

This article was downloaded by: [Georgia Regents University]

On: 15 October 2014, At: 12:14

Publisher: Routledge

Informa Ltd Registered in England and Wales Registered Number: 1072954 Registered office: Mortimer House, 37-41 Mortimer Street, London W1T 3JH, UK



Justice System Journal

Publication details, including instructions for authors and subscription information:

<http://www.tandfonline.com/loi/ujsj20>

Vouching for the Court? How High Stakes Affect Knowledge and Support of the Supreme Court

Martha Humphries Ginn^a, Kathleen Searles^b & Amanda Jones^c

^a Department of Political Science, Georgia Regents University, Augusta, Georgia

^b Department of Political Science and Manship School of Mass Communication, Louisiana State University, Baton Rouge, Louisiana

^c Department of Political Science, University of South Carolina, Columbia, South Carolina

Published online: 13 Oct 2014.

To cite this article: Martha Humphries Ginn, Kathleen Searles & Amanda Jones (2014): Vouching for the Court? How High Stakes Affect Knowledge and Support of the Supreme Court, Justice System Journal, DOI: [10.1080/0098261X.2014.965854](https://doi.org/10.1080/0098261X.2014.965854)

To link to this article: <http://dx.doi.org/10.1080/0098261X.2014.965854>

PLEASE SCROLL DOWN FOR ARTICLE

Taylor & Francis makes every effort to ensure the accuracy of all the information (the "Content") contained in the publications on our platform. However, Taylor & Francis, our agents, and our licensors make no representations or warranties whatsoever as to the accuracy, completeness, or suitability for any purpose of the Content. Any opinions and views expressed in this publication are the opinions and views of the authors, and are not the views of or endorsed by Taylor & Francis. The accuracy of the Content should not be relied upon and should be independently verified with primary sources of information. Taylor and Francis shall not be liable for any losses, actions, claims, proceedings, demands, costs, expenses, damages, and other liabilities whatsoever or howsoever caused arising directly or indirectly in connection with, in relation to or arising out of the use of the Content.

This article may be used for research, teaching, and private study purposes. Any substantial or systematic reproduction, redistribution, reselling, loan, sub-licensing, systematic supply, or distribution in any form to anyone is expressly forbidden. Terms &

Conditions of access and use can be found at <http://www.tandfonline.com/page/terms-and-conditions>

Vouching for the Court? How High Stakes Affect Knowledge and Support of the Supreme Court

Martha Humphries Ginn

Department of Political Science, Georgia Regents University, Augusta, Georgia

Kathleen Searles

*Department of Political Science and Manship School of Mass Communication,
Louisiana State University, Baton Rouge, Louisiana*

Amanda Jones

Department of Political Science, University of South Carolina, Columbia, South Carolina

Building on the geographic constituency theory of awareness of Supreme Court decisions, we conducted a panel survey in Cleveland, Ohio before and after *Zelman v. Simmons-Harris*, which upheld state-funded vouchers in religious schools. We found several characteristics predict awareness: news consumption, income, and knowledge of and positive feelings toward the Court. Our results also showed those vested in the outcome, such as African Americans, religious individuals, and parents were more likely to change their attitudes in favor of the decision and become more positive toward the institution. These findings help us understand the circumstances under which *some* individuals may become vested in court decisions.

KEYWORDS: Supreme Court, legitimacy, public opinion, media

With the Supreme Court's decision on the constitutionality of the Patient Protection and Affordable Care Act (PPACA) looming in an election year, President Barack Obama held a press conference in the Rose Garden on April 2, 2012, where he asserted, "Ultimately I am confident that the Supreme Court will not take what would be an unprecedented, extraordinary step of overturning a law that was passed by a strong majority of a democratically elected Congress" (Daly 2012). The president's comments highlighted the precarious position the judiciary holds in the United States. While the Justices can act without fear of electoral reprisal, ruling against the preferences of the public as expressed by elected branches of government could jeopardize the Court's legitimacy. Political pundits agree that this quandary was clearly on the Chief Justice's mind when he ruled in favor of the PPACA, providing the critical fifth vote for the majority. Chief Justice Roberts' opening words in the opinion he authored suggest that the proper role of the judiciary and its legitimacy were paramount in his decision-making calculus to uphold the individual mandate as a tax. In *Natl. Federation of Independent Business v. Sebelius* (2012),

Roberts argues that the role of the court is limited, and the Justices “do not consider whether the Act embodies sound policies. That judgment is entrusted to the Nation’s elected leaders. We ask only whether Congress has the power under the Constitution to enact the challenged provisions.”

While anecdotally this suggests the justices take into account the support of the public, the data suggests that the public knows little about the Court’s activities. Further, while most political scientists harbor a belief in the ability of the Supreme Court to affect public opinion (Caldeira 1991, 304), empirical validation of this belief has been problematic. Studies have analyzed congruence over time between broad patterns of public opinion and court policy, each concluding that there is substantial correlation between the two (Flemming and Wood 1997; Mishler and Sheehan 1993; 1996; Stimson, MacKuen, and Erikson 1995). However, beyond this higher-order lagged association, a direct relationship between the Supreme Court’s influences on public opinion remains elusive. In part, the lack of evidence supporting a direct relationship is due to measurement issues: surveys seldom pose questions regarding the Supreme Court. In the rare instances when respondents receive questions concerning recent decisions, the question wording seldom matches the true issues at controversy before the Court (Durr, Martin, and Wolbrecht 2000, 768). Methodological issues also abound: analyses often fail to control for other factors influencing the Court’s ability to shape public opinion, such as awareness of the issue and level of media attention.

Hoekstra and Segal (1996) suggest that while aggregate research calls into question the public’s knowledge of the Court, local awareness is possible. In general, few cases garner national attention, while most Court decisions speak directly to particular constituencies, suggesting that proximity to the decision will affect awareness (Hoekstra 2000; 2003; Hoekstra and Segal 1996). This work on geographic constituencies finds that given sufficient media attention on the substance and importance of a case, there may be direct influence on the public’s evaluation of the Court and its decisions.

