The Political Court?

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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. We introduce and develop a new, implicit association-based measure of how people perceive the Court. This measurement strategy relies on the extent to which people readily associate political attributes with the Supreme Court relative to two alternative institutions: Congress and traffic courts. This measure reveals that the public implicitly perceives the Court as less political than Congress and more political than traffic court. We demonstrate that implicit perceptions of the political nature of the Court are distinct from both implicit affect for the Court and explicit perceptions of politicization. We find that implicit perceptions predict diffuse support for the Court and specific support for one of the two decisions included in our study. Implicit perceptions of the political nature of the Court do not, however, predict opinions about the appointment process.

A quick perusal of recent political science journals suggests that contemporary researchers may be more interested in understanding public perceptions of courts than perceptions of any other governmental institution. It is likely that much of this interest flows from the belief that the American public views courts, in contrast with other governing institutions, as being simultaneously political and nonpolitical institutions. As Bybee (2010, 4) puts it, "The American judiciary is said to be squarely situated *in* politics, yet it is not, somehow, thought to be entirely *of* politics." The question of how the public views courts—are they legal or political or both—motivates a number of long-standing questions about courts and their role in the American political system. Furthermore, the idea that the public views courts as being substantially less political than other parts of government is a component of much of the theorizing about how people evaluate courts and their decisions (e.g., theories of policy legitimation theory and positivity bias).

It is not clear, however, that the public is actually ambivalent about whether courts are political institutions. Survey efforts have been limited by the lack of a consensus about the proper question battery to utilize and for the most part do not allow for a determination of the perception of courts *as compared to other policymakers*.[1] Furthermore, it is unclear whether survey questions about how courts decide cases will in fact reveal the underlying variable of interest – the degree to which a respondent perceives courts as less political than the overtly political institutions of governance. Scholars are thus currently limited in their ability to assess 1) the degree to which the public generally views courts as political institutions and 2) whether individual-level variation in this perception predicts attitudes toward courts, their decisions, or the process that guide them.

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[1] Traditional survey questions may also lead to measures of perceptions of politicization that are endogenous to dependent variables of interest, such as support for a politicized appointment process or diffuse or specific support for courts.

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To address these limitations, we develop a new measure of implicit political perceptions of the Supreme Court. In contrast to explicit measures, the type of attitudes measured by self-reports in surveys, implicit attitudes are preconscious orientations toward objects measured indirectly, often by rapidly performed sorting tasks and associated response times. Since the task is performed rapidly, the association between attitude objects (e.g., dogs or cats) and attributes (e.g., good or bad) is automatic or "gut-level." The advantage of implicit methods is that they capture orientations toward objects that people either will not (social desirability bias) or cannot (lack of self-awareness) express in self-reported surveys. For these reasons and others that we discuss shortly, we believe that measuring implicit attitudes substantially advances our understanding of the public's views of the Supreme Court.

Using the implicit association test (IAT) (Greenwald, McGhee, and Schwartz 1998), the most common method for measuring implicit attitudes, our new measure is based on the extent to which people associate political attributes with the Supreme Court relative to two alternative institutions: Congress and traffic courts. Congress represents a fully political reference point while traffic court represents a relatively apolitical referent. We then compare the resulting measure with 1) a second IAT that assesses affect for the Court as compared to Congress or traffic courts and 2) traditional (explicit) survey items regarding the Court and politics. These comparisons reveal that implicit perceptions of the political nature of the Court are distinct from both affect/preference for the Court and explicit perceptions, at least as measured by traditional survey items.

We then explore whether implicit perceptions help us understand support for the Court as an institution (diffuse support), its decisions (specific support), and the appointment process (see Bartels and Johnston 2012). We find that implicit perceptions predict diffuse support and

specific support for one of the two decisions included in our study. Implicit perceptions of the political nature of the Court do not, however, predict opinions about the appointment process.

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 as there several reasons why people might view them as more legalistic than political. The U.S. Supreme Court, our primary focus here, emphasizes legal symbols including, for example, the wearing of black robes by the justices. Moreover, the justices themselves regularly claim that their decisions are determined by legal, not political, factors such as various precedents 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 largely focuses on legal factors and procedural fairness (Gibson, Caldeira, and Spence 2003; cf. Spill and Oxley 2003), which stands in marked contrast with media coverage of the elected branches (Hibbing and Theiss-Morse 1995, 2002). As a consequence, there is survey evidence that the public may perceive the Court's decision-making processes as driven by legal considerations (Baird 2001; Scheb and Lyons 2000) and procedural fairness (Gibson 1989; Mondak 1993). In fact, the assumption that the public views the Court as substantially 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, 1992; Stoutenborough, Haider-Markel, and Allen 2006; cf. Franklin and Kosaki 1989).

Even to the extent that specific Court decisions might be viewed as political in nature, though, scholars argue that nonpolitical conceptions of the Court may be largely unaffected.

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Caldeira and Gibson, for example, contend that public perceptions of the Court's legitimacy are generally unresponsive to its decisions (e.g., Caldeira and Gibson 1992). Even for highly controversial decisions such as *Bush v. Gore*, "it appears that judgments of the fairness of the Court's decision and attitudes towards the Court itself are cut from different cloth" (Gibson, Caldeira, and Spence 2003, 549).

