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

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Is individual-level support for the U.S. Supreme Court stable over time? This study reports the results of a four-year panel study of Americans' support for the U.S. Supreme Court. We demonstrate that, despite a series of high-profile and controversial rulings, the Court's support has been remarkably stable. Moreover, what systematic changes in support for the Court exist are predicted by a single factor—the respondent's ideology—though the substantive magnitude of the effect is one that takes years to have substantive significance. Finally, looking at the Court's historic ruling on the Affordable Care Act, we find that shifts in support for the Court following the decision do persist over time, though they are also small in size. The results both confirm and challenge conventional wisdom, suggesting that the Court's support is more durable and secure than recent studies have suggested.

When it comes to the question of how legitimacy is created, maintained, and destroyed, social scientists have some theories and conjectures, but precious little data, and scant understanding of processes of opinion updating and change (Gibson and Caldeira 2009, 5).

Introduction

We are deluged with warnings that public support for American institutions has hit a nadir. Pew warned in July 2015 that "unfavorable opinions of the Supreme Court have reached a 30-year high. And opinions about the court and its ideology have never been more politically divided" (Pew Research Center 2015). Not to be left out, Gallup sounded the alarm in July 2016 that the Court's support matched a historic low, noting that the Court had not enjoyed the support of a majority of Americans since September 2010 (Jones 2016).

This is alarming. Because it lacks the power of the purse and the sword, the judiciary is uniquely dependent on public support for its efficacy (Caldeira and Gibson 1992). Low public support threatens institutional health. Without public support, courts are less able to achieve acceptance, implementation, and acquiescence to their decisions (Gibson, Caldeira and Baird 1998). In short, without the support of the public, courts are impotent.[1]

The most important form of public support is *legitimacy*, also termed diffuse support (Easton 1965). The academic literature on the Court's legitimacy suggests that Pew and Gallup are histrionic. Political scientists are continually reminded that the U.S. Supreme Court is "widely supported by the American people" due to its deep and durable store of institutional legitimacy (Gibson 2007, 207). The notion that the Court's legitimacy is high has become conventional wisdom among political scientists, even raising the question of whether it was possible for the Court to obtain

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[1]In addition to the rich literature on the legitimacy of the U.S. Supreme Court, scholars have also recently turned their attention to the high courts of the American states, finding that support for those courts varies widely but systematically (Cann and Yates 2016; Benesh 2006) and is affected by campaigns for judicial office (Gibson 2012).

too much legitimacy (Gibson and Nelson 2014*a*). Studies have documented high levels of diffuse support for the Court across repeated cross-sectional surveys (Gibson 2007), even finding that the Court's support remained unshaken in the wake of highly politicized rulings. Gibson, Caldeira and Spence (2003*a*) demonstrate, comparing cross-sectional surveys, that the Court's support remained stable before and after *Bush v. Gore* while Clawson and Waltenburg (2009), using a panel survey of African Americans, document similar stability in diffuse support before and after the Court's ruling in the University of Michigan affirmative action cases.

This conventional wisdom has not gone unquestioned. Recent empirical findings have suggested that support for the Court is more closely tied to performance satisfaction than earlier studies appreciated (Bartels and Johnston 2013). These findings have direct implications for the dynamics of diffuse support. If legitimacy and performance satisfaction are tightly linked, then the Court's support should ebb and flow with the public's satisfaction with its rulings. Indeed, evidence following the Court's ruling on the constitutionality of the Affordable Care Act suggests that individual-level change in diffuse support in response to the ruling is both tied directly to performance satisfaction *and* is persistent (Christenson and Glick 2015*a*).

Our ability to understand changes in the Court's support over time has been hampered by data availability. Evaluating concerns about the stability of institutional support at the individual level requires panel data, and such surveys—especially if one wishes them to be nationally representative— are quite expensive. As a result, few have been conducted, and the vast majority of existing research on the legitimacy of the U.S. Supreme Court is based upon cross-sectional survey designs that are unable to assess individual-level temporal dynamics. The lack of panel data concerning support for the U.S. Supreme Court is so severe that Gibson and Nelson (2014*b*) argue that "[t]he most pressing need for those seeking to understand judicial legitimacy is data capable of supporting dynamic analysis" (215).

Even where panel data have been used to study the Court, they cover relatively short periods of time or are not representative of the American people. Christenson and Glick (2015*a*) used a short, 4-wave panel survey that spanned a month around the Court's ruling on the Affordable Care

Act, 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 expanded our understanding of the Court's support in important ways, none is nationally representative. To our knowledge, only a single nationally representative panel, that used by Gibson and Caldeira (2009) to study Americans' support for the Court in the wake of the confirmation hearings for Samuel Alito, has been conducted. That panel lasted one year, necessarily leaving open the question of the durability of the Court's support over longer periods of time.

As a result, we do not know the extent to which any dips or gains in the Court's support among individuals survive the passage of more than a handful of months. Given that the Court clusters its most important decisions during the month of June (Epstein, Landes and Posner 2015), it may be the case that what appear to be meaningful changes in the Court's support revert to an equilibrium level of support by the time the Court's next term begins. Were this the case, support for the Court would appear to change in short-term panel surveys or in experimental settings but would actually be relatively stable—even at the individual level—over time. Indeed, in their pioneering study of the stability of public opinion toward the Court, Mondak and Smithey (1997) suggest that, even for important cases, the window of opportunity for a decision to affect public support for the court is about one month. At that point, support reverts back to its equilibrium level. Because the Court decides most of its important cases in June of each year, panel surveys that encompass only a single year are unable to assess the sort of change that existing theory predicts will erode diffuse support: a number of displeasing decisions made over a period of time (Easton 1965; Gibson and Caldeira 1992).

Short panels, therefore, can help us understand whether support for the Court shifts in response to a displeasing decision (or set of decisions), but they are unable to examine the *persistence* of these effects. Persistence is important: if support for the Court tends to revert back to an equilibrium level, as Mondak and Smithey (1997) suggest, then the Court is free to make decisions that anger the

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American people with relative impunity. The existence of persistent changes in support, however, would suggest that the Court's legitimacy is more malleable than existing theory suggests.

The normative implications of either finding clearly relate to the power of the U.S. Supreme Court in American life. The extent to which short-term changes in support are permanent is a matter of fundamental interest to those who care about the efficacy of the U.S. Supreme Court. Were it the case that shocks to the Court's support were ephemeral, and the Court's support reverted back to a mean level of support, the Court would be even more powerful than generally appreciated. Conversely, if the Court's support is tied to performance satisfaction and changes in support persist, then the findings would suggest that the Court's ability to act as an independent check on legislative and congressional action is quite limited.

