

# *Framing Support for the Supreme Court in the Aftermath of Bush v. Gore*

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Public support for political actors and institutions depends on the frames emphasized in elite debate, especially following a political controversy. In the aftermath of *Bush v. Gore*, the Supreme Court made itself the object of political controversy because it effectively ended the 2000 presidential election. Opponents of the decision framed the Supreme Court ruling as partisan and “stealing the election,” while supporters framed it as a principled vote based on legal considerations. Using survey data, we examine how framing the controversy in these terms shaped the Court’s public support. In so doing, we examine the distinction between *specific support* (e.g., confidence in officeholders) and *diffuse support* (e.g., institutional legitimacy). We find that framing the decision in terms of partisan decision making influences specific support, but it does not affect diffuse support. However, framing the justices’ motives in terms of ending the election, a specific consequence of the decision, reduces diffuse support.

## Introduction

**F**or an institution accustomed to avoiding public scrutiny, the Supreme Court had an unusual glare cast on it by the 2000 presidential election. In *Bush v. Gore*, the Supreme Court effectively ended Vice President Al Gore’s legal challenge to the outcome in Florida and thus concluded a highly contentious presidential race that had captivated an anxious nation for six long weeks. The fallout was immediate. Democrats accused the Court of engaging in partisan politics and handing the election to Republican presidential candidate George W. Bush. Republicans, on the other hand, spoke of the Court’s courage in following the rule of law (and

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the Constitution) amidst great pressure. Not surprisingly, the Court received an extraordinary amount of media coverage—journalists, politicians, spin doctors, academics, and legal analysts had much to say about the Court's motives. All this discussion centered on a long-standing debate about judicial decision making: does the Supreme Court make decisions based on the Constitution and law, or does it make decisions on the basis of politics and policy preferences?

In the aftermath of *Bush v. Gore*, the answer to this question involves the Court's political legitimacy. If the public perceived the decision as biased or partisan, the decision might undermine the legitimacy of the Court. The justification behind this reasoning is simple: Courts are supposed to decide cases based on the law, not on policy preferences. Yet, this belief was challenged by the public debate surrounding *Bush v. Gore*. Indeed, Vice President Al Gore signaled the public that politics was involved in his concession speech by accepting the Court's decision as final while at the same time disagreeing with it. It was likely a desire to dispel the perception of policy preference judicial decision making that prompted both Justice Thomas and Chief Justice Rehnquist to comment, soon after *Bush v. Gore*, about how their decisions were always premised on law and that political considerations never entered into their decision making (Greenhouse 2000; Lewis 2000).

Public debate has important implications for mass attitudes (Zaller 1992), especially when debate concerns the legitimacy of political actors and institutions. Although scholars know much about how citizens' attitudes and preferences shape support for the Court, they know less about how public debates of Court decisions affect support. The case of *Bush v. Gore* presents an exceptional opportunity to examine how *framing* the Court's motives affects its public standing. Framing is the process whereby elites, news media, or other actors define the essence of a debate or controversy by highlighting specific considerations or aspects of an issue (see Druckman 2001b for a review). Studies of framing or framing effects concern *issue framing*, the manner in which alternative depictions of an issue affect support for public policies. With few exceptions (see Iyengar 1991), scholars know little about what we refer to as *actor* or *institution framing*, the manner in which alternative interpretations or depictions of political actors (e.g., motives, behavior, effectiveness) affect public approval or support of political actors and institutions. Here, we look at whether alternative frames prevalent in elite discourse about the *Bush v. Gore* decision—*law*, *politics*, and *the election*—shaped public support for the Court. In so doing, we examine the depth to which framing matters in shaping attitudes toward the Court by examining the important distinction between *specific support* (e.g., support for the justices) and *diffuse support* (e.g., support for the political institution).

### Public Support for the Supreme Court

Whether or not the Supreme Court's actions and political circumstances influence the Court's public support is something of a puzzle. Some find that evalua-

tions of the Court are relatively impervious to political circumstances and Court actions (Caldeira and Gibson 1992). The “cult of the robe” (Frank 1963) or the widely held perception that the Court is “above politics” (Jaros and Roper 1980) help insulate the Court from the type of political criticism that routinely surrounds the other branches of government (see Hibbing and Theiss-Morse 1995). Others find that the Court’s actions and political circumstances affect support for the Court (Adamany and Grossman 1983; Caldeira 1986; Franklin and Kosaki 1989; Hoekstra 2000; Jaros and Roper 1980; Mondak 1991; Mondak and Smithey 1997).

One resolution to this puzzle concerns whether citizens are queried about “diffuse” or “specific” support (Easton 1965). Specific support involves citizens’ attitudes toward officials and policies, and diffuse support implies support for an institution. Thus, specific support measures public attitudes toward the Supreme Court justices while diffuse support measures the public’s support for the legitimacy of the Court apart from its membership. Research on public support for the Supreme Court follows this distinction. For instance, Caldeira (1986) finds that political events and judicial actions affect evaluations of the justices, a type of specific support. In later research, Caldeira and Gibson (1992) find that judicial actions have no effect on diffuse support. Diffuse support, they find, is the product of long-standing political values (e.g., support for democratic norms). Although some question whether the two concepts can be empirically disentangled (Mishler and Rose 1997), we agree with Caldeira and Gibson (1992) that such a distinction is theoretically and empirically feasible. Furthermore, research on trust in government supports the notion that citizens differentiate support for the regime and officeholders (e.g., Citrin 1974; Hibbing and Theiss-Morse 1995).

The distinction between diffuse and specific support is critical to understanding public approval of the Supreme Court, especially in the aftermath of *Bush v. Gore*. In many instances, the Court’s controversial decisions affect specific support (e.g., confidence in the justices) but not diffuse support (e.g., legitimacy of the institution). Yet, in this case, the Court was *the* pivotal actor in a highly salient political controversy. Furthermore, the enormous implications of the decision—control of the nation’s highest elected office—made the Court’s role in the election a topic of many news stories and talk shows. Given all this attention, we find *Bush v. Gore* an especially good opportunity to test whether public attitudes toward highly controversial Supreme Court decisions affect diffuse support, particularly the way the matter is framed to the public.

