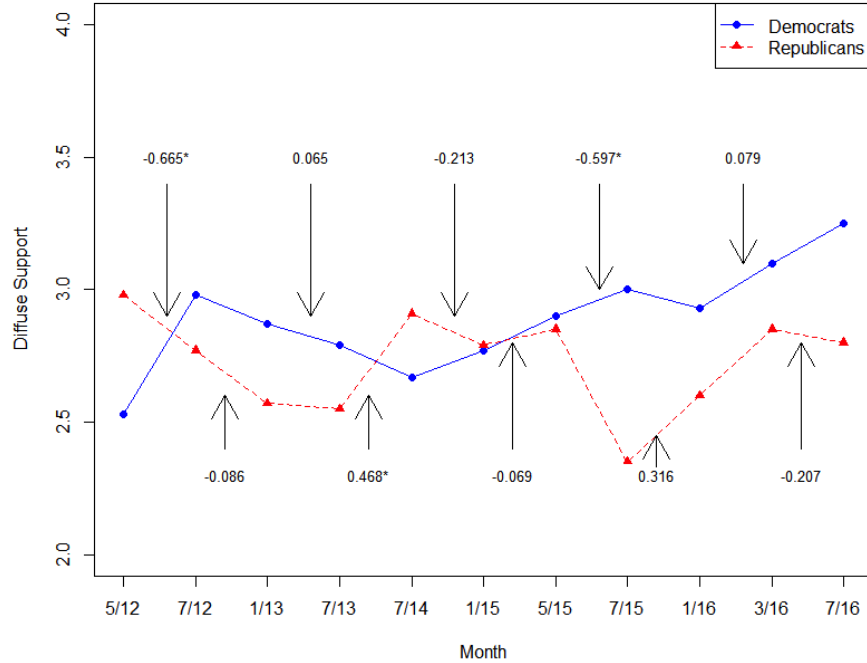
We begin by assessing whether aggregate diffuse support is stable over time. The January 2013 wave of the panel had the lowest average value of legitimacy: 2.20 on a seven-point scale (January 2013). By contrast, the maximum mean value we observe is 2.52 in July 2016. Thus the range in average legitimacy we observe is tiny, falling within a range consisting of only 5% of the theoretical range of diffuse support (See Figure D1). This is stark evidence of aggregate-level stability.

While we observe only minute aggregate-level change in judicial legitimacy, we find non-negligible individual-level change in that outcome across our panel.² When restricting our sample to those panelists who participated in more than 3 of the possible 11 waves, we find that the average panelist moved about 1.27 points on our 7-point scale.³ The aggregate-level stability of diffuse support appears in the face of this individual-level change because panelists changed their views toward the Court in roughly equal numbers, some panelists became more supportive of the Court

²We also investigated the individual-level stability of diffuse support accounting for measurement error, comparing two hierarchical measurement models. Model fit statistics suggest that a model including individual time trends, compared to a model that does not allow for these trends, significantly improves model fit. Full results are found in Table A1.

³The mean distance between initial and final wave for those who answered in every wave is 1.21.

Figure 1. The panel plots the predicted levels of diffuse support from regression analyses that examine the correlation of partisanship and wave-to-wave change in diffuse support across the 11 waves of our panel. The numbers represent the coefficient of the interaction term. * indicates the estimate is significant at the 0.05 level.



while others withdrew legitimacy from the institution over this time period.

What explains these changes? Were these panelist-level shifts were associated with the respondents’ individual-level characteristics, namely partisan and ideological identity, it would support the argument that the combination of one’s political orientations and their favorable (or unfavorable) reaction to the Court’s decisions is associated with changes an individual’s diffuse support for the Court (Bartels and Johnston 2013; Christenson and Glick 2015). We therefore estimated a series of ten linear regressions of the following form:

$$Y_{it} = \alpha + \beta_1 * Wave_t + \beta_2 * Republican_i + \beta_3 * Wave_t * Republican_i + \epsilon_i$$

where the first month-to-month transition is from May 2012 to July 2012 (i.e. $t_0 = \text{Wave 1}$). Y_{it} represents the panelist’s current period diffuse support. The regressions were limited to Democratic and Republican respondents in subsamples of two consecutive waves, allowing us to examine change among partisans for each wave-to-wave transition. We are most interested in the estimated magnitude and precision for the coefficient β_3 in the July waves; this coefficient provides the

estimated difference between partisans across the two months of a subsample. A substantively large negative and precise estimate of β_3 would suggest that Republicans decreased their level of support in a significantly distinct manner in the current wave from the previous recorded month relative to Democrats. Distinct differences between the parties would provide insightful information regarding the correlates of individual change, but the panel's structure provides greater context to the circumstances of such shifts. While we are limited in our ability to draw causal inferences between salient decisions and individual-level change since technically all subjects are exposed to the "treatment" of the Court's June decisions, stronger interaction effects between partisan identity and period would suggest that divisive rulings are associated with individual-level changes in diffuse support based on baseline political attitudes. By contrast, the non-July waves provide placebo tests. For these months, we do not expect significant shifts in the magnitude of diffuse support by party when the Court (and its most high-profile decisions) has not been prominently featured in the news recently.

The results are found in Table E1, but we also illustrate the results and predicted levels of diffuse support in Figure 1. There is no clear trend in diffuse support by party identification over the duration of the panel, particularly for the initial months. Yet, we do find sharp shifts in diffuse support from wave to wave. We find significant differences from wave to wave by party for three of the five July waves. Consider, for example, the time period surrounding the Court's *Sebelius* decision, the same decision studied by Christenson and Glick (2015). The Court decided this case in June 2012; our respondents were queried in May and July 2012. We observe a significant difference between May 2012 and July 2012 across the partisan groups, as shown by the significant and sizable interaction effect ($-0.665, p < 0.01$). More directly, a Republican's level of diffuse support was predicted to be roughly 0.45 points greater than a Democrat's level on the scale in May 2012. By July 2012, however, the model predicts that a Democrat's level of diffuse support was 0.21 points greater than that of a Republican. TAPS respondents received an invitation to complete the survey at the beginning of the month, and an average of 72% of panelists per wave completed the survey within one week. Additionally, none of our placebo tests (the non-July waves) present significant

interaction terms, suggesting that partisans do react in different ways to the major decisions released in June.⁴

Finally, we investigate the extent to which specific support is associated with diffuse support over time. To explore this relationship, we estimated two fixed effects models regressing current period diffuse support on current period and lagged specific support. The results of this analysis may be found in Table 1. In the first column, we find that specific support is significantly related to diffuse support in the same period. To put this effect in perspective, consider two hypothetical individuals with the same level of diffuse support in the previous period, but who have diametrically opposed levels of specific support in the current period. The estimated coefficients indicate that a panelist who strongly approves of the Supreme Court’s job performance would have a diffuse support score 0.76 points greater than a citizen who strongly disapproved of the Supreme Court’s performance. When considering lagged specific support in a similar model, we find that the size of the effect is drastically reduced: the difference in predicted diffuse support between the extremes of specific support is estimated to be only 0.14. Nonetheless, this the effect is still significant, suggesting that individual-level specific support is modestly associated with diffuse support.