We assess the stability of the Court's support, drawing upon the most comprehensive panel data concerning support for the U.S. Supreme Court ever assembled. Tracking attitudes toward the Court measured over 11 waves and four years, our data enable us to test hypotheses about change and stability toward the U.S. Supreme Court that have been beyond the capacity of prior research designs to test. We address both micro-level and macro-level change in support for the U.S. Supreme Court over the second half of the Obama administration, a period of time in which the Court's rulings were highly salient in American life. Our panel data enable us to trace the persistence of any shifts in support, thereby providing evidence about the extent to which displeasing decisions have long-term deleterious consequences for the Court.

Our analysis reveals a remarkable stability in public support for the Court. Through a period in time in which the Court issued high profile rulings on issues as diverse as the constitutionality of the Affordable Care Act, the federal Constitution's guarantee of marriage to same-sex couples, the ability of colleges to use race as a criterion in admissions, and the constitutionality of President Obama's immigration plan, support for the Court was relatively unwavering. Moreover, those changes that did occur were minor and predicted by a single factor: a respondent's ideology. Further, changes in support for the Court in response to the Court's historic decision on the Affordable Care Act do persist over time; however, their substantive magnitude is minuscule. The results should

allay journalistic fears that a decline in support has weakened the efficacy of the judiciary and instead suggests that the Court's support may be even more robust than even the most optimistic previous accounts had suggested.

Types of Institutional Support

Scholars, following Easton (1965), typically distinguish between two types of institutional support: diffuse support and specific support. *Diffuse support*—legitimacy—refers to "a reservoir of favorable attitudes or good will that helps members to accept or tolerate outputs to which they are opposed or the effects of which they see as damaging to their wants" (Easton 1965, 273). When legitimate institutions make unpopular decisions, dissatisfied constituents draw upon the reservoir of support they hold for the institution and acquiesce to the institution and eventually accept the disagreeable decision. As a result, Easton (1965) notes, diffuse support "taps deep political sentiments and is not easily depleted through disappointment with outputs thereby suggesting that diffuse support is durable, remaining fairly constant over time" (275).

While it is important to all political institutions, diffuse support is particularly important for judicial institutions, whose role in a democratic political system is, in part, to issue rulings that contravene public opinion and protect the rights of minorities (Gibson and Nelson 2014*b*). Because institutions with a deep reservoir of diffuse support are able achieve acceptance of decisions that are contrary to public opinion, high levels of legitimacy are essential for courts seeking to fulfill their institutional responsibilities (Tyler 2006).

Scholars measure diffuse support by assessing citizens' level of agreement with statements that assess their willingness to support fundamental changes to an institution, such as its jurisdiction, size, and even its very existence (Gibson, Caldeira and Spence 2003*a*). By these measures, support for the U.S. Supreme Court is generally high, especially when compared to other high courts worldwide (Gibson, Caldeira and Baird 1998; Gibson 2007). Moreover, at least in repeated cross-sectional samples, support for the Court tends to be relatively stable over time. Indeed, all of the available evidence suggests that the U.S. Supreme Court has maintained a high level of institutional support

for decades (e.g. Gibson 2007).

A second type of institutional support is *specific support*: "satisfaction with the performance of a political institution" (Gibson and Caldeira 1992, 1126). While diffuse support reflects global, longer-term support for institutions, specific support tends to shift more rapidly, responding to current (and perhaps fleeting) considerations about individuals' satisfaction. Indeed, individuals might assess institutional performance on a number of policy-related and nonpolicy dimensions, ranging from their agreement with institutional outputs to their happiness with institutional policy and performance (Gibson and Nelson 2015).

The Dynamics of Institutional Support

The vast majority of the existing empirical evidence on diffuse support for the U.S. Supreme Court has been based upon cross-sectional surveys of the American people. Yet, diffuse support is important for institutions precisely because of its *dynamic* qualities. Institutions draw on their level of support among their constituents at Time $t - 1$ to achieve implementation and acceptance of an unpopular decision made at Time t. Moreover, if that unpopular decision made at Time t has lasting negative effects on institutional support at Time $t + 1$, it harms that institution's ability to make future unpopular decisions. As a result, understanding the dynamics of institutional support is important to understand the extent to which institutions have lasting ability to make unpopular decisions.

Conventional wisdom suggests that the U.S. Supreme Court's support is high and stable. Easton (1965) and the Legitimacy Theory that stems from his systems analysis of politics suggests that diffuse support for the Court should be stable. This prediction has been supported by repeated cross-sectional research designs that compare the Court's support at the aggregate level. For example, Gibson, Caldeira and Spence (2003*b*), relying upon repeated cross-sectional samples of the American people, found that support for the Court was unaffected by its highly controversial ruling in *Bush v. Gore*, and the institution maintained its high level of diffuse support even after the ruling. Likewise, in their year-long panel survey surrounding the Alito confirmation, Gibson

and Caldeira (2009) find "a) reasonably high levels of support for the Court, and b) a great deal of stability in responses across the waves of the panel" (99).[2]

The parity in the American public provides another mechanism that can explain aggregate stability in the U.S. Supreme Court's support over time. As Christenson and Glick (2015*a*) demonstrate, support for the Court moves in both directions—positive and negative—after the public learns about important judicial decisions. This can lead to aggregate stability, particularly when the American people are divided over what a "good" outcome in a particular case is. Indeed, Gibson and Nelson (2015) have suggested that, because the American people are divided fairly equally on many issues, even a strong relationship between performance satisfaction and diffuse support is not a grave threat to the Court's legitimacy because the number of individuals who are pleased with the decision and the number of individuals who are disappointed in the decision are approximately equal in number, thereby canceling each other out in the aggregate.[3]

Where studies have shown large amounts of over-time change in the Court's support, their evidence tends to be dated, not reliant upon panel studies, and based upon measures of institutional legitimacy that do not comport with best practices in measuring institutional support. First, Caldeira (1986) shows significant variation in aggregate *confidence* in the U.S. Supreme Court over time. However, as Gibson, Caldeira and Spence (2003*a*) demonstrate, confidence and legitimacy are distinct theoretical and empirical concepts. Second, given that legitimacy is typically operationalized as resistance to fundamental changes in institutional structure reaction to the most well-known such attempt—F.D.R.'s court-packing plan—provides a particularly salient example. Caldeira (1987), examining support for the plan over 18 cross-sectional Gallup polls over a 4-month period, finds that

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[2]Specifically, "[t]he correlations of the four item indices of support (simply the mean response to the four items) vary from .40 ($t_1 - t_3$) to .53 ($t_2 - t_3$)" (Gibson and Caldeira 2009, 99).

[3]Were the aggregate stability of the Court's support dependent upon the aggregate balance of liberals and conservatives in the American population, rather than a stability that also persists at the individual level, it would suggest that the Court's power is contingent upon other, macro-level trends in American politics, such as party realignment.

support for the plan, and, by extension, the Court's legitimacy, was affected by both the coverage of the mass media and historical political events. Thus, the best available evidence has demonstrated a remarkable stability in the Court's support, at least at the aggregate level.