### Framing Support

Studies of public opinion and the Court establish that political predispositions and social characteristics affect attitudes toward the Court. For example, religious affiliation (Franklin and Kosaki 1989), commitment to democratic norms (Caldeira and Gibson 1992), feelings toward the national government (Murphy and Tanenhaus 1968), and partisanship (Adamany and Grossman 1983) affect the

Court's public support. However, questions about the "Third Branch" remain unanswered. That is, although scholars know much about how political attitudes shape opinion toward the Court, they know little about how the specific considerations voiced in public debates about Supreme Court decisions—the framing of information—affect public support.

Why should framing matter? Framing, as mentioned, defines the essence of a controversy and thus helps define the dimensions of a debate by which citizens make political judgments (Alvarez and Brehm 2000; Druckman 2001a, 2001b; Gamson 1992; Haider-Markel and Joslyn 2001; Iyengar 1991; Jacoby 2000; Kinder and Sanders 1990, 1996; Nelson, Clawson, and Oxley 1997; Nelson and Kinder 1996). To be clear, we are concerned with *frames in communication*, the examination of how frames emphasized in elite discourse affect political judgment by highlighting certain aspects of an issue or problem (Druckman 2001b). The precise psychological mechanism behind framing is a matter of scholarly debate. For some scholars, framing influences the accessibility of particular considerations (Iyengar 1991), and for others it shapes the perceived relevance of information by making some considerations more important than others (Nelson, Clawson, and Oxley 1997). Since our data—a telephone survey—preclude us from participating in this discussion, we borrow a broad, inclusive definition: "Framing effects occur when different presentations of an issue generate different reactions among those who are exposed to that issue" (Jacoby 2000, 751).

Studies of issue framing typically examine support for a policy issue across alternative frames in laboratory experiments and surveys. In an experiment on media framing of social problems, Iyengar (1991) finds that subjects exposed to stories about homeless persons (as opposed to faceless statistics) were more likely to assign responsibility to the individual than to government or society. In a media framing experiment on political tolerance, Nelson, Clawson, and Oxley (1997) demonstrate that participants who viewed TV news stories that depicted a Ku Klux Klan rally as a free speech issue expressed more tolerance of the Klan than participants who viewed news stories that depicted the rally as a matter of public order.

Survey research using alterations in question wording to "mimic" public discourse also provides substantial evidence of framing effects (Kinder and Sanders 1990, 1996; Nelson and Kinder 1996). Kinder and Sanders (1990) show that framing can affect white attitudes toward affirmative action depending on whether the issue is framed as an "unfair advantage" or "reverse discrimination." Nelson and Kinder (1996) demonstrate that issue frames linked to particular groups affect attitudes on government assistance to the poor, government spending on AIDS, and the preferential hiring of blacks. Jacoby (2000) finds that Republican and Democratic issue frames dramatically affect support for government spending by varying the presentation of the issue.

In sum, framing policy issues in different ways affects public opinion by highlighting certain considerations and neglecting others. Yet, few studies examine how framing the motives or actions of political actors affects public support and con-

fidence in government. The content of elite discourse may affect not only approval of officeholders, but also the political legitimacy of governmental institutions.

### Framing *Bush v. Gore*

The 2000 presidential election rivaled the elections of 1800 and 1876 in creating uncertainty over exactly who was elected. The drama of incorrectly marked ballots, “chads,” improper ordering of candidate names, and undercounts ultimately was resolved by the Supreme Court in *Bush v. Gore* (2000). The first of the two *Bush v. Gore* decisions came after the Florida Supreme Court, on remand from the U.S. Supreme Court, ordered a statewide recount of ballots on December 8, 2000. The following day, the United States Supreme Court, under its discretionary power of certiorari, stopped the recount, effectively ending the election. The decision fell along ideological, and to some degree, partisan lines. The five most conservative justices formed the majority, while the four most liberal justices, including the two Democrats (Breyer and Ginsburg) dissented.

The decision was complex, but the public debate surrounding it was less so. We identified three frames: partisan, legal, and election. Opponents claimed that the Court reached its decision based on “politics” and “partisanship.” For example, the *New Republic* sharply criticized the partisan appearance of the decision, declaring that the justices “are—Republicans . . . This ruling was designed to bring about a political outcome, and it is an insult to the intelligence of the American people to suggest otherwise” (*New Republic* editors 2000). We refer to this interpretation of the Court’s motives as the *partisan* frame.

Supporters of the decision, on the other hand, stressed “law” and “legal precedent.” Conservative media analysts and politicians had much to say about the rule of law, although the justices themselves were likely the most prominent advocates of this argument. Justice Thomas, soon after the decision, was quoted as saying that the Court was never influenced by partisan and political considerations (Greenhouse 2000), and Chief Justice Rehnquist affirmed the correctness of Thomas’s statement (Lewis 2000). This interpretation of the Court’s motives in *Bush v. Gore* we refer to as the *legal* frame.

Finally, *Bush v. Gore* was not simply a matter of law versus politics: it effectively ended the 2000 presidential election, and some critics framed the decision as nothing less than stealing the election. Jesse Jackson, for instance, angrily denounced the decision by telling a rally of blacks, union members, and other Democratic loyalists, “the election was essentially taken and stolen” (CNN staff 2000). This interpretation of the controversy we refer to as the *election* frame.

Thus, we have the framing of the controversy. For many, the decision was ideological, partisan, and political, or it had severe consequences in that it “stole the election.” For others, including the stated observations of at least three of the justices who formed the majority coalition, the Court premised the decision on the proper application of law and rules. Note that we do not examine variations in the arguments made by supporters of *Bush v. Gore*. Although we would have liked

to explore the various frames on that side of the debate, we did not do so because we are interested in looking at loss of support.