Table 1. The Relationship Between Individual-Level Diffuse and Specific Support: Fixed Effects Model. * indicates coefficients significant at the $p < 0.05$ level. Standard errors are in parentheses.

Diffuse Support _{t-1}	-0.017 (0.009)	-0.015 (0.009)
Specific Support _t	0.187* (0.013)	
Specific Support _{t-1}		0.035* (0.013)
Constant	2.916* (0.027)	2.920* (0.028)
R^2	0.046	0.123
N	2195	2202

While a Hausman test suggests a fixed effects approach is superior to a random-effects model,

⁴Appendix E provides similar results repeating the analysis using respondents’ ideology.

we also estimated a series of hierarchical measurement models to estimate the correlates of short-term and longitudinal change in diffuse support at the individual level. To this end, we investigated the correlates of individual-level trends using an ALT model that includes a standard matrix of time-invariant covariates (Gibson and Nelson 2015). We allow one covariate—Supreme Court approval (specific support)—to vary over time. For each period, the current level of diffuse support is regressed onto this measure of specific support. Appendix A presents these results and Appendix B provides robustness checks, including an outcome variable that uses the mean, rather than the sum, of the diffuse support items. Even when controlling for the lagged value of diffuse support, current period specific support is positively related to the current level of diffuse support.⁵ The marginal effect of specific support for a panelist who strongly approves of the Court in each wave over the four year panel is +0.58, an increase of 8% of the range of diffuse support. Where systematic change exists, it is related to individuals' ideology; more conservative respondents gradually lowered their support for the Court such that a strong liberal and a strong conservative who began the panel with the same level of support for the Court came to differ by a single point on the scale after four years.

Discussion

Aggregate support for the U.S. Supreme Court was relatively stable from 2012–2016. While some panelists systematically changed their views toward the Court over this time, these changes happened in relatively equal positive and negative deviations. Thus, the timeline for a meaningful aggregate shift in the Court's support is one of *years* rather than *weeks*. This finding stands in stark contrast to the results of single-shot studies that suggest fairly large changes in diffuse support. The Court's policymaking might contribute to stability; during our panel, the Court's policymaking, per the Supreme Court Database, was 48.5% liberal. Were the Court to abandon its moderate policymaking, perhaps our results would show more change. Indeed, some suggest that the Court is savvy enough to correct its course should its public support begin to decline (Ura 2014).

⁵We also estimated the relationship in *trends* between diffuse and specific support. Table B5 presents the results: a significant, positive association in trajectories.

Our study's strength lies in the longest ever panel study of diffuse support; its major weaknesses are twofold. First, we are able to examine specific support generally rather than subjective ideological disagreement specifically. Because TAPS began before Bartels and Johnston (2013) emphasized the relationship ideological disagreement and legitimacy, we lack valid and reliable measures of individual-level policy satisfaction in our survey. Thus, our data enable us to assess the general relationship between specific and diffuse support that has been debated by scholars since Easton (1965), but we are unable to assess directly the ideological disagreement component of specific support. Given the Bartels and Johnston findings, that our results reveal a relationship between ideology and change in diffuse support over time demands follow up. Our results support Easton, revealing a meaningful, but not overwhelming, relationship between the two types of support.

Second, the Court decides many major decisions at the end of each June (Epstein, Landes and Posner 2015); oftentimes, these cases vary in their ideological valence. The TAPS data do not contain the issue-specific questions one would need to tie changes in individual-level support to most major decisions or events. While it is possible that aggregate opinion of the Supreme Court could change when the entire population is exposed to decisions, not all Americans hear about a decision when it is issued (Franklin and Kosaki 1989). With this said, our data provide telling evidence that individual-level legitimacy judgments move weakly, but systematically, over time.

The implication of these results is both clear and comforting. Because the Court's support is so stable, it should be able to fulfill its constitutional roles both as the protector of individual rights and liberties and as a check on Congress and the executive, even when those decisions are unpopular. In a day and age where many fear the breakdown of institutional norms and powers, our results suggest that the American constitutional scheme may be more robust than many currently fear.

References

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Supplementary Information

Appendix A Autoregressive Latent Trajectory Model Specification

We estimate autoregressive latent trajectory (ALT) models with M.L.E. and robust standard errors. We begin by specifying an unconditional ALT model. For individual $i \in [1, N]$ at time period $t \in [1, T]$, we model diffuse support (y_{it}) as,

$$y_{i,t} = \alpha_i + \lambda_t \beta_i + \rho_{y_t, y_{t-1}} y_{i,t-1} + \epsilon_{it}, \quad \epsilon_{it} \sim N(0, \sigma_{y_t}) \forall t \neq 0$$
$$\begin{aligned} \alpha_i &= \mu_\alpha + \zeta_{\alpha i}, \\ \beta_i &= \mu_\beta + \zeta_{\beta i}, \\ y_{i,t=0} &= \mu_{y_{t=0}} + \zeta_{y_{t=0}} \end{aligned} \quad \begin{pmatrix} \zeta_{\alpha i} \\ \zeta_{\beta i} \\ y_{i,t=0} \end{pmatrix} \sim N(0, \Sigma) \quad (1)$$

where λ_t is constrained to $\lambda = [1, 2, \dots, T]$ to indicate a linear trend in diffuse support over time specified by individual-specific intercepts (α_i) and slopes (β_i). The ALT model assumes that diffuse support is a latent variable measured with error (α_1). Additionally, we assume that this latent variable can change over time and that a latent trajectory, β_i , follows a linear trend over the course of the panel. In effect, α_i and β_i are random intercepts and slopes, respectively. The linear assumption of β_i is not strict. The model allows a prior value of diffuse support to influence the current value ($\rho_{y_t, y_{t-1}}$), enabling the implied trajectories to deviate from a linear trend across several waves.

Because each panelist answered a demographic profile before entering the survey, the inclusion of demographic variables to the model improves the model's ability to address missingness.