There is much less data about changes in individual-level support for the Court, though two prominent theories suggest that support should be stable at the individual level, as well. Easton (1965), like Mondak and Smithey (1997) and Tanenhaus and Murphy (1981), suggests that diffuse support should be stable at the individual level because it is driven by individual-level fundamental commitments to democratic values. Because these democratic values are themselves unchanging and rooted in childhood socialization into the political process, exposure to displeasing actions by an institution is not enough to change one's fundamental commitment to the institution. As Mondak and Smithey (1997) put it: short term dissatisfactions with the Court's decisions "do not eradicate a lifetime of political socialization" (1124). Where one is socialized to accept a combination of wins and losses as part of the reality of political life, she is unlikely to reassess her fundamental institutional commitments in the face of a handful of displeasing decisions.

The public's short attention span provides a second, psychological reason for temporal stability. Mondak and Smithey (1997) write that "[t]he window of opportunity for a decision to affect institutional support stays open only so long as the ruling remains salient—in other words, not long at all for most cases" (1122). After a controversial case is decided, media coverage and public awareness of a decision decline quickly (Franklin and Kosaki 1995). As a result, few cases have the staying power to affect support for the Court because the public forgets about them, denying the displeasing decision the ability to affect one's support for the Court.[4] Thus, we predict:

> *H1: Support for the Court should be stable at the individual and aggregate levels over*
> *time.*

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[4]As Mondak and Smithey (1997) note, this attention mechanism helps to reconcile experimental approaches—which are often able to demonstrate a change in support for the Court in response to a decision—and observational data that show stability. The experimental stimulus is enough to cause a change in support, but that change is fleeting, dissipating almost immediately.

A second concern relates to the extent that whatever fluctuations in diffuse support that exist are systematically related to shifts in specific support. The relationship between specific and diffuse support for the U.S. Supreme Court has recently become a topic of great debate among scholars. Traditional Legitimacy Theory implies that the Court's support should be relatively immune to large swings in legitimacy that result from dissatisfaction with a single opinion. Easton (1965) argues that "[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). After all, if the Court's support is not robust to a disagreeable decision, to what extent is a "reservoir of support" useful for the institution in the first place? A strong relationship between performance satisfaction and diffuse support thus risks turning the two into synonymous concepts.

While Easton's systems theory provides a strong conceptual distinction between specific and diffuse support, some recent studies have presented empirical evidence that the relationship between specific support and diffuse support is stronger than the conventional wisdom suggests. For example, Bartels and Johnston (2013), relying on a cross-sectional survey of the American people and a survey experiment, argue that there is a "potent ideological foundation" to the U.S. Supreme Court's legitimacy (184; see also Bartels, Johnston, and Mark 2015). Likewise, Christenson and Glick (2015*a*), relying upon a panel design surrounding the U.S. Supreme Court's first ruling on the constitutionality of the Affordable Care Act, find a statistically significant change in support for the Court's legitimacy tied with individual-level agreement with the Court's decision in that case. Indeed, if the linkage between performance satisfaction and diffuse support is as strong as the Christenson and Glick evidence suggests—with even single decisions having substantively important and statistically significant effects on support for the Court—then support for the Court may be highly variable, having little consistency over time.

Other studies reinforce the conventional wisdom, suggesting that Easton's original formulation— that diffuse and specific support should not be overly dependent on one another in the short-run—is still apt. Gibson and Nelson (2015) show that, while there is a statistically significant relationship

between diffuse support and satisfaction with the Court's decisions, the size of the effect is relatively small, accounting for a much smaller amount than Easton's favored predictors of diffuse support: democratic values. Similarly, Gibson and Nelson (2017) demonstrate that support for the Court is only lower among a segment of the public—the legal realists—that believes the Court's decisions are out of step with their preferred policies. Moreover, Gibson, Pereira and Ziegler (2017) provide some evidence to doubt that displeasing decisions are harmful to the Court's support because the sort of ideological updating mechanism required by theories that predict changes in support for the court in tandem with unfavorable decisions is based upon a set of assumptions that, in practice, few Americans are sophisticated enough to meet. Thus, following Easton (1965), we expect:

> *H2: Changes in individual-level support for the Court should correspond only weakly*
> *to changes in performance satisfaction.*

Third, to what extent do individual-level changes in diffuse support persist over time? Recall that some experimental studies, most prominently the evidence presented by Bartels and Johnston (2013), suggest that support for the Court can change in response to a single decision. What these single experiments are less able to determine is the extent to which the change they can induce in respondents is persistent, lasting after the respondent has completed the survey. Applied to the political world, to what extent does an individual's dissatisfaction with a judicial decision relate to a meaningful and long-term shift?

Existing theoretical and empirical evidence suggests that most individual-level change in the Court's support is temporary. Grosskopf and Mondak (1998) write that deleterious effects of displeasing decisions on support for the Court "clearly must attenuate fairly quickly" (652). Similarly, Mondak and Smithey (1997) posit a theory of values-based regeneration that explains aggregate stability even in the face of occasional individual-level performance dissatisfaction:

> A person's confidence in the Supreme Court can be shaken by controversial rulings, but
> the eventual reassertion of democratic values means that the individual's confidence in
> the Court may be restored. The decisions that spark antipathy toward the Court—and

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the intensity of that ill will—vary for different people and groups in society. In the aggregate, consequently, return to the value-based default judgment we have described constitutes a continuous process, because some current opponents of the Court always will be at the point where democratic attachments are regaining primacy. Therefore, just as a river cleanses itself over time, we propose that democratic values facilitate regeneration of institutional support (1124).

In other words, the deleterious effect of dissatisfaction with a single decision on aggregate-level support for the court is short-lived; after a shock, diffuse support gradually increases, eventually returning to its equilibrium level, as democratic values regenerate support for the Court.

This claim has been validated using representative, national samples of aggregate-level public opinion. Durr, Martin and Wolbrecht (2000) show that short-term disruptions in an individual's support for the Court have effects that last only for a short period. Their evidence suggests that, in the face of temporary changes in the public's ideological divergence from the U.S. Supreme Court's policymaking, support for the institution will return to its equilibrium level in about two years. However, in the face of a sustained shift in the Court's distance from the public, support for the Court gradually declines.

This evidence—emphasizing the necessity of accumulated disagreeable decisions before a decline in support—fits well with the process of change suggested by Easton (1965): "Unless the outputs run violently contrary to established expectations for considerable periods of time, the probability is that the members would prefer to accept them than to endanger the whole regime" (272). Or, as Gibson and Caldeira (2009) put it: "Like interpersonal trust and loyalty, a single incident may not destroy a relationship, but repeated violations of expectations over time can entirely deplete loyalty. Few social scientists today believe that support for political institutions is impervious to influence from institutional performance or exogenous shocks and events" (5). Thus, traditional legitimacy theory suggests that shocks to the Court's support should be temporary unless accompanied by other, repeated disagreeable decisions.

