

**Linguistic Complexity, Information Processing,
and Public Acceptance of Supreme Court Decisions**

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Scholars suggest that judges have an incentive to use complex language to increase support for their decisions. Research on the effects of processing fluency, however, points towards a different set of expectations. Using a survey experiment, we manipulate the complexity of the language conveying two recent Court decisions, the institutional source of these decisions, and the presence of party cues. For the less polarizing of the two decisions, we find support for the predictions drawn from the literature on processing fluency and the dual processing theory of the mind. By decreasing processing fluency, complex decision language can both decrease acceptance of the decision and diminish the importance of basic cues in arriving at this judgment. The presence of legalistic terminology, however, can increase acceptance of a decision, perhaps due to the persuasiveness of references to legal authority and the importance of legal terms as a type of positive legal symbol.

One of the hallmarks of law is its complexity. The decisions and legal opinions rendered by courts are no exception. While studies of judicial behavior typically conceptualize the complexity of a court case as a function of the number of legal issues or legal provisions at stake (e.g., Hansford and Spriggs 2006; Hettinger, Lindquist, and Martinek 2006; Westerland et al. 2010), the most obvious and proximate source of complexity is the very language used by judges in their opinions.¹

An emerging line of research seeks to quantify and explain the linguistic complexity of court opinions (Nelson 2013; Owens, and Wedeking 2011; Owens, Wedeking, and Wohlfarth 2013). These studies suggest that different institutional contexts motivate judges to manipulate the complexity of the language they use, though it is also recognized that there is a relatively constant incentive to make judicial language complicated and opaque (Posner 2008). It is not at all clear, however, how people actually process and respond to complex legal language. We are motivated here by the following general question – How does variation in the linguistic complexity of Supreme Court decisions, or at least their descriptions, affect how people process and evaluate these decisions?

Recent advances in the study of information processing fluency reveal that increasing the difficulty associated with a cognitive task can lead to both lower evaluations of the subject and, intriguingly, a shift to a more conscious, effortful, and analytical (i.e., “system two”) processing of the subject (see Alter 2013; Chaiken 1980; Oppenheimer 2008). Thus, increases in the difficulty of an information processing task actually lead to less reliance on cues or heuristics (Alter et al. 2007). Informed by this line of research, we argue that increasing the complexity of

¹ On average, judicial opinions are approximately as difficult to read as political science articles (Cann, Goelzhauser, and Johnson 2014).

the language conveying a court decision will lead to a decrease in the acceptance of the decision. More interestingly, linguistic complexity should also decrease reliance on two previously identified types of cue: the Supreme Court (Mondak 1994) and party source cues (Bodderly and Yates 2014; Nicholson and Hansford 2014). Linguistically complex decision language will cause someone to more deeply engage the decision instead of simply relying on the fact that the Court or “Democratic justices” are the source of the decision. Importantly, we treat complex language and legalistic language as analytically distinct and contend that the latter ought to simply have a positive effect on acceptance of a Court decision as it should operate similarly to other positive judicial symbols (see Gibson, Lodge, and Woodson 2014).

To test our hypotheses, we employ a survey experiment in which we manipulate the complexity of the language conveying two Supreme Court decisions, the institutional source of these decisions, and the presence of party cues. We demonstrate that our linguistic complexity manipulation has the intended effect on subjective and objective indicators of processing fluency and comprehension. We then test whether linguistic complexity both decreases acceptance of the decisions and diminishes the role of cues in predicting acceptance. For the less ideologically polarizing of the two decisions (*Graham v. Florida*), we find substantial support for our hypotheses. For example, linguistically complex decision language both decreases acceptance of this decision and causes the subject to rely less on the fact that this decision was made by a Democratically-appointed majority. To the extent that judges or those who report on court decisions choose to use more complex language, this choice can lead to paradoxical consequences; decreased acceptance but a deeper, more thoughtful engagement with the decision. For the more polarizing decision (*Citizens United v. FEC*), we find no evidence that

linguistic complexity influences acceptance of the decision. Instead, a subject's partisan identification is the only determinant of this judgment.

Complexity in Legal Language

The language of the law is complex in comparison to many other types of text. Judicial opinions can be notoriously impenetrable to those without specialized training, as was vividly illustrated by reporters' efforts to quickly decipher the Supreme Court's decision in *Bush v. Gore* (2000). Solan (1993) contends that the language of judicial opinions inevitably suffers from three largely unavoidable forces: the need to speak authoritatively, the requirement that decisions appear neutral and grounded in the law, and a desire to make language as precise as possible. Other scholars offer a more strategic view of the complexity of judicial language. Posner (2008, 3), for instance, suggests that judges cultivate "professional mystification" in an effort to convince others that "they use esoteric materials and techniques to build an edifice of doctrines unmarred by willfulness, politics, or ignorance." Owens, Wedeking, and Wohlfarth (2013) contend that the justices have an incentive to use complex language in their opinions when they seek to avoid a negative response from Congress.

Interestingly, these strategic explanations for relatively high levels of linguistic complexity in judicial opinions assume that the consequences of complexity for this particular type of text are positive in nature, at least from the perspective of judges. In other words, these explanations assume that judicial decisions and opinions represent the type of context in which linguistic complexity can lead to favorable evaluations, or at least reduce the possibility of negative evaluations.

We need to differentiate here between what we will call "linguistic complexity" and "legalese." The former refers to the fundamental complexity, and thus difficulty, of the text,

which is usually defined by sentence and word length (e.g., Owens, Wedeking and Wohlfarth 2013; Piantadosi, Tily, and Gibson 2011). We use “legalese” to refer to legal terminology, such as “defendant,” “jurisdiction,” and “strict scrutiny.” Both linguistic complexity and legalese are present in Court opinions, though as discussed below we have different theoretical expectations about the consequences of these two dimensions of opinion language.

Linguistic Complexity, Cues, and Information Processing

What are the consequences of complicated language? Cognitive psychologists and linguists point towards the connection between language and processing fluency. Complex language decreases processing fluency, which is defined as the ease with which information is processed (Oppenheimer 2008). There is evidence that people favor stimuli that are easy to process, which is dubbed the hedonic fluency hypothesis (Alter and Oppenheimer 2009). This implies that people prefer simple text. Furthermore, this preference for simplicity influences judgments about both the information content and the communicator. Complex language can make the reader skeptical about the content (Unkelbach 2007) and less favorably inclined towards the author (Oppenheimer 2006). There are several known practical consequences of this negative relationship between complex language and evaluations of this language or its source. For example, linguistic complexity leads to negative responses from investors (e.g., Brochet, Naranjo, and Yu 2012; Rennekamp 2012).

More interestingly, there is mounting evidence that decreases in processing fluency cause people to engage in system two cognitive processing. According to dual processing theory, there are two very different types of thinking in which people engage. “System one” refers to the subconscious, rapid, low effort, and associative/cue-based way of reasoning. “System two” involves conscious, analytical, and high effort thinking. Put differently, system one thinking is

intuitive and done “on the fly” without conscious effort, while system two is logical, careful, and self-aware (see Kahneman 2003). Importantly, system one thinking relies heavily on heuristics (i.e., associations) while system two does not (Alter et al. 2007). Though this general theory of cognition has made a great deal of headway in psychology, there are also examples of its application to political science. The theory of dual processing is central, for example to Lodge, McGraw, and Stroh’s (1989) research on candidate evaluation, Redlawsk’s (2001) study of vote choice, and Mo’s (2015) examination of perceptions of female candidates for office.²

When someone reads and evaluates text, processing fluency is determined by the perceived complexity of the text. The more complex the text, the lower the processing fluency (i.e., the harder it is to process the information contained in the text). Thus, increasing the linguistic complexity of a text decreases processing fluency and increases the incidence of system two thinking. As a result, complex language can actually increase the degree to which the reader engages and consciously processes the information presented by this language. Complex language should, theoretically, decrease reliance on basic heuristics and instead cause the reader to fully engage the information. There is substantial evidence for this counterintuitive prediction (e.g., Frederik 2005; Song and Schwarz 2008). Even changes to the fluency of the font used can increase the incidence of system two processing (Alter et al. 2007).

