Snap Judgment:
Implicit Perceptions of a (Political) Court

Thomas G. Hansford
(Corresponding Author)
Professor of Political Science
UC Merced
thansford@ucmerced.edu
(209) 228-4037

Chanita Intawan
Ph.D. Candidate
UC Merced
cintawan@ucmerced.edu

Stephen P. Nicholson
Professor of Political Science
UC Merced
snicholson@ucmerced.edu

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Do people fundamentally perceive the Supreme Court as a political institution? Despite the central importance of this question to theories of public evaluations of the Court and its decisions, it remains largely unanswered. To this end, we develop a new, implicit measure of political perceptions of the Court. This new measure relies on a categorization task wherein respondents quickly associate political or non-political attributes with the Supreme Court relative to institutions that are high or low in politicization. We find that the public implicitly perceives the Court as less political than Congress (high politicization) and more political than traffic court (low politicization) and that this measure is distinct from self-reported (explicit) perceptions of politicization. Finally, we find that implicit perceptions have a distinct effect on predicting diffuse support for the Court and specific support for one of two Court decisions.

Keywords: Supreme Court; public opinion; implicit attitudes; diffuse support; specific support

The question of how the American public fundamentally views the Supreme Court—is it legal or political or somewhere in between—underlies a number of long-standing questions about the Court and its role in the American political system. Theories of public opinion regarding the Court and its decisions make different assumptions regarding the answer to this question. Theories of policy legitimation (e.g., Hoekstra 1995; Mondak 1990; Stoutenborough, Haider-Markel, and Allen 2006) and positivity bias (e.g., Gibson and Caldeira 2009) assume that the public perceives the Court as less than fully political, thus leading to greater support for the institution and its decisions. Spatial models (e.g., Bartels and Johnston 2013) and party cue theories (Boddery and Yates 2014; Clark and Kastellec 2015; Nicholson and Hansford 2014) of public evaluations of the Court, however, assume that people are quick to assess the Court along ideological or partisan lines. Yet, there is little in the way of solid evidence to buttress either assumption. As an empirical matter, it is not clear whether people conceive of the Supreme Court as a fully political institution or as something altogether different.

Despite the recognition that orientations toward the Supreme Court are largely affective (Gibson and Caldeira 2009), there has been no consideration that perceptions of the Supreme Court can exist on a "gut" or implicit level. In contrast to traditional survey questions that measure self-reported (explicit) attitudes, implicit attitudes are snap judgments that are spontaneous and often operate outside of a person's conscious awareness (Perez 2016). Much of the theorizing about the public's view of the Court suggests implicit processes are at work even though existing measures of these perceptions are explicit. Using an implicit measure of the Supreme Court's political nature, we hope to advance scholarly understanding of 1) the degree to which the public fundamentally perceives the Court as political and 2) whether individual-level variation in these perceptions predicts attitudes toward the Court and its decisions.

Using the implicit association test (IAT), we develop a new measure of perceptions of the Court based on the extent to which people associate political attributes with the Supreme Court relative to alternative institutions, both political (Congress) and apolitical (traffic court), and find that the Court is perceived to be political, but not fully so. An alternative IAT looking at the same institutions but with different traits—good and bad—suggests that our political/non-political IAT is not simply picking up on the like or dislike of the institutions in question. We next compare our implicit political measure with traditional (explicit) survey items regarding the Court and politics and find the two types of perceptions are distinct.

We also investigate whether, and how, implicit perceptions of the Court matter. In particular, we examine whether implicit measures help explain support for the Court as an institution (diffuse support) and support for a Court decision (specific support). Importantly, implicit perceptions behave as existing theory would predict, suggesting that implicit perceptions of the nature of courts are both theoretically and empirically relevant. Accordingly, we believe that implicit attitudes might represent a promising avenue for future research on an institution that is not easily, or straightforwardly, understood by the public.

Legal vs. Political Conceptions of the Court

While the public views legislatures and executives as unabashedly political, the same is not necessarily true for courts. The U.S. Supreme Court, our primary focus, takes pains to avoid the appearance of politics and instead emphasizes legal symbolism. The justices claim that their decisions are determined by legal considerations such as precedent or the text or intent of a constitutional or statutory provision. As Posner (2008, 3) puts it, judges cultivate a professional mystique that "exaggerates not only the professional's skills but also his disinterest." Media coverage of the Supreme Court also focuses on legal factors and procedural fairness (Gibson,

Caldeira, and Spence 2003), which stands in marked contrast to the hyper-partisan coverage of the elected branches (Hibbing and Theiss-Morse 1995). Consequently, the public may perceive the Court's decision-making processes as driven by legal considerations (Baird 2001; Scheb and Lyons 2000). In fact, the assumption that the public views the Court as less political than other policymaking institutions undergirds the legitimation hypothesis that policies attributed to the Court will be better received by the public than policies made by other branches of government (e.g., Hoekstra 1995; Mondak 1990; Stoutenborough, Haider-Markel, and Allen 2006).

Despite the Court's desire to project a legal, nonpolitical image, there are good reasons why the public might nevertheless view the Court as a political institution. The process by which justices are appointed to the Court is visibly political. Political elites and interest groups respond to Court decisions in a political manner, which might lead the public to view the Court as part of the political fray. An important subset of such responses includes those in which the Court is accused of playing politics or engaging in judicial activism. Indeed, many studies of public evaluations of the Court and its decisions assume that people view the Court as political. Spatial models based on public compatibility with the ideological location of the Court imply that people view the Court in ideological terms (Bartels and Johnston 2013; Hetherington and Smith 2007). Other studies posit that people use party cues when evaluating the Court (Clark and Kastellec 2015; Nicholson and Howard 2003) and its decisions (Boddery and Yates 2014; Nicholson and Hansford 2014) based on the assumption that people view the Court as partisan.

In sum, scholars argue that the public conceives of the Court as a legal institution, a political institution, or as Bybee (2010, 4) puts it, one that is "half-politics-half-law." The degree to which the Court is seen as political is consequential, as it determines the manner by which people form evaluations of the institution and its decisions.