We compare models in which the latent variable is allowed to move across waves with models in which the trajectory is constrained to zero. More directly, we examine if responses to the items vary around a fixed constant or if individuals display systematic trends in diffuse support across time. We therefore estimate a model of latent legitimacy by assuming the trend in diffuse support over time is non-existent ($\beta_i = 0 \forall i \in [1, N]$) and that observations are conceptualized solely as variation around the individual-level constant (α_i). Once this model has been estimated, we compare it to another that allows for individual latent traits ($\beta_i \neq 0$). We then test whether the nested model is significantly different from that with the latent trajectory. Because the inclusion of autoregressive terms with a latent growth term may misspecify the model, we also estimated a model removing the

lagged autoregressive terms; the results of these models are quite similar, as shown in Table B2. We finally specify a conditional ALT model by adding a matrix of individual characteristics (\mathbf{Z}_i) that are assumed to remain fixed within the period of study and contemporaneous measures of the panelists' specific support for the Supreme Court (\mathbf{X}_t):

$$\begin{aligned} y_{i,t} &= \alpha_i + \lambda_t \beta_i + \rho_{y_t, y_{t-1}} y_{i,t-1} + \rho_{y_t, \mathbf{X}_t} \alpha_i = \mu_\alpha + \gamma_\alpha \mathbf{Z}_i + \zeta_{\alpha i}, \\ \beta_i &= \mu_\beta + \gamma_\beta \mathbf{Z}_i + \zeta_{\beta i}, \\ y_{i,t=0} &= \mu_{y_{t=0}} + \gamma_{y_{t=0}} \mathbf{Z}_i + \zeta_{y_{t=0}}, \end{aligned} \quad (2)$$

Table A1 compares two ALT models of change in diffuse support for the Court. Column 1 provides model estimates for the ALT model that does not allow for a trend while Column 2 displays the results of the model with a trend. Table A2 provides the results of Equation 2. The estimated χ^2 statistic ($\chi^2 = 82.685$, $df=4$, $p < 0.00$) is recalibrated using scaling correction factors (Satorra and Bentler 2010), indicating that adding a trend term for each panelist significantly improves explanatory power.

Table A1. ALT models of diffuse support

	No Slopes	With Slopes
<i>Model fit statistics</i>		
CFI	0.976	0.990
RMSEA	0.032	0.022
χ^2 Fit	187.548	108.163
Deg. of Freedom	53	49
χ^2 Difference	82.685 (DF=4, $p < 0.001$)	
<i>Hierarchical component</i>		
μ_α	2.149*	2.267*
	(0.061)	(0.066)
σ_α^2	3.105*	3.767*
	(0.132)	(0.206)
μ_β		0.009
		(0.011)
σ_β^2		0.010*
		(0.002)
$\alpha \leftrightarrow \beta$		-0.040*
		(0.019)
N	2445	2445

* indicates $p < 0.05$. Standard errors in parentheses.

Table A2. Individual-level diffuse support: Conditional ALT model with time-invariant and time-varying predictors

<i>Time-varying predictor</i>	
Specific Support _t → Diffuse Support _t	0.288* (0.021)
<i>Diffuse Support Constant</i>	
Intercept	-4.088* (0.354)
Symbolic Conservatism	0.004 (0.031)
7-Point Party Identification	-0.052* (0.026)
Years of Education	0.157* (0.023)
Political Knowledge	0.260* (0.024)
Female	-0.178* (0.079)
White	-0.036 (0.105)
Support for Minority Political Liberty	0.319* (0.050)
Support for Rule of Law	0.509* (0.062)
<i>Diffuse Support Slope</i>	
Intercept	0.007 (0.041)
Symbolic Conservatism	-0.014* (0.004)
7-Point Party Identification	0.003 (0.003)
Years of Education	0.004 (0.003)
Political Knowledge	0.003 (0.003)
Female	0.018 (0.010)
White	0.015 (0.014)
Support for Minority Political Liberty	-0.001 (0.006)
Support for Rule of Law	0.004 (0.008)
CFI	0.963
RMSEA	0.023
χ^2	656.666*
DOF	243
<i>N</i>	3177

* indicates coefficients significant at the $p < 0.05$ level. Standard errors are in parentheses. Additional model parameters are suppressed for clarity.

Appendix B Alternative Model and Dependent Variable Specifications

This appendix provides the results of the various additional model specifications we estimated to probe the robustness of our conclusions. First, Table B1 replicates the model specification in Table A1, using as the dependent variable the average value of respondents' answers to the diffuse support battery. Second, Table B2 replicates the model with the original dependent variable but omits the autoregressive terms. Finally, Tables B3 and B4 replicate Tables A1 and A2, restricting the sample to only those respondents who responded to the initial wave of the study. Table B5 provides a conditional bivariate ALT model. Tables B6 and B7 replicate the analysis in Table A2, subsetting the respondents to high (above the median) and low (below the median) political knowledge. Table B8 provides information on the amount of change in Diffuse Support Score between the first and last waves among those panelists who participated in at least 3 waves. We find that nearly 90% of panelists are within 2 points of their initial position at the end of the panel.

Table B1. Autoregressive latent trajectory models of diffuse support with and without linear trends. Diffuse support measured as mean value of responses

	No Slopes	With Slopes
<i>Model fit statistics</i>		
CFI	0.961	0.984
RMSEA	0.037	0.025
χ^2 Fit	230.39	123.645
Deg. of Freedom	53	49
χ^2 Difference	98.14 (DF=4, $p < 0.001$)	
<i>Hierarchical component</i>		
μ_α	3.116*	3.171*
	(0.029)	(0.027)
σ_α^2	0.608*	0.747*
	(0.026)	(0.036)
μ_β		0.000
		(0.013)
σ_β^2		0.002*
		(0.001)
$\alpha \leftrightarrow \beta$		-0.016*
		(0.003)
<i>N</i>	2445	2445

* indicates statistical significance at the $p < 0.05$ level. Standard errors are in parentheses.

Table B2. Latent trajectory models of diffuse support with and without linear trends. Autoregressive terms omitted

	No Slopes	With Slopes
<i>Model fit statistics</i>		
CFI	0.961	0.985
RMSEA	0.037	0.024
χ^2 Fit	230.39	142.975
Deg. of Freedom	53	49
χ^2 Difference	86.94 (DF=4, $p < 0.001$)	
<i>Hierarchical component</i>		
μ_α	3.116*	2.302*
	(0.029)	(0.057)
σ_α^2	0.608*	3.978*
	(0.026)	(0.125)
μ_β		0.017*
		(0.005)
σ_β^2		0.002*
		(0.001)
$\alpha \leftrightarrow \beta$		0.012*
		(0.002)
N	2445	2445

* indicates statistical significance at the $p < 0.05$ level. Standard errors are in parentheses.