Acceptance of Decisions

Public responses to Supreme Court decisions are consequential, given the Court’s inability to directly implement its decisions and its reliance on other actors to do so. For this reason, numerous studies examine the factors that might influence how the public views Court

² Recent studies employing the implicit association test are also fundamentally based on dual processing theory (e.g., Perez 2010).

decisions (e.g., Gibson, Caldeira, and Spence 2005; Hoekstra 1995; Mondak 1994; Nicholson and Hansford 2014). This research examines how various attributes of Court decisions influence acceptance of these decisions (e.g., Zink, Spriggs, and Scott 2009), but has not yet considered the possibility that the complexity of the language used to convey a decision might be a particularly important attribute.

Based on the connection between processing fluency and cognition, variation in linguistic complexity should have several implications for how people respond to Court decisions. To begin, the hedonic fluency hypothesis implies that, all else equal, people will prefer decisions that are communicated with less complex language. Linguistically complex decision language is more cognitively taxing, leading to relatively negative evaluations of the content. Linguistically complex decision language should therefore decrease acceptance of the decision.

Hypothesis 1: Linguistic complexity will decrease acceptance of a decision.

The simpler the decision language, the more likely it is that it will be subject to subconscious, heuristic-influenced system one processing. Linguistically complex decision language, on the other hand, should increase the extent to which the information about the decision is processed and evaluated by the system two type of thinking. Thus, complex decision language should decrease the importance of heuristics in determining whether people accept a Court decision.

What are the heuristics that people use to judge Court decisions? Some scholars argue that the Supreme Court itself operates as a particularly strong, positive source cue; meaning that decisions attributed to the Supreme Court will be evaluated more favorably than decisions attributed to other sources. Both survey (Hanley, Salamone, and Wright 2012; Stoutenborough, Haider-Markel, and Allen 2006) and experimental data (Gibson, Caldeira, and Spence 2005;

Hoekstra 1995; Mondak 1994) provide evidence that decisions attributed to the Court enjoy greater support than they otherwise would, though other studies find less in the way of a Court-specific positive source cue effect (e.g., Nicholson and Hansford 2014). To the extent that the Supreme Court is a source cue that acts to increase the acceptance of policy decisions attributed to it, the influence of this cue should diminish when the system two process is triggered.

Complex language should thus reduce the effect of the Supreme Court source cue.

Hypothesis 2: Linguistic complexity will attenuate the positive effect of the Supreme Court source cue on acceptance of a decision.

Recent studies also suggest that people rely on party source cues when evaluating the Court and its decisions. When the justices behind a decision are identified as Democratic or Republican appointees, people use this information to evaluate both specific decisions (Bodderly and Yates 2014; Nicholson and Hansford 2014) and the Court itself (Clark and Kastlelec 2015). If a decision is attributed to Democratic appointees, for example, then this party source cue has the polarizing effect of increasing acceptance by Democrats while decreasing acceptance by Republicans. Again, based on the connection between processing fluency and the manner in which people process and evaluate information, complex decision language should act to trigger a more effortful, analytical, and conscious evaluation of the decision; one that relies less on simple heuristics. We therefore expect:

Hypothesis 3: Linguistic complexity will attenuate the polarizing effect of party source cues on acceptance of a decision.

We have thus far focused on the role of linguistic complexity in evaluations of Court decisions. As noted earlier, though, it is important to differentiate between linguistic complexity and the use of legalistic terminology, which may or may not be complex. It is generally believed

that public acceptance of Court decisions increases when these decisions are described as being based on legal considerations (e.g., Baird and Gangl 2006; Gibson, Caldeira, and Spence 2005; Zink, Spriggs, and Scott 2009) or when the decision is paired with judicial symbols (Gibson, Lodge, and Woodson 2014). Legal terminology, which we refer to as legalese, should increase acceptance of a decision regardless of whether the evaluation is via system one or two processing. The legal symbolism of this language should work as a positive heuristic in the former while the appeal to legal principles/authority is intended to be effective for evaluators engaged in the latter.

Hypothesis 4: Legalese will increase acceptance of a decision.

Holding linguistic complexity constant, we do not expect the presence of legalese to have a substantial effect on processing fluency. In other words, substituting a legalistic word for an equally complex non-legalistic word should change the symbolic or persuasive content of the language but should not particularly affect processing fluency. We therefore do not anticipate that legalese will have significant consequences for the fundamental type of thinking in which a reader engages and do not expect that legalese will reduce the use of (other) heuristics in the evaluation of Court decisions.

Experimental Design

To test our hypotheses regarding the consequences of linguistic complexity and legalese on evaluations of Court decisions, we conducted an online survey experiment in July 2014. Each of our subjects was asked to evaluate two Supreme Court decisions: *Graham v. Florida* (2010) and *Citizens United v. FEC* (2010). *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. There are several reasons we choose to

use these two decisions. While both can be viewed as ideological and decided by clear partisan majorities (*Graham* is liberal, primarily decided by Democratic appointees; *Citizens United* is conservative, decided by Republican appointees), 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 cues to shape judgment.

Our sample consists of 1,616 subjects recruited through Amazon's Mechanical Turk.³ While not representative of the American public in the same way as a national probability sample, Mechanical Turk samples are superior to typical convenience samples and are increasingly being used for social science research (Berinsky, Huber, and Lenz 2012). Our sample skews somewhat young and Democratic, but there is meaningful variation in all of the demographic and political variables we recorded.⁴

Each subject was first randomly assigned to receive a description of either the *Graham* decision or *Citizens United* decision, though they were not informed of the names of these decisions. Then, each subject was randomly assigned to one of 16 experimental conditions, resulting from a $2 \times 2 \times 2 \times 2$ design. The first factor is whether the subject receives the linguistically complex description of the decision. The second factor involves whether the

³ 1,630 subjects completed the survey, but 14 are excluded from our analysis due to the rapidity with which they completed the survey (less than five minutes). Each subject who completed the survey was paid \$1.00. Each subject could earn an extra \$1.00 for correctly answering two factual questions about the Court decisions. All subjects are U.S. residents.

⁴ For example, 25% of the sample are 40 years old or older, 24% identify as Republican (as compared to the 59% identifying as Democrats), 45% are women, 22% are non-white, and 49% do not have a college degree.

subject receives a description of the decision that contains legalese. The next two factors consist of manipulations of the presence the Supreme Court and party source cues, respectively. For the third factor, subjects are either told that the “Supreme Court” or “Government officials” made the decision in question. The fourth factor varies whether the partisanship of those who made the decision is revealed (Democrats for *Graham*, Republicans for *Citizens United*).⁵

For example, a subject might be given a linguistically simple and legalese-free description of the *Graham* decision in which the decision is attributed to “Democratic appointees on the Supreme Court.” Or, a subject might be given a linguistically simple but legalese-containing description of the *Citizens United* decision in which the decision is attributed to “Government officials,” and so on. Importantly, the fundamental content of the description of a given decision remains consistent across manipulations. Table 1 presents the manipulated sources of the two decisions in our experiment, while below we discuss the nature of the linguistic and legalese manipulations.

*** Table 1 Here ***

After reading the manipulated description of the decision, each subject is then asked a series of questions about it. Subjects are then presented with the second decision, again being assigned randomly to one of 16 possible permutations of the text describing the decision. If a subject received the *Graham* decision first then the second decision they receive is *Citizens United*, and vice-versa. After answering a series of questions about the second decision, the survey concludes with a block of questions assessing the subject’s partisanship and other attitudinal variables.

⁵ We never attach the Republican cue to *Graham* or the Democratic cue to *Citizens United*.

To ensure that the subjects actually read the descriptions of each of the policy decisions, each block of post-decision questions included a relatively basic, factual question about the decision. If the subject correctly answered the question, s/he received an extra \$0.50 payment, allowing for the possibility of earning a total of an extra \$1.00. Subjects were informed of this “bonus” opportunity at the very beginning of the survey. As shown below, manipulation checks clearly suggest that subjects received the treatments to which they had been assigned.