Why Implicit Perceptions of the Court Matter

A wide-ranging literature in psychology provides evidence for the "two minds" hypothesis; the idea that people have an intuitive, unconscious mind and a reflective, conscious mind (Evans 2010; Kahneman 2003; Lodge and Taber 2013; Perez 2016). The intuitive mind makes fast, automatic judgments based on simple associations between rudimentary objects and attributes whereas the reflective mind makes slower, reasoned judgments that are the product of multiple types of information. Since implicit attitudes precede explicit attitudes, the former often structure reasoned thought and decision making (Lodge and Taber 2013). However, the two types of thinking do not always reveal meaningful differences. Implicit and explicit measures of party identification, for example, are highly related (Iyengar and Westwood 2015; Theodoridis, forthcoming). Often, though, scholars find a divergence between implicit and explicit attitudes (Hofmann et al. 2005), especially if social desirability bias or a lack of self-awareness figure prominently, such as in the case of racial attitudes (Banaji and Greenwald 2013; Perez 2016).

Both implicit and explicit processes may inform our beliefs and actions but how they work together may vary depending on circumstance. As described by Kahneman (2011), much of our daily lives is guided by our intuitive minds, which he labels System 1. Driving a car on an uncrowded and familiar freeway, for instance, is a relatively effortless task for seasoned drivers and is often guided by System 1. The conscious mind, System 2, rests in the background, letting System 1 do routine work. However, System 2 can step in to engage a difficult problem. If our driver encounters dangerous road conditions, System 2 will likely take over. In short, Kahneman (2011, 25) claims that "most of what you (Your System 2) think and do originates in your System 1, but System 2 typically takes over when things get difficult." In many circumstances,

because implicit attitudes are pre-introspective, implicit attitudes often give shape to explicit attitudes (Lodge and Taber 2013; Perez 2016).

There is good reason to believe that implicit attitudes underlie a good deal of the public's impressions about the Supreme Court. In addition to the argument that people may not be able (lack of self-awareness) or willing (social desirability bias) to express their view of the Court, we see a strong fit between one of the most developed current theories of public responses to the Court, the theory of positivity bias (e.g., Gibson and Caldeira 2009), and the concept of implicit bias or perception. The theory of positivity bias holds that deep down people view the Court positively because of its legal nature. Thus, even if a person is upset with the Supreme Court because of an unpopular decision she might be reluctant to evaluate the Court unfavorably since this deep-seated, positive view of the Court may override the temporary discomfort. The perception of a less political Court is a product of socialization, which here equates to the pairing of the Court with legal depictions and symbols. This impression is latent, though it can be activated with a salient Court-related controversy, especially if legitimizing symbols are present.

According to positivity theory, perceptions of the Court as less than fully political originate, exist, and come into play in a manner consistent with what we know about implicit attitudes. Implicit associations come about through classical conditioning, repeated pairings of an object with stimuli (Perez 2016, chap. 4). Not surprisingly, implicit attitudes are often a product of socialization (Greenwald and Banaji 1995; Sinclair, Dunn, and Lowery 2005), much like the origin of the impression that the Court is less political, a process described as "social learning" (Gibson and Caldeira 2009, 9). According to Gibson and Caldeira, legal symbols activate this perception, an intuitive type of response. Thus, elements of positivity theory are highly consistent with what we know about implicit attitudes.

In sum, existing approaches to the study of public opinion and the Supreme Court suggest that implicit perceptions of the Court ought to be consequential. By exclusively focusing on explicit attitudes, the type measured in surveys, we are potentially neglecting a distinct type of thinking when testing hypotheses about public responses to the Court and its decisions. To assess the nature of gut-level perceptions of the Court, we develop an implicit measure.

Measuring Public Perceptions of the Court

Although scholars regularly make assumptions about the extent to which the public views the Court as political, few studies directly measure political perceptions of the Court. Typically, these measures are based on survey questions (self-reported) about the determinants of Supreme Court decisions. Scheb and Lyons (2001) found that most people think that the ideology of the justices has at least some impact on their decisions, though an even larger majority thinks that precedent has some impact too.[1] Gibson and Caldeira (2011) used a similar approach by asking respondents whether they agree with statements about the relevance of the justices' personal beliefs (62% agree), political values (52% agree), and partisan affiliations (44% agree) for the decisions made by the Court. Bartels and Johnston (2012) asked respondents a broader question about whether the Court "gets too mixed up in politics." Most of their respondents agreed with the statement, which suggests that the public views the Court as political.

To varying degrees, these studies show that many people view the Court as political. There are, however, important limitations to relying exclusively on traditional survey questions. First, an assumption behind self-reports is that people are sufficiently introspective to accurately report their attitudes (Evans 2010; Kahneman 2003; Perez 2016). People may lack sufficient

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[1] Baird and Gangl (2006) and Ramirez (2008) utilize decision-specific analogs to this approach and ask subjects whether particular Court decisions were reached in a nonpolitical manner.

self-awareness of how they perceive the Supreme Court. This idea is well known to scholars who study racial attitudes but seldom recognized in studies of public evaluations of governmental institutions (but see Intawan and Nicholson 2016). Although social desirability bias plays a role in racial attitudes, scholars of implicit attitudes have found that lack of self-awareness is the more common bias (Greenwald and Banaji 1995). Similarly, people may report that the Court is political but only because it seems naïve to claim otherwise or because they are not sufficiently introspective to gauge their intuitions about the Court.

Survey questions about the nature of the Court are also susceptible to primes, frames, or unintentional manipulations (Zaller 1992). After all, the average American thinks very little about the Supreme Court. A person may not normally think of the Court as political, but when asked whether judges' political views affect their decisions it might seem reasonable to say they do or even naïve to say they do not. This may be particularly true when these questions are embedded in a survey about politics.

In addition, survey questions often do not provide a reference point for what constitutes a political decision or a political institution (see Mondak 1990). Questions soliciting a response to the statement that the Court is "too political" might imply a referent, but this referent might be an idealized Court which might vary across respondents. Without a meaningful and common referent, it is not clear that a respondent who answers that the Court is too political and makes decisions that are influenced by political considerations actually has a different Court in mind than a subject who reports that the Court is not too political and makes decisions that are not particularly influenced by political considerations.

Lastly, in contrast to implicit attitudes, self-reported answers are more likely to be endogenous to dependent variables of interest. For example, scholars often study whether

perceptions regarding the political nature of the Court influence support for the Court and acceptance of its decisions. However, responses to questions about the political nature of the Court are likely a function, to some extent, of the same underlying attitude regarding the Court that is being tapped by similar questions about the Court. If nothing else, respondents may feel the need to rationalize negative responses toward the Court and its decisions by claiming that the Court is political (or "too political") (see Bartels, Johnston, and Mark 2015). This endogeneity makes it difficult to properly identify causal relationships involving perceptions of politicization.