## Data and Methods

The data for this analysis are from the Winter 2001 *Georgia State Poll*, conducted by the Applied Research Center at Georgia State University.<sup>1</sup> The sample was a telephone survey of 782 Georgia residents, 18 years of age and over.<sup>2</sup> Interviews were conducted from January 18 through February 20, 2001, starting some five and one-half weeks after *Bush v. Gore*. Georgia is obviously not representative of the nation as a whole, and we do not wish to replicate the national surveys already undertaken in this area (see, e.g., Gibson, Caldeira, and Spence 2001; Kritzer 2001). For our purposes, broad, national demographic representation is not as important as the question-wording manipulations embedded in the survey. After controlling for alternative explanations, we have no reason to expect that Georgians should be any more, or less, influenced by framing effects than citizens in other states.

Having identified frames from the *Bush v. Gore* controversy, we constructed questions that “mimic” the major claims made by both sides (Kinder and Sanders 1990, 1996; Nelson and Kinder 1996) for the studies below.

### Study 1: General versus Specific Frames

Figure 1A depicts our intentions for study 1. Here, we investigate how alternative frames made by opponents of *Bush v. Gore* affect *diffuse* support for the Supreme Court. The partisan frame represents a general criticism of the Court’s decision, and the election frame denotes a specific outcome or result of the decision. We depict the wording for each question, with the differences highlighted in italics, below.

<b>Partisan Frame</b>	<b>Election Frame</b>
(General Account of Court’s motives)	(Specific Account of Court’s Motives)
Our next question concerns the U.S. Supreme Court’s recent involvement in the presidential election between Al Gore and George W. Bush. Some say the power of the Court should be	Our next question concerns the U.S. Supreme Court’s recent involvement in the presidential election between Al Gore and George W. Bush. Some say the power of the Court should be

<sup>1</sup>The survey randomly assigned the different frames among the three groups. To ensure that any differences in response were not the result of significant demographic, ideological, or political difference in these groups, we examined relevant demographic, ideological, and political profiles for each group. We found no systematic differences among the three groups for these characteristics. Therefore, since the three groups are similar and do not exhibit any systematic bias, we are confident that the question wording manipulations are responsible for the different responses among groups.

<sup>2</sup>The cooperation rate for the poll was 41.71%.

reduced because its decision on the presidential election was made on the basis of *politics and partisanship*. Others believe the Court's powers should remain unchanged, saying that it ruled on the basis of law and legal precedent. What do you think? As far as reducing the powers of the Supreme Court is concerned, would you say you strongly agree with reducing the Court's powers, somewhat agree with reducing the Court's powers, or hardly agree with reducing the Court's powers?

reduced because its decision on the presidential election was made on the basis of *wanting to bring the election to an end*. Others believe the Court's powers should remain unchanged, saying that it ruled on the basis of law and legal precedent. What do you think? As far as reducing the powers of the Supreme Court is concerned, would you say you strongly agree with reducing the Court's powers, somewhat agree with reducing the Court's powers, or hardly agree with reducing the Court's powers?

Despite the apparent similarities between the two frames, we expect the specific claim of the election to produce a greater loss of support than the broader claim of partisan decision making. Frames depicting a broad or general account of a story or debate may affect political judgments much differently than frames depicting concrete or specific accounts (Iyengar 1991; Jacoby 2000). For example, Iyengar (1991) finds that TV news stories that depict concrete examples (episodic frames) as opposed to general evidence (thematic frames) significantly influence the way citizens understand social problems and assign responsibility for them. Similarly, Jacoby (2000) finds that Republicans' broad, general appeals about limiting government decrease support for government spending while Democrats' specific appeals for programs have the opposite effect. Similarly, we expect the specific claim of the election frame to have a greater effect than the broad claim of the partisan frame. Depicting *Bush v. Gore* in terms of the election transforms "a relatively abstract matter into a subject that they [respondents] can more readily identify with" (Chong 1993, 887) since the partisanship claim is "relatively abstract," sounding like the everyday criticisms directed at Congress and the presidency. The Court's ending the election imbroglio, on the other hand, is a specific *consequence* or *result* of the decision and readily understood. This distinction is also consistent with Mondak's (1991) finding that the substantive aspects of Supreme Court decisions (consequences) have a significant effect on the Court's public standing but that procedural concerns such as judicial activism (abstract matters) do not.

Note that we avoided "loading" the election frame for either side. Although the election frame specifically mentions the consequences or results of the Court's decision, it does not say "stealing the election." An alternative interpretation of the election frame advocated by supporters of the decision is that the Court did the nation a much needed favor by "ending the trauma." Justice Kennedy claimed that ending the election was a positive outcome for the country. According to an AP wire service story dated September 10, 2001, Justice Kennedy voted with the

FIGURE 1

Overview of Studies Investigating Public Support for the Supreme Court

A. The Effect of Partisan and Election Frames on Diffuse Support

		Frame	
		Partisan Frame (General claim)	Election Frame (Specific claim)
<b>Public Support for the Supreme Court</b>	Specific Support (confidence in Supreme Court justices)	Not Examined	Not Examined
	Diffuse Support (reducing the powers of the Supreme Court)	Partisan frame should positively affect diffuse support (but less so than the election frame)	Election frame should positively affect diffuse support (but more so than the partisan frame)

B. The Effects of the Partisan Frame on Specific and Diffuse Support

		Frame	
		Partisan Frame (General claim)	Election Frame (Specific claim)
<b>Public Support for the Supreme Court</b>	Specific Support (confidence in Supreme Court justices)	Partisan frame should positively affect specific support (but more so than diffuse support)	Not Examined
	Diffuse Support (reducing the powers of the Supreme Court)	Partisan frame should positively affect diffuse support (but less so than specific support)	Not Examined



majority because he wanted to end the election to spare the country further trauma. Thus, one could interpret it along the lines of Justice Kennedy as meaning that the Court brought the nation much needed closure. More likely, we expect that one should interpret it to mean, in the words of Jesse Jackson, "The election . . . was stolen." Indeed, as mentioned, many Democrats and supporters of Al Gore saw the decision in that light. Although we could have worded the election frame from either perspective, we thought it a more conservative test of our hypothesis that this frame would produce a greater loss of support for the Court.