Note that this monetary inducement, if anything, acts to minimize our intended treatment effect as it should incentivize effortful system 2 processing for all subjects. We are thus stacking the deck against the possibility of discovering any processing differences owing to variation in the linguistic complexity of the description of the decisions. Put differently, our experimental design represents a particularly tough test of the theory of processing fluency and its implications for information processing and evaluation.

Manipulating Complexity

How do we manipulate the linguistic complexity of the text describing the decision? We are guided by the relevant cognitive linguistics literature, which indicates that both word length and sentence length contribute to the complexity of a text. The length of a word corresponds with its information content, lack of predictability, and thus complexity (Piantadosi, Tily, and Gibson 2011). The results of eye-tracking studies imply that longer words decrease processing fluency; i.e., impose a greater cognitive cost (e.g., McDonald 2006). Researchers also find that processing fluency decreases as sentences lengthen (Jaeger 2010). In line with these results, commonly employed readability measures use word length and sentence length to determine how easy or difficult it is to read a given selection of text. To both guide and measure the complexity of the decision text we present to our subjects, we employ the Coleman-Liau Index (CLI), which

has been used to measure the linguistic complexity of Supreme Court decisions (Owens, Wedeking and Wohlfarth 2013).⁶ The higher the CLI value, the more complex the text is.

Our starting point for the text that presents and explains a Court decision is the official syllabus for the decision, which gives a relatively detailed summary of the decision. We trim this text down, while preserving the original language as much as possible. For both decisions, we add two sentences to the beginning which summarize the overall nature of the decision and allow for our manipulations regarding the source of the decision. The rest of the text describing and explaining the decision uses the text of the syllabus.

To achieve the combination of conditions in which the text is both linguistically complex and contains legalese, we simply leave the original text of the syllabus for the decision largely unaltered, as it is very complex and loaded with legalistic words. The CLI values for these descriptions of *Graham* and *Citizens United* exceed 17, revealing that the text is quite complex (graduate-level). To leave these texts linguistically complex but not full of legalese (another combination of conditions that a subject could receive), we simply take the same text from the above condition, remove particularly legalistic language, and use less legalistic (though of approximately equal in length) synonyms instead. In doing so, we are mindful not to change the fundamental information content of the text.

To construct the linguistically simple (relatively speaking) text about a decision, we start with the text used for the linguistically complex conditions and then, where possible without altering the information content, replace lengthy words with shorter synonyms and parse lengthy

⁶ The formula for the Coleman-Liau Readability Index (CLI) is:

$$CLI = 5.88 \left(\frac{\text{number of letters}}{\text{number of words}} \right) - 29.9 \left(\frac{\text{number of sentences}}{\text{number of words}} \right) - 15.8$$

sentences into multiple shorter sentences. The legalese manipulation is achieved with these simpler texts in the same manner as described above. The CLI scores for linguistically simple descriptions range from 12.1 to 13.1, revealing that these descriptions are substantially more readable than the linguistically complicated descriptions. Note that the length of the decision texts (measured by number of characters) remains similar across all manipulations.⁷

Table 2 presents examples of how we manipulate linguistic complexity and legalese for the *Citizens United* decision. Note that the linguistically complicated excerpts (*Linguistic Complexity* = 1) consist of 25 to 27 words per sentence and use words that average six to seven characters in length. The sentences in the simpler excerpts (*Linguistic Complexity* = 0) consist of an average of 12 words and these words have an average length of five characters. The excerpts from the legalese conditions (*Legalese* = 1) include legalistic terminology such as “strict scrutiny,” “compelling interest,” and “precedent.” They also specifically refer to the precedent of *First National Bank of Boston v. Bellotti*. The excerpts from the less legalistic treatment conditions (*Legalese* = 0) omit these terms. The Appendix presents the full text of two versions of the *Graham* decision and the Online Appendix presents all of the versions of both decisions.

*** Table 2 Here ***

To measure our dependent variable, we use the standard acceptance question; “Do you accept the decision? That is, do you think that the decision ought to be accepted and considered to be the final word on the matter or that there ought to be an effort to challenge the decision and

⁷ The mean number of characters for the 16 variations of the *Graham* and *Citizens United* decision descriptions are 1,752 (with a range of 1,707 to 1,822) and 1,707 (with a range of 1,607 to 1,774), respectively.

get it changed?” (see Gibson, Caldeira, and Spence 2005). Responses to this question fall on a four-point scale ranging from “strongly not accept” to “strongly accept.”

Results

Before testing our hypotheses, it is first important to assess whether the language manipulations “worked” in the sense that the subjects perceive the complexity of the language and demonstrate appropriate differences in processing fluency. Subjects were asked how difficult or easy it was for them to read each decision (on a five-point scale). Subjects receiving the linguistically complex decisions rated the decisions significantly more difficult to read than those receiving the simpler language.⁸ Subjects were also asked whether the decision was simple or complicated (on a five-point scale) and again the subjects assigned the complex version of the decision rated it as more complicated.⁹ In sum, subjects perceive the linguistically complex language as more difficult. The presence of legalese also increases perceptions of difficulty and complexity, but to a much smaller degree.¹⁰

The length of time spent reading text is an objective indicator of processing fluency. On average, our subjects took 20.0 seconds longer to read the linguistically complex version of the

⁸ The mean for this question (answers range from 1, easy, to 5, hard) is 3.1 for the linguistic complexity treatment group and 2.4 for the control group ($t = 21.1$).

⁹ The mean for the decision complexity question (answers range from 1, simple, to 5, complex) is 3.2 for the linguistic complexity treatment group and 2.7 for the control group ($t = 14.0$).

¹⁰ The mean for the hard to read question is 2.9 for the legalese treatment group and 2.7 for the control group ($t = 5.9$). The mean for the decision complexity question is 3.0 for the legalese treatment group and 2.9 for the control group ($t = 4.0$).

decisions. The legalese manipulation, however, only increased reading time by 2.7 seconds.¹¹ This is further evidence that, as intended, the linguistic complexity treatment decreases processing fluency while the legalese treatment has little effect.

We also asked factual questions about the decisions in order to assess the subjects' understanding of what they had read and use the number of correct answers to create a comprehension scale. Table 3 presents an ordered logit model of decision comprehension in which the two primary independent variables of interest are *Linguistic Complexity* and *Legalese*. To examine whether a decrease in processing fluency can diminish a system one-based over-reliance on the source cues for information about the decisions, we include *Supreme Court* and *Party Cue* and their interactions with *Linguistic Complexity*. The model also includes *Court Knowledge* and *Education*, which consist of an additive scale of correctly answered questions about the Supreme Court and the subject's education level, respectively.¹² We include these two variables with the expectation that those who are more familiar with the Court and who have higher levels of educational attainment will be better equipped to understand the two decisions. We

¹¹ The former difference in means is statistically significant ($t = 5.1$) while the latter is not ($t = 0.7$).

¹² Specifically, *Court Knowledge* ranges from zero to two and *Education* is a five-point scale (0 = did not complete high school, 1 = high school degree, 2 = some college, 3 = college degree, 4 = graduate/professional degree).

pool both decisions together here and include a dummy variable indicating whether the decision in question is *Citizens United*.¹³

*** Table 3 Here ***

These results reveal that subjects receiving the linguistic complexity condition for a decision exhibit a significantly lower level of comprehension of that decision, which again reinforces the success of our experimental manipulation. Interestingly, the estimate for *Supreme Court* is also negative and statistically significant, indicating that simply attributing a decision to the Court decreases a subject's objective comprehension of the decision. This result implies that the presence of this cue may feed into an overly simplistic, heuristic-based processing of the decision. The presence of the linguistic complexity condition, however, somewhat reduces this cue-induced comprehension deficit, as the estimate for the interaction between *Supreme Court* and *Linguistic Complexity* is negative and significant. While we did not set out to test this particular hypothesis, this intriguing result could be considered consistent with the general theoretical claim that processing disfluency pushes people into system two processing, which can in turn diminish bias or error-inducing reliance on heuristics (Oppenheimer 2008). The same pattern holds for the *Party Cue* variable, though neither its main effect nor its interaction are statistically significant.