We build on this work, and expand the scope of the literature, by extending the idea of constituency to identify salient characteristics of geographically proximate individuals most likely to be knowledgeable of a case given that they may have vested interest in the outcome. We conducted a two-wave panel survey in Cleveland, Ohio gauging the public’s attitudes toward various issues before the Supreme Court during its 2001–2002 term, with particular emphasis on the constitutionality of school vouchers in the Cleveland school system. By measuring individual attitudes before and after the Supreme Court ruling, we can gauge awareness of the Court’s decision, assess changes in attitudes toward the constitutionality of school vouchers, and explore whether awareness impacted diffuse support for the Court for those individuals possessing characteristics that suggest they have a vested interest in the case. For example, we look at whether parents, whose children may be influenced by the ruling, are more attuned to and influenced by the Court’s decision on school vouchers. While the case explored here is over a decade old, the work focuses on the general theoretical concerns that influence awareness and the Court’s ability to shape opinion rather than reactions to this specific case. Therefore, we do not feel the findings are time-bound, impacted by the age of the case, or necessarily limited by the specific facts related to the case.

LEGITIMACY AND SUPPORT FOR THE SUPREME COURT

The judicial branch is not constrained directly by the preferences of the public, or indirectly by pressures from elected officials. Still, the public tends to view the Court more favorably

than the elected branches of government, a fact that bolsters the Court's legitimacy (Hibbing and Theiss-Morse 1995). According to Gibson (2012, 4), "legitimacy means being willing to grant the authority to an institution to make decisions; legitimacy is predicated upon a set of expectations for procedures—and in the judicial case, those expectations center around the decision maker being fair, open-minded, and impartial." The Court needs public support for institutional legitimacy, which can be leveraged as political capital to provoke positive responses to the Court's decisions (Durr, Martin, and Wolbrecht 2000, 775). In general, studies find that the public has a reservoir of goodwill for the Court that leads them to accept, or at least tolerate, decisions they might oppose (Clawson, Kegler, and Waltenburg 2003; Easton 1965; Gibson 2007; Gibson and Caldeira 1992; Gibson, Caldeira, and Spence 2005).

When analyzing institutional legitimacy, it is critical to distinguish between diffuse support and specific support (Gibson and Caldeira 1992). Diffuse support exists independently of the specific rewards that the polity may feel it obtains by belonging to the system, while specific support exemplifies the satisfaction members feel when their demands are met (Easton 1965, 125). In principle, diffuse support differs from specific support in its sources, greater durability, and more fundamental basis. Caldeira (1986) suggests that citizens lack knowledge of the Court and tend to base their evaluations on crude ideological frameworks. Despite the public's lack of knowledge of the Court, most Americans view the Court as an enduring symbol of security and safety (Marshall 1989). Further, Handberg (1984), Marshall (1989), and Tanenhaus and Murphy (1981) all suggest that public opinion of the judiciary is more stable and less responsive to political events and the whims of the public.

Caldeira and Gibson (1992) suggest that the Supreme Court maintains its legitimacy when it makes unpopular rulings because its diffuse support relies on fundamental political values—such as commitment to social order and support for democratic norms—and not specific outputs. The Court's association with democratic values, such as liberty and equality, function in a dynamic way, allowing the Supreme Court to regenerate depleted public support over time (Mondak and Smithy 1997). Gibson's (2007) analysis reveals that even as increased polarization and divisiveness becomes part of twenty-first century American politics, it has not affected legitimacy of the Supreme Court because of these same stable democratic values. Though favorability toward the Court is at its lowest point historically (Pew 2012), public support remains robust in comparison to other American institutions.

Specific support is related to satisfaction with the outputs of a political institution, and may wax and wane depending on the outputs (Clawson, Kegler, and Waltenburg 2003; Easton 1965; Gibson and Caldeira 1992). Ultimately, specific support depends on popular awareness of the Court and its decisions, but research suggests that the public knows very little about either. Franklin and Kosaki (1995) find that when the Court renders a major decision and receives substantial media coverage, awareness of that particular decision increases while the public remains ignorant about other decisions. Since the Court can influence opinion only if the populace has knowledge of the Court's decisions (Clawson, Kegler, and Waltenburg 2003; Franklin and Kosaki 1995), work on legitimating specific policies often utilizes experimental or quasi-experimental design. Hoekstra (1995), Mondak (1991; 1992), and Segal (1999) all found levels of support were affected by Court rulings in experimental contexts, but these links between diffuse and specific are not easily replicated using survey data. Gibson, Caldeira, and Spence (2003b) found that attitudes toward the Court were remarkably resistant to change even when the Court renders a controversial decision such as it did in *Bush v. Gore*.

Gibson, Caldeira, and Spence (2003a) assert that research on diffuse support is plagued by the use of single indicators that tap confidence rather than institutional legitimacy. When comparing the validity of different measures, the authors found those that measure institutional loyalty, such as feeling thermometers or multiple measures that explore willingness to limit the power of the Court, were superior. The authors suggest confidence measures are contaminated with short-term support, which calls into question whether individual decisions really influence more fundamental attachments to the Court.

Still, those that use single measures of diffuse support, such as general job performance satisfaction or confidence in the institution, find that attitudes toward specific decisions have an impact on support for the institution. Grosskopf and Mondak (1998) find a negativity bias such that disagreement with the Court's rulings leads to reduced confidence in the institution, while agreement with the Court's decisions produces only marginal increases in confidence. Hoekstra (2003) questions the minimal effects hypothesis by asserting that stability in the aggregate may mask fluidity in individual-level support if those becoming more positive are offset by those becoming more negative. Hoekstra's work finds that when using individual data and controlling for geographic proximity, satisfaction with specific decisions by the Court can have an effect on confidence in the institution.

In sum, the relationship between support for specific decisions and the Court in general has not been completely determined. Whether one concludes that diffuse support is fundamentally stable or dynamic is largely dependent on how one measures this type of support. Also, it is entirely possible that specific decisions can influence support for the institution immediately after the ruling, but this impact is short-lived.

FACTORS INFLUENCING AWARENESS

Both diffuse and specific support for the Supreme Court depends on awareness of the Court and its actions. Clearly, the media plays a critical role in this awareness, but other factors such as elite response, pre-existing personal interest, social interactions, education, and interest in politics may also impact attentiveness to the judiciary and its output (Franklin and Kosaki 1995). Further, most Court decisions speak to specific constituencies, particularly within the local communities where the controversies began, and if there is sufficient access to information about the Court's decision, the case can influence individual evaluations of the court and the case (Hoekstra 2000; 2003; Hoekstra and Segal 1996).