Table B3. ALT models of diffuse support, Initial Wave Panelists Only

	No Slopes	With Slopes
<i>Model fit statistics</i>		
CFI	0.972	0.989
RMSEA	0.037	0.024
χ^2 Fit	171.556	95.101
Deg. of Freedom	53	49
χ^2 Difference	82.049 (DF=4, $p < 0.001$)	
<i>Hierarchical component</i>		
μ_α	2.263*	2.415*
	(0.072)	(0.075)
σ_α^2	3.162*	3.996*
	(0.152)	(0.223)
μ_β		0.002
		(0.013)
σ_β^2		0.011*
		(0.002)
$\alpha \leftrightarrow \beta$		-0.058*
		(0.022)
N	1598	1598

* indicates $p < 0.05$. Standard errors in parentheses.

Table B4. Individual-level diffuse support: Conditional ALT model with time-invariant and time-varying predictors, Initial Wave Only

<i>Time-varying predictor</i>	
Specific Support _t → Diffuse Support _t	0.296* (0.024)
<i>Diffuse Support Constant</i>	
Intercept	-4.180* (0.346)
Symbolic Conservatism	-0.032 (0.036)
7-Point Party Identification	-0.024 (0.030)
Years of Education	0.165* (0.026)
Political Knowledge	0.265* (0.028)
Female	-0.201* (0.093)
White	-0.095 (0.120)
Support for Minority Political Liberty	0.296* (0.059)
Support for Rule of Law	0.584* (0.071)
<i>Diffuse Support Slope</i>	
Intercept	0.044 (0.047)
Symbolic Conservatism	-0.011* (0.005)
7-Point Party Identification	0.003 (0.004)
Years of Education	0.003 (0.004)
Political Knowledge	0.000 (0.004)
Female	0.023 (0.012)
White	0.008 (0.018)
Support for Minority Political Liberty	-0.001 (0.007)
Support for Rule of Law	-0.003 (0.009)
CFI	0.959
RMSEA	0.027
χ^2	612.047*
DOF	243
<i>N</i>	2128

* indicates coefficients significant at the $p < 0.05$ level. Standard errors are in parentheses. Additional model parameters are suppressed for clarity.

Table B5. Conditional bivariate ALT model

	<i>Diffuse Support Constant</i>	<i>Specific Support Constant</i>
Intercept	-4.546* (0.260)	-0.094 (0.200)
Ideology	-0.011 (0.027)	-0.027 (0.020)
Years of Education	0.174* (0.019)	0.024 (0.015)
Party ID	-0.040 (0.022)	-0.082* (0.016)
Political Knowledge	0.282* (0.018)	0.016 (0.012)
Minority Liberty	0.408* (0.042)	-0.020 (0.032)
Rule of Law	0.494* (0.052)	0.095* (0.041)
Female	-0.169* (0.069)	0.003 (0.053)
White	-0.053 (0.081)	-0.137* (0.122)
σ^2_α	1.545* (0.098)	0.680* (0.035)
	<i>Diffuse Support Slope</i>	<i>Specific Support Slope</i>
Intercept	0.038 (0.034)	0.003 (0.025)
Ideology	-0.009* (0.003)	-0.007* (0.003)
Years of Education	0.002 (0.002)	0.000 (0.002)
Party ID	-0.003 (0.003)	0.002 (0.002)
Political Knowledge	0.000 (0.002)	-0.002 (0.002)
Minority Liberty	0.004 (0.005)	0.006 (0.004)
Rule of Law	-0.002 (0.006)	-0.004 (0.005)
Female	0.020* (0.008)	0.010 (0.007)
White	0.021* (0.010)	0.009 (0.007)
σ_β	0.009* (0.001)	0.003* (0.001)
<i>Correlated errors</i>		
$\alpha_{Diffuse}$ with $\alpha_{Specific}$	0.401* (0.038)	
$\beta_{Diffuse}$ with $\beta_{Specific}$	0.002* (0.001)	
$\alpha_{Diffuse}$ with $\beta_{Diffuse}$	-0.008 (0.009)	
$\alpha_{Diffuse}$ with $\beta_{Specific}$	0.002 (0.005)	
$\beta_{Diffuse}$ with $\alpha_{Specific}$	-0.003 (0.004)	
<i>Time-varying predictor</i>		
Specific Support _t → Diffuse Support _t	0.190* (0.016)	
CFI	0.958	
RMSEA	0.029	
BIC	154799.980	
χ^2	1270.547*	
DOF	348	
N	3177	

* Indicates significant at $p < 0.05$. Standard errors are in parentheses.

Table B6. Individual-level diffuse support: Conditional ALT model with time-invariant and time-varying predictors, high knowledge

<i>Time-varying predictor</i>			
	Specific Support _t → Diffuse Support _t	0.313*	(0.026)
<i>Diffuse Support Constant</i>		<i>Diffuse Support Slope</i>	
Intercept	−5.772*	Intercept	0.186*
	(0.515)		(0.062)
Symbolic Conservatism	0.048	Symbolic Conservatism	−0.015*
	(0.049)		(0.007)
7-Point Party Identification	−0.098*	7-Point Party Identification	−0.003
	(0.032)		(0.006)
Years of Education	0.149*	Years of Education	0.001
	(0.030)		(0.004)
Political Knowledge	0.352*	Political Knowledge	−0.009
	(0.054)		(0.007)
Female	−0.176	Female	0.005
	(0.105)		(0.013)
White	0.222	White	0.005
	(0.161)		(0.024)
Support for Minority Political Liberty	0.360*	Support for Minority Political Liberty	−0.007
	(0.072)		(0.008)
Support for Rule of Law	0.647*	Support for Rule of Law	0.012
	(0.090)		(0.012)
AIC	82354.20		
BIC	83725.56		
SRMR	0.105		
<i>N</i>	1993		

* indicates coefficients significant at the $p < 0.05$ level. Standard errors are in parentheses. Additional model parameters are suppressed for clarity.