The coefficient estimate for *Legalese* is negative and close to statistically significant ($p = .061$, two-tailed test), hinting that the legalese treatment might decrease comprehension even though we do not intend or expect it to do so. However, the magnitude of this coefficient is less

¹³ This dummy variable controls for any differences in the difficulty of the questions for the two cases and for the difference in number of questions asked (three for *Graham* and four for *Citizens United*).

than five times smaller than that for *Linguistic Complexity*. We thus feel confident that, as designed, it is our linguistic complexity treatment that is primarily driving processing disfluency.

Acceptance

We now turn to our primary objective, testing our processing fluency-driven hypotheses regarding the effect of complex decision language and legal terminology on public acceptance of a Court decision. Based on our first hypothesis, we include *Linguistic Complexity* and expect it to have a negative coefficient. We also interact it with *Supreme Court* and expect that to the extent that the constituent term for *Supreme Court* is positive (implying a positive source cue effect) there should be a negative estimate for the interaction term (revealing that linguistic complexity diminishes the positive effect of this source cue).

Party Cue is also included and interacted with *Party ID*. This latter variable is measured on the traditional seven-point scale, with lower values for Democrats and higher values for Republicans. The party cue for the *Graham* decision is Democratic, so the coefficient for *Party Cue* \times *Party ID* should be negative, meaning that the presence of the party cue should amplify the negative relationship between identifying as a Republican and accepting the decision. For *Citizens United* the party cue is Republican, which should mean that the presence of this cue will amplify the positive relationship between Republican identification and acceptance of the decision (i.e., the interaction should have a positive coefficient here). By decreasing the processing fluency, system two thinking should be activated and the importance of the party cue should decrease. Thus our third hypothesis implies that the coefficient for *Party Cue* \times *Party ID* \times *Linguistic Complexity* should have the opposite sign as that for *Party Cue* \times *Party ID* (i.e., should be positive for *Graham* and negative for *Citizens United*).

Our fourth hypothesis posits that legalistic language will increase acceptance of a decision. We thus include *Legalese* in these models and expect it to have a positive coefficient. Though we expect it to have a positive effect regardless of the presence of the source cues, we take the conservative approach here of also including *Legalese* \times *Supreme Court* to allow for the possibility that effect of legalistic language is conditional upon the institutional source of the decision.

Table 4 presents our two ordered logit models of decision acceptance: one for the *Graham* decision and one for the *Citizens United* decision. The results for *Graham* are quite supportive of our hypotheses. Consistent with the hedonic fluency hypothesis, the *Linguistic Complexity* treatment decreases acceptance of this decision. All else equal, the presence of complex language decreases the ease with which someone can process the decision language and this leads to more negative evaluations about the decision itself.

*** Table 4 Here ***

The estimate for the *Supreme Court* source cue is positive but is not statistically significant. It thus not particularly surprising that the interaction with *Linguistic Complexity* does not conform to expectations, as there is no evidence here of the Court acting as a positive source cue that could then be undercut by an increase in the difficulty of the text.

There is clear evidence of a polarizing party cue effect for the *Graham* decision. The estimate for *Party Cue* \times *Party ID* is negative and statistically significant, revealing that the presence of the party cue increases acceptance of the decision by Democrats and decreases acceptance by Republicans (see also Nicholson and Hansford 2014). This is highly consistent with system one processing, which tends to rely heavily on simple associational heuristics. The linguistic complexity treatment, however, decreases processing fluency, activates system two

thinking, and thus decreases the reliance on cues when forming judgments. The positive and significant estimate for *Party Cue* \times *Party ID* \times *Linguistic Complexity* is entirely consistent with this theoretical expectation. The party cue matters less when the decision language is complex.

The result for *Legalese* in the *Graham* model supports our fourth hypothesis. The presence of legalistic language increases acceptance of this decision. This effect is not conditioned by whether the Supreme Court is identified as the source of the decision. The use of legalistic language, holding linguistic complexity constant, can boost acceptance of a policy decision. It is likely the case that this kind of language it serves as an authoritative heuristic in system one processing and may be persuasive for those engaged in system two thinking.

The results for the *Citizens United* decision are very different. For this decision, none of the experimental manipulations have a statistically discernible effect. Instead, acceptance of this decision appears to be purely driven by a subject's partisan identification. Indeed, the absolute value of the estimate for *Party ID* in this model is more than three times that of the equivalent estimate for the *Graham* decision. Why the difference between the two decisions? The magnitude of the effect of partisanship in the *Citizens United* model implies that our subjects have a more hardened position in the area of campaign finance and are less influenced by secondary considerations such as the complexity of the language accompanying the presentation of a decision.

To illustrate how complex decision language simultaneously decreases acceptance of and use of cues in assessing *Graham*, Figure 1 presents predicted probabilities of strongly accepting

this decision.¹⁴ The top panel (Figure 1a) depicts the predicted probability of strongly accepting the decision in the absence of the party cue. The subject's partisan identification is plotted on the *x*-axis and for each value of *Party ID* there are two probabilities plotted; one for the control condition and one for the linguistic complexity condition. There are two clear patterns here. First, Democrats are more accepting of this decision than Republicans. Second, our subjects are more accepting of this decision when it is conveyed with the less complex language.

*** Figure 1 Here ***

For the lower panel, the probabilities of strongly accepting the decision are generated with the presence of the party cue. These predicted probabilities clearly illustrate how linguistic complexity diminishes the importance of the party cue in shaping responses to the decision. Without the linguistic complexity treatment, these party-cued responses are strongly related to partisan identification. Linguistically complex decision language, however, flattens this relationship.

Conclusion

Court opinions use complex language to convey decisions. Journalists then try to present these decisions with simpler language and make choices about whether to include legalistic content (Baird and Gangl 2006; Spill and Oxley 2003). Is the level of linguistic complexity of the language used to convey a decision consequential? Existing judicial scholarship assumes that complex language might increase deference to the Court's decisions (e.g., Owens, Wedeking, and Wohlfarth 2013). Research on the general consequences of variation in

¹⁴ This is preferable to plotting probabilities of "somewhat accepting" or "somewhat not accepting," since the probability of these mid-range responses are not monotonically related to the latent dependent variable.

processing fluency, however, points towards a different set of expectations. For the less polarizing of the two decisions used in our survey experiment, we find substantial support for the predictions drawn from the literature on processing fluency and the dual processing theory of the mind. By decreasing processing fluency, complex decision language has two effects on evaluations of the *Graham* decision: 1) it decreases acceptance of the decision (through transference of the dislike of disfluency to the content) and 2) it diminishes the importance of basic cues in arriving at this type of judgment (through the activation of system two processing). Controlling for linguistic complexity and processing fluency, the presence of legalistic terminology increases acceptance of the *Graham* decision, presumably due to a combination of the persuasiveness of references to legal authority and the importance of legal terms as a type of positive legal symbol (Gibson, Lodge, and Woodson 2014).

These results imply that if the justices seek to maximize public acceptance of their decisions they should avoid unnecessarily complex language in their written opinions, use legalistic terms, and hope that journalists do the same when covering their decisions. There is no profit to making decision language more complicated, a point further bolstered by the possibility that decision complexity or uncertainty may decrease lower court compliance (Corley and Wedeking 2014) and undercut the assistance of the public in deterring noncompliance with a court decision (Carrubba and Zorn 2010; Vanberg 2005).

Our results also have implications for how Court decisions are covered or otherwise communicated to the public. There can be consequences to the choices made by journalists. Simplistic party cue-containing descriptions of decisions will emphasize system one processing and lead to more polarized public responses to the decision. The use of more complex language, on the other hand, will diminish the polarizing impact of any party cues included in the coverage.

There are similar implications for scholars who employ survey experiments to assess public evaluations of Court decisions, or policy outcomes in general for that matter. The use of very simple language to convey the content of a policy decision may both inflate support for the policy in question and emphasize the importance of party cues in the formulation of opinion; a subject of frequent study (e.g., Arceneaux 2008; Kam 2005; Nicholson and Hansford 2014).

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Appendix: Selected Descriptions of *Graham* Decision from Survey Experiment

Below we present two of the 16 versions of the *Graham* decision that our subjects received. For simplicity, both of these versions include the Supreme Court treatment and exclude the Party Cue treatment. The online appendix presents all of the versions of this decision as well as the *Citizens United* decision.