Our work expands on research done by Hoekstra by exploring the geographic constituency theory in a large metropolitan area. In our case study, we attempt to identify individual characteristics that predict the likelihood a respondent will be aware of and support the Court's decision on the constitutionality of school vouchers in Cleveland, Ohio. We set forth a theory of decision stakeholders that posits that certain individuals will be directly and positively affected by the Court's voucher decision and will therefore be more aware and more likely to change their attitudes positively toward the decision and the Court.

THE OHIO SCHOOL VOUCHERS CONTROVERSY

The best mechanisms to improve American public education have been a modern point of contention. The use of school vouchers, which allow students in failing school districts to enroll

in private schools subsidized with taxpayer funds, has been one alternative advanced to promote competition and inspire improvement. The majority of school voucher funding goes to low-income students from inner cities who wish to attend higher-performing schools. Depending on the program, parents receiving the vouchers can elect to use the voucher at an approved public school, magnet school, private non-sectarian school, or private religious school.

In 1995, the Ohio legislature enacted the Ohio Pilot Project Scholarship Program, which provided a maximum of \$2,250 in the form of a voucher to Cleveland public school students to attend the private school of their choice (Peterson, Howell, and Greene 1999). The program also allowed suburban public schools to participate and receive the voucher amount in addition to the regular per-pupil state aid; however, none of the public schools participated. Initially, the scholarships were awarded to students in kindergarten through third grade. Shortly after the program's inception, scholarships were expanded to include students through the twelfth grade. To participate, the student must first be assigned to a failing public school; the student must then gain acceptance into a participating private or charter school. Next, the student applies for the scholarship and awaits confirmation from the education lottery to receive funding. The vouchers paid up to 90 percent of the tuition at local private schools. Since the vouchers covered such a large portion of the tuition, participating private schools agreed not to raise their tuition above \$2,500 per year (Peterson, Howell, and Greene 1999).

The first legal challenge to the program came in early 1996 when a state judge upheld the voucher program as constitutional. A year later, the state appellate court struck down the program, finding that the inclusion of religious schools violated the state and federal constitutions. In 1999, the Ohio Supreme Court held that the school voucher program violated the state Constitution due to a procedural flaw in how the program was enacted, but it specified that the program itself did not violate the federal Constitution or legal precedents. The Ohio legislature quickly addressed the procedural issues so that the program could continue (Peterson, Howell, and Greene 1999).

A survey of the demographics of Cleveland families who received school vouchers during the initial two years of the Ohio Pilot Project Scholarship Program found that students from low-income families, 200 percent below the poverty line, received 90 percent of the tuition aid. With regard to parental educational background, only 8 percent were college graduates, another 26 percent had two or more years of college, and 29 percent were high school graduates. In terms of family dynamics, 68 percent of scholarship recipients lived with only their mother. Of those surveyed, the racial makeup of mothers of scholarship recipients was 69 percent African American and 22 percent Caucasian (Peterson, Howell, and Greene 1999).

During the 1999–2000 academic school year, a total of 56 private schools participated in the Cleveland pilot program; 46 of those schools were sectarian. The program had nearly 4,000 students participating in the 11 million dollar initiative with over 90 percent of those students attending religious private schools. In July 1999, parents and public school teachers challenged the school vouchers program in federal district court as violating the Establishment Clause of the First Amendment of the Constitution. The district court ruled that the program violated the First Amendment, and the Sixth Circuit Court of Appeals voted two to one to uphold the district court. The majority ruled that the voucher program has the primary effect of advancing religion and constituted an endorsement of religious education in violation of the Establishment Clause. The losing party appealed to the United States Supreme Court, arguing that the vouchers represented neutral government aid that was able to reach religious schools only through the independent choices of private individuals (*Zelman v. Simmons-Harris* 2002).

The concept of advancement of religion through private individual choice had been firmly articulated in three Supreme Court precedents. In *Mueller v. Allen* (1983), the Court rejected an Establishment Clause challenge to a Minnesota program that allowed tax deductions for educational expenses, including private school tuition, because it was a private choice made by individuals, so there was no state approval, or endorsement, of any particular religion. *Witters v. Washington Dept. of Servs. for the Blind* (1986) involved an Establishment Clause challenge from a blind student using his vocational scholarship to engage in pastoral studies at a religious institution. The Court used the reasoning from *Mueller*: if an individual used public funds to attend a religious institution, that was the private choice of the individual and the state was not responsible for that choice. In *Zorbreast v. Catalina Foothills School District* (1993), a federal program that permitted sign-language interpreters to assist deaf children enrolled in religious schools was challenged as violating the Establishment Clause. Applying *Mueller* and *Witters*, the Court ruled an interpreter was present in a sectarian school only if the parents of a deaf child chose to send that child to a sectarian school.

Applying these precedents, in June 2002 the Supreme Court ruled 5–4 that the Ohio voucher program was entirely neutral with respect to religion. In *Zelman v. Simmons-Harris*, the Court found that the program provided benefits directly to individuals, defined by financial need and residence, and that the program permitted individuals to make the choice between public and private schools, and if they chose the latter, between secular and religious private schools. The Court held that the program involved a true private choice and, as a result, did not violate the Establishment Clause.

WHO CARES ABOUT VOUCHERS? A THEORY FOR DECISION STAKEHOLDERS

While most Americans are blissfully unaware of the Supreme Court's actions, there is evidence that suggests that individuals living in the region affected by a decision are more likely to be aware and, subsequently, change their attitudes as a result of this awareness. Why might these individuals be more affected by the Court while their peers remain in the dark? We argue that the proximity of an issue increases the likelihood that members of a community will see themselves as stakeholders with a vested interest in the outcome of a decision. In other words, like real estate, when it comes to evaluating the effects of a Supreme Court decision, location matters. This brings us to our first characteristic of a stakeholder: residence. More importantly for our purposes, residence is related to a myriad of individual characteristics that increase the likelihood that a person will be aware of a decision. These characteristics enable us to profile who may have a positive stake in a decision, and thus have increased awareness.