Implicit attitudes are less susceptible to such criticisms. As discussed, implicit attitudes are deeply ingrained associations between objects and traits that are automatically activated and thus precede, and often structure, reasoned thought (Lodge and Taber 2013; Perez 2016). In contrast to explicit attitudes, then, implicit attitudes are not as susceptible to post hoc rationalizations. Whereas perceptions of the Court's legitimacy might affect explicit politicization it is less likely that the gut-level, implicit measure outside an individual's control is susceptible to this problem. Although these same qualities decrease the possibility of a spurious relationship, we cannot definitively rule out alternative explanations. Nevertheless, by controlling for alternative explanations and looking at criterion validity we can increase our confidence in our results for the implicit measures. Despite the limitations inherent in all observational data studies, the relative stability of implicit measures leaves our results less susceptible to causal inference problems. Though implicit attitudes address some of the shortcomings of traditional survey research, perhaps the most persuasive argument for considering implicit attitudes is that they represent a distinct type of attitude or "thinking."

An IAT-Based Measure of How People Perceive the Court

Studying implicit attitudes is, by definition, impossible with traditional self-reports in surveys. To overcome this problem, psychologists have developed and validated an indirect method, the implicit association test (IAT) (Greenwald, McGhee, and Schwartz 1998). The IAT is relatively new to political science, though it has been gainfully used to test whether people hold and act on implicit gender (Mo 2015) or religious biases (Albertson 2011) toward candidates, whether anti-Latino implicit attitudes influence immigration policy attitudes (Perez 2016), and the extent to which partisans hold implicit biases against out-partisans (Iyengar and Westwood 2015; Theodoridis, forthcoming).

The IAT records the reaction times necessary to simultaneously classify two "objects" and two opposite traits or attributes. Subjects are instructed to make classifications as quickly as possible much like playing a video game. They react quickly and reflexively, allowing no time to think and reason. Participants find it easier and thus quicker to make associations when the object and the trait are congruent or closely associated in memory. For example, the classic use of the IAT assesses implicit racial bias by asking participants to associate Whites and Blacks with both positive and negative attributes. If a participant is faster to match Whites/Good than Blacks/Bad (compared to the reverse), the result suggests the person has an implicit bias or preference for Whites relative to Blacks.

To measure implicit political perceptions of the Supreme Court, we designed an IAT featuring the "Supreme Court" and "Congress." The assumption underlying our choice of object with which to compare the Court is that the public perceives Congress as highly political (Hibbing and Theiss-Morse 1995; Mondak 1990). Although Congress is a nearly ideal institution because it is highly politicized, it is also an institution with extremely low public approval,

introducing the possibility that the results we obtain might be driven more by a dislike of Congress than perceptions of its political nature. For this reason, as we elaborate shortly, we conducted a separate IAT looking at positive and negative affect and compare it to our results obtained from the IAT measuring implicit political perceptions. Furthermore, in order to evaluate whether the results are somehow specific to Congress, we conducted additional IATs with other referents, both political and non-political.

In our analysis of implicit political perception, we pair the Supreme Court and Congress with two opposing attributes: political and nonpolitical. After a set of practice runs, a participant may first be assigned to classify Supreme Court/political and Congress/nonpolitical and then asked to classify Supreme Court/nonpolitical and Congress/political (the actual ordering is randomized). For example, in the Supreme Court/political and Congress/nonpolitical categorization task, the participant is told to hit the "e" key each time the screen displays either "Supreme Court" or "political" (or one of the following synonyms: "politics," "partisan," "politician," "ideological") and to hit the "i" key each time the screen displays "Congress" or "nonpolitical" (or one of the following synonyms: "neutral," "nonpartisan," "fair," "impartial"). Participants make these classifications as quickly as possible, prohibiting reflective thought.

The difference in the average reaction times between these two tasks reveals the relative degree to which the person implicitly pairs politics with the Supreme Court as compared to Congress. The idea is that the IAT will measure whether there is a closer, more instinctive association between Congress and politics than there is between the Supreme Court and politics. If a participant has this association, she will be quicker to associate Congress with political and

Supreme Court with nonpolitical compared to when she is asked to pair Supreme Court with political and Congress with nonpolitical.[2]

We take the IAT reaction times for each subject and calculate a D-score (Greenwald, Nosek, and Banaji 2003). The score ranges from -2 to 2 and is calculated by subtracting the mean response times for the round pairing Supreme Court with political terms from the mean response times for the round pairing Congress with political terms. This quantity is then divided by the pooled standard deviation over both rounds. A negative D-score indicates that the subject is slower to match the Court with politics than she is to match Congress with politics whereas a positive score reveals that the subject is quicker to associate the Court with politics. Thus, a negative D-score indicates that the subject implicitly perceives the Court as less political than Congress while a positive score means that the Court is implicitly perceived as more political.

As mentioned, there are several advantages to our IAT-based measure of implicit perceptions of the Court. First, this approach employs a highly political reference point – Congress – when measuring perceptions of the Court. Second, our IAT-based measure is less susceptible to manipulation by a respondent which reduces the ability of a respondent to provide "answers" that are biased by either social desirability concerns, a desire to rationalize or justify other responses, or simply an inability to be introspective. Finally, as discussed above, theory implies that automatic evaluations of the Court will likely shape responses to Court-related stimuli as found in the theory of positivity bias (Gibson and Caldeira 2009).

We conducted three additional IATs. One of these IATs is identical to the Court-Congress IAT described above with the exception that "Traffic Court" is used instead of Congress in order to assess how the Court compares with a nonpolitical institution. We chose

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[2] We do not differentiate between "high" and "low" politics (Gibson and Caldeira 2011).

traffic court because it is cut from the same institutional cloth, but instead deals with non-political matters such as traffic tickets. The other two IATs involve the same object pairings (Court-Congress and Court-Traffic Court) but rather than politics we use the good/bad attribute typically used in IATs measuring implicit bias.[3] As mentioned, these IATs assess whether implicit political perceptions of an institution are distinct from general affect towards the institution.

We primarily implement our IAT with a national convenience sample recruited through Amazon's Mechanical Turk (MTurk).[4] While not representative of the American public, MTurk samples are superior to local convenience samples and are increasingly common in social science research (Berinsky, Huber, and Lenz 2012). After discarding ten responses due to failure to pass a basic screening question or self-reported problems with completing the task, we have a sample size of 1,517 respondents. As found in many MTurk samples, it skews somewhat young

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[3] "Good" terms include "marvelous," "superb," "fantastic," "glorious," and "wonderful." The bad terms are "horrible," "terrible," "awful," "unpleasant," and "dreadful."