Similarly, we examine diffuse support because it is less malleable than specific support (see Caldeira and Gibson 1992). Since citizens are more susceptible to framing effects when they exhibit ambivalence (Alvarez and Brehm 2000; Chong 1993; also see Sniderman, Brody, and Tetlock 1991; Zaller 1992), opinions about diffuse support are likely resistant to change. For instance, given the Court's positive image in the last half century as a protector of civil rights and liberties, liberal respondents may be reluctant to voice a loss of diffuse support for the Court. Thus, diffuse support offers a more conservative test of our hypotheses because political circumstances, regardless of frame, are less likely to override these long-standing predispositions. To this end, we ask about support for reducing the power of the Court, a direct assault on diffuse support. This question is consistent with previous work on diffuse support defined as an "unwillingness to make or accept fundamental changes in the functions of an institution" (Caldeira and Gibson 1992, 638).

Before moving to multivariate models, we use a Mann-Whitney test to examine whether there is a statistically significant difference between the two frames (respondents in the two groups). The dependent variable for this test and the following multivariate analyses ask respondents about whether they agree with reducing the Court's powers. The variable is coded zero (0) for respondents who hardly agree, one (1) for respondents who somewhat agree, and two (2) for respondents who strongly agree. Respondents from the partisan frame group are coded one (1) and zero (0) otherwise. The results of the Mann-Whitney test indicate that respondents exposed to the partisan frame were significantly more supportive of the Court's powers than respondents exposed to the election frame ( $z = -2.180$ , two-tailed  $p < .04$ ). Thus, the test indicates that highlighting the election elicits greater opposition to the Court's role in *Bush v. Gore* and thus more support for reducing the Court's powers.

Although we have found significant differences in support for reducing the Supreme Court's powers across alternative frames, we do not know the ingredients of support. In other words, how did Democrats respond to the argument that the Court wanted to end the election? What about the reaction of those who disagreed with the decision? Below, we specify two models for each of the framing conditions. The coding for the dependent variable in each model is the same as above. The independent variables of primary interest include opinions about *Bush v. Gore*, party identification, and ideology. As discussed above, we expect these variables to have a greater effect among those respondents exposed to the election frame since it highlights the consequence or implication of the decision.

Below, we discuss the coding of these variables as well as several control variables long associated with public support for the Court.

Crucial to explaining support for the Court in the wake of *Bush v. Gore* will be a respondent's opinion of the decision. National surveys taken soon after the election showed a public deeply divided over *Bush v. Gore* (Gibson, Caldeira, and Spence 2001; Kritzer 2001). In one survey, over 86% of those who disagreed with the decision believed *Bush v. Gore* was premised on the personal preferences of the justices, while almost 80% of those who agreed with the decision believed the decision to have been based on law (Gibson, Caldeira, and Spence 2001, Table 3, p. 10). Thus, we hypothesize that respondents who disagree with *Bush v. Gore* will support reducing the powers of the Supreme Court. Although political events are generally unrelated to diffuse support, under particular conditions this relationship may change. Caldeira and Gibson (1992, 659) elaborate on the nature of this shift from predispositions to policy considerations.

Occasionally, an institution acts in an aberrant fashion and upsets popular expectations. Its actions create controversy. As an institution creates controversy, it creates dissonance between basic expectations and perceptions. This dissonance provides no guidelines for the formation of attitudes, so policy preferences will dominate views of the institution . . .

Given the controversy, *Bush v. Gore* provides a particularly fitting test of this statement. For reasons already discussed, we expect the decision and the resulting controversy to affect support for the institution as well as support for the justices. To evaluate the effect of *Bush v. Gore* on support for the Court, we asked respondents whether they agreed or disagreed with the recent U.S. Supreme Court ruling that ended the election, calling the variable ***Disagree with Decision***. This variable is coded one (1) if respondents disagreed with the decision and zero (0) if they agreed. We expect that respondents who disagreed with the decision will be more likely to support reducing the Court's powers.

Since one interpretation of the decision presents stark partisan implications, we also expect an individual's party identification, beyond an opinion of the decision, to influence support for the Supreme Court. Kritzer (2001) found that in the aftermath of *Bush v. Gore*, partisanship influenced evaluations of the Supreme Court, whereas before the decision partisanship had little to do with such assessments. For this reason, we code ***Democrat*** one (1) if a respondent identifies as a Democrat, zero (0) if a respondent identifies as an Independent, and negative one (-1) if a respondent identifies as a Republican. Of course, we expect ***Democrat*** to be positively related to the dependent variable for each framing condition. Similarly, for those respondents who do not strongly identify with one of the two major parties, ideology may capture opinion toward the Court's actions. To evaluate this possibility, we include ***Liberal*** in the analysis. This variable has been measured on a continuous seven-point ordinal scale ranging from zero (0) = extremely conservative to six (6) = extremely liberal. Naturally, following the Court's decision, we expect that ***Liberal*** will be positively related to supporting a reduction in power for the Supreme Court.

Following the literature on public opinion and the Supreme Court, we include control variables well established in the literature on public support and the Court,

including demographic characteristics, church attendance, trust in government, attitudes toward legal rights, and support for an orderly society (see the Appendix for specific coding and variable names).<sup>3</sup>

Since the dependent variable takes on a finite number of values and possesses an ordering, we employ ordered probit, a maximum likelihood estimation procedure (Greene 1997). Table 1 summarizes the results of the ordered probit analysis. Although we expected the partisan frame to have less of an effect than the election frame, we are surprised that none of the variables in the former model achieve conventional levels of statistical significance ( $p \leq .05$ ) in a two-tailed test. Our variable of central interest, *Disagree with Decision*, is significant in a one-tailed test ( $p = .045$ ) but fails the more conservative two-tailed test ( $p = .089$ ), while the remaining variables in the model, even those strongly associated with diffuse support in prior research (e.g., support for equal rights), all fail to reach a level statistically distinguishable from zero. We might conclude from the partisan frame model that interpretations of *Bush v. Gore* that stressed the Court as political had little effect on citizens' diffuse support.