Linguistic Complexity = 1, Legalese = 1

“The Supreme Court recently decided that the Eighth Amendment’s Cruel and Unusual Punishments Clause does not permit juvenile offenders to be sentenced to life in prison without parole for nonhomicide crimes.

In reaching this decision, the justices argued that embodied in the cruel and unusual punishments ban is the idea that punishment for crime should be graduated and proportioned to the offense. Under the proportionality standard, the first consideration is whether objective indicia of society’s standards, as expressed in legislative enactments and state practice indicate a national consensus against the sentencing practice at issue. It appears that only 12 jurisdictions nationwide in fact impose life without parole sentences on juvenile nonhomicide offenders, while 26 States and the District of Columbia do not impose them despite apparent statutory authorization. The fact that many jurisdictions do not expressly prohibit the sentencing practice at issue is not dispositive because it does not necessarily follow that the legislatures in those jurisdictions have deliberately concluded that such sentences would be appropriate.

Second, looking to the standards elaborated by controlling precedents and the understanding and interpretation of the Eighth Amendment’s text, history, meaning, and purpose, it is apparent that the punishment in question violates the Constitution. The inadequacy of penological theory to justify life without parole sentences for juvenile nonhomicide offenders,

the limited culpability of such offenders, and the severity of these sentences all lead to the conclusion that the sentencing practice at issue is cruel and unusual. None of the legitimate goals of penal sanctions—retribution, deterrence, incapacitation, and rehabilitation—is adequate to justify life without parole for juvenile nonhomicide offenders. Because age 18 is the point where society draws the line for many purposes between childhood and adulthood it is the age below which a defendant may not be sentenced to life without parole for a nonhomicide crime.”

Legal Complexity =0, Legalese = 0

“The Supreme Court recently decided that juveniles cannot to be sentenced to life in prison without parole for crimes other than murder. This decision is based on the Constitution’s ban on cruel and unusual punishment.

In making this decision, the justices argued that the ban on cruel and unusual punishment means that the punishment should fit the crime. Under this idea, the first thing to think about is whether society seems to approve of this type of prison sentence. This means looking at how many States allow this type of punishment. This information should help show what the nation thinks about these sentences. It turns out that only 12 States use life without parole sentences for juvenile offenders convicted of something other than murder. 26 States and the District of Columbia do not use these sentences even though their laws allow them to. The fact that many States do not clearly prohibit these sentences does not matter. After all, it is not clear that the legislatures in these States believe that this type of punishment is a good idea.

Second, it is important to look at the history and purpose of the Eighth Amendment. This will help reveal the meaning of this Amendment. It is clear that sentencing juveniles to life without parole for crimes other than murder violates this part of the Constitution. Theories of crime and punishment do not to justify life without parole in these situations. Juveniles are not

responsible for their actions in the same way that adults are. Life in prison without parole is a very harsh punishment. The usual goals of punishment include justice, deterrence, public safety, and improving the behavior of the convict. None of these goals justify life without parole for juveniles who have not committed murder. This type of sentence is thus cruel and unusual. The age of 18 is the point where society draws the line between being a child and being an adult. If someone is younger than 18 then they cannot be sentenced to life without parole. The only exception is if the juvenile is guilty of murder.”

Table 1. Examples of source cue manipulation for the *Citizens United* decision

Treatment type	Excerpts
Supreme Court = 1 Party Cue = 1	A Republican-appointed majority on the Supreme Court recently decided that...
Supreme Court = 1 Party Cue = 0	The Supreme Court recently decided that...
Supreme Court = 0 Party Cue = 1	Republican officials recently decided that...
Supreme Court = 0 Party Cue = 0	Government officials recently decided that...

Table 2. Examples of language manipulation for the *Citizens United* decision

Treatment type	Excerpts
<p>Linguistic complexity = 1 Legalese = 1</p>	<p>Laws burdening such speech are subject to the legal doctrine of strict scrutiny, which requires the Government to prove that the restriction "furthers a compelling interest and is narrowly tailored to achieve that interest."</p> <p>This decision follows the principle established in the precedent-setting case of <i>First National Bank of Boston v. Bellotti</i> that the Government may not suppress political speech based on the speaker's corporate identity. No sufficient governmental interest justifies limits on the political speech of nonprofit or for-profit corporations.</p>
<p>Linguistic complexity = 1 Legalese = 0</p>	<p>Laws burdening political speech are subject to an examination which requires the Government to prove that the restriction promotes a particularly important and legitimate governmental objective, and is also limiting speech in a focused, minimal way.</p> <p>This decision follows the principle established in a previous legal case that the Government may not suppress political speech based on the speaker's corporate identity. No sufficient governmental interest justifies limits on the political speech of nonprofit or for-profit corporations.</p>
<p>Linguistic complexity = 0 Legalese = 1</p>	<p>Laws limiting political speech are subject to the legal doctrine of strict scrutiny. This doctrine requires the Government to prove two things. First, does the restriction "further a compelling interest?" Second, is it "narrowly tailored to achieve that interest?"</p> <p>This decision follows the logic of the precedent-setting case of <i>First National Bank of Boston v. Bellotti</i>. The Government may not stop political speech just because it comes from a corporation. This is true for both nonprofit and for-profit corporations. There is no valid reason for this kind of limit on political speech.</p>
<p>Linguistic complexity = 0 Legalese = 0</p>	<p>Laws limiting political speech are judged by whether the Government can prove two things. First, is there a really important reason for the law? Second, is the limitation on speech as small as possible?</p> <p>This decision is similar to a prior decision about free speech. The Government may not stop political speech just because it comes from a corporation. This is true for both nonprofit and for-profit corporations. There is no valid reason for this kind of limit on political speech.</p>

Table 3. Effect of Linguistic Complexity and Legalese on Comprehension

Independent Variable	Expectation	Estimate (Robust Standard Error)
Linguistic Complexity (LC)	-	-.752* (.117)
Supreme Court	none	-2.00† (.098)
Supreme Court × LC	none	.287† (.140)
Party Cue	none	-.074 (.091)
Party Cue × LC	none	-.121 (.137)
Legalese	none	-.128 (.069)
Court Knowledge	+	.358* (.055)
Education	+	.162* (.042)
Citizens United	none	3.65† (.098)
Wald test		1,526*
N		3,232

* $p \leq .05$ (one-tailed test, for expected relationships). † $p \leq .05$ (two-tailed test). Cell entries are ordered logit estimates (and robust standard errors clustered on subject). Model cut-points are presented in the online appendix.

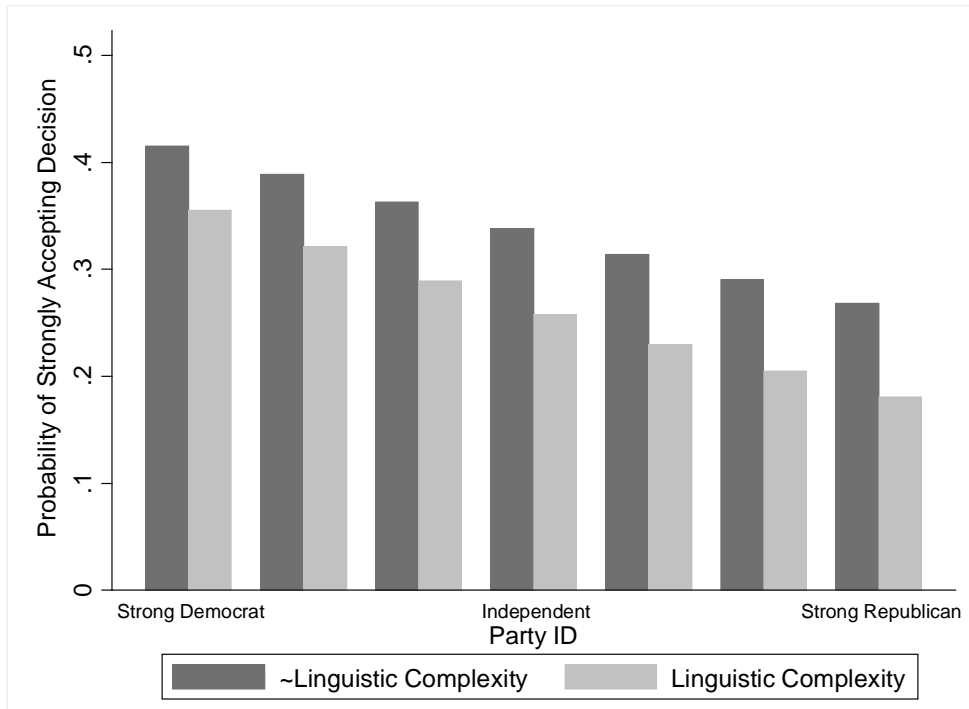
Table 4. Effect of linguistic complexity and legalese on acceptance of decisions