[4] IAT studies frequently rely on online samples (e.g., Banks and Hicks 2016; Trawalter, Hoffman, and Waytz 2012). Project Implicit (implicit.harvard.edu/implicit) has collected an enormous amount of data using online participants. The MTurk survey was conducted on December 9 and 10, 2014. There were no particularly salient Court cases decided or argued near these dates, which decreases any concern that these data were influenced by a short-term reaction to a Court decision. Respondents who completed our studies were paid $1.25.

and Democratic, but there is meaningful variation on demographic and political variables.[5]

Explicit attitudes towards the Court reported by our sample are similar to those reported by

nationally representative samples. For example, 35.1% of the MTurk sample approved of the job

the Court is doing, while 35.8% of the most recent available CCES sample (weighted) approved.

Similarly, 53.1% of our MTurk sample believes that nominees to the Court should have to state

their views, while Bartels and Johnston (2012) report that 54.4% of the subjects in a national

random sample (Annenberg survey) hold this belief.

We randomly assigned the MTurk respondents to take two different IATs (in random

order) from the set of four: 753 subjects completed the Court/Congress political/nonpolitical

IAT; 764 completed the Court/Traffic Court, political/nonpolitical IAT; 753 completed the

Court/Congress, good/bad IAT; and 764 completed the Court/Traffic Court good/bad IAT. Each

respondent was also asked several questions about their explicit perceptions and evaluations

regarding the Court, in addition to standard demographic and attitudinal questions.

Finally, to both assess the generalizability of the main IAT results and to broaden the type

of referent institutions we also conducted several IATs with university students.[6] Each

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[5] For example, 27% of the sample are 40 years old or older, 24% identify as Republican (59%

identify as Democrats), 50% are women, 22% are non-white (8% African American and 5%

Hispanic/Latino), and 53% do not have a four-year college degree.

[6] These data were collected from June 3 to July 2, 2014. *Burwell v. Hobby Lobby Stores, Inc.*

(2014) was announced on June 30, 2014, which means that a small number of our student

respondents could have been exposed to this decision prior to completing the survey. However,

the similarity in the results across the MTurk and student samples (which are separated by six

months) suggests that this decision is not affecting the results. For both the MTurk and student

respondent was assigned to two out of four possible IATs. These IATs use the

political/nonpolitical traits and pair the Supreme Court with Congress (N = 154), President (N = 74), Lobbyist (N = 76), or NASA (N = 81). Our assumption is that, relatively speaking, respondents view the president and lobbyist as highly political and NASA as non-political. Again, the purpose of the additional analyses is to help rule out that our results are exclusive to Congress and traffic court.

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Descriptive Results

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The left panel of Figure 1 presents the MTurk sample results for the D-scores resulting from the IATs in which the Court is paired with Congress (which will subsequently serve as our measure of *Implicit Perception*) or Traffic Court and the political/nonpolitical traits. Recall that a positive D-score value means that a respondent is quicker to associate the Court with politics than she is to associate politics with the other object (i.e., implicitly perceives the Court as more political than the other institution). A negative D-score means the opposite.

<div align="center">

*** Figure 1 Here ***

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The negative and statistically significant mean D-score for the Court-Congress pairing reveals that respondents implicitly perceive the Supreme Court as less political than Congress. The results for the other pairing, however, show that respondents implicitly perceive the Court as more political than Traffic Court. Thus, the Supreme Court is viewed as less political than an overtly political institution and more political than a non-political institution. This is important and novel evidence for the claim that the public holds an intuitive belief that the Court is a somewhat, though not fully, political institution. In fact, the results suggest that the typical

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samples, the IAT component of the survey was conducted prior to the explicit items in order to assure that the IATs were not primed by these items.

respondent perceives the Court to be approximately halfway between our fully political referent and our nonpolitical referent.

To place the magnitude of the D-scores in some context, they are not as large as those reported by Iyengar and Westwood (2015) in their study of implicit preference for in-partisans. For example, they find that the D-score for the implicit preference that strong Republicans have for other Republicans is 0.35 while the D-score for strong Democrats is -0.21. These in-party implicit preferences are very strong; stronger even than the pro-White bias exhibited by the Whites in their sample (D = 0.16). Thus, while our D-scores reveal that there are differences in the political perceptions of the Supreme Court as compared to other institutions these differences are not particularly large if compared to implicit partisan biases. However, this is perhaps not surprising given the central role of party identification in conceptions of the political self.

The right panel of Figure 1 presents the IAT results for the student sample. The confidence intervals for these estimates are larger than those for the MTurk sample due to smaller sample sizes. As anticipated, we see negative D-scores for the comparisons of the Supreme Court to Congress, president, and lobbyist. The mean D-score for the comparison with NASA, however, is positive indicating that the Court is implicitly perceived as more political. Again, our results reveal that the Court is perceived as less political than political referents and more political than a nonpolitical referent. These analyses also show that our results are not specific to a single referent institution such as Congress or traffic court.

Is it possible that implicit perceptions of the extent to which the Court is political as compared to other institutions are being driven by differences in implicit affect for these institutions? One might argue that given the negative feelings many people hold toward politics, our political/nonpolitical attributes are simply capturing a more diffuse, bad/good evaluation.

We think this unlikely since the results of Figure 1 would then imply that people have more positive feelings toward traffic courts than the Supreme Court. To confirm that this is not the case, the right panel of Figure 2 presents the mean D-scores for two ancillary IATs (conducted with the MTurk sample) that reveal implicit preferences. D-scores are calculated so that positive values mean that respondents prefer the Court to the other institution (i.e., more closely associate positive terms with the Court). For comparison, the left panel presents the results for the political/nonpolitical IAT found in the left panel of Figure 1.