Table B7. Individual-level diffuse support: Conditional ALT model with time-invariant and time-varying predictors, low knowledge

<i>Time-varying predictor</i>			
	Specific Support _t → Diffuse Support _t	0.235*	(0.035)
<i>Diffuse Support Constant</i>		<i>Diffuse Support Slope</i>	
Intercept	-2.340*	Intercept	-1.356*
	(0.315)		(0.652)
Symbolic Conservatism	-0.040	Symbolic Conservatism	-0.007
	(0.039)		(0.005)
7-Point Party Identification	-0.014	7-Point Party Identification	0.007
	(0.035)		(0.008)
Years of Education	0.152*	Years of Education	0.008
	(0.034)		(0.004)
Political Knowledge	0.170*	Political Knowledge	0.007
	(0.037)		(0.004)
Female	-0.105	Female	0.024
	(0.115)		(0.015)
White	-0.198	White	0.017
	(0.139)		(0.026)
Support for Minority Political Liberty	0.251*	Support for Minority Political Liberty	0.012
	(0.068)		(0.008)
Support for Rule of Law	0.396*	Support for Rule of Law	-0.003
	(0.080)		(0.010)
AIC	60165.418		
BIC	61409.198		
SRMR	0.078		
<i>N</i>	1184		

* indicates coefficients significant at the $p < 0.05$ level. Standard errors are in parentheses. Additional model parameters are suppressed for clarity.

Appendix C Survey Details

We collect diffuse support data as well as other survey variables from the The American Panel Survey (TAPS). TAPS is a nationally-representative panel survey that conducts an online poll of adult respondents monthly. The survey was fielded beginning in December of 2011 by Knowledge Networks (now GfK Knowledge Networks). The sampling frame used to select the respondents is the U.S. Postal Service's computerized delivery sequence file (CDSF), which covers around 97% of the physical addresses in all fifty states including P.O. boxes and rural route addresses. This frame is appended with information regarding household residents' names, demographic characteristics of the inhabitants, and landline telephone numbers obtained from other sources such as the U.S. Census files and commercial data bases (e.g. White pages). The respondents are recruited based on a random stratified sample, where Hispanics and young adults between 18 and 24 years of age are slightly oversampled in order to account for their tendency to under-respond to surveys. Those individuals without internet access are provided with a computer and internet access. More technical information about the survey is available at <http://taps.wustl.edu>.

Upon entering the panel, each panelist completes a profile survey comprised of key demographic indicators. At the beginning of each month, members of the panel receive a notification to complete the new survey. Each wave remains open for approximately one month and takes between 15 and 25 minutes to complete. Such breadth of data provides researchers with a unique opportunity to investigate trends and changes at the individual level. For example, if an individual remains active in the panel for two years, TAPS collects over 1,000 variables at 24 different points in time for one individual. Such design invites investigation of individual-level change over both the short- and long-term. Like all panel surveys, TAPS experiences attrition. To deal with this issue, it includes three refreshments for the period of this study. They occurred in June 2012, February 2013, and August 2016. 65% of those responding in Wave 1 completed Wave 6.

The TAPS panel began before the publication of Bartels and Johnston (2013) and the general acceptance of subjective ideological disagreement as a predictor of diffuse support. As a result, we are unable to introduce the concept in the model without eliminating waves of data. We are heartened,

however, by two factors. First, the predictors we include in the model are all theorized to be time-invariant, and there is little reason to believe that subjective ideological disagreement does not vary over time. Second, the predictor we do allow to vary over time—performance satisfaction—is a measure of specific support, an umbrella concept under which subjective ideological disagreement falls.

Wave	Month
1	May 2012
2	July 2012
3	January 2013
4	July 2013
5	July 2014
6	January 2015
7	May 2015
8	July 2015
9	January 2016
10	March 2016
11	July 2016

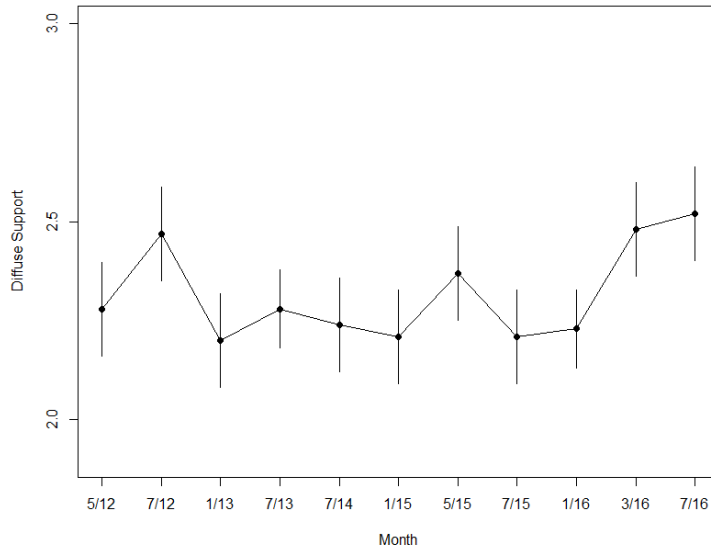
Table C1. Timing of Panel Waves

Wave	Month	Response Rate (no e)	Response Rate (with e)	Completion Rate	<i>N</i>
1	May 2012	5.2%	11.0%	87.2%	1511
2	July 2012	5.1%	11.0%	88.8%	1712
3	January 2013	4.8%	10.3%	83.0%	1652
4	July 2013	4.5%	9.9%	80.7%	1746
5	July 2014	4.3%	9.5%	77.6%	1583
6	January 2015	4.3%	9.5%	77.6%	1489
7	May 2015	4.1%	9.1%	74.0%	1461
8	July 2015	4.1%	9.0%	73.5%	1443
9	January 2016	4.1%	9.0%	73.4%	1704
10	March 2016	4.0%	9.0%	73.2%	1682
11	July 2016	4.9%	11.0%	89.2%	1624

Table C2. Response Rates and Retention

Appendix D Measurement

Figure D1. Change in Diffuse Support: Overall



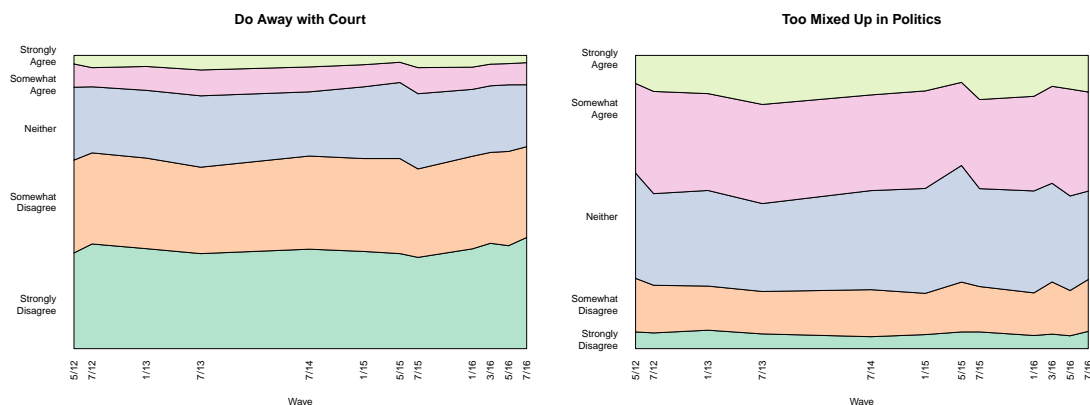
The figure plots average levels of diffuse support across the 11 waves of our panel for all panelists.