Independent Variable	Expectation	<i>Graham</i>	<i>Citizens United</i>
Linguistic Complexity (LC)	-	-.381* (.169)	.217 (.168)
Supreme Court	+	.130 (.161)	-.062 (.163)
Supreme Court × LC	-	.023 (.190)	.173 (.182)
Party Cue	none	-.230 (.149)	-.102 (.136)
Party Cue × LC	none	.254 (.205)	.016 (.196)
Party Cue × Party ID	-/+	-.168* (.075)	-.007 (.072)
Party Cue × Party ID × LC	+/-	.239* (.105)	.013 (.101)
Legalese	+	.296* (.133)	-.046 (.129)
Legalese × Supreme Court	none	-.140 (.190)	.171 (.183)
Party ID	-/+	-.111* (.053)	.354* (.052)
Party ID × LC	none	-.041 (.073)	.042 (.072)
Likelihood-ratio test		59.9*	221.7*
N		1,616	1,616

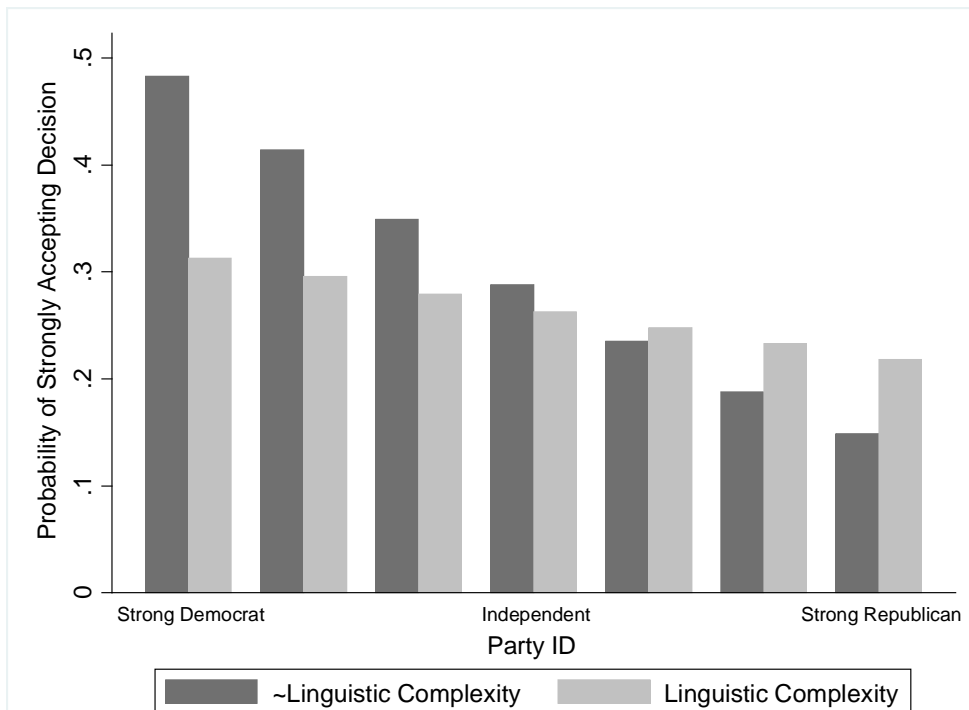
* $p \leq .05$ (one-tailed test, for expected relationships). † $p \leq .05$ (two-tailed test). Cell entries are ordered logit estimates (and standard errors). Model cut-points are presented in the online appendix.

Figure 1. Predicted probabilities of strongly accepting the *Graham* decision

a) *With no party cue (Party Cue = 0)*



b) *With party cue (Party Cue = 1)*



Note: Probabilities calculated with Supreme Court and Legal set at zero.

**Linguistic Complexity, Information Processing,
and Public Acceptance of Supreme Court Decisions**

On-line Appendix

The 16 different versions of the summary of the <i>Graham</i> decision	pp. 2-18
The 16 different versions of the summary of the <i>Citizens United</i> decision	pp. 19-35
Cut-points for the ordered logit models	p. 36

The 16 Different Versions of the Summary of the *Graham* Decision

Our survey experiment utilizes a $2 \times 2 \times 2 \times 2$ design, yielding a total of 16 different possible combinations of treatments/versions of the description of the *Graham* decision. Here, we provide all 16 of these versions. The presence of the Supreme Court, Party Cue, Linguistic Complexity and Party Cue treatments are indicated in the heading (i.e., Supreme Court = 1 reveals the presence of the Supreme Court treatment in the decision summary while Supreme Court = 0 indicates the absence of this treatment).

Graham v. Florida

(Supreme Court = 1, Party Cue = 1, Linguistic Complexity = 1, Legalese = 1)

A Democratic-appointed majority on the Supreme Court recently decided that the Eighth Amendment's Cruel and Unusual Punishments Clause does not permit juvenile offenders to be sentenced to life in prison without parole for nonhomicide crimes.

In reaching this decision, the Democratic-appointed justices argued that embodied in the cruel and unusual punishments ban is the idea that punishment for crime should be graduated and proportioned to the offense. Under the proportionality standard, the first consideration is whether objective indicia of society's standards, as expressed in legislative enactments and state practice indicate a national consensus against the sentencing practice at issue. It appears that only 12 jurisdictions nationwide in fact impose life without parole sentences on juvenile nonhomicide offenders, while 26 States and the District of Columbia do not impose them despite apparent statutory authorization. The fact that many jurisdictions do not expressly prohibit the sentencing practice at issue is not dispositive because it does not necessarily follow that the legislatures in those jurisdictions have deliberately concluded that such sentences would be appropriate.

Second, looking to the standards elaborated by controlling precedents and the understanding and interpretation of the Eighth Amendment's text, history, meaning, and purpose, it is apparent that the punishment in question violates the Constitution. The inadequacy of penological theory to justify life without parole sentences for juvenile nonhomicide offenders, the limited culpability of such offenders, and the severity of these sentences all lead to the conclusion that the sentencing practice at issue is cruel and unusual. None of the legitimate goals of penal sanctions—retribution, deterrence, incapacitation, and rehabilitation—is adequate to justify life without parole for juvenile nonhomicide offenders. Because age 18 is the point where society draws the line for many purposes between childhood and adulthood it is the age below which a defendant may not be sentenced to life without parole for a nonhomicide crime.

Graham v. Florida

(Supreme Court = 0, Party Cue = 1, Linguistic Complexity = 1, Legalese = 1)

Democratic officials recently decided that the Eighth Amendment's Cruel and Unusual Punishments Clause does not permit juvenile offenders to be sentenced to life in prison without parole for nonhomicide crimes.

In reaching this decision, the Democratic officials argued that embodied in the cruel and unusual punishments ban is the idea that punishment for crime should be graduated and proportioned to the offense. Under the proportionality standard, the first consideration is whether objective indicia of society's standards, as expressed in legislative enactments and state practice indicate a national consensus against the sentencing practice at issue. It appears that only 12 jurisdictions nationwide in fact impose life without parole sentences on juvenile nonhomicide offenders, while 26 States and the District of Columbia do not impose them despite apparent statutory authorization. The fact that many jurisdictions do not expressly prohibit the sentencing practice at issue is not dispositive because it does not necessarily follow that the legislatures in those jurisdictions have deliberately concluded that such sentences would be appropriate.