However, the election frame depicted in column 2 of Table 1 demonstrates that an alternative interpretation of the Court's motives affects opinion. The results from this analysis confirm many of our expectations concerning the impact of *Bush v. Gore* on diffuse support. In particular, we found statistically significant relationships for disagreement with the decision and party identification on support reducing the Court's powers, although contrary to our expectations, *Liberal* did not achieve statistical significance at  $p \leq .05$ . Just as we found in the partisan frame, many of the control variables, even variables identified in earlier research on diffuse support (e.g., attitudes toward democratic values), failed to achieve conventional levels of statistical significance. As suggested by Caldeira and Gibson (1992), this may be because during periods of great controversy support for democratic values recedes as policy considerations take center stage. Interestingly, church attendance was the only control variable to achieve statistical significance. Although we did not expect this finding, it might be the case that churchgoers viewed the Court's intervention as unprincipled.<sup>4</sup>

<sup>3</sup>To be sure, this is not an exhaustive list of control variables. For instance, Caldeira and Gibson (1992) show that support for democratic norms and civil liberties has a strong effect on diffuse support. Unfortunately, given limited space on the survey, we were not able to replicate the scales they used for measuring these concepts. Thus, instead of including all six items they used to construct a commitment to public order scale, we asked only one of the items. We did the same for the scale measuring commitment to the norms of democracy. Although not ideal, including a single item from each scale should help account for the effect of these concepts. We would have also liked to look at the differences among respondents. Given that political sophisticates might respond differently to framing effects from non-sophisticates (but see Jacoby 2000), differentiating respondents on this basis might provide a more nuanced picture of public opinion. Unfortunately, the survey did not contain any viable knowledge or political sophistication items that would allow us to look at such differences.

<sup>4</sup>In an analysis not presented, we merged the responses from both framing conditions to examine whether the results held when looking at the interaction between the election frame and the inde-

TABLE 1

Ordered Probit Analysis of the Effect of Partisan and Election Frames on Diffuse Support for the Supreme Court (Reducing the Powers of the Supreme Court)

Variable	Partisan Frame (General claim)	Election Frame (Specific claim)
Disagree with Decision	.47 (.263)	.73** (.232)
Democrat	.02 (.155)	.32* (.132)
Liberal	.04 (.058)	-.07 (.064)
Order	.10 (.196)	-.06 (.194)
Equal rights	-.06 (.676)	-.08 (.454)
Trust Government	-.14 (.149)	-.04 (.143)
African-American	.08 (.261)	-.32 (.263)
Male	-.16 (.182)	.09 (.190)
Education	-.02 (.064)	-.09 (.072)
Age	-.00 (.007)	-.01 (.007)
Church	-.00 (.079)	.16* (.079)
Cut 1	-.92 (.86)	-.99 (.65)
Cut 2	.20 (.86)	-.10 (.65)
N	163	182
Chi-squared	14.34	30.54**

\*\* $p \leq .01$  (two-tailed test); \* $p \leq .05$  (two-tailed test).

To aid in the interpretation of the coefficients, we calculated predicted probabilities for each variable (see Long 1997). Holding all other variables constant at their mean values, Table 2 depicts the effect of discrete changes in attitudes toward the decision and party identification on a respondent's opinion about reducing the powers of the Court. Across the three categories of the dependent variable, the lower half of Table 2 (the election frame) shows that attitudes toward the Court's decision had a substantial effect on the probability that a respondent

pendent variables. For each independent variable, we found the same pattern of results: disagreement with the decision, party identification, and church attendance were the only variables to achieve conventional levels of statistical significance.

TABLE 2

**Effect of Disagreement and Party ID on Predicted Probabilities of Support for Reducing the Powers of the Supreme Court**

Partisan Frame	Hardly Agree	Somewhat Agree	Strongly Agree
Disagree with Decision	-.174	.031	.143
Party Identification	-.012	.002	.001
Election Frame	Hardly Agree	Somewhat Agree	Strongly Agree
Disagree with Decision	-.284	.079	.205
Party Identification	-.252	.081	.171

*Note:* Predicted probabilities are calculated holding all other variables constant at their mean values.

will support reducing the Court's powers. Respondents who disagreed with the decision were less likely to "Hardly Agree" with reducing the power of the Court. Furthermore, those who disagreed with the decision were more likely to "Somewhat Agree" and especially "Strongly Agree" with reducing the Supreme Court's powers. Although this variable does not achieve statistical significance in the partisan frame condition, the same pattern is found, albeit weaker.

As expected, Democrats look similar to those who disagreed with the Court's ruling. In fact, the signs for each response category of the dependent variable were identical. Not surprisingly, when asked whether they thought the powers of the Supreme Court should be reduced, Democrats were less likely to fall into the "Hardly Agree" response category and more likely to fall into the "Somewhat Agree" and "Strongly Agree" categories.

### Study 2: Explaining Diffuse and Specific Support

Figure 1B depicts our intentions in study 2. Here, we investigate how the same framing conditions (legal versus partisan) affect diffuse *and* specific support by looking at whether the ingredients that make up each type vary. Thus, we look at how variables such as party identification differ across questions that tap confidence in the justices (specific support) and the powers of the Court (diffuse support). Our expectation is that diffuse support should be much less susceptible to framing effects than specific support. As mentioned, citizens should be firmer in their support for the Court as opposed to the justices, given that support for the Court as an institution largely depends on enduring norms and core values (Caldeira and Gibson 1992). The durability of norms and core values suggests less ambivalence toward the Court and thus greater resistance to framing effects (Chong 1993).