On the other hand, Christenson and Glick (2015a) show that dissatisfaction with the U.S.

Supreme Court's ruling on the constitutionality of the Affordable Care Act had effects that persisted at least a month, the length of their panel. However, because existing data on the Court are so rare, we know very little about the extent to which these effects persist over time or, as Mondak and Smithey (1997) suggest, gradually dissipate, returning support for the Court to its prior level. Indeed, we think it likely, given the public's sporadic attention to politics, that these effects are unlikely to persist. Thus:

> *H3: Shocks to individual-level support should be temporary, producing relatively stable*
> *individual-level support for the Court over time.*

Data

We test our hypotheses with data from a four-year nationally-representative panel that regularly queried respondents about their views toward the U.S. Supreme Court, The American Panel Survey (TAPS). TAPS is a nationally-representative panel survey that conducts an online poll of up to 3,000 adult respondents monthly.[5] Panelists answered diffuse support questions over eleven waves, the

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[5]The survey was started 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, mem-

timing of which are shown in Table 1.[6]

Wave	Month	Notable Supreme Court Decisions
1	May 2012	*NFIB v. Sebelius*
2	July 2012	
3	January 2013	*Fisher v. University of Texas*
		Shelby County v. Holder
		United States v. Windsor
4	July 2013	*NLRB v. Noel Canning*
		Burwell v. Hobby Lobby
5	July 2014	
6	January 2015	
7	May 2015	*King v. Burwell*
		Obergefell v. Hodges
8	July 2015	
9	January 2016	
10	March 2016	*Fisher v. University of Texas*
		Whole Women's Health v. Hellerstedt
		United States v. Texas
11	July 2016	

Table 1. Timing of Panel Waves Along with Illustrative U.S. Supreme Court Decisions

An important feature of the timing of the survey waves is the fact that panelists were surveyed in every July. TAPS respondents receive an invitation to complete the survey at the beginning of the month, and most complete the survey within a week of receiving the invitation.[7] As a result, 5 of the 11 waves of data are comprised of respondents who are providing their opinions on the Court

bers 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.

[6]Question wordings are provided in Appendix B.

[7]Of the 11 waves in this survey, an average of 72% of panelists per wave completed the survey within one week of fielding.

within a few weeks of the Court's most important decisions, which are handed out at the end of June each term. As a result, the design of the panel's waves makes finding evidence of instability particularly likely.

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.[8]

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 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

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[8]Collapsing 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 panelist's 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 Appendix A, Table A1.

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: *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").

Research Design and Method

We are interested in modeling change in diffuse support over time while also controlling for measurement error in the variables of interest. We conduct our analysis in two stages. First, we build an autoregressive latent trajectory (ALT) model, gradually adding complexity to the model to assess the durability of diffuse support. Second, we analyze change in diffuse support before and after a single high-profile decision, *National Federation of Independent Business v. Sebelius*.[9]

We begin by specifying a very basic ALT model, known as an unconditional univariate ALT model. For individual $i \in [1, N]$ at time period $t \in [1, T]$, we model diffuse support (y_{it}) as,

$$y_{i,t} = \alpha_i + \lambda_t \beta_i + \rho_{y_t, y_{t-1}} y_{i,t-1} + \epsilon_{it}, \quad \epsilon_{it} \sim N(0, \sigma_{y_t}) \forall t \neq 0$$

$$\begin{aligned}
\alpha_i &= \mu_\alpha + \zeta_{\alpha i}, \\
\beta_i &= \mu_\beta + \zeta_{\beta i}, \\
y_{i,t=0} &= \mu_{y_{t=0}} + \zeta_{y_{t=0}}
\end{aligned} \qquad \begin{pmatrix} \zeta_{\alpha i} \\ \zeta_{\beta i} \\ y_{i,t=0} \end{pmatrix} \sim N(0, \Sigma) \tag{1}$$

where λ_t is constrained to $\lambda = [1, 2, \ldots, T]$ to indicate a linear trend in diffuse support over time.

In this model, we conceptualize each individual's diffuse support as a linear trend over time specified by individual-specific intercepts (α_i) and slopes (β_i). While the model assumes a linear trajectory in the aggregate, this assumption is not strict. ALT models allow a prior value of diffuse

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[9]The *Sebelius* decision has been widely of interest to scholars of judicial politics. For other studies about the relationship between public opinion and the Court's decision in that case, see Johnston, Hillygus and Bartels (2014), Gibson (2015), Gibson, Pereira and Ziegler (2017), and Christenson and Glick (2015*b*).

support to influence the current value ($\rho_{y_t, y_{t-1}}$), therefore allowing the implied trajectories to deviate significantly from a strict linear trend across several waves.

To first gauge the nature of possible movement in diffuse support over time, 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 deterministic 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. [10]

We are also interested in the roles that time-invariant and time-variant short-term forces play in the panelists' reported diffuse support for the Court. To accomplish this task, we fit the conditional ALT model with both time-invariant ($\mathbf{Z}_i$) and time-varying predictors ($\mathbf{X}_i$). We alter the previous model in two key ways. First, we add a matrix of individual characteristics that are assumed to remain fixed within the period of study. Second, we include contemporaneous measures of the panelists' specific support for the Supreme Court.

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\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-1}} \mathbf{X}_{i,t-1} + \epsilon_{it}, \quad \epsilon_{it} \sim N(0, \sigma_{yt}) \forall t \neq 0, \\
\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}
\tag{2}
$$

where γ_α and γ_β are vectors of coefficients relating the vector of time-invariant predictors $\mathbf{Z}$ to the intercept and slope of the latent trajectory respectively. Further, $\rho_{y_t \mathbf{x}_{t-1}}$ is a coefficient relating the

---

[10]The inclusion of autoregressive terms with a latent growth term may overspecify or misspecify the model (Voelkle 2008). To address this possibility, we also conducted the analysis removing the lagged, autoregressive terms. The results of these models were quite similar in fit and coefficient estimates and may be found in Appendix A.

contemporaneous value of time-varying court approval. We constrain $\rho_{y_t \mathbf{x}_{t-1}}$ to be constant across waves to facilitate interpretation.[11]