The second characteristic of a stakeholder is exposure to local media coverage, which reinforces awareness within the proximate community. Although the Court is relatively invisible to the public most of the year, at the end of its term, it announces its rulings in the blockbuster cases and garners substantial media coverage for several days. While the Court's rulings in these cases will most likely make national headlines, typically only those avid Supreme Court watchers will follow the rulings closely. However, the geographic constituencies implicated in these controversies will be inundated with local media coverage on the issue, which should lead to greater awareness of the issue in those specific communities than in the public at large. Further, local media coverage should

reinforce perceived importance of the decision in the relevant community. Beyond membership in a community of interest and exposure to media coverage, because of the unique characteristics of the voucher case, we theorize that a positive stakeholder with a vested interest in the continuation of the voucher program is also likely to be a minority, a parent, religious, and in a lower income bracket. We use these stakeholder characteristics and a unique quasi-experimental research design to generate expectations about *who* is more likely to be aware of the decision, change their attitudes toward the decision, and change their support toward the Supreme Court.

Our first set of expectations focuses on awareness of the decision:

We expect that residence (metropolitan Cleveland versus outside the city limits), exposure to local media, minority status, family structure (kids or not), religiousness, and income affect the likelihood an individual will be aware of the Supreme Court's voucher decision.

Our second set of expectations focuses on change in attitudes toward the voucher decision:

We expect that residence (metropolitan Cleveland versus outside the city limits), exposure to local media, minority status, family structure (kids or not), religiousness, and income affect the likelihood an individual will become more positive toward the Supreme Court's voucher decision.

Our third set of expectations focuses on change in general feelings toward the Supreme Court:

We expect that residence (metropolitan Cleveland versus outside the city limits), exposure to local media, minority status, family structure (kids or not), religiousness, and income affect the likelihood an individual will become more positive toward the Supreme Court.

DATA AND METHODS

To explore whether our stakeholders will be aware of a decision, change their attitudes toward a decision, and change their support toward the Supreme Court, we conducted a two-wave panel telephone survey consisting of a random sample of adults in the Cleveland metropolitan area, the city of origin for the *Zelman v. Simmons-Harris* case challenging the constitutionality of school vouchers. The first wave of the panel was completed in April 2002, following the oral arguments in *Zelman*, but prior to the Court's decision. A total of 601 respondents completed the first wave of the study.¹ The Supreme Court announced their decision in *Zelman* on the final day of the term, June 27, 2002. The second wave of the survey began on Saturday, June 29 and continued to contact respondents through July 22, although over 60 percent of the wave two interviews were completed in the first five days. The total number of respondents completing both waves of the

¹The survey was administered by the University of Connecticut's Center of Survey Research and Analysis. The survey was conducted using telephone interviewing and random digit dialing (RDD) to sample residents of Cuyahoga County, Ohio with stratification by within/outside Cleveland city limits. In our design, we wanted our sample to be divided equally for purposes of subgroup analysis of those living inside Cleveland compared to county residents since only residents within the city of Cleveland were eligible to participate in the voucher program. In all, we had 301 Cleveland city residents and 300 Cuyahoga County residents. The overall response rate for the first wave of the study was 17.1 percent. This rate may be artificially low because within the strata there were exchanges that overlapped between inside city limits and the rest of Cuyahoga County, which led the quota for inside Cleveland to fill up more quickly. As a result, there was less of an opportunity to contact non-responders within Cleveland. To further ensure randomization, the surveyor asked to speak with the person in the household who was 18 years of age or older and who had the most recent birthday.

survey was 343, for a response rate of 57 percent from wave one to wave two. Our sample includes 68.3 percent Caucasian respondents, 22.4 percent African American, and 9.3 percent Other. Also, the sample includes 39.3 percent male and 60.8 percent female.² Respondents self-identified as Republican (22.0 percent), Democratic (48.6 percent), and Independent (29.4 percent).

The survey contained questions about issues before the Supreme Court during the 2001–2002 term, with particular emphasis on the school vouchers case. In wave two, we asked open-ended questions about whether respondents had heard or read anything in the news about school vouchers, with several follow-up questions to determine if they had correct knowledge of the decision. These responses were content analyzed and used to create our awareness variable, a dichotomous measure of correct knowledge of the decision at wave two. This variable is our dependent variable for model one. We theorize that media consumers are more likely to be decision stakeholders—thus we also looked at local media coverage of the school vouchers case in *The Plain Dealer*, Cleveland’s most circulated local newspaper.

For the second model, we examine change in attitudes from wave one to wave two toward the legal issue of whether vouchers violated the First Amendment. To create the dependent variable, we first created a six-point ordinal variable for each wave representing the strength of respondents’ support for their response to the question:

Do you feel that parents should be able to use government-funded vouchers at religious schools, or do you think the use of school vouchers at religious schools is a violation of the separation of church and state provided by the Constitution?

Higher scores indicate strong agreement with the use of vouchers of religious schools. We then subtracted the respondent’s score at wave one from their score at wave two such that positive values represent an increase in support for vouchers. To ensure a robust test for attitude change, we also include respondents’ attitudes toward vouchers at wave one.

For the third model, we extend the decision stakeholder theory to general support for the institution by examining change in attitudes toward the Supreme Court generally from wave one to wave two. To measure attitudes toward the institution, we use a feeling thermometer where respondents were asked to rate the institution of the Supreme Court in general with ratings 0–50 indicating respondents do not feel favorably toward the institution, while ratings between 50–100 indicate that respondents feel warm and favorable toward the institution. While this measure is unidimensional, we argue that it captures general feelings, or institutional loyalty, toward the Court as an institution. Similar to model two, we calculate a difference score using feeling thermometer scores from wave one and wave two, with positive values representing an increase in positive feelings for the Court. Again, to control for individual differences in baseline attitudes toward the court, we include feeling thermometer scores at wave one.

Since we expect that individual characteristics of the respondents affect awareness and support for the Court’s decision and support for the Court as an institution, we asked various questions to measure our stakeholder variables. While our sampling frame is the greater Cleveland metropolitan area to start, the voucher program was available only to residents within the city limits, so

²Compared to 2000 Census data for Cuyahoga County, our sample overrepresents females, although there were disproportionately more females than males in the county’s population, with 53 percent female and only 47 percent male. As for race, our sample of white respondents (68.3 percent) is roughly equivalent to the Census figure of 67.4 percent, but our proportion of African Americans (22.4 percent) underestimates the Census figure of 27.4 percent.

we created a dichotomous variable identifying city residents. Also, we include a summation index variable representing overall exposure to local media (television and newspaper) by week (0–7 days per medium).