The specific wording for each question is shown below, with differences highlighted by italics. Although labeled differently, the question on the left side is the partisan frame from the above study.

### Diffuse Support

Our next question concerns the U.S. Supreme Court's recent involvement in the presidential election between Al Gore and George W. Bush. Some say *the power of the Court should be reduced* because its decision on the presidential election was made on the basis of politics and partisanship. Others believe *the Court's powers should remain unchanged*, saying that it ruled on the basis of law and legal precedent. What do you think? *As far as reducing the powers of the Supreme Court is concerned, would you say you strongly agree with reducing the Court's powers, somewhat agree with reducing the Court's powers, or hardly agree with reducing the Court's powers?*

### Specific Support

Our next question concerns the U.S. Supreme Court's recent involvement in the presidential election between Al Gore and George W. Bush. Some people have *a great deal of confidence* in the Court because they say its decision on presidential election was made on the basis of law and legal precedent. Others have *low confidence*, saying that the Court made its ruling on the basis of politics and partisanship. What do you think? *As far as people running the U.S. Supreme Court are concerned, would you say you have a great deal of confidence, only some confidence, or hardly any confidence at all in them?*

As seen, both questions present respondents with the legal frame and the partisan frame. The major difference, as highlighted by the italicized text, is that the question on the left inquires about reducing the power of the Court and the question on the right asks about confidence in the "people running the U.S. Supreme Court," a common question used in studies of public opinion and the Supreme Court (Caldeira 1986; Mondak and Smithey 1997) and one routinely asked in the Harris poll and General Social Survey (GSS).

To be clear, the question on the left inquires about diffuse support because it concerns the Court as an *institution*, and the question on the right inquires about specific support because it concerns the *officeholders* or justices. Although we believe the question wording difference provides a powerful test of diffuse versus specific support, we recognize the limitations of comparing the two questions since we do not ask respondents to express confidence in the officeholder and the institution. By asking respondents about reducing the Court's powers, we are also tapping respondents' opinion about a *response* to the decision.

To account for primacy effects, we change the order in which we present the frames. In the model of diffuse support, we present the partisan frame first and the legal frame second. In the model of specific support, however, we switch the

order of presentation so that the legal frame precedes the partisan frame. Although Wänke (1996) finds that word order effects of this kind have little effect, we nevertheless switch the order of the two frames to account for the possibility that respondents give greater attention to objects presented first. By placing the legal frame first, then, we provide a demanding test for the partisan frame.

Our expectations about the impact of issue framing on specific support for the Supreme Court are much higher than they were for diffuse support. Indeed, in the previous section the partisan frame did not activate partisan or ideological orientations. Nor did it appear to activate respondents' opinions about the Court's decision in *Bush v. Gore*. However, because specific support is more susceptible to Court actions (Caldeira 1986), we believe that the partisan frame will affect confidence in the justices. Thus, counter to the findings on diffuse support in the previous section, we expect that political variables will play an important role.

Table 3 summarizes the results of two ordered probit models, one for each question. Although we presented the results of the diffuse model in Table 1 (the partisan frame), we also include them in Table 3 for ease of comparison. As discussed, the most striking result is that none of the independent variables attains statistical significance. This finding suggests that framing the controversy in terms of partisanship versus the law does not make much of a difference to diffuse support. Recall, however, that we found that when the debate was framed in terms of the election versus the law, that is, when we stressed the consequences of the decision, several antecedents of opinion appear to matter. From these results, we might believe that calling the Court's decision making political or partisan, especially in the aftermath of *Bush v. Gore*, did not make a difference to the Court's public standing.

Yet, there was an effect on specific support. Column 2 of Table 3 reports the findings for specific support. In contrast to the model of diffuse support, several variables were statistically significant at  $p \leq .05$ . The variables *Disagree with Decision* and *Democrat* have a statistically significant and substantively important impact on confidence in the justices. Furthermore, *Trust in Government* and *Age* have a statistically significant effect on a respondent's confidence in the people running the Supreme Court. In sum, the partisanship versus law debate activated these antecedents of opinion when queried about confidence in the justices. In contrast, this debate made little difference to respondents when asked about reducing the powers of the Court.

Again, to aid in interpretation, Table 4 presents the predicted probabilities. For ease of comparison, we include the predicted probabilities from Table 2 (previously the partisan frame) at the top of Table 4, now labeled as diffuse support. Although the variables in the model of diffuse support do not achieve statistical significance, it is interesting to contrast probabilities across the models of diffuse and specific support. Though not strictly comparable, the probabilities for the specific support model across all categories of the dependent variable are more than twice as large as those for the diffuse support model. When exposed to arguments that cast the Court as partisan or political, respondents who disagreed with

TABLE 3

Ordered Probit Analysis of Diffuse and Specific Support for the  
Supreme Court across Partisan and Legal Frames

Variable	Diffuse Support (Court's powers)	Specific Support (Confidence in Justices)
Disagree with Decision	.47 (.263)	1.41** (.247)
Democrat	.02 (.155)	.40** (.141)
Liberal	.04 (.058)	-.02 (.069)
Order	.10 (.196)	.17 (.187)
Equal rights	-.06 (.676)	.50 (.527)
Trust Government	-.14 (.149)	-.52** (.160)
African-American	.08 (.261)	-.11 (.243)
Male	-.16 (.182)	-.09 (.185)
Education	-.02 (.064)	-.06 (.070)
Age	-.00 (.007)	-.01* (.007)
Church	-.00 (.079)	.11 (.080)
Cut 1	-.92 (.86)	-2.02 (.69)
Cut 2	.20 (.86)	-.54 (.68)
N	163	192
Chi-squared	14.34	119.37**

\*\* $p \leq .01$  (two-tailed test); \* $p \leq .05$  (two-tailed test).

the Court's decision and identified as a Democrat were twice as likely to report lower levels of support for the justices as compared to those asked about support for reducing the powers of the Court.