Despite the Court's desire to project a legal, nonpolitical image, however, there are reasons why the public may see the Court as a political institution. The process by which justices are appointed to the Court is politically contentious in a very visible way. Political elites and interest groups often 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 are those in which actors accuse the Court of playing politics or engaging in judicial activism. There are also concerns that open dissensus on the Court, including the writing of separate opinions, might lead observers to conclude that decision making on the Court is political in nature.

There is circumstantial evidence that the public sees a significant political element to the Court and its decisions. Hetherington and Smith (2007) and Bartels and Johnston (2013) show that perceptions of the Supreme Court's ideological makeup shapes support for the institution of the Court, suggesting that the Court has a widely acknowledged political image among the mass public. Recent survey experiments reveal that people are quite willing to use party cues to evaluate the Court (Clark and Kastellec N.d.) and its decisions (Nicholson and Hansford 2014). Again, this evidence at least indirectly points to the conclusion that people are quite able to think about the Court and its decisions in political terms.

In sum, there are theoretical reasons for people to conceive of the Court as a legal institution, a political institution, or as Bybee (2010, 4) puts it, one that is "half-politics-half-

law." Studies of the legitimizing effect of Court decisions usually begin with the assumption that the Court is perceived as legal, not political. Research on the role of party cues or ideological considerations in public evaluations of the Court and its decisions assume that the Court is, in large part, viewed as a political institution.

Existing Measures of How People Perceive the Court

While much of the above research allows for indirect inferences about the extent to which people view courts as political, other studies seek to directly measure public perceptions of the nature of courts. Most of these measures are based on traditional survey questions (e.g., self-reported responses) regarding the determinants of Supreme Court decisions. Scheb and Lyons (2001), for example, ask their respondents how much influence they think that various legal and political factors have on the Court's decisions.[2] They find, for instance, that the vast majority of 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. Scheb and Lyons also ask people how much influence these factors *should* have and find that there is a large gap between normative expectations and perceptions of how the Court actually decides cases. That is, political factors are perceived to matter more than the public thinks they ought to. Gibson and Caldeira (2011) use 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) also use questions about the extent to which politics influences the Court's decisions but they deviate from the above surveys by asking respondents a more general question about the political role of the Court; i.e., whether they agree that the Court "gets too mixed up in

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[2] Baird and Gangl (2006) and Ramirez (2008) utilize decision-specific analogs to this approach, as they as ask subjects whether a particular Court decision was reached in a procedurally fair or nonpolitical manner.

politics." Most of their respondents agree with this statement, which is then taken as evidence that the public views the Court as a political institution.

To varying degrees, all of these studies show that many (and typically most) respondents view the Court in political terms. There are, however, limitations to relying exclusively on traditional survey questions. First, traditional survey questions often do not provide a reference point for what constitutes political decision making or a political institution (see Mondak 1990 on this point). Questions soliciting a response to the statement that the Court is "too political" might imply a referent, but this referent is likely to be some sort of idealized Court which might vary dramatically from respondent to respondent. Without a meaningful and common referent, it is not clear that a subject 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 are that are not particularly a function of political considerations.

Furthermore, it is likely that survey questions about the nature of the Court are susceptible to short-term primes, frames, or unintentional manipulations. After all, the average American, most of the time, likely thinks very little about the Supreme Court. The fact that they are being asked questions about the political nature of the Court may also influence their answers in a meaningful way. A person may not typically think of the Court in political terms, but when asked whether judges' political views affect their decisions it might seem reasonable to say they do or even naïve to say they don't.

Relatedly, the answers to these survey questions may be endogenous to dependent variables of interest. For example, researchers are interested in testing whether perceptions regarding the political nature of the Court influence acceptance of Court decisions, diffuse

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support for the Court, or the criteria used to make these judgments. However, responses to questions about how political the Court is are likely in part a function of the same underlying attitude regarding the Court that is being tapped by other questions about the Court (such as approval of the Court). If nothing else, respondents may feel the need to justify or rationalize negative responses toward the Court and its decisions by then claiming that the Court is political (or "too political"). This endogeneity then makes it much more difficult to properly identify causal relationships involving perceptions of politicization.

Lastly, an assumption behind surveys and self-reports of attitudes is that people are sufficiently introspective to be able to accurately report their attitudes. However, people may lack a self-awareness of how they perceive the Supreme Court. This idea is well known to scholars who study racial attitudes but seldom discussed in studies of public evaluations of governmental institutions. In studies of racial attitudes, scholars often focus on social desirability bias, and rightfully so since most people know that it is a violation of social norms to express prejudice toward racial and ethnic groups. However, scholars of implicit attitudes have found that lack of self-awareness of one's racial prejudices is the more common bias (Greenwald and Banaji 1995). In other words, people who consider themselves free of racial bias nonetheless often hold implicit racial biases that they are unable to express because of a lack of self-awareness or introspection.