The outcome variable for this study is diffuse support for the Supreme Court. To obtain this measure, panelists were provided with a series of six statements intended to capture their willingness to “accept, make, or countenance major changes in fundamental attributes of how the high bench functions or fits into the U.S. Constitutional system” (Caldeira and Gibson 1992, 638). On each, panelists provided their level of support on a 5-point scale. We chose to collapse the coding of each item to 1 for those who disagreed with the statements and 0 for all other responses. We then aggregated each panelists’ responses to create a measure of *diffuse support* ranging from 0 to 6 (a 7-point scale). This measure was collected eleven times from 2012 to 2016.¹ Figure D1 shows the

¹Collapsing the measure into a dichotomous measure may lose valuable heterogeneity in the *degree* to which the panelists approve or disapprove of the Court. We replicated our analyses by taking the panelists’ mean on the 5-point scale across the 6 items. While the magnitude of the coefficients differs from the main analysis due to the different scale of the outcome variable, the results are similar. The results may be found in Table B1.

average value of diffuse support by wave.

Figure D2. The Stability of Diffuse Support



Both panels show the percentages of respondents who fall into each of the five response categories across the 11 waves and four years of the TAPS panel for two items recommended by Gibson, Caldeira and Spence (2003) to measure diffuse support. The left panel shows the stability of responses to the “Do Away with the Court” item while the right panel displays responses to the “Too Mixed Up in Politics” item.

Figure D2 plots the percentages of respondents who gave each possible answer to two of the most common indicators of diffuse support: respondents’ beliefs that the country should “do away with” the court if it made a string of unfavorable decisions and respondents’ beliefs that the Court is “too mixed up in politics.” The stability across responses is evident. Even though the Court issued highly salient rulings on issues as diverse as same-sex marriage, the health care mandate, and affirmative action during this time period, the percentage of respondents who give each answer remains almost identical over time. This is impressive evidence of aggregate stability.

While aggregate diffuse support for the Court may exhibit great stability, the possibility of individual-level volatility over time remains. Table D1 presents descriptive information on the amount of change at the respondent level for panelists who answered in at least three waves. Examination of panelists’ views of the Court’s legitimacy, controlling for party identification, provides some insight into the concept’s movement across time. Figure D3 displays the differences between Republicans’ and Democrats’ aggregate responses to the Court legitimacy battery over

Table D1. Change in Diffuse Support Score from Initial to Final Measure among long-term panelists

Amount of change	Number	Percentage
0	819	38.60
1	690	32.52
2	305	14.37
3	144	6.79
4	95	4.48
5	49	2.31
6	20	0.94
Total	2122	100

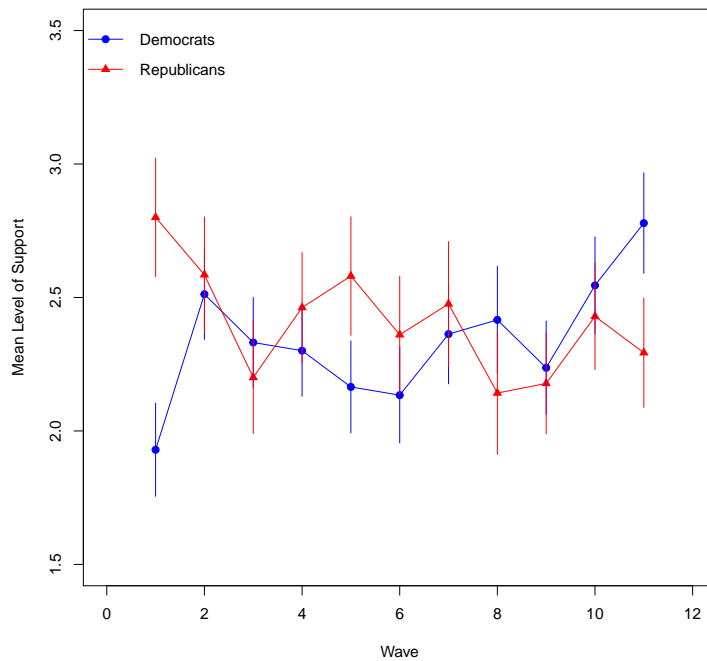
Change is tabulated for individual i as $|(\text{Diffuse Support}_{i1}) - (\text{Diffuse Support}_{in})|$, where $\text{Diffuse Support}_{it}$ is the sum of agreement with statements that are in the pro-legitimacy direction for each wave t . These unweighted counts were tabulated only among panelists for whom estimates could be generated for at least three waves.

the eleven waves of the study.² The panel’s initial measure in Wave 1 (May 2012) demonstrates a somewhat wide disparity of almost one point between the two sets of partisans. In this earliest stage of the analysis, Republicans identify greater levels of diffuse support for the Court. Following the decisions regarding the Affordable Care Act in June 2012 (comparing the first wave in May 2012 with the second wave in July 2012), we see some shifts among Democrats and Republicans. The former display slightly more support than the latter by Wave 3. This change in order appears to be somewhat short-lived, but neither set of partisans reach their original level of extremity in either direction. Nonetheless, we do find diverging marginal slopes: Republicans appear to have a slight negative trajectory with respect to diffuse support and Democrats seem to demonstrate a slight positive trajectory.

Our multivariate model employs a set of covariates to examine what drives the level and change in diffuse support. First, we measure ideology, or *symbolic conservatism*, by asking panelists to identify themselves on the traditional 7-point scale, ranging from “very liberal” (1) to “very conservative” (7). *Party identification* is similarly measured on a 7-point scale ranging from “strong Democrat” to “strong Republican.” To capture the panelists’ level of political sophistication, we use two different variables: *years of education* and *political knowledge*. Panelists report their highest

²Figure D4 displays the same for liberals and conservatives.