Results

Figure 1. The Stability of Diffuse Support
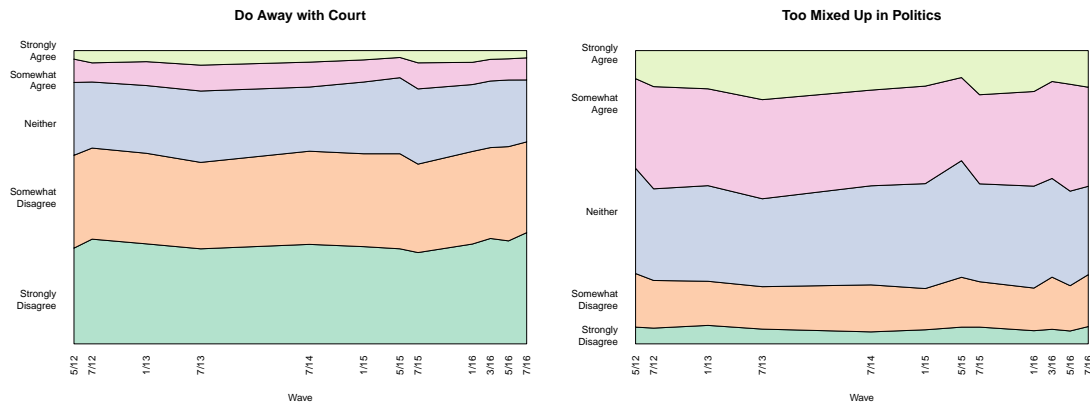
Both panels show the percentages of respondents who fall into each of the five response categories across the 11 waves and four years of the TAPS panel for two items recommended by Gibson, Caldeira and Spence (2003*a*) to measure diffuse support. The left panel shows the stability of responses to the "Do Away with the Court" item while the right panel displays responses to the "Too Mixed Up in Politics" item.

As a very first indication of the volatility or stability of diffuse support, Figure 1 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. Examination of panelists' views of the Court's

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[11]For the sake of brevity, we suppress the expression of the correlated errors in Model (2).

legitimacy, controlling for party identification, provides some insight into the concept's movement across time. Figure 2 displays the differences between Republicans' and Democrats' aggregate responses to the Court legitimacy battery over the eleven waves of the study. 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.

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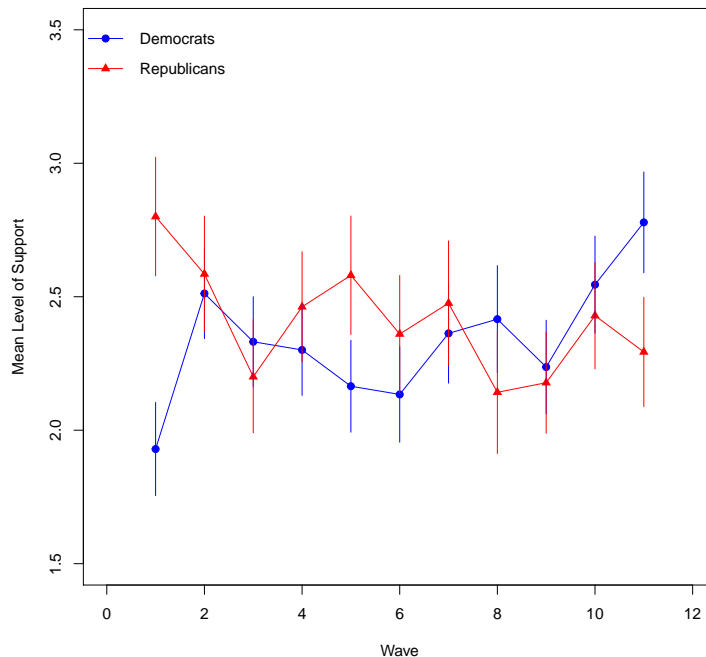
The figure plots average levels of diffuse support across the 11 waves of our panel by party identification. The *Sebelius* health care decision was decided between Wave 1 and Wave 2.

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Table 2 provides a more rigorous examination of the individual level of change in diffuse support for the Court. We determine whether the diffuse support of our panelists changes over time or if it maintains relative stability across all observable waves while accounting for measurement error. That is, we attempt to uncover whether observed change is an artifact of stochastic movement among some true mean level of judicial legitimacy or whether there is a more deterministic shift in individual-level observations. We estimate a model of latent diffuse support by assuming the trend is effectively zero ($\beta_i = 0 \ \forall i \in [1, N]$) and that survey responses are best conceptualized solely as variation around the individual-level constant (α_i). Once this model has been estimated, we re-estimate a model in which individual-level slopes of diffuse support are estimated for each panelist ($\beta_i \neq 0$). Having constructed the two models, we then compare the fits of the two to determine if allowing for individual variation while controlling for measurement error provides significantly more information regarding predictions of diffuse support at time t.

Fit statistics and parameter estimates of an unconditional ALT model of diffuse support can be found in Table 2. Column 1 provides those statistics for which there is no trend, while Column 2 displays the results of the model with a trend.[12] Overall, these measures of goodness of fit indicate that the measurement models are quite appropriate for the data. With respect to the nested model, the comparative fit indices (CFI) and root mean square error of adjustment (RMSEA) are quite close to 1 and 0 respectively, indicating overall excellent fit. While these metrics seem to suggest little room for improving the explanatory power of the model, the same figures for the model including individual time trends provide slightly better fit.[13]

It should not be surprising that the more complex model has better model fit. Still, it is necessary to perform a significance test to investigate the statistical relevance of adding a trend term to the estimation procedure. Using the methods recommended by Satorra and Bentler (2010) to compare the χ^2 statistics of a nested measurement model, we employ scaling correction factors to recalibrate

[12]All models were estimated with maximum likelihood estimation with robust standard errors using MPlus.

[13]Note that these fit statistics penalize for model complexity (Bollen 1989).

the statistics. The estimated χ^2 statistic ($\chi^2 = 82.685$, df=4, $p < 0.001$) indicates that adding a trend term for each panelist significantly improves explanatory power. The aggregate effects may not provide much evidence of movement, but allowing individuals to change over time significantly improves our ability to explain diffuse support.

An examination of the substantive magnitude of the estimated effects provides further evidence of aggregate level stability. The average slope for panelists in the model, μ_β, is estimated to be only 0.009. In other words, the average panelist in the model is only predicted to change her diffuse support a small fraction from her latent mean level. Across the four years of the panel, in the aggregate we witness very little change in the observed level of diffuse support. Moreover, this predicted directional change is not statistically distinct from a slope that is horizontal.

These results describe the amount of change in the average panelist. While there is no evidence of an aggregate-level trend, true directional change could be occurring at the individual level, and these results would not accurately reflect such shifts so long as change occurred among similar numbers of panelists but in opposite directions. This is exactly the concern suggested by Christenson and Glick (2015*a*) and Gibson and Nelson (2015). To this end, we further explore the possibilities of individual change.

Figure 3 provides the predicted change from the unconditional ALT model in diffuse support from each panelist's original level on the seven-point scale. First, it should be noted that the unconstrained nature of the model's autoregressive terms allows for trajectories of diffuse support that are not strictly linear. Rather, some respondents exhibit persistent trends away from their first wave while other respondents revert quickly to their original level of support after a shift. Over the course of the panel, many of the subjects remain at a predicted level of support that has slightly less than one point in categorical change.