*** Figure 2 Here ***

The D-scores are positive for both IATs. On average, respondents implicitly prefer the Supreme Court to Congress and traffic court. This could be viewed as evidence of "positivity bias" (Gibson and Caldeira's 2009). For our purposes, the important result is that the pattern here is different from that presented in Figure 1. The Supreme Court may be implicitly preferred to traffic court, but that does not stop people from perceiving the Court as more political. Furthermore, there is virtually no correlation between *Implicit Perception* of the Court as political compared to Congress and the implicit attitude of the Court being "good" compared to Congress ($r = -.025$). Implicit perceptions of the political nature of the Court and implicit affect for the Court are distinct, both conceptually and in practice. Importantly, the absence of a meaningful correlation between the political IAT and the good/bad IAT suggests that respondents in the political IAT were not simply responding according to whether they liked or disliked Congress. In other words, the unpopularity of Congress does not appear to have spilled over into respondents' political evaluations.[7]

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[7] Since only approximately 1/4 of our participants (n = 372) received both the Court-Congress politics IAT and the Court-Congress, good-bad IAT, including *Implicit Court Preference* in our

Comparison with Explicit Measures

How does our implicit measure of the extent to which the Court is political as compared to Congress (*Implicit Perception*) relate to survey items assessing explicit perceptions? The MTurk respondents were given three questions from Gibson and Caldeira (2011), each asking to what extent they agreed with a statement about possible determinants of Supreme Court decisions: law, political views, and party.[8] There is very little correlation between these individual survey items and *Implicit Perception*, with the largest correlation coefficient a miniscule 0.031. For inclusion in the models below, we use the average of the responses to these

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statistical models leads to a substantial decline in sample size and statistical power. We thus exclude this variable from the models reported here. Auxiliary analyses suggest that *Implicit Court Preference* does not affect either diffuse or specific support. Adding *Implicit Court Preference* to the models in which *Implicit Perception* is included, if anything, increases the absolute value of the coefficient for *Implicit Perception* but also increases the size of the standard error, due to the dramatic reduction in sample size. See the online appendix for details.

[8] Specifically, respondents were asked the extent to which they agree (on a five-point scale) with each of the following statements: 1) "When deciding cases, justices base their decisions on the law and the Constitution," 2) "When deciding cases, the justices base their decisions on their own political views," and 3) "The justices' party affiliations have little to do with how they decide cases before the Supreme Court." Gibson and Caldeira (2011) also ask whether justices are just "politicians in robes" and claim that this question taps perceptions of politicization, as compared to perceptions of legal realism. It is also possible, however, that this question differs primarily in its particularly negative valence and we thus excluded it from the battery.

three explicit items in order to generate a single variable: *Explicit Perception*.[9] The correlation

coefficient for *Implicit Perception* and *Explicit Perception* is near zero ($r = 0.016$).

It is not unexpected for there to be little to no relationship between implicit and explicit

attitudes (see Hofmann et al. 2005). Indeed, many scholars view the study of implicit attitudes as

most useful when implicit attitudes differ meaningfully from explicit attitudes, as found in

research on racial bias. As mentioned, there is substantial evidence that implicit and explicit

attitudes fundamentally differ in some areas (Banaji and Greenwald 2013; Evans 2010; Perez

2016). Recall that the IAT taps into deeply-rooted, affective associations, providing insight

where social desirability bias or lack of self-awareness lurk. In other words, they measure

distinct types of thinking (Ranganath, Smith, and Nosek 2008). Although we can only speculate,

it might be the case that some people self-report that they see politics because they think it is the

expected answer (social desirability) or that people are not sufficiently introspective. Although

we believe the implicit and explicit measures likely tap into general perceptions of the Court's

political nature, the implicit and explicit measures do not use the same referents and thus may

not be fully comparable. In the IAT, the Court is juxtaposed with a referent (e.g., Congress)

whereas the explicit items exclusively focus on the Court.

To further examine the differences between *Implicit Perception* and *Explicit Perception*,

we estimate a pair of models in which the two measures are dependent variables. According to

Gibson and Caldeira (e.g., 2009), the more someone knows about the Court the less political they

will view it. We thus include *Court Knowledge* as an independent variable and expect it to

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[9] Cronbach's alpha for this scale is a relatively unimpressive 0.652, which is not surprising given

that Gibson and Caldeira (2011, footnote 21) report that there may be more than the usual

measurement error associated with the items, as they are "demanding for ordinary people."

produce a negative coefficient. To control for the possible influences of demographic and

attitudinal variables, we also include *Education*, *Democrat*, *Republican*, *Ideology*, *Income*,

White, *Female*, and *Age*.[10] The results of these two models (estimated via OLS) are presented in

the first two columns of Table 1.

*** Table 1 Here ***

Neither of the F-statistics for the two models presented in Table 1 are statistically

significant, which implies that this set of independent variables does not do much to explain

either type of perception. For the *Implicit Perception* model, though, the estimate for *Court*

Knowledge is negative and significant, revealing that those more familiar with the Supreme

Court implicitly perceive it as less political than those who know little about the Court. This

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[10] *Court Knowledge* is the total number of correct answers to the following three questions: 1)

"Who is the current Chief Justice of the U.S. Supreme Court?"; 2) "Can the U.S. Supreme Court

declare an act of Congress unconstitutional?"; and 3) "How are Supreme Court justices

selected?" *Education* is measured on a six-point scale with higher values representing higher

levels of educational attainment. *Democrat* and *Republican* are dummy variables that equal one

if the respondent identifies with the party or is an Independent that leans toward one of the two

parties. So-called "pure" Independents serve as the baseline. *Ideology* is measured on a seven-

point scale with positive (negative) values for conservatives (liberals). Respondents who do not

place themselves ideologically are coded as zero (i.e., moderate) but are also indicated by a

dummy variable which is included in all the models. *Income* is measured on an 11-point scale,

with those who decline to answer assigned to the lowest category and indicated with a dummy

variable which is also included in all the models. *White* and *Female* equal one for respondents

who identify as such. *Age* is measured in years.

result is consistent with Gibson and Caldeira's (2009) claim that people who know the Supreme Court have been more exposed to its legal symbolism and thus are less likely to view the Court as fully political, though the poor overall model fit is reason to proceed with caution.

The estimate for *Court Knowledge* in the *Explicit Perception* model is not statistically significant, suggesting that the "to know the Court is to love the Court" effect does not operate through explicit processes. As Fitzgerald (2013) demonstrates, people with high levels of political interest express that they see politics everywhere. It is likely that political interest correlates with knowledge of the Court and thus could act as a countervailing force when researchers attempt to find evidence of Court knowledge decreasing perceptions of politicization. Our results reveal that people who know the Court may report typical or even above average perceptions of the Court being political, but implicitly these people do not actually associate the Court with politics with the same ease as those who know little about the Court.

The third column of Table 1 reports the results of a model of *Explicit Perception* in which *Implicit Perception* is included as an independent variable. The estimate for this variable is not statistically significant, a finding that further underscores the distinctness of these perceptions.