Given that those enrolled in the vouchers program were disproportionately minorities, we identify African Americans as stakeholders. Accordingly, we created a three-level variable measuring respondent identification as white, African American, or other (other is the reference category). We also theorize that the stakes are higher for parents, so we included a dichotomous measure identifying those respondents who indicated that they had children. Additionally, we posit that those with religious affiliation may also find the school vouchers case more salient; we measure religiousness using a six-level ordinal variable representing the frequency of religious service attendance (ranging 0–5 with zero indicating never, and 5 every week). Finally, since participation in the vouchers program was dependent on income, we posit that those with lower incomes would have a greater stake in the decision. To measure this, we include an eight-level ordinal income variable measured in increments of \$10,000.

Controls for each model include age, gender, a three-level categorical measure for partisanship (Democrat, Republican, and Independent as the reference category), feelings toward the Court at wave one, and a summated index measuring institutional knowledge of the Supreme Court. The index includes the following three open-ended questions: how many members are on the Supreme Court, who is the Chief Justice, and to name as many current Supreme Court justices as you can. We expect those who are more knowledgeable about the Court to also be more aware and supportive of the decision and the institution. This index controls for positivity bias, which suggests that those who are more aware of the Court are more likely to be supportive of the Court (Gibson, Caldeira, and Baird 1998; Gibson, Caldeira, and Spence 2003a; Gibson and Caldeira 2009). Given the potential influence of knowledge of the Court, we include this index in both the second and third models. In this way, we can discern whether knowledge relates to a change in attitudes toward vouchers and positive feelings toward the Court.

RESULTS

We have argued that the decision on vouchers will be more relevant to some segments of the population than others. In other words, some individuals will have greater stake in the decision. We have set forth characteristics that distinguish these decision stakeholders from the public at large, and using this profile we suggest who is more likely to know about the decision, favor vouchers, and feel favorably toward the Court as an institution. Given the importance of local media coverage to distinguishing decision stakeholders, we first present descriptive statistics on patterns of local newspaper coverage by frequency of story, section of paper that features the story, and whether or not the story appeared on the first page of that section.

The frequency of newspaper stories categorized by the stage of the Supreme Court decision-making process in the school vouchers case appears in Figure 1. For local newspaper coverage, we focused on *The Plain Dealer* since over 83 percent of the respondents in wave two indicated that this was the newspaper they read. We compared coverage in *The Plain Dealer* to other large metropolitan papers with national circulations including *The New York Times*, *The Wall Street Journal*, *The Chicago Tribune*, *The Washington Post*, and *The Los Angeles Times*. *The Plain Dealer* had a total of 53 stories on the school voucher issue, which was more than twice of any

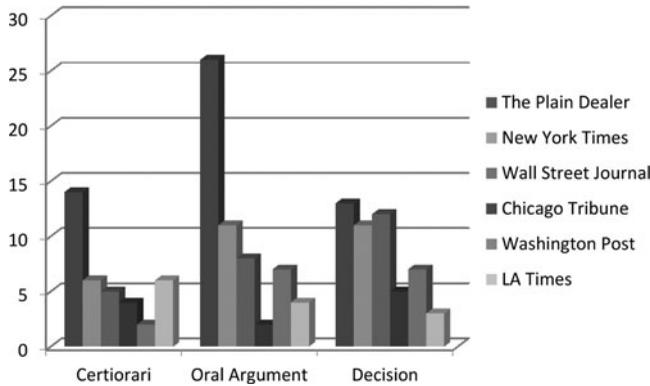


FIGURE 1 Coverage of Voucher Case by Newspaper and Stage of Decision. Note. *The Plain Dealer* is the only local newspaper serving Cleveland proper.

other newspaper examined. At both the certiorari and oral argument stage, *The Plain Dealer* had twice the coverage of each of the other newspapers. Parity in coverage at the decision stage existed with *The New York Times* and *The Wall Street Journal*. Still, as a whole, local coverage was higher throughout the entire process. When coverage is broken down by section and location, stories in *The Plain Dealer* were more commonly in the local section of the paper, which is not surprising given that it was a local controversy; however, 16 stories appeared in the national section. We also looked at the prominence of the story, as measured by whether it appeared on the front page of the section, and found that *The Plain Dealer* was at least three times more likely to put the story on the front page than other newspapers.

Next, we explore whether residency within Cleveland proper, local media exposure, race, having children, religiousness, and income affect knowledge of the decision. Table 1 reports the odds ratios from a logistic regression with correct identification of the decision as the dependent variable. In terms of predicting awareness of the vouchers decision, our stakeholder theory does not perform very well. In fact, only exposure to the local media is positive and significant. Although income is significant, it is not in the expected direction indicating the wealthier respondents were more likely to be aware of the decision. Of our controls, we find that those who have more positive feelings about the Court are more likely to be aware. Also, those who scored higher on the index measuring knowledge of the Court are, not surprisingly, more likely to be aware of the voucher decision. Taken together, this model suggests that awareness is likely more related to sophistication than being a stakeholder for the given issue. The results suggest that individuals with higher incomes, who are knowledgeable of the Supreme Court, have warm feelings toward the Court, and a high consumption of local news are most likely to be aware of the voucher decision.

Model two investigates whether residency within Cleveland proper, local media exposure, race, children, religiousness, and income affect the likelihood an individual will change their attitudes toward the use of vouchers in congruence with majority opinion in *Zelman*. Specifically, since the Court upheld the vouchers program, we expect those stakeholders who were positively affected by the decision to be more supportive of the ruling. Table 2 reports the coefficients

TABLE 1
Logistic Regression Predicting Correct Knowledge of SCOTUS Decision

Resident of Cleveland	1.02 (.349)
Local Media Exposure	1.10 (.059)*
Race	
Caucasian	1.85 (.964)
African American	.944 (.568)
Children	1.29 (.533)
Religiousness	.956 (.107)
Income	1.13 (.078)*
<i>Controls</i>	
Age	.993 (.011)
Gender	.930 (.334)
Partisanship	
Democrat	.627 (.275)
Republican	2.04 (1.02)
Feelings toward Supreme Court	.988 (.008)*
Knowledge of Supreme Court	2.60 (.559)***
<i>N</i>	193

Note. All variables (other than the dependent variable) were measured during wave one.

Dependent variable is measured 0 if respondent incorrectly identified the decision and 1 if respondent correctly identified the decision.

Odds ratio reported, bolded if significant; standard errors are in parentheses.

Statistical significance (one-tailed tests) are represented with * $p < .05$, ** $p < .01$, *** $p < .001$.