Figure D3. Average Levels of Diffuse Support, by Party

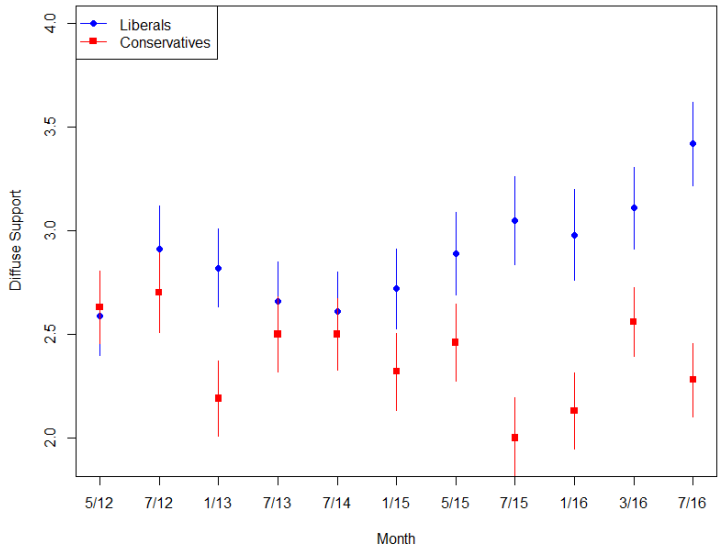


The figure plots average levels of diffuse support across the 11 waves of our panel by party identification. The *Sebelius* health care decision was decided between Wave 1 and Wave 2.

level of educational attainment on a 15-category scale. Panelists also complete a ten-item battery on political information. Their summed total of correct answers is used as the measure for political knowledge. Sex and race are measured by using dummy variables in which a value of 1 reflects *female* and *white*, respectively. Finally, we also include variables that measure the panelist's *support for the rule of law* and *support for minority political liberty*. For each, panelists provided their level of agreement with statements on a 5-point scale from which we calculated the average for our measures.

While the preceding explanatory measures are time-invariant in these models, we also include a dynamic, time-variant covariate in the final model: *specific support* for the Court. Each month, panelists are asked to provide their level of approval of how the Supreme Court is doing its job on a 5-point scale. We code specific support ranging from -2 (“strongly disapprove”) to $+2$ (“strongly approve”). Figure D5 plots the specific support measure, by party identification, over time. The

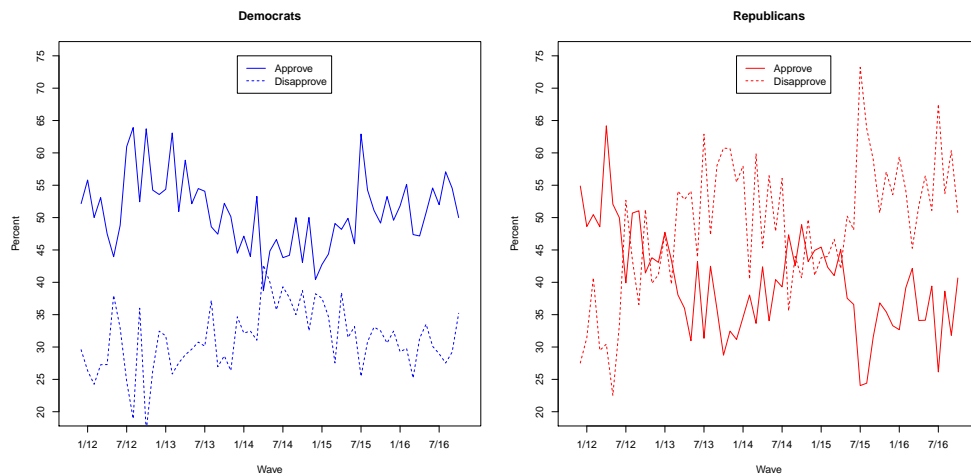
Figure D4. Average Levels of Diffuse Support, by Ideology



The figure plots average levels of diffuse support across the 11 waves of our panel by ideological identification. The *Sebelius* health care decision was decided between Wave 1 and Wave 2.

figure shows more stability in specific support judgments among Democrats than Republicans.

Figure D5. Average Levels of Specific Support, by Party



The figure plots average levels of specific support across the TAPS panel, by party identification. Note that the specific support question was asked in many more waves than the diffuse support battery.

Question Wording. Below, we provide the wordings for the questions used in our analyses:

Diffuse Support: *[Coded as the sum of disagree responses.]* Please indicate whether you agree with the following: *[Strongly agree; Agree; Neither agree nor disagree; Disagree; Strongly disagree; Don't know]*

- It is inevitable that the U.S. Supreme Court gets mixed up in politics; therefore, we ought to have stronger means of controlling the actions of the U.S. Supreme Court.
- The U.S. Supreme Court ought to be made less independent so that it listens a lot more to what the people want.
- Judges on the U.S. Supreme Court who consistently make decisions at odds with what a majority of the people want should be removed from their position as judge.
- If the U.S. Supreme Court started making a lot of decisions that most people disagree with, it might be better to do away with the Supreme Court altogether.
- The U.S. Supreme Court gets too mixed up in politics.

- The right of the Supreme Court to decide certain types of controversial issues should be reduced.

Party Identification Generally speaking, do you think of yourself as a ...? Would you call yourself a strong [party name] or not so strong [party name]? Do you think of yourself as closer to the Republican Party or to the Democratic Party? [*Strong Democrat; Not so strong Democrat; Lean Democrat; Independent; Lean Republican; Not so strong Republican; Strong Republican*]

Symbolic Conservatism In terms of your political views, do you think of yourself as:[*Very Liberal; Liberal; Slightly Liberal; Moderate; Slightly Conservative; Conservative; Very Conservative*]

Specific Support Do you approve or disapprove of the way the following are doing their jobs?:[*Strongly Approve (coded 2), Somewhat Approve (coded 1), Somewhat Disapprove (coded -1), Strongly Disapprove (coded -2), Not Sure (coded 0)*]

- The Supreme Court

Education: What is the highest level of school you have completed? [*No formal education; 1st, 2nd, 3rd, or 4th grade; 5th or 6th grade; 7th or 8th grade; 9th grade; 10th grade; 11th grade; 12th grade NO DIPLOMA; HIGH SCHOOL GRADUATE —high school DIPLOMA or the equivalent (GED); Some college, but no degree; Associate degree; Bachelor’s degree; Master’s degree; Professional degree; Doctorate degree*]

Political Interest: How interested would you say you are in politics and current affairs? [*very interested; somewhat interested; not very interested; not at all interested*].

Political Knowledge: [*Coded as the sum of correct answers. Response options for these questions are available at taps.wustl.edu*]

- Which party holds a majority of seats in the U.S. House of Representatives in Washington?
- How many votes are required in Congress to override a presidential veto?
- How long is one term for a member of the U.S. Senate?
- The ability of a minority of senators to prevent a vote on a bill is known as what?

- Who is the Vice President of the United States?
- A president may serve . . .
- Members of the U.S. Supreme Court may serve . . .
- Who is Chief Justice of the United States Supreme Court?
- Social Security is . . .
- On which of the following federal programs is the most money spent each year?