The Consequences of Implicit Perceptions of the Court as Political

Does it matter whether people view the Supreme Court in political or non-political terms? The assumption underlying most of the literature is that perceptions regarding the political nature of the Court have consequences for how the public evaluates the Court and its decisions. We now examine the effect of implicit perceptions of the Court on two types of evaluations: 1) diffuse support for the Supreme Court and 2) acceptance of specific Supreme Court decisions.[11]

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[11] As is customary in the literature, we use self-reported, explicit attitudes. There may be ways to capture implicit attitudes for these items, but we are interested in exploring whether implicit

Diffuse Support

Diffuse support concerns support for an institution whereas specific support involves support for policies (or office holders). Diffuse support for the Supreme Court is rooted in a long-standing commitment to democratic norms (Caldeira and Gibson 1992) and the belief that it is less political (e.g., Gibson and Caldeira 2009; Scheb and Lyons 2001). These beliefs are linked to socialization (Gibson and Caldeira 2009). However, taking evidence on this point from studies of explicit perceptions of the political nature of the Court as our guide, expectations are less clear. Experimental manipulations of perceptions of the Supreme Court's decision making process are shown to reduce diffuse support (Nicholson and Howard 2003; Ramirez 2008) while observational evidence surprisingly shows that explicit perceptions of political decision making on the Court are positively associated with diffuse support (Gibson and Caldeira 2011).

To test the effect of *Implicit Perception* on diffuse support for the Court, we constructed a measure of diffuse support based on four questions from the Gibson and Caldeira (e.g., 2011) battery of items about whether a respondent would like to see adverse changes to the Court.[12] We use the mean response to these four questions in order to summarize them in a single variable, *Diffuse Support,* for which higher values correspond with greater support for the institution of the Court (Cronbach's alpha for the scale is 0.779). We include *Implicit Perception*

perceptions of the political nature of the Court affect diffuse and specific support, two dependent variables of long-standing importance to scholars and practitioners.

[12] Specifically, we ask respondents whether they agree (on a five-point scale) with 1) removing the Court's right to hear certain controversial types of case, 2) removing judges who rule at odds with what the public wants, 3) the statement that the Court is too independent and needs to be reined in, and 4) that the power of judicial review should be eliminated.

and *Explicit Perception* in this model and expect both to have negative coefficients. Based on Gibson and Caldeira's theory of positivity bias, we also include *Court Knowledge* and *Education* in the model and expect positive coefficients for both variables. We also include all the control variables from the previous models. Table 2 displays the results of the model estimation.

*** Table 2 Here ***

The coefficient for *Implicit Perception* is negative and statistically significant, revealing that people who more closely associate politics with the Supreme Court extend less support to it. The same negative relationship is found for *Explicit Perception*, indicating that those who report that the Court is political are less likely to report high levels of support. Interestingly, despite the fact that these two types of perception are unrelated, our results suggest both an implicit and explicit foundation for diffuse support of the Supreme Court. However, as mentioned, we are less confident ruling out endogeneity for *Explicit Perception* whereas *Implicit Perception*, as a gut-level response, may be more safely viewed as exogenous. Note, though, that any claim of causal identification here is based on theory, and not experimental manipulation. Lastly, as expected, *Court Knowledge* and *Education* both have a positive effect on *Diffuse Support*.

Specific Support

We also test whether implicit perceptions of the political nature of the Court have an effect on specific support. Here, as mentioned, we look at the degree to which people accept Court decisions. Several studies show that policies attributed to the Supreme Court will be more accepted by the public than policies made by other actors (e.g., Hoekstra 1995; Mondak 1990; Stoutenborough, Haider-Markel, and Allen 2006). The assumption is that people view the Court as less political and thus its decisions should be granted greater deference. To the extent that the

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policy legitimation hypothesis holds, we should expect to see that people who view the Court as more political should, all else equal, be less accepting of Court decisions.

We asked respondents the extent to which they agree with brief, simple summaries of two Court decisions: *Citizens United v. F.E.C.* (2010) and *Graham v. Florida* (2010).[13] *Graham* held that juveniles cannot be sentenced to life without parole for any crime other than murder while in *Citizens United* the Court ruled that independent campaign expenditures cannot be limited. While both decisions can be viewed as ideological (i.e., *Graham* is liberal and *Citizens United* is conservative), we hoped that these decisions involve issue areas that may not be as immediately polarizing as others, such as abortion or prayer in school. Thus, there should be some potential for general perceptions of the Court to shape judgments about the decisions.

Responses to these two decisions are given on a four-point scale for which higher values correspond with higher levels of acceptance (e.g., Zink, Spriggs, and Scott 2009). We estimate two models, one for each decision. Again, we include *Implicit Perception*, *Explicit Perception*, and the same set of other independent variables in both models.

*** Table 3 Here ***

Table 3 presents the results. The estimates for *Implicit Perception*, as expected, are negative in both models. Yet, the estimate in the *Graham* model is significant while the estimate in the *Citizens United* model is not. For the *Graham* case, the more readily someone associates the Court with politics the less accepting they are of the decision. The estimate for *Explicit*

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[13] For *Citizens United*, respondents were told that "The U.S. Supreme Court recently decided that corporations and unions can spend as much money as they want to help political candidates win elections." The summary for *Graham* is: "The U.S. Supreme Court recently decided that juveniles cannot be sentenced to life in prison without parole for any crime other than murder."

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Perception is significant in the *Citizens United* model, but not in the *Graham* model.

Importantly, *Court Knowledge* has the positive and significant effect that would be expected

based on the logic of the policy legitimation and positivity bias theories of public evaluations of

the Court, but it only has this effect for the *Graham* decision. Thus, the pattern of results for

Court Knowledge parallels that for *Implicit Perception* but not *Explicit Perception*, which could

be seen as validating the result for the former.

Why do implicit and explicit perceptions of the political nature of the Court have

different effects on acceptance of the Court's decisions? Although we can only speculate,

studies have found that attitudes towards specific Court decisions are highly dependent upon

characteristics of the decisions (Nicholson and Hansford 2014; Zink, Spriggs, and Scott 2009)

whereas diffuse support is relatively stable (Caldeira and Gibson 1992; Gibson, Caldeira and

Spence 2003). It thus may not be surprising that specific Court decisions exhibit a less

consistent effect. Furthermore, acceptance of *Citizens United* appears particularly driven by

ideological compatibility with the decision. The estimate for *Ideology* is 50% larger in

magnitude in this model than in the *Graham* model. Alternatively, the subject matter of *Citizens*

United might make it a so called "hard issue" whereas the subject matter of *Graham* is an "easy

issue" (Carmines and Stimson 1980), the latter lending itself to a gut-level response and the

former eliciting a more deliberative, reasoned response.