TABLE 2
Regression Predicting Attitudes Change toward Vouchers

Resident of Cleveland	.356 (.300)
Local Media Exposure	.125 (.046)**
Race	
Caucasian	.480 (.486)
African American	1.269 (.534)**
Children	1.35 (.327)***
Religiousness	.359 (.099)***
Income	.128 (.059)*
<i>Controls</i>	
Age	.045 (.009)***
Gender	1.33 (.294)***
Partisanship	
Democrat	-.289 (.369)
Republican	.251 (.436)
Feelings toward Supreme Court	.021 (.006)***
Knowledge of Supreme Court	-.068 (.163)
Knowledge of the Decision	.149 (.338)
Attitudes toward Voucher at Wave 1	-.822 (.082)***
<i>N</i>	193

Note. All variables (other than the dependent variable and knowledge of the decision) were measured during wave one.

Standard errors in parentheses are panel corrected and bolded coefficients are significant.

Statistical significance (one-tailed tests) are represented with * $p < .05$, ** $p < .01$, *** $p < .001$.

from a regression through origin (RTO) with a lagged dependent variable to correct for serial correlation in the residuals, and change in attitudes toward vouchers from wave one to wave two as the dependent variable.³ Controlling for individual differences in attitudes toward vouchers at wave one, we find our positive stakeholder characteristics predict change in attitudes toward school vouchers fairly well. We find that those with greater media exposure were more likely to change their attitudes in accordance with the ruling. We also found that African Americans, those with children, and those who were more religious were all more likely to change their attitudes in favor of the Court's position. Although income was also related to change in attitudes, it was in the negative direction. Additionally, of our controls, age and gender are significant and positive, suggesting that older and male respondents were more likely to change their attitudes in favor of vouchers. The control for attitudes toward vouchers in wave one was negative. Finally, feelings toward the Court at wave one were significantly related to attitude change. Thus, those who felt positively toward the Court initially were more likely to alter their views regarding the legal issue after the Court ruled.⁴

Similarly, model three examines whether residency within Cleveland proper, local media exposure, race, children, religiousness, and income affect the likelihood an individual will feel more favorably toward the Supreme Court as an institution, controlling for individual differences in feelings toward the Supreme Court at wave one. Table 3 reports the coefficients from a RTO with a lagged dependent variable to correct serially correlated residuals, and change in feelings toward the Court from wave one to wave two as the dependent variable. Of our decision stakeholder variables, both race and children are significant and positive predictors. Specifically, African Americans became more supportive toward the Court following the decision. The relationship holds even after we control for initial attitudes toward vouchers. Thus, irrespective of initial support for the specific policy issue in the case, those who potentially benefit from the decision feel more positively toward the Court after the ruling. This finding runs counter to findings that African Americans in general have less diffuse support for the Court (Gibson and Caldeira 1992; Clawson, Kegler, and Waltenburg 2003), a view that typically characterizes diffuse support as static over time. However, our decision stakeholder theory suggests a more dynamic characterization of diffuse support for this snapshot in time: given the unique circumstances of a regionally relevant case, there is potential for feelings toward the Court to shift for demographics with stakes in the decision. This result merits a caveat—it is very possible that this increase in positive feelings is short-term—and more work should be done to further flesh out the nature of this shift in attitudes. Finally, we also find a significant and positive change in feelings toward the Court for respondents with children, further solidifying the decision stakeholder theory.

³Diagnostic tests for both model two and three suggest the assumptions of PCSE are appropriate: uncorrelated panels, heterogeneous variance, correlated errors terms, no autocorrelation, and unique AR(1) for each panel.

⁴We also ran the same model with an alternative specification for the dependent variable. The surveys included a question on agreement with whether parents should be able to use government-funded vouchers at religious schools that did not include the specific legal issue of separation of church and state. For this alternative model, we examined change in attitudes from wave one to wave two toward agreement with parents using vouchers at religious schools. As seen in the appendix, the stakeholder theory is supported in this revised specification. After controlling for attitudes toward vouchers at the first wave, we find that except for media exposure, the stakeholder variables (race, children, and religiosity) significantly related to attitude change as seen in the original specification. Further, our controls for age and gender remained the same.

TABLE 3
Regression Predicting Change in Feelings toward Supreme Court

Resident of Cleveland	-1.288 (3.348)
Local Media Exposure	0.264 (0.509)
Race	
Caucasian	0.975 (5.350)
African American	14.494 (5.877)**
Children	9.863 (3.611)**
Religiousness	1.210 (1.099)
Income	-0.323 (0.661)
Controls	
Age	0.298 (.097)**
Gender	2.097 (3.293)
Partisanship	
Democrat	7.175 (4.064)*
Republican	5.12 (4.822)
Feelings toward Supreme Court at Wave 1	- .856 (.073)***
Knowledge of Supreme Court	-2.292 (1.815)
Knowledge of the Decision	7.556 (3.777)*
Attitudes toward Vouchers at Wave 1	.892 (.916)
N	189

Note. All variables (other than the dependent variable and knowledge of the decision) were measured during wave one. Model estimated as regression through origin (RTO) with lagged dependent variable to correct for serial correlation in errors.

Standard errors in parentheses; bolded coefficients are significant.

Statistical significance (one-tailed tests) are represented with * $p < .05$, ** $p < .01$, *** $p < .001$.

With regard to our controls in model three, both age and party were also significant. Additionally, feelings toward the Court at wave one are negatively related to change in feelings toward the Court. Given previous work on positivity bias that suggests that to know about the Court is to feel positively about it as an institution, we include a measure of knowledge of the Court and awareness of the decision. Interestingly, once we control for knowledge of the decision, knowledge of the Court is not significant. However, those who were aware of the decision did experience positive change in their feelings toward the Court. Collectively, these findings suggest that there is, in fact, a relationship between specific outputs of the Court and general feelings toward the Court, though undoubtedly a complicated one.

DISCUSSION

Although most of the American populace is unaware of the decisions, let alone the content, of Supreme Court rulings, some individuals may find themselves more vested in the outcome either for immediate reasons, such as regional relevance, or for internal reasons, such as religion. In our case study, we have set forth a profile of these stakeholders and used their unique characteristics to set forth expectations for *whom* the decision on school vouchers matters. Our results suggest that contrary to previous work on the aggregate level, which implies most individuals do not know and do not care about decisions, when you look at a specific case affecting a certain geographic

region, some individuals *do* know and *do* care—albeit mostly for reasons of utility. Therefore, using a unique quasi-experimental dataset, we are able to develop a more nuanced understanding of the public’s orientation toward the Court.