Turning to the model of specific support, an examination of the predicted probabilities for *Disagree with the Decision* and *Democrat* show extreme polarization of opinion over the specific issue of confidence in the justices. Disagreement with the decision negatively affected the probability of respondents expressing a great deal of support for the justices (-.41) and increased the probability of expressing "hardly any" confidence in the justices by the same amount (.41). Finally, as one would expect, the middle response category of "Only Some" confidence showed no change in probability. Party identification also showed similar



TABLE 4

Effect of Disagreement and Party ID on Predicted Probabilities of  
Diffuse and Specific Support for the Supreme Court

Diffuse Support (Reducing Court powers)	Hardly Agree	Somewhat Agree	Strongly Agree
Disagree with Decision	-.174	.031	.143
Party Identification	-.012	.002	.001
Specific Support (Confidence in justices)	A Great Deal	Only Some	Hardly Any
Disagree with Decision	-.411	.000	.411
Party Identification	-.259	.036	.223

*Note:* Predicted probabilities are calculated holding all other variables constant at their mean values.

patterns, with Democratic identifiers negatively affecting a great deal of support for the justices by almost .26, and increasing hardly any support by .22. In short, the debate on *Bush v. Gore* had a very strong polarizing effect on opinion toward the justices.

### Discussion and Conclusion

In this article, we investigated public support for the Supreme Court in the aftermath of *Bush v. Gore*, a case that cast the Court in a bright, often unfavorable, public spotlight. The unfavorable spotlight led many scholars and media analysts to conclude that the decision would lead to a significant loss of support for the court. Individual justices would now be cast in a negative light, and perhaps even more important, the Court and perhaps the entire federal judiciary would lose institutional support. As we stated earlier, it might be why Justice Thomas and Chief Justice Rehnquist apparently felt compelled to publicly state how their decision making in this, *and all cases*, is premised on legal considerations, and not partisanship or policy preferences.

Our results suggest that the public realizes that judges, like other political office holders, base decisions on politics and partisanship and that they recognize such policy-based decision making from a political institution. Similar to members of Congress and the president, the public holds justices responsible for unpopular actions. One's view of the decision and party identification affected specific support. However, citizens' perceptions of partisan decision making on the Court do not diminish support for the Court as an institution. Therefore, framing a judicial decision in this manner does not appear to produce a loss of diffuse support. Thus, broad claims of partisan decision making on the Court affect the standing of justices, but not the institution.

Yet, this is not the whole story. Our results also indicate that when a decision is framed in a specific manner such that the consequences of the decision become apparent, the public reconsiders the legitimacy of the Court. Thus, one could argue that it is not the partisanship or ideological basis of the decision that causes the controversy, but the specific consequences or implications of the decision. This further suggests that many Supreme Court decisions that appear inherently ideological or biased to the media and scholars do not have much impact on diffuse support for the Supreme Court if the prevalent frame in public debate is a general claim of partisanship or ideology. Instead, the decision must be framed in such a way as to make the consequences of the decision apparent. If the consequences are grand, as they were in *Bush v. Gore*, the very legitimacy of the Court may be questioned.

To draw from another area of Court jurisprudence, our research suggests that the public should accept the legitimacy of the Supreme Court in the aftermath of search and seizure cases if the only frame is the “liberal” Warren court or the “conservative” Burger or Rehnquist courts. However, when the frame is “criminals go free, and therefore you are in danger,” or “your liberty is at risk,” then the consequences become apparent to the public, and diffuse support for the Court may diminish.

Although we do not directly examine the role of the messenger and framing effects (Druckman 2001a; also see McGraw 1990), our findings suggest that the public pronouncements of officeholders may not only affect their own public standing, but also that of their political institution. Consider the different interpretations of the Court’s role given by justices Kennedy and Thomas. Kennedy mentioned that the Court was ending the election, and Thomas spoke of constitutional roles and responsibilities. Our results show that Kennedy’s explanation was more inflammatory than Thomas’s justification, especially among Democrats and opponents of the decision.

Finally, our results suggest that framing “matters” across a broad spectrum of politics. We demonstrate that framing not only shapes citizens’ attitudes about public policy, but also about political actors and institutions. Of course, we recognize that the framing manipulations in this study fall short of probing the complexities of how people think and reason about government. Nevertheless, we find that framing a Court decision in different ways alters the foundations of public support for the justices as well as the Court. Thus, we tentatively conclude that the framing of political debates about political actors’ decisions may affect the officeholders as well as the legitimacy of the institutions they represent.

## Appendix: Independent Variables Questions and Coding

The following are the questions and coding of the control variables:

***Trust Government:*** How much of the time do you think you can trust the government in Washington to do what is right—just about always, most of the time,

or only some of the time? (0 = just about always, 1 = most of the time, 2 = only some of the time)

**Order:** Do you agree or disagree with the following statement: It is better to live in an orderly society than allow people so much freedom that they can become disruptive. (1 = agree, 0 = disagree)

**Equal rights:** Do you agree or disagree with the following statement: No matter what a person's political beliefs are, he is entitled to the same legal and political rights as anyone else. (1 = agree, 0 = disagree)

**African-American:** (1 = African American, 0 = other)

**Male:** (1 = male, 0 = female)

**Education:** What is the highest level of education that you have completed? (0 = less than high school to 5 = professional or graduate degree)