Among those panelists with a notable trend in their support for the Court, the predictions derived from the model suggest polarizing trends of diffuse support for the court. The symmetric nature of these predictions illustrates how the results from Table 2 can produce a slope that is essentially zero in the aggregate. Some Americans did exhibit real change within the second half

Table 2. Autoregressive latent trajectory models of diffuse support with and without linear trends

|	Column 1 No Slopes ($\beta = 0$)	Column 2 With Slopes ($\beta \neq 0$)
Model fit statistics		
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, $p < 0.001$)	
Hierarchical component		
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 statistical significance at the $p < 0.05$ level. Standard errors are in parentheses.

of the Obama administration with respect to their views on the legitimacy of the Supreme Court. These changes, however, appeared to be "canceled out" due to trends in the opposite directions of similar magnitudes exactly as Christenson and Glick (2015*a*) and Gibson and Nelson (2015) suggested. In this way, overall support for the court as an institution remained largely unchanged, but individual-level opinion was somewhat dynamic.

Predicting Diffuse Support with Time-Variant and Time-Invariant Covariates

Having established that support for the Court was stable at the aggregate level and, on average, at the individual level, we now turn our attention to variation in diffuse support at the individual level. The analyses to this point treat all respondents as fungible, leaving unaddressed other possible predictors of diffuse support, both in the cross-section and dynamically. At this point in the analysis, we are interested in the extent to which individual-level changes in diffuse support over time differ

Figure 3. Predicted Individual-Level Change in Diffuse Support
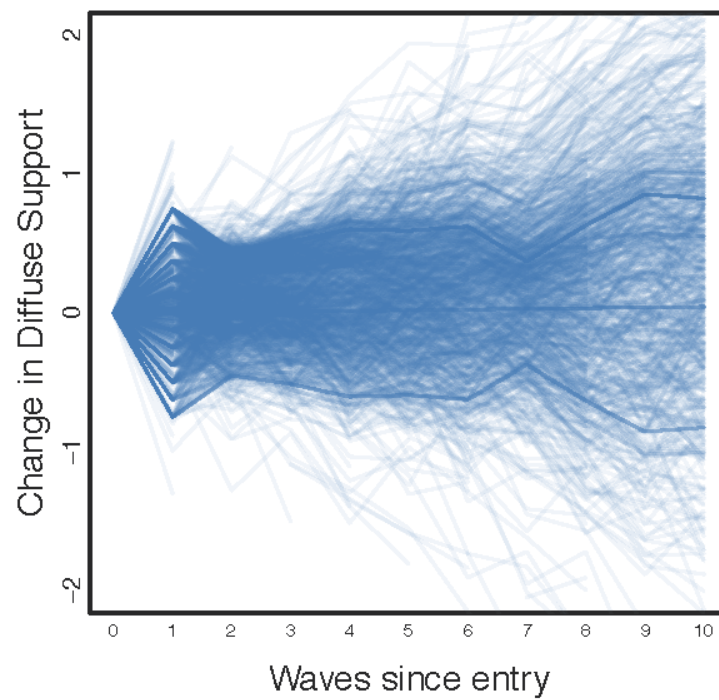
The figure shows predicted change in diffuse support based on estimates from Table 2. Every panelist is represented on the figure by a separate line that shows their predicted trend in diffuse support for the U.S. Supreme Court.

from changes merely attributable to measurement error across waves. Put differently, to what extent do respondent-level characteristics explain individual-level change in diffuse support?

To determine what drives deterministic change in panelists' diffuse support for the Court, we adjust the previous model in two key ways. First, we include a matrix of time-invariant covariates that previous research (e.g. Bartels and Johnston 2013; Gibson and Nelson 2015) has determined strongly predict perceptions of institutional legitimacy. We use these variables to predict the latent constant of diffuse support, as well as the change in the dependent variable over the course of this study. Second, we include a dynamic, time-varying covariate—Supreme Court approval—that is measured contemporaneously with those measures of diffuse support. At each time interval, the current level of diffuse support is regressed onto this measure of specific support.[14]

The results of this model may be found in Table 3. First, the results demonstrate that, even when controlling for the lagged value of diffuse support, current period specific support is positively related to the current level of diffuse support. To interpret this effect, consider that an individual who strongly approves of the court is coded as $+2$, while someone strongly disapproving of the court is coded as -2. All else equal, these two hypothetical individuals would be predicted to differ by more than one point on the seven-point scale. Such a difference accounts for nearly 13% of the entire scale of the outcome variable.[15] Thus, as Caldeira and Gibson (1992), Gibson (2007),

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[14]One deficiency of our model specification is the lack of subjective ideological disagreement in our model specification. The TAPS panel was begun 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.

[15]This effect size is similar to the effect size reported by Gibson and Nelson (2015) who also

and others have shown, Americans' satisfaction with the Supreme Court's performance is directly related to their perception of institutional legitimacy, even when controlling for measurement error. In other words, specific support seems to function as Easton (1965) originally hypothesized.

Table 3. Determinants of individual-level diffuse support: Conditional ALT model with time-invariant and time-varying predictors

Time-varying predictor			
Specific Support$_t$ →Diffuse Support$_t$	0.288*		
	(0.021)		

Diffuse Support Constant		Diffuse Support Slope	
Intercept	−4.088*	Intercept	0.007
	(0.354)		(0.041)
Symbolic Conservatism	0.004	Symbolic Conservatism	−0.014*
	(0.031)		(0.004)
7-Point Party Identification	−0.052*	7-Point Party Identification	0.003
	(0.026)		(0.003)
Years of Education	0.157*	Years of Education	0.004
	(0.023)		(0.003)
Political Knowledge	0.260*	Political Knowledge	0.003
	(0.024)		(0.003)
Female	−0.178*	Female	0.018
	(0.079)		(0.010)
White	−0.036	White	0.015
	(0.105)		(0.014)
Support for Minority Political Liberty	0.319*	Support for Minority Political Liberty	−0.001
	(0.050)		(0.006)
Support for Rule of Law	0.509*	Support for Rule of Law	0.004
	(0.062)		(0.008)
CFI	0.963		
RMSEA	0.023		
χ^2	656.666*		
DOF	243		
N	3174		

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

With respect to the latent level of diffuse support for each individual, we confirm longstanding hypotheses regarding what drives diffuse support for the Court. First, we find that more sophisticated individuals tend to approve of the Court's institutional legitimacy more than those who are less

found that a movement across the range of that same variable is associated with a change in diffuse support equal to 17% of its range.

sophisticated. For example, both years of education and political knowledge are estimated to have statistically reliable, positive, strong magnitude effects on the individual's latent level of support. In other words, our results reinforce the conventional wisdom that "to know the Court is to love it" (Gibson and Caldeira 2009). Second, we find that those Americans who have stronger support for the political liberties of minorities and stronger support for the rule of law are typically more likely to possess high levels of support for the Court, as Gibson and Nelson (2015) argued.