Conclusion

Do people fundamentally perceive the Supreme Court as a political institution? This

question underlies much of the theorizing about how the public evaluates the Court and its

decisions. The principal contribution of our paper is to introduce a new measure of how people

perceive the Court and why it matters. Our implicit measure is promising for reasons of both

theory and empirics. On the theoretical front, implicit perceptions of the Court are strongly

implied by Gibson and Caldeira's (e.g., 2009) theory of positivity bias that focuses on deep,

elementary perceptions of the Court. In terms of empirical modeling of opinion regarding the

Court and its decisions, our implicit measure is particularly useful as it employs a reference point

(e.g., Congress) and is less likely to be susceptible to endogeneity problems.

Overall, we find that the public perceives the Supreme Court as less implicitly political

than Congress, perhaps the most political of American national institutions. Yet, the Court is

perceived, implicitly, as more political than an apolitical institution (e.g., traffic court, NASA).

This finding is consistent with some accounts of the Court (Bybee 2010; Gibson and Caldeira

2011) but inconsistent with others that argue that it is viewed as primarily legalistic (Baird 2001;

Scheb and Lyons 2000) or political (Hetherington and Smith 2007). Interestingly, our implicit

measure is largely uncorrelated with 1) implicit affect for the Court (the good/bad IAT) and 2) an

explicit measure of perceptions of politicization. The latter result suggests that there is little

overlap between intuitive and reasoned attitudes, at least as traditionally measured, towards the

Court. Reassuringly, our results reveal that implicit perceptions of the Supreme Court are

associated with and operate similarly to the amount of knowledge someone has about the Court.

The same is not true of the explicit measure.

As a spontaneous, automatically expressed attitude rooted in political socialization,

implicit perceptions of the Court should especially illuminate the origins of diffuse support.

Consistent with this thinking, we found that implicit attitudes predict diffuse support but only

influenced acceptance of one of the two Court decisions included in our study. As expected, we

found the same for explicit attitudes. We find the difference in the operation of implicit and

explicit perceptions of the Court as evidence for the "two minds" thesis that implicit and explicit attitudes operate independently when it comes to evaluations of the Court and its decisions.

The evidence of the importance of implicit perceptions of the Court as a (less than) political institution in determining diffuse support for the Court implies that this form of support should be relatively stable and resistant to change, since implicit perceptions are relatively stable. There is a fair amount of empirical evidence of aggregate-level stability of support for the Court (e.g., Hetherington and Smith 2007). Thus, diffuse support for the Court should not be particularly sensitive to the Court's decisions. Our results imply that the importance of implicit perceptions may help provide an individual-level mechanism for this pattern of stability. Furthermore, our results add to the growing understanding that implicit processes underlie the American public's trust in its governmental institutions (Intawan and Nicholson 2016).

Lastly, our research has implications for the study of public opinion. Surveys are the foundation for the study of political attitudes but they are not without limitations. People might be unwilling or unable to report some attitudes, especially intuitive understandings. Implicit attitudes give additional insight into political intuitions. For some questions, especially those that rely on deeply ingrained political intuitions, we believe greater insight can be gleaned by looking at people's automatic, spontaneous responses to the political world around them.

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Table 1. Predictors of implicit and explicit perceptions of the Court as political

Independent Variable	Implicit Perception	Explicit Perception	Explicit Perception
Court Knowledge	-.031*	.042	.044
	(.013)	(.035)	(.035)
Education	-.005	-.003	-.003
	(.010)	(.026)	(.026)
Democrat	-.003	-.122	-.122
	(.034)	(.089)	(.089)
Republican	.013	-.035	-.035
	(.038)	(.099)	(.099)
Ideology	-.008	-.022	-.021
	(.010)	(.025)	(.025)
Income	-.012	.007	.007
	(.128)	(.012)	(.012)
White	.006	.006	.006
	(.028)	(.073)	(.073)
Female	-.010	.067	.068
	(.023)	(.060)	(.060)
Age	.000	-.001	-.001
	(.001)	(.003)	(.003)
Implicit Perception	---	---	.060
			(.096)
Constant	.005	2.85*	2.85*
	(.064)	(.167)	(.167)
N	753	753	753
F	1.13	0.91	0.87
R^2	.017	.013	.014

* $p \leq .05$ (two-tailed test). Models also include dummy variables indicating non-response to the ideology and income questions.

Table 2. Effect of political perceptions on diffuse support for the Court

Independent Variable	OLS Estimate (Standard Error)
Implicit Perception	-.181*
	(.090)
Explicit Perception	-.253*
	(.035)
Court Knowledge	.254*
	(.033)
Education	.115*
	(.024)
Democrat	.020
	(.084)
Republican	.033
	(.093)
Ideology	-.055*
	(.024)
Income	-.006
	(.011)
White	.213*
	(.068)
Female	-.163*
	(.057)
Age	.006*
	(.003)
Constant	2.99*
	(.185)
N	753
F	17.2*
R^2	.232

* $p \leq .05$ (two-tailed test). Model also includes dummy variables indicating non-response to the ideology and income questions.

Table 3. Effect of political perceptions on acceptance of Court decisions

| Independent Variable	*Citizens United*	*Graham v. Florida*
Implicit Perception	-.011	-.197*
	(.096)	(.099)
Explicit Perception	-.136*	-.051
	(.037)	(.038)
Court Knowledge	-.117	.082*
	(.035)	(.036)
Education	.002	.019
	(.026)	(.027)
Democrat	.090	.128
	(.089)	(.092)
Republican	.138	.126
	(.098)	(.101)
Ideology	.140*	-.092*
	(.025)	(.026)
Income	.017	-.023
	(.012)	(.012)
White	-.034	.119
	(.073)	(.075)
Female	-.093	.058
	(.060)	(.062)
Age	-.000	-.001
	(.003)	(.003)
Constant	2.32*	2.72*
	(.196)	(.202)
N	753	753
F	7.86*	4.49*
R^2	.121	.073

* $p \leq .05$ (two-tailed test). Models also include dummy variables indicating non-response to the ideology and income questions.