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Graham v. Florida

(Supreme Court = 1, Party Cue = 1, Linguistic Complexity = 1, Legalese = 0)

A Democratic-appointed majority on the Supreme Court recently decided that the Constitution's prohibition of cruel and unusual punishments does not permit juveniles to be sentenced to life in prison without parole for crimes other than murder.

In reaching this decision, the Democratic-appointed justices argued that embodied in the cruel and unusual punishments ban is the idea that punishment for crime should be graduated and proportioned to the offense. Under this theory, the first consideration is whether objective indicia of society's standards, as expressed in state legislation and practice indicate a national consensus against the sentencing practice at issue. It appears that only 12 States nationwide in fact impose life without parole sentences on juvenile offenders convicted of something other than murder, while 26 States and the District of Columbia do not impose them even though they are legally allowed to do so. The fact that many States do not expressly prohibit the sentencing practice at issue is not important because it does not necessarily follow that the legislatures in those States have deliberately concluded that such punishment would be appropriate.

Second, looking to the guidelines elaborated by prior decisions and the understanding and interpretation of the Eighth Amendment's text, history, meaning, and purpose, it is apparent that the punishment in question violates the Constitution. The inadequacy of theory to justify life without parole for juvenile offenders, the limited responsibility of juveniles, and the severity of these sentences all lead to the conclusion that the sentencing practice at issue is cruel and unusual. None of the legitimate goals of punishment—retribution, deterrence, incapacitation, and rehabilitation—is adequate to justify life without parole for juveniles who have not committed murder. Because age 18 is the point where society draws the line for many purposes between childhood and adulthood it is the age below which someone may not be sentenced to life without parole for a crime other than murder.

Graham v. Florida

(Supreme Court = 0, Party Cue = 1, Linguistic Complexity = 1, Legalese = 0)

Democratic officials recently decided that the Constitution's prohibition of cruel and unusual punishments does not permit juveniles to be sentenced to life in prison without parole for crimes other than murder.

In reaching this decision, the Democratic officials argued that embodied in the cruel and unusual punishments ban is the idea that punishment for crime should be graduated and proportioned to the offense. Under this theory, the first consideration is whether objective indicia of society's standards, as expressed in state legislation and practice indicate a national consensus against the sentencing practice at issue. It appears that only 12 States nationwide in fact impose life without parole sentences on juvenile offenders convicted of something other than murder, while 26 States and the District of Columbia do not impose them even though they are legally allowed to do so. The fact that many States do not expressly prohibit the sentencing practice at issue is not important because it does not necessarily follow that the legislatures in those States have deliberately concluded that such punishment would be appropriate.

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Graham v. Florida

(Supreme Court = 1, Party Cue = 1, Linguistic Complexity = 0, Legalese = 1)

A Democratic-appointed majority on the Supreme Court recently decided that juvenile offenders cannot to be sentenced to life in prison without parole for nonhomicide crimes. This decision is based on the Eighth Amendment's ban on cruel and unusual punishment.

In making this decision, the Democratic-appointed justices argued that the ban on cruel and unusual punishment means that the punishment should fit the crime. Under the proportionality standard, the first thing to think about is whether this type of prison sentence meets society's standards. This means looking at the legislative enactments of the States to see who allows this type of punishment. It turns out that only 12 jurisdictions use life without parole sentences for juvenile nonhomicide offenders. 26 States and the District of Columbia do not use these sentences even though they have statutory authorization to do so. The fact that many jurisdictions do not clearly prohibit these sentences is not dispositive. After all, it is not clear that the legislatures in these jurisdictions believe that this type of punishment is a good idea.

Second, it is important to look at the standards found in relevant precedents as well as the history and purpose of the Eighth Amendment. This will help reveal the meaning of this Amendment. It is clear that sentencing juveniles to life without parole for nonhomicide crimes violates this part of the Constitution. Penological theory does not justify life without parole in these situations. Juveniles are not culpable for their actions in the same way that adults are. Life in prison without parole is a very harsh punishment. The usual goals of penal sanctions include justice, deterrence, public safety, and improving the behavior of the convict. None of these goals justify life without parole for juvenile nonhomicide offenders. This type of sentence is thus cruel and unusual. The age of 18 is the point where society draws the line between being a child and being an adult. If a defendant is younger than 18 then they cannot be sentenced to life without parole. The only exception is if the juvenile is guilty of murder.

Graham v. Florida

(Supreme Court = 0, Party Cue = 1, Linguistic Complexity = 0, Legalese = 1)

Democratic officials recently decided that juvenile offenders cannot to be sentenced to life in prison without parole for nonhomicide crimes. This decision is based on the Eighth Amendment's ban on cruel and unusual punishment.

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Graham v. Florida

(Supreme Court = 1, Party Cue = 1, Linguistic Complexity = 0, Legalese = 0)

A Democratic-appointed majority on the Supreme Court recently decided that juveniles cannot to be sentenced to life in prison without parole for crimes other than murder. This decision is based on the Constitution's ban on cruel and unusual punishment.

In making this decision, the Democratic-appointed justices argued that the ban on cruel and unusual punishment means that the punishment should fit the crime. Under this idea, the first thing to think about is whether society seems to approve of this type of prison sentence. This means looking at how many States allow this type of punishment. This information should help show what the nation thinks about these sentences. It turns out that only 12 States use life without parole sentences for juvenile offenders convicted of something other than murder. 26 States and the District of Columbia do not use these sentences even though their laws allow them to. The fact that many States do not clearly prohibit these sentences does not matter. After all, it is not clear that the legislatures in these States believe that this type of punishment is a good idea.

Second, it is important to look at the history and purpose of the Eighth Amendment. This will help reveal the meaning of this Amendment. It is clear that sentencing juveniles to life without parole for crimes other than murder violates this part of the Constitution. Theories of crime and punishment do not to justify life without parole in these situations. Juveniles are not responsible for their actions in the same way that adults are. Life in prison without parole is a very harsh punishment. The usual goals of punishment include justice, deterrence, public safety, and improving the behavior of the convict. None of these goals justify life without parole for juveniles who have not committed murder. This type of sentence is thus cruel and unusual. The age of 18 is the point where society draws the line between being a child and being an adult. If someone is younger than 18 then they cannot be sentenced to life without parole. The only exception is if the juvenile is guilty of murder.

Graham v. Florida

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Graham v. Florida

(Supreme Court = 1, Party Cue = 0, Linguistic Complexity = 1, Legalese = 1)

The Supreme Court recently decided that the Eighth Amendment's Cruel and Unusual Punishments Clause does not permit juvenile offenders to be sentenced to life in prison without parole for nonhomicide crimes.

In reaching this decision, the justices argued that embodied in the cruel and unusual punishments ban is the idea that punishment for crime should be graduated and proportioned to the offense. Under the proportionality standard, the first consideration is whether objective indicia of society's standards, as expressed in legislative enactments and state practice indicate a national consensus against the sentencing practice at issue. It appears that only 12 jurisdictions nationwide in fact impose life without parole sentences on juvenile nonhomicide offenders, while 26 States and the District of Columbia do not impose them despite apparent statutory authorization. The fact that many jurisdictions do not expressly prohibit the sentencing practice at issue is not dispositive because it does not necessarily follow that the legislatures in those jurisdictions have deliberately concluded that such sentences would be appropriate.

Second, looking to the standards elaborated by controlling precedents and the understanding and interpretation of the Eighth Amendment's text, history, meaning, and purpose, it is apparent that the punishment in question violates the Constitution. The inadequacy of penological theory to justify life without parole sentences for juvenile nonhomicide offenders, the limited culpability of such offenders, and the severity of these sentences all lead to the conclusion that the sentencing practice at issue is cruel and unusual. None of the legitimate goals of penal sanctions—retribution, deterrence, incapacitation, and rehabilitation—is adequate to justify life without parole for juvenile nonhomicide offenders. Because age 18 is the point where society draws the line for many purposes between childhood and adulthood it is the age below which a defendant may not be sentenced to life without parole for a nonhomicide crime.

Graham v. Florida

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The Supreme Court recently decided that juvenile offenders cannot to be sentenced to life in prison without parole for nonhomicide crimes. This decision is based on the Eighth Amendment's ban on cruel and unusual punishment.