We have extended the work of Hoekstra by creating a profile of a respondent who was likely to be aware of a single Court decision in a region geographically proximate to the controversy. We found that consumption of news, income, knowledge of the Supreme Court, and positive feelings toward the Court influenced awareness of a decision. Interestingly, the profile of the individual most likely to be aware of the Court’s decision on school vouchers is not congruent with the individuals most likely to benefit from the program continuing. Specifically, given the demographics of the participants in the program, one would expect non-whites and lower-income individuals with children to be following the case more closely. Instead, we found that those already tuned in, the sophisticated local news consumers, were most aware of the case. In other words, awareness does not translate into direct utility for individual stakeholders as one might expect, but some individuals—because they are predisposed to engage in politics—were more aware. It is relevant to note that our profile of stakeholders is built on the idea of positive stakeholders, and in terms of awareness, negative stakeholders may be equally, if not more important. Those who wish to see the voucher program discontinued may be paying more attention to the case as well. Although we did not create a profile for negative stakeholders, some of our results, with regard to awareness, suggest that is a topic appropriate for exploration in further research. Regardless, despite mixed results in previous work regarding awareness of Court decisions in the aggregate, our results demonstrate that proximate communities seem to be more vested, and thus more aware.

Still, the more interesting issue is not in predicting *who* knows about the case, but in identifying who knows about the case and modifies their beliefs accordingly. Although experimental research has found evidence that the Court is capable of leading opinion, analysis of survey data has struggled to document conclusively if the Court can fulfill its role as legitimator. In *Zelman*, the Court held that school vouchers did not violate the Establishment Clause. Unlike similar work on public opinion and decisions of the Court, we ask our respondents about the specific legal issue rather than the policy in general. After controlling for the individual opinion on the legal issue at wave one, we looked at what factors predicted change in attitudes toward the Court’s decision. Not surprisingly, we found that those with more positive feelings for the Court moved their opinions in favor of the Court’s decision. While Hoekstra’s (1995) experimental work, which found the Court was able to move opinion in favor of its rulings, especially when the individuals already held positive feelings toward the Court, our work finds this to be true within a real-world context. Further buttressing Hoekstra’s (2003) work in two of her four case studies, we found that those who consumed more news were more likely to change their attitudes in favor of the Court’s decision. As Hoekstra notes, this is consistent with persuasion theory that increased exposure is critical to facilitate opinion change.

Our results support our decision stakeholder theory that those vested in the outcome would be more likely to change in favor the Court’s ruling. We anticipated that African Americans with children might be more supportive of the Court’s ruling, as would more religious and lower-income individuals. These characteristics should predict a predisposition to support the use of vouchers in principle and in utility. As hypothesized, we found that avid consumers of local news, African Americans, and religious individuals with children were more likely change their attitudes in support of the constitutionality of vouchers.

When examining feelings toward the Court as measured by a feeling thermometer after the school vouchers ruling, we found that change in support was influenced by several of our stakeholder variables. Interestingly, African Americans with children were more likely to become increasingly positive in their feelings toward the Court. Though these predictors mesh with our stakeholder expectations, they run contrary to previous work on diffuse versus specific support for the Court. Yet when we control for previous attitudes and feelings toward the Supreme Court, we see positive change in those who would benefit the most from the decision. Perhaps when a decision is relevant and proximate, diffuse support bubbles over to other segments of the public.

Although our findings are limited to a single case, they do suggest that the minimal effects hypothesis—decisions matter little in public support for the Court—might be less relevant when there are clear stakeholders for specific decisions. At a minimum, these findings support the idea that individual-level support can be fluid and dynamic even if aggregate support is relatively stable. Like Hoekstra (2003), we are not suggesting that support for decisions is the only factor influencing support for the Court, but we are echoing her findings that these short-term evaluations should factor into the equation. In other words, evaluations of the Court can be viewed as an iterative process, and we must account for the instances when a decision will have particular relevance for a citizen and may impact assessments of the institution more broadly.

Interestingly, living within the city limits of Cleveland was nonsignificant in each model, suggesting that while location matters, characteristics associated with proximate relevance matter more. It may be that the effects of media coverage on residents living inside and outside of Cleveland city limits were not significantly different due to media market overlap.

Overall, with the exception of model one, our decision stakeholder theory helps further the understanding of who is most likely to change their attitudes in response to a particular ruling. Our results suggest that when it comes to understanding the effects of decisions on the public, one must consider various characteristics that make individuals vested in the decision. Also, previous work on diffuse support and on public awareness for decisions at the national level seems to be less instructive when it comes to evaluating attitudes of geographic constituencies. This work represents an important step to better understanding the nuances of who is interested in Supreme Court decisions and when.

REFERENCES

- Bush v. Gore*. 2001. 531 U.S. 98.
- Caldeira, G. A. 1986. "Neither the Purse nor the Sword: The Dynamics of Public Opinion in the United States Supreme Court." *American Political Science Review* 80: 1209–26.
- Caldeira, G. A. 1991. "Courts and Public Opinion." In *The American Courts: A Critical Assessment*, edited by J. B. Gates and C. A. Johnson, 303–34. Washington, DC: CQ Press.
- Caldeira, G. A., and J. L. Gibson. 1992. "The Etiology of Public Support of the Supreme Court." *American Journal of Political Science* 36: 635–64.
- Clawson, R. A., E. R. Kegler, and E. N. Waltenburg. 2003. "Supreme Court Legitimacy and Group-Centric Forces: Black Support for Capital Punishment and Affirmative Action." *Political Behavior* 25: 289–311.
- Daly, C. 2012. "Obama: Supreme Court Overturning Health Care Would Be 'Unprecedented,'" April 2. http://www.cbsnews.com/8301-503544_162-57408181-503544/obama-supreme-court-overturning-health-care-would-be-unprecedented/ (October 27, 2012).
- Durr, R. H., A. D. Martin, and C. Wolbrecht. 2000. "Ideological Divergence and Public Support for the Supreme Court." *American Journal of Political Science* 44: 768–76.