Support for Minority Political Liberty: *[Coded as the mean of responses.]* Please indicate whether you agree with the following: *[Strongly agree=1; Agree=2; Uncertain=3; Disagree=4; Strongly disagree=5]*

- Society should not have to put up with those who have political ideas that are extremely different from the majority.
- It is better to live in an orderly society than to allow people so much freedom that they can become disruptive.
- Free speech is just not worth it if it means that we have to put up with the danger to society of extremist political views.

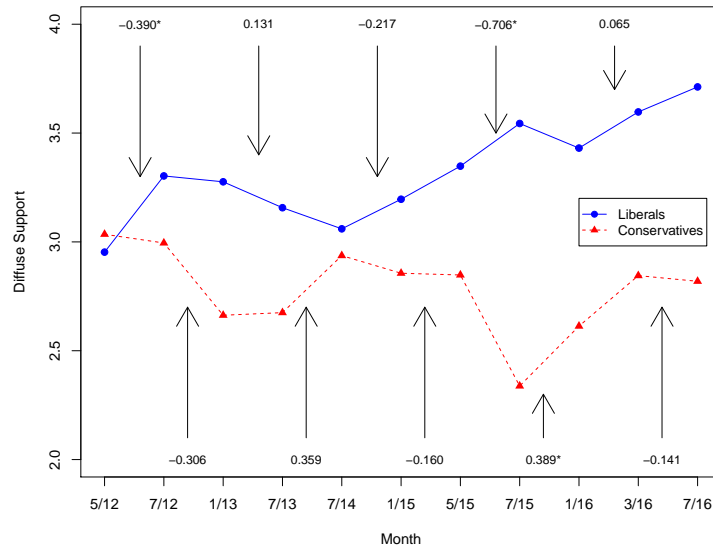
Support for Rule of Law: *[Coded as the mean of responses.]* Please indicate whether you agree with the following: *[Strongly agree=1; Agree=2; Uncertain=3; Disagree=4; Strongly disagree=5]*

- It is not necessary to obey a law you consider unjust.
- Sometimes it might be better to ignore the law and solve problems immediately rather than wait for a legal solution.
- The government should have some ability to bend the law in order to solve pressing social and political problems.

- It is not necessary to obey the laws of a government I did not vote for.
- When it comes right down to it, law is not all that important; what's important is that our government solve society's problems and make us all better off.

Appendix E Difference in Difference Analysis

Figure E1. Difference in Differences Analysis by Ideology



The figure plots the predicted levels of diffuse support from DiD analyses across the 11 waves of our panel by ideological identification. The numbers represent the coefficient of the interaction term. * indicates the estimate is significant at the 0.05 level.

Table E1. Difference-in-Difference Effects of Partisanship on Diffuse Support, Republicans vs. Democrats

Wave 2 (V.s. Wave 1)	0.456*																		
	(0.110)																		
Wave 3 (V.s. Wave 2)		-0.112																	
		(0.107)																	
Wave 4 (V.s. Wave 3)			-0.083																
			(0.107)																
Wave 5 (V.s. Wave 4)				-0.113															
				(0.108)															
Wave 6 (V.s. Wave 5)					0.099														
					(0.112)														
Wave 7 (V.s. Wave 6)						0.125													
						(0.116)													
Wave 8 (V.s. Wave 7)							0.099												
							(0.119)												
Wave 9 (V.s. Wave 8)								-0.067											
								(0.115)											
Wave 10 (V.s. Wave 9)									0.172										
									(0.110)										
Wave 11 (V.s. Wave 10)										0.150									
										(0.112)									
Wave 2 × Republican	-0.665*																		
	(0.167)																		
Wave 3 × Republican		-0.086																	
		(0.163)																	
Wave 4 × Republican			0.065																
			(0.161)																
Wave 5 × Republican				0.468*															
				(0.162)															
Wave 6 × Republican					-0.213														
					(0.168)														
Wave 7 × Republican						-0.069													
						(0.173)													
Wave 8 × Republican							-0.597*												
							(0.174)												
Wave 9 × Republican								0.316											
								(0.165)											
Wave 10 × Republican									0.079										
									(0.159)										
Wave 11 × Republican										-0.207									
										(0.162)									
Republican	0.452*	-0.213*	-0.299*	-0.234*	0.234*	0.020	-0.049	-0.646*	-0.329*	-0.251*									
	(0.122)	(0.114)	(0.116)	(0.111)	(0.117)	(0.121)	(0.123)	(0.122)	(0.111)	(0.114)									
Constant	2.526*	2.982*	2.871*	2.788*	2.675*	2.774*	2.900*	2.999*	2.932*	3.104*									
	(0.080)	(0.075)	(0.076)	(0.075)	(0.077)	(0.081)	(0.083)	(0.085)	(0.077)	(0.078)									
Observations	2,944	3,170	3,205	3,150	2,920	2,788	2,751	3,003	3,213	3,131									

Note: *P<0.05;

Table E2. Difference-in-Difference Effects of Partisanship on Diffuse Support, Conservatives vs. Liberals

Wave 2 (Vs. Wave 1)	0.350*									
	(0.143)									
Wave 3 (Vs. Wave 2)	-0.026									
	(0.136)									
Wave 4 (Vs. Wave 3)	-0.119									
	(0.136)									
Wave 5 (Vs. Wave 4)	-0.097									
	(0.139)									
Wave 6 (Vs. Wave 5)	0.136									
	(0.144)									
Wave 7 (Vs. Wave 6)	0.152									
	(0.148)									
Wave 8 (Vs. Wave 7)	0.197									
	(0.151)									
Wave 9 (Vs. Wave 8)	-0.114									
	(0.145)									
Wave 10 (Vs. Wave 9)	0.166									
	(0.138)									
Wave 11 (Vs. Wave 10)	0.115									
	(0.141)									
Wave 2 × Conservative	-0.390*									
	(0.196)									
Wave 3 × Conservative	-0.306									
	(0.190)									
Wave 4 × Conservative	0.131									
	(0.188)									
Wave 5 × Conservative	0.482*									
	(0.131)									
Wave 6 × Conservative	-0.217									
	(0.196)									
Wave 7 × Conservative	-0.160									
	(0.202)									
Wave 8 × Conservative	-0.706*									
	(0.203)									
Wave 9 × Conservative	0.389*									
	(0.192)									
Wave 10 × Conservative	0.065									
	(0.183)									
Wave 11 × Conservative	-0.141									
	(0.162)									
Conservative	-0.752*									
	(0.131)									
Constant	3.597*									
	(0.098)									
Observations	2,944	3,170	3,205	3,150	2,920	2,788	2,751	3,003	3,213	3,131

Note:

* $p < 0.05$;

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