The political variables provide divergent results. First, we find that symbolic ideology is weakly and positively related to the latent variable of diffuse support. That is, we conclude that there is insufficient evidence to suggest that, on average, conservatives hold a higher opinion of the court's legitimacy, all else equal. Second, we do find that Republicans are predicted to have a lower level of diffuse support for the Court as an institution. Holding all other covariates constant, the model predicts that a strong Republican would have a lower level of diffuse support for the court than a strong Democrat by about one-third of a point on the seven-point scale. While this effect is quite small compared to the other reliable predictors of latent diffuse support, it is still reliable and speaks to the partisan gap in perceptions of the Supreme Court shown in Figure 2.

Confirming traditional views of what influences diffuse support is important, but our real interest in this analysis is identifying those factors that are related to real, long-term change in individual perceptions. The second column of results in Table 3 provides insight into this question. First, most of the covariates that drive the latent level of diffuse support in the cross section do not play a role in determining the amount and direction of change in the same variable over time. For example, measures of political sophistication such as years of education and political knowledge all maintain only faint, positive effects, indicating that whatever relationships between sophistication and change exist are not reliably distinct from zero. We also find that support for the rule of law and the political rights of minorities do not seem to play a role in influencing the deterministic trends of individuals during the second half of the Obama administration. Importantly, not only are none of these variables statistically significant but their substantive magnitude is also minuscule, reinforcing the conclusion that none of these concepts are meaningfully related to change in diffuse support.

Second, we find some suggestion that real, deterministic change in diffuse support is in part driven by individuals' political orientations. Somewhat surprisingly, partisanship does not exert a precise effect on long-term change. While we demonstrated in Figure 2 that Republicans and Democrats provided divergent trajectories of diffuse support over the course of the eleven waves, we find that such divisions are not driven predominantly by party identification. Instead, we find that conservatism is significantly and negatively related to change in diffuse support.

The extent to which this change is predicted is fairly important. Symbolic conservatism's magnitude may appear quite small, considering the dependent variable is a seven-point scale. The model that predicts that a strong conservative decreased her level of diffuse support by more than one whole point on the dependent variable scale by the end of Wave 11 than a similar, hypothetical strong liberal, holding all else equal. The model predicts that statistically significant and lasting long-term change occurs between panelists on opposite ends of the ideological spectrum. While it appears that the decisions of the Roberts Court during this period did not affect the aggregate level of diffuse support, they did have some cumulative effect at the individual level, conditioned on ideology. This effect—a gradual, slow decline in diffuse support for the strongest conservatives—is in line with Easton's suggestion that diffuse support should erode in response to a series of unfavorable favorable decisions made over time.

The Affordable Care Act and Change in Diffuse Support

Finally, to examine further the persistence of changes in diffuse support over time, we turn to one of the most high-profile judicial decisions of the past decade. Although the Affordable Care Act was and remains a salient and controversial issue in American politics, it is unclear the extent to which its subsequent Supreme Court hearing influenced Americans' level of diffuse support. To address this issue, we take advantage of TAPS data collected in June 2012 regarding panelists' opinions on their willingness to see the law repealed. Provided with the statement "The federal healthcare reform program adopted in 2010 should be repealed" subjects provided their level of agreement, ranging from "Strongly Agree" to "Strongly Disagree." If *NFIB v. Sebelius* inflicted ephemeral change in the

panel's views, immediate difference in the levels of perceived Court legitimacy should be fleeting. Differences from May 2012 to July 2012 should dissipate with time and the average panelist should return to her original level of diffuse support. Yet, if the changes are durable, we should observe those panelists who support the Affordable Care Act to exhibit lasting increases in diffuse support from their mean level, while those who wished to see it overturned should demonstrate significantly lower views of the Court as time persists.

Figure 4. Observed Change in Diffuse Support, Conditional on Pre-*Sebelius* Decision
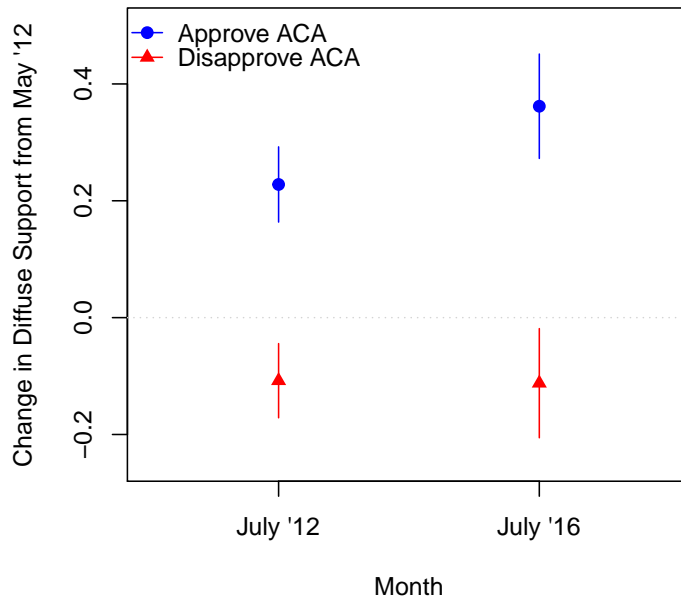
The figure shows the change in average levels of diffuse support for the U.S. Supreme Court based on panelists' stated pre-*Sebelius* decision views of the Affordable Care Act. The figure shows change in diffuse support that is small in magnitude but persistent over time.

Figure 4 displays the observed levels of change in the diffuse support measure from the initial measure in the Spring of 2012 to the period following the Roberts Court's decision. As might be expected, those panelists who indicated they did not wish to see Obamacare overturned increased their level of diffuse support by an average of +0.22 on the 7-point scale. This change is statistically

reliable at the 95% level.[16] Conversely, those panelists indicating their desire to see the law overturned exhibited a significant decrease in their level of diffuse support by approximately -0.11. That is, those who disliked the healthcare law in turn had less positive views regarding the Court's institutional legitimacy.

These changes appear to be lasting, for at least the duration of the panel. During the most recent wave of data collection, those who wished to see the ACA remain in 2012 still reported higher levels of diffuse support from their baseline level in May 2012. If anything, these panelists were *more* supportive of the Court as an institution in 2016, reflecting an average change of $+0.36$. While this change is distinct from 0, it is not distinct from the 2012 change. Nonetheless, it suggests that individual level changes persisted based upon views toward the ACA. With respect to those opposed to Obamacare, we find slightly similar results. These panelists continue to demonstrate, on average, less positive attitudes towards the Court's legitimacy. Although the indication of further disapproval is less evident than among those who supported the ACA, the mean difference is slightly more negative in 2016. Thus, it appears that the Court's decision affected the American public's views of the Court at the individual level, but those changes are small, resulting in a statistically significant, but substantively small, shift in support.