Figure 1. Implicit perceptions of the Court as political in comparison with other institutions
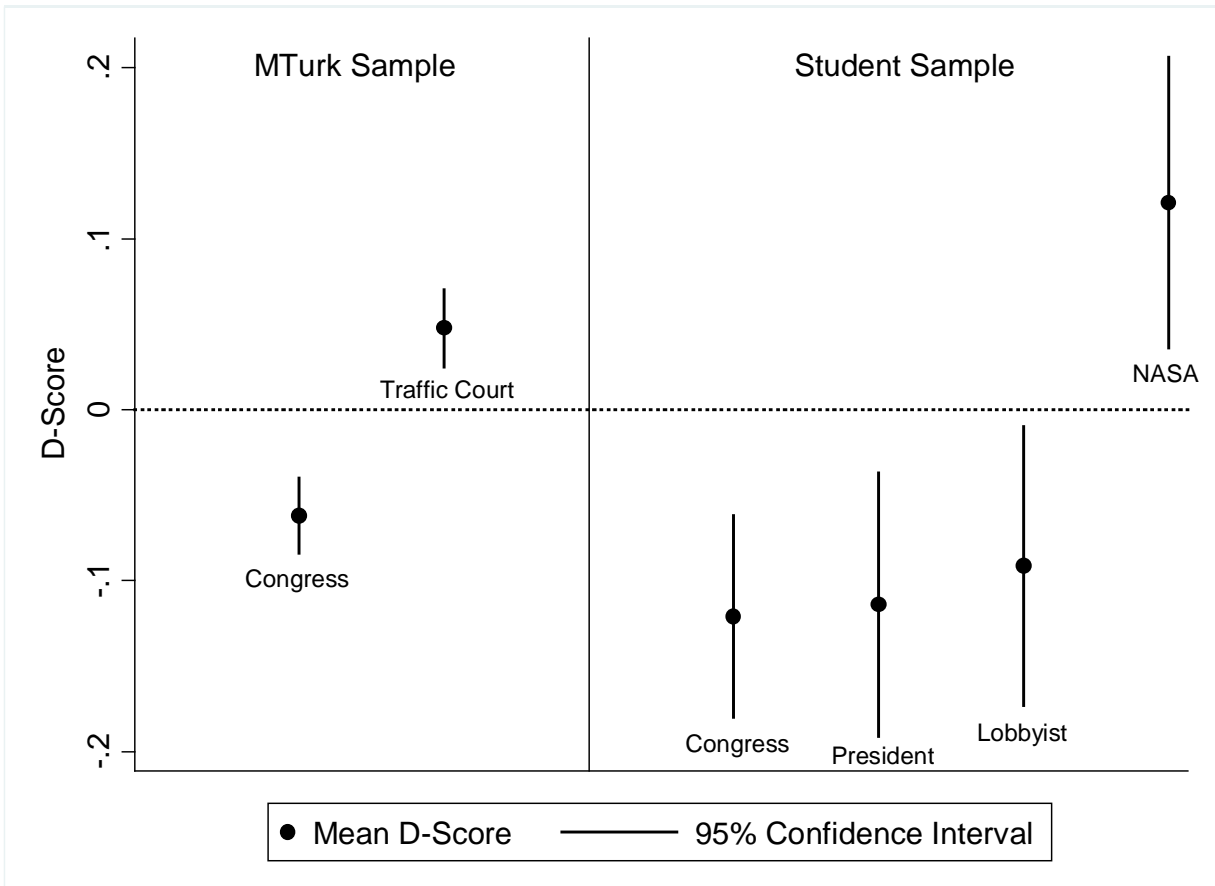
Note: Positive D-scores here indicate that subjects perceive the Supreme Court as more political than the referent institution while negative scores indicate that the Supreme Court is perceived as less political.

Figure 2. Implicit perceptions of the Court as political vs. implicit preference for the Court
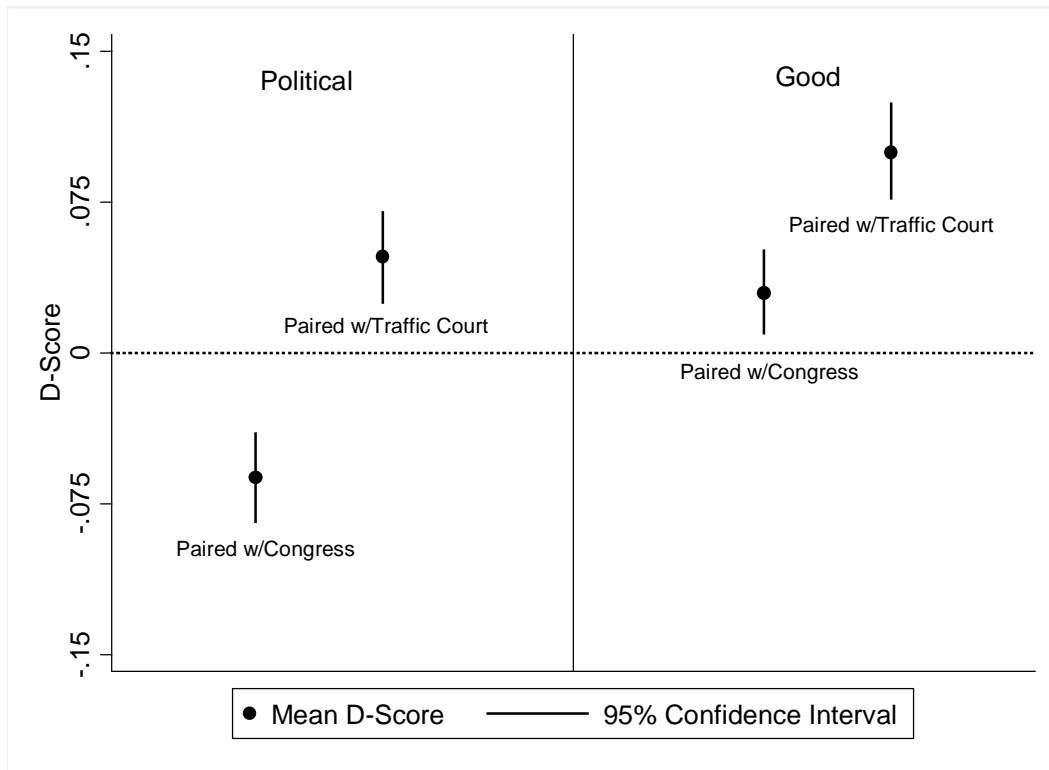
Note: The left panel is the same as the left panel presented in Figure 1; thus positive D-scores indicate that subjects perceive the Supreme Court as more political than the referent institution. Positive D-scores for the right panel ("Good") indicate greater implicit preference for the Court than the referent institution. These D-scores are all obtained using the MTurk sample.