- Easton, D. 1965. *A Systems Analysis of Political Life*. New York: Wiley.
- Flemming, R. B., and B. D. Wood. 1997. "The Public and the Supreme Court: Individual Justice Responsiveness to American Policy Moods." *American Journal of Political Science* 41: 468–98.
- Franklin, C. H., and L. C. Kosaki. 1995. "Media, Knowledge, and Public Evaluations of the Supreme Court." In *Contemplating Courts*, edited by L. Epstein, 352–76. Washington, DC: CQ Press.
- Gibson, J. L. 2007. "The Legitimacy of the U.S. Supreme Court in a Polarized Polity." *Journal of Empirical Legal Studies* 4: 507–38.
- . 2012. "Public Reverence for the U.S. Supreme Court: Is the Court Invincible?" February 27. http://papers.ssrn.com/sol3/papers.cfm?Abstract_id=1898485 (October 27, 2012).
- Gibson, J. L., and G. A. Caldeira. 1992. "Blacks and the United States Supreme Court: Models of Diffuse Support?" *Journal of Politics* 54: 1120–45.
- . 2009. *Citizens, Courts, and Confirmations*. Princeton: Princeton University Press.
- Gibson, J. L., G. A. Caldeira, and V. A. Baird. 1998. "On the Legitimacy of National High Courts." *American Political Science Review* 92: 343–58.
- Gibson, J. L., G. A. Caldeira, and L. K. Spence. 2003a. "Measuring Attitudes toward the United States Supreme Court." *Journal of Political Science* 47: 354–67.
- . 2003b. "The Supreme Court and the U.S. Presidential Election of 2000: Wounds, Self-Inflicted or Otherwise?" *British Journal of Political Science* 33: 535–59.
- . 2005. "Why Do People Accept Public Policies They Oppose? Testing Legitimacy Theory with a Survey-Based Experiment." *Political Research Quarterly* 58: 187–201.
- Grosskopf, A., and J. J. Mondak. 1998. "Do Attitudes towards Specific Supreme Court Decisions Matter? The Impact of *Webster* and *Texas v. Johnson* on Public Confidence in the Supreme Court." *Political Research Quarterly* 51: 633–54.
- Handberg, R. 1984. "Public Opinion and the United States Supreme Court, 1935–1981." *International Social Science Review* 59: 3–13.
- Hibbing, J. R., and E. Theiss-Morse. 1995. *Congress as Public Enemy: Public Attitudes toward American Political Institutions*. New York: Cambridge University Press.
- Hoekstra, V. J. 1995. "The Supreme Court and Opinion Change: An Experimental Study of the Court's Ability to Change Opinion." *American Politics Quarterly* 23: 109–29.
- . 2000. "The Supreme Court and Local Public Opinion." *American Political Science Review* 94: 89–100.
- . 2003. *Public Reaction to Supreme Court Decisions*. New York: Cambridge University Press.
- Hoekstra, V. J., and J. A. Segal. 1996. "The Shepherding of Local Opinion: The Supreme Court and Lamb's Chapel." *Journal of Politics* 58: 1079–102.
- Marshall, T. R. 1989. *Public Opinion and the Supreme Court*. Boston: Unwin Hyman.
- Mishler, W., and R. S. Sheehan. 1993. "The Supreme Court as a Countermajoritarian Institution? The Impact of Public Opinion on Supreme Court Decisions." *American Political Science Review* 87: 87–101.
- . 1996. "Public Opinion, the Attitudinal Model, and Supreme Court Decision-Making: A Micro-Analytic Perspective." *Journal of Politics* 58: 169–101.
- Mondak, J. J. 1991. "Substantive and Procedural Aspects of Supreme Court Decisions as Determinants of Institutional Approval." *American Politics Quarterly* 19: 174–88.
- . 1992. "Institutional Legitimacy, Policy Legitimacy, and the Supreme Court." *American Politics Quarterly* 20: 457–77.
- Mondak, J. J., and S. I. Smithey. 1997. "The Dynamics of Public Support for the Supreme Court." *Journal of Politics* 59: 1114–42.
- Mueller v. Allen*. 1983. 463 U.S. 388.
- National Federation of Independent Business v. Sebelius*. 2012. 132 S.Ct. 2566.
- Peterson, P. E., W. G. Howell, and J. P. Greene. 1999. "An Evaluation of the Cleveland Voucher Program after Two Years." Prepared for the Harvard University Program on Education Policy and Governance. Cambridge, MA: John F. Kennedy School of Government. <http://www.hks.harvard.edu/pepg/PDF/Papers/clev2ex.pdf> (October 3, 2014).
- Pew Research for the People and the Press. "Supreme Court Favorability Reaches New Low." May 2012. <http://www.people-press.org/2012/05/01/supreme-court-favorability-reaches-new-low/> (October 27, 2012).
- Segal, J. A. 1999. "Diffuse Support for the United States Supreme Court: Reliable Reservoir or Fickle Foundation?" *American Review of Politics* 20: 1–24.
- Stimson, J. A., M. B. MacKuen, and R. S. Erikson. 1995. "Dynamic Representation." *American Political Science Review* 89: 543–65.

- Tanenhaus, J., and W. F. Murphy. 1981. "Patterns of Public Support for the Supreme Court: A Panel Study." *Journal of Politics* 43: 24–39.
- Witters v. Washington Department of Services for the Blind*. 1986. 474 U.S. 481.
- Zelman v. Simmons-Harris*. 2002. 536 U.S. 632.
- Zorbest v. Catalina Foothills School District*. 1993. 509 U.S. 1.

APPENDIX: ALTERNATIVE DEPENDENT VARIABLE FOR MODEL 2

Regression Predicting Attitudes Change toward Vouchers

Resident of Cleveland	-.206 (.318)
Local Media Exposure	.026 (.049)
Race	
Caucasian	1.645 (.513)***
African American	2.310 (.563)***
Children	1.520 (.341)***
Religiousness	.171 (.106)*
Income	.190 (.063)**
Controls	
Age	.041 (.009)***
Gender	.922 (.311)**
Partisanship	
Democrat	-.085 (.392)
Republican	.216 (.464)
Feelings toward Supreme Court	.008 (.009)
Knowledge of Supreme Court	.087 (.173)
Knowledge of the Decision	.381 (.357)
Attitudes toward Voucher at Wave 1	-.547 (.086)***
<i>N</i>	193

Note. All variables (other than the dependent variable and knowledge of the decision) were measured during wave one.

Standard errors in parentheses are panel corrected and bolded coefficients are significant.

Statistical significance (one-tailed tests) are represented with * $p < .05$, ** $p < .01$, *** $p < .001$.