Concluding Discussion

The evidence we present—the longest panel of support for the U.S. Supreme Court assembled to date—provides unambiguous evidence that support for the U.S. Supreme Court has been incredibly stable over the second half of the Obama presidency. Despite academic and popular worries that the Court's support has become increasingly dependent on the institution's willingness (or ability) to satisfy the policy preferences of the American people, our data suggest that the Court's support—at both the aggregate and individual levels—has remained steady.

Of course, our analyses do reveal some change in diffuse support over time. This is not

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[16]Values are weighted using post-stratification weights adjusted for internet access to accurately reflect the population in July of 2012 and 2016, respectively.

completely surprising. Even in their pathbreaking article on the legitimacy of the U.S. Supreme Court,Caldeira and Gibson (1992) acknowledge that "[s]urely diffuse support for the Court is not a constant, and, however measured, it must ebb and flow even if relatively stable" (659). To be sure, some panelists did change their views toward the Court over the four years we studied them, but those changes happened in relatively equal positive and negative deviations, resulting in aggregate stability in support for the Court.

Moreover, these changes in support for the Court appear to be relatively random. Only one of the traditional predictors of diffuse support—a respondent's ideology—is associated with a predictable level of change in diffuse support for the Court. While it might initially seem surprising that conservatives were punishing the Roberts Court—one oft cited for its conservatism–a brief glance at Table 1 provides an explanation (and, by extension, support for the theory espoused by Bartels and Johnston (2013)): while the Court's decisions might overall be slightly conservative over this time period, many of the salient decisions known to respondents (e.g. same-sex marriage, the Affordable Care Act, and affirmative action) were all decided in ways favored by liberals. Indeed, Pew reported in 2015 that 68% of conservative Republicans viewed the Roberts Court as liberal (Pew Research Center 2015). These findings thus underscore the importance of studying *subjective* rather than *objective* perceptions of policymaking.

Importantly, however, the magnitude of the ideological effect is relatively minor. As we reported above, the difference between a strong liberal and a strong conservative who began the panel with the same level of support for the Court only come to differ by a single point on the scale (14% of the range of the outcome variable) after four full years have passed. We say this not to dismiss the substantive magnitude of the effect—amplified over time, the effect does become substantial. However, the size of the effect fits well with the general theory of change advocated by Easton (1965). In short, the Court's support seems quite secure; should the Court feel that the ideological valence of its policies has led its support into peril, the time horizon for ideological disagreement to truly result in a meaningful shift in the court's support is one of *years* rather than *days*, and even that fact does not account for the aggregate stability in the Court's support brought about by the fact

that the public is roughly split in its like and dislike for any particular decision.

Further evidence in this regard comes from a burgeoning scholarly conversation about the Court's strategic relationship with macro-level public opinion and its own public support. Recent studies in this vein have provided evidence that public opinion can constrain the ideological direction of the Court's aggregate policy outputs (Casillas, Enns and Wohlfarth 2011), and that the Court's level of public support is directly related to its own policymaking (Clark 2009) and its resource allocations from the legislative branch (Ura and Wohlfarth 2010). Moreover, Ura (2014) presents aggregate-level evidence that public opinion responds to the Court's aggregate-level policy outputs, thereby suggesting that the relationship between policy satisfaction and support may be more complicated than existing accounts suggest. Taken together, these studies suggest that the Court is savvy enough to correct its course should its public support begin to decline.

Finally, examining the persistence of shifts in support for the Court, we do find that the amount of change in support between the month before and the month after the Court's *Sebelius* decision remain four years later. On the one hand, this result suggests that single decisions may be harmful to the Court; on the other hand, the magnitude of the change is minuscule when one remembers that the outcome is measured on a seven-point scale. That opponents of the decision remain persistent in a change that amounts to less than 2% of the range of the outcome variable is a result that is statistically significant but substantively tiny. That even one of the most high-profile decisions issued by the Court in decades is associated with such a small change in support for the Court, even though it does persist over time, is evidence that the Court's support is secure indeed.

That we find remarkable stability in the Court's legitimacy is particularly surprising given that our waves dramatically oversample the month of July, meaning that respondents were completing the survey just weeks (or even, in some cases, just days) after the Court had decided some of the most high-profile issues in American life. In this way, these results underscore the vital role that panel data must play as scholars seek to understand the dynamics of institutional support. Legitimacy is an important concept precisely because of its durability; an overemphasis on short-term dynamics of support over the persistence of these effects renders scholars unable to determine whether what

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appear to be changes in the Court's support have meaningful consequences. If the effects of a decision or a lab experiment quickly dissipate—as these findings suggest—then the substantive importance of these findings is called into question.

This implication is particularly important given the Court's practice of releasing many of its high-profile decisions in the span of a few days at the end of the term (Epstein, Landes and Posner 2015). These results suggest this strategic practice is a smart one for the Court. Especially when the most salient cases are alternatively liberal and conservative, the Court gives the impression that its policymaking is balanced (Bartels and Johnston 2013), thereby limiting the effect that subjective ideological disagreement might have on its support; in the wake of "big" liberal *and* conservative decisions, respondents are unable to fully update their perceptions, helping keep the Court's support stable.

The normative 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 the institutional powers of 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.

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Supplementary Information

Appendix A   Alternative Model and Dependent Variable Specifications

Table A1. Autoregressive latent trajectory models of diffuse support with and without linear trends. Diffuse support measured as mean value of responses

	Column 1 No Slopes $(\beta = 0)$	Column 2 With Slopes $(\beta \neq 0)$
Model fit statistics		
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, $p < 0.001$)	
Hierarchical component		
μ_α	3.116*	3.171*
	(0.029)	(0.027)
σ^2_α	0.608*	0.747*
	(0.026)	(0.036)
μ_β		0.000
		(0.013)
σ^2_β		0.002*
		(0.001)
$\alpha \leftrightarrow \beta$		−0.016*
		(0.003)
N	2445	2445

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

Table A2. Latent trajectory models of diffuse support with and without linear trends. Autoregressive terms omitted

	Column 1 No Slopes ($\beta = 0$)	*Column 2* With Slopes ($\beta \neq 0$)
Model fit statistics		
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, $p < 0.001$)	
Hierarchical component		
μ_α	3.116*	2.302*
	(0.029)	(0.057)
σ^2_α	0.608*	3.978*
	(0.026)	(0.125)
μ_β		0.017*
		(0.005)
σ^2_β		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.

Appendix B   Question Wording

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.