In making this decision, the justices argued that the ban on cruel and unusual punishment means that the punishment should fit the crime. Under the proportionality standard, the first thing to think about is whether this type of prison sentence meets society's standards. This means looking at the legislative enactments of the States to see who allows this type of punishment. It turns out that only 12 jurisdictions use life without parole sentences for juvenile nonhomicide offenders. 26 States and the District of Columbia do not use these sentences even though they have statutory authorization to do so. The fact that many jurisdictions do not clearly prohibit these sentences is not dispositive. After all, it is not clear that the legislatures in these jurisdictions believe that this type of punishment is a good idea.

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The 16 Different Versions of the Summary of the *Citizens United* Decision

Our survey experiment utilizes a $2 \times 2 \times 2 \times 2$ design, yielding a total of 16 different possible combinations of treatments/versions of the description of the *Citizens United* decision. Here, we provide all 16 of these versions. The presence of the Supreme Court, Party Cue, Linguistic Complexity and Party Cue treatments are indicated in the heading (i.e., Supreme Court = 1 reveals the presence of the Supreme Court treatment in the decision summary while Supreme Court = 0 indicates the absence of this treatment).

Citizens United v. FEC

(Supreme Court = 1, Party Cue = 1, Linguistic Complexity = 1, Legalese = 1)

A Republican-appointed majority on the Supreme Court recently decided that the First Amendment's Freedom of Speech Clause prohibits attempts to limit independent election-related expenditures by corporations or unions.

In reaching this decision, the Republican-appointed justices argued that any prohibition on corporate independent expenditures is an outright ban on speech, especially if it is backed by criminal sanctions. Because speech is an essential mechanism of democracy--it is the means to hold officials accountable to the people--political speech must prevail against laws that would suppress it by design or inadvertence. Laws burdening such speech are subject to the legal doctrine of strict scrutiny, which requires the Government to prove that the restriction "furthers a compelling interest and is narrowly tailored to achieve that interest." This language provides a sufficient framework for protecting the interests in this case and the application of the strict scrutiny test leads to the conclusion that independent election expenditures by corporations cannot be restricted.

Premised on mistrust of governmental power, the First Amendment stands against attempts to disfavor certain subjects or viewpoints or to distinguish among different speakers, which may be a means to control content. The Government may also commit a constitutional wrong when by law it identifies certain preferred speakers. There is no basis for the proposition that, in the political speech context, the Government may impose restrictions on certain disfavored speakers such as corporations. It has been recognized that the First Amendment applies to corporations and that this protection is extended to the context of political speech.

This decision follows the principle established in the precedent-setting case of *First National Bank of Boston v. Bellotti* that the Government may not suppress political speech based on the speaker's corporate identity. No sufficient governmental interest justifies limits on the political speech of nonprofit or for-profit corporations.

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Citizens United v. FEC

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A Republican-appointed majority on the Supreme Court recently decided that there cannot be any limits on how much corporations or unions spend on elections. This is due to the First Amendment's Freedom of Speech Clause.

In reaching this decision, the Republican-appointed justices argued that stopping corporations from spending money on elections is the same thing as stopping them from speaking about politics. Speech is a key part of democracy. Free speech means that public officials have to answer to the people. Political speech is more important than laws that try to limit this speech. Thus is true even for laws that limit speech in an unintentional way. Laws limiting political speech are subject to the legal doctrine of strict scrutiny. This doctrine requires the Government to prove two things. First, does the restriction "further a compelling interest?" Second, is it "narrowly tailored to achieve that interest?" This test protects both the interests of the Government and the freedom of speech. But, the result of the strict scrutiny test is that election spending by corporations cannot be limited by the Government.

The First Amendment exists because the Government cannot always be trusted. This Amendment guards against attempts to favor some ideas or points of view. It also guards against efforts to treat different kinds of speakers unequally. Both types of protections make sure that the Government does not control speech. A law is in the wrong if it says that that only some people can speak about a topic. There is no basis for the argument that it is okay for the Government to restrict just some speakers, like corporations. Corporations are recognized as having First Amendment rights. One of these rights is the freedom to speak about politics.

This decision follows the logic of the precedent-setting case of *First National Bank of Boston v. Bellotti*. The Government may not stop political speech just because it comes from a corporation. This is true for both nonprofit and for-profit corporations. There is no valid reason for this kind of limit on political speech.

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Premised on mistrust of governmental power, the First Amendment stands against attempts to disfavor certain subjects or viewpoints or to distinguish among different speakers, which may be a means to control content. The Government may also commit a constitutional wrong when by law it identifies certain preferred speakers. There is no basis for the proposition that, in the political speech context, the Government may impose restrictions on certain disfavored speakers such as corporations. It has been recognized that the First Amendment applies to corporations and that this protection is extended to the context of political speech.

This decision follows the principle established in the precedent-setting case of *First National Bank of Boston v. Bellotti* that the Government may not suppress political speech based on the speaker's corporate identity. No sufficient governmental interest justifies limits on the political speech of nonprofit or for-profit corporations.

Citizens United v. FEC

(Supreme Court = 1, Party Cue = 0, Linguistic Complexity = 1, Legalese = 0)

The Supreme Court recently decided that the First Amendment's guarantee of the freedom of speech prohibits attempts to limit independent election-related expenditures by corporations or unions.

In reaching this decision, the justices argued that any prohibition on corporate independent expenditures is an outright ban on speech, especially if it is backed by criminal sanctions. Because speech is an essential mechanism of democracy--it is the means to hold officials accountable to the people--political speech must prevail against laws that would suppress it by design or inadvertence. Laws burdening political speech are subject to an examination which requires the Government to prove that the restriction promotes a particularly important and legitimate governmental objective, and is also limiting speech in a focused, minimal way. This language provides a sufficient framework for protecting the interests in this case and the application of this examination leads to the conclusion that independent election expenditures by corporations cannot be restricted.

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This decision follows the principle established in a previous legal case that the Government may not suppress political speech based on the speaker's corporate identity. No sufficient governmental interest justifies limits on the political speech of nonprofit or for-profit corporations.

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Citizens United v. FEC

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The Supreme Court recently decided that there cannot be any limits on how much corporations or unions spend on elections. This is due to the First Amendment's Freedom of Speech Clause.

In reaching this decision, the justices argued that stopping corporations from spending money on elections is the same thing as stopping them from speaking about politics. Speech is a key part of democracy. Free speech means that public officials have to answer to the people. Political speech is more important than laws that try to limit this speech. Thus is true even for laws that limit speech in an unintentional way. Laws limiting political speech are subject to the legal doctrine of strict scrutiny. This doctrine requires the Government to prove two things. First, does the restriction "further a compelling interest?" Second, is it "narrowly tailored to achieve that interest?" This test protects both the interests of the Government and the freedom of speech. But, the result of the strict scrutiny test is that election spending by corporations cannot be limited by the Government.

The First Amendment exists because the Government cannot always be trusted. This Amendment guards against attempts to favor some ideas or points of view. It also guards against efforts to treat different kinds of speakers unequally. Both types of protections make sure that the Government does not control speech. A law is in the wrong if it says that that only some people can speak about a topic. There is no basis for the argument that it is okay for the Government to restrict just some speakers, like corporations. Corporations are recognized as having First Amendment rights. One of these rights is the freedom to speak about politics.

This decision follows the logic of the precedent-setting case of *First National Bank of Boston v. Bellotti*. The Government may not stop political speech just because it comes from a corporation. This is true for both nonprofit and for-profit corporations. There is no valid reason for this kind of limit on political speech.

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This decision is similar to prior decisions about free speech. The Government may not stop political speech just because it comes from a corporation. This is true for both nonprofit and for-profit corporations. There is no valid reason for this kind of limit on political speech.

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Cut-Point Estimates for Ordered Logit Models

A. For model presented in Table 3

Cut 1	-.239 (.078)
Cut 2	.524 (.079)
Cut 3	1.63 (.084)

B. For models presented in Table 4

	<i>Graham</i>	<i>Citizens United</i>
Cut 1	-3.43 (.195)	-1.25 (.142)
Cut 2	-1.59 (.149)	.149 (.139)
Cut 3	.673 (.143)	1.93 (.150)