**Age:** of respondent (19 to 97 years)

**Church:** How often do you attend church or other religious services? (0 = less often to 3 = once a week or more)

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## References

- Adamany, David, and Joel B. Grossman. 1983. "Support for the Supreme Court as a National Policymaker." *Law and Politics Quarterly* 5 (October): 405–37.
- Alvarez, R. Michael, and John Brehm. 2000. "Binding the Frame: How Important Are Frames for Survey Response?" Paper presented at the Annual Meeting of the American Political Science Association, Washington, D.C.
- Caldeira, Gregory A. 1986. "Neither the Purse nor the Sword." *American Political Science Review* 80(4): 1209–26.
- Caldeira, Gregory A., and James L. Gibson. 1992. "The Etiology of Public Support for the Supreme Court." *American Journal of Political Science* 36(3): 635–64.
- Chong, Dennis. 1993. "How People Think, Reason, and Feel About Rights and Liberties." *American Journal of Political Science* 37(3): 867–99.
- Citrin, Jack. 1974. "Comment: The Political Relevance of Trust in Government." *American Political Science Review* 68(3): 973–88.
- CNN staff. 2000. "Black Democrats angered by Supreme Court ruling." (December 13): <<http://www.cnn.com/2000/ALLPOLITICS/stories/12/13/african.americans/>>.
- Druckman, James N. 2001a. "On the Limits of Framing Effects: Who Can Frame?" *Journal of Politics* 63(4):1041–66.
- Druckman, James N. 2001b. "The Implications of Framing Effects for Citizen Competence." *Political Behavior* 23(3): 225–56.
- Easton, David. 1965. *A Systems Analysis of Political Life*. New York: John Wiley & Sons.
- Frank, Jerome. 1963. *Courts on Trial*. New York: Atheneum.
- Franklin, Charles, and Lynn Kosaki. 1989. "The Republican Schoolmaster: The Supreme Court, Public Opinion, and Abortion." *American Political Science Review* 83(3): 751–71.
- Gamson, William A. 1992. *Talking Politics*. New York: Cambridge University Press.
- Gibson, James L., Gregory A. Caldeira, and Lester Kenyatta Spence. 2001. "The 2000 Presidential Election." Washington University, St. Louis, Department of Political Science. <http://artsci.wustl.edu/~legit/>

- Greene, William H. 1997. *Econometric Analysis*. 3rd ed. Upper Saddle River, NJ: Prentice Hall.
- Greenhouse, Linda. 2000. "Another Kind of Bitter Split." *The New York Times*, Dec. 14, at A1.
- Haider-Markel, Donald P., and Mark R. Joslyn. 2001. "Gun Policy, Opinion, Tragedy, and Blame Attribution: The Conditional Influence of Issue Frames." *Journal of Politics* 63(2): 520–43.
- Hibbing, John R., and Elizabeth Theiss-Morse. 1995. *Congress as Public Enemy: Public Attitudes toward American Political Institutions*. New York: Cambridge University Press.
- Hoekstra, Valerie J. 2000. "The Supreme Court and Local Public Opinion." *American Political Science Review* 94(1): 89–100.
- Iyengar, Shanto. 1991. *Is Anyone Responsible? How Television Frames Political Issues*. Chicago: University of Chicago Press.
- Jacoby, William G. 2000. "Issue Framing and Public Opinion on Government Spending." *American Journal of Political Science* 44(4): 750–67.
- Jaros, Dean, and Robert Roper. 1980. "The U.S. Supreme Court: Myth, Diffuse Support, Specific Support and Legitimacy." *American Politics Quarterly* 8(1): 85–105.
- Kinder, Donald R., and Lynn M. Sanders. 1990. "Mimicking Political Debate with Survey Questions: The Case of White Opinion on Affirmative Action for Blacks." *Social Cognition* 8(1): 73–103.
- Kinder, Donald R., and Lynn M. Sanders. 1996. *Divided by Color: Racial Politics and Democratic Ideals*. Chicago: University of Chicago Press.
- Kritzer, Herbert M. 2001. "The Impact of *Bush v. Gore* on Public Perceptions and Knowledge of the Supreme Court." *Judicature* 85(1): 32–8.
- Lewis, Neil A., Justice. 2000. "Thomas Speaks Out on a Timely Topic, Several of Them, in Fact." *The New York Times*, Dec. 14, at A23.
- Long, J. Scott. 1997. *Regression Models for Categorical and Limited Dependent Variables*. Thousand Oaks, CA: Sage.
- McGraw, Kathleen. 1990. "Avoiding Blame: An Experimental Investigation of Political Excuses and Justifications." *British Journal of Political Science* 20(1): 119–42.
- Mishler, William, and Richard Rose. 1997. "Trust, Distrust and Skepticism: Popular Evaluations of Civil and Political Institutions in Post-Communist Societies." *Journal of Politics* 59(2): 418–51.
- Mondak, Jeffery J. 1991. "Substantive and Procedural Aspects of Supreme Court Decisions as Determinants of Institutional Approval." *American Politics Quarterly* 19(2): 174–88.
- Mondak, Jeffery J., and Shannon Ishiyama Smithey. 1997. "The Dynamics of Public Support for the Supreme Court." *Journal of Politics* 59(4): 1114–42.
- Murphy, Walter F., and Joseph Tanenhaus. 1968. "Public Opinion and the Supreme Court: The Goldwater Campaign." *Public Opinion Quarterly* 32(1): 31–50.
- Nelson, Thomas E., Rosalee A. Clawson, and Zoe M. Oxley. 1997. "Media Framing of a Civil Liberties Conflict and Its Effect on Tolerance." *American Political Science Review* 91(3): 567–83.
- Nelson, Thomas E., and Donald R. Kinder. 1996. "Issue Frames and Group-Centrism in American Public Opinion." *Journal of Politics* 58(4): 1055–78.
- New Republic editors (unsigned). 2000. "Unsafe Harbor." (December 14): <<http://www.tnr.com/122500/editorial122500.html>>.
- Sniderman, Paul M., Richard A. Brody, and Philip E. Tetlock. 1991. *Reasoning and Choice: Explorations in Political Psychology*. Cambridge: Cambridge University Press.
- Wänke, Michaela. 1996. "Comparative Judgments as a Function of the Direction versus Word Order." *Public Opinion Quarterly* 60(3): 400–409.
- Zaller, John R. 1992. *The Nature and Origins of Mass Opinion*. New York: Cambridge University Press.

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