Why Implicit Attitudes Matter

A wide-ranging literature in psychology provides ample evidence for a "two minds" hypothesis, the idea that people have an intuitive, unconscious mind and a reflective, conscious mind (Evans 2010; Kahneman 2003). In other words, there are two kinds of thinking. The intuitive mind makes fast, automatic judgments that are outside conscious awareness whereas the

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reflective mind makes reasoned, conscious judgments. In short, explicit attitudes, those measured by answers to survey questions, are deliberative and conscious whereas implicit attitudes, those captured indirectly through video game like sorting tasks, are uncontrolled and preconscious.

Studying implicit attitudes is, by definition, impossible with traditional self-reports as found in surveys. To overcome this problem, psychologists have developed and thoroughly validated the implicit association test (IAT) (Greenwald, McGhee, and Schwartz 1998). While IATs have been used extensively in psychology, they are still relatively new to political science. Nonetheless, IATs have been gainfully used to test whether people hold and act on implicit biases against female candidates (Mo N.d.), whether anti-Latino attitudes influence preferences regarding immigration policy (Perez 2010), and the extent to which partisans hold implicit biases against out-partisans (Iyengar and Westwood N.d.; Theodoridis 2013).

The IAT records the reaction times necessary to simultaneously classify two different "objects" and two opposite traits. Subjects are instructed to make classifications as quickly as possible in a way that is similar to playing a video game; one reacts quickly and reflexively. In other words, there is no time to think and reason. Subjects find it easier and thus quicker to make these classifications when the object and the trait are automatically or implicitly associated. For example, the classic use of the IAT is to assess implicit racial bias by asking subjects to rapidly associate Whites and Blacks with both positive and negative attributes. If a subject is quicker to associate Whites and positive attributes and blacks with negative attributes (compared to the reverse circumstance), the results suggest that the subject has an implicit bias for Whites over Blacks.

How might implicit attitudes matter in studying public attitudes toward the Court? We believe implicit attitudes allow unique insight into whether the public's gut-level orientation toward the Supreme Court is political. In addition, the variation across individuals in these gut-level perceptions is likely to useful for examining the origins of support for the Court and its policies and processes. Given the centrality of these ideas to our research, we further elaborate on each.

What are the origins of implicit attitudes toward the Supreme Court? According to Greenwald and Banaji (1995, 8), implicit attitudes are "traces of past experience that mediate favorable or unfavorable feeling, thought, or action toward social objects." A positive evaluation of government is one of the earliest acquired, and strongly held, political beliefs (Easton and Dennis 1969; Hess and Torney 2006). Although political socialization imparts positive views of American political institutions, judicial symbols impart the understanding that Courts are different and "worthy of more respect, deference, and obedience—in short, legitimacy (Gibson and Caldeira 2009, 142). Research on political socialization is consistent with this argument demonstrating that school children have absorbed this lesson by the eight grade, attributing greater authority to the Supreme Court relative to the other branches of government (Hess and Torney 2006). Accordingly, we anticipate that the legal image of the Supreme Court will, at least partially, define gut level responses to the Court, at least relative to a more blatantly political cousin such as Congress.

How might implicit attitudes about the political (or apolitical) nature of the Supreme Court affect support for the Court and its decisions? Since implicit attitudes are rooted in "past experience," we expect their effect to vary by diffuse or specific support. Diffuse support concerns support for an institution whereas specific support involves support for officials and

policies. For example, one can strongly disapprove of Justice Ruth Bader Ginsburg, an expression of specific support, but also express strong approval of the Supreme Court as an institution, an expression of diffuse support. Studies have found that specific support, attitude towards a Court decision, is highly dependent upon characteristics of the decision (Nicholson and Hansford 2014; Zink, Spriggs, and Scott 2009) whereas diffuse support, support for the Supreme Court as an institution, is relatively stable and largely unresponsive to its decisions (Caldeira and Gibson 1992; Gibson, Caldeira and Spence 2003; but see Nicholson and Howard 2003).

According to Gibson and Caldeira (1992, 2009), diffuse support for the Supreme Court is rooted in long-standing commitments to democratic norms, a process that comes about through political socialization. Since implicit attitudes are the product of "past experiences," we expect them to be highly relevant in predicting diffuse support for the Court. Evaluations of the Court's decisions, however, are less likely to be shaped by long-standing, enduring attitudes, the type captured by implicit approaches such as the IAT. Accordingly, we anticipate that implicit perceptions about whether the Supreme Court is a political entity will affect diffuse support and have little to no effect on specific support.

An IAT-Based Measure of How People Conceive of the Court

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 Congress is perceived as fully political and thus serves as a useful anchor or referent for assessments of perceptions of the Court (see Mondak 1990). Both these objects are then classified along with two attributes: political and nonpolitical. After a set of practice runs, a participant may, for example, be first assigned to classify the Court with

political and Congress with nonpolitical and then subsequently asked to classify the Court with nonpolitical and Congress with political (the actual ordering of these two categorization tasks is random). For the 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"). Note that the initial assignment of the "e" or "i" key is randomized. Again, it should be emphasized that the participants are asked to make these classification assignments as quickly as they can, which prevents reflective thought.

Differences in the average reaction times needed between these two tasks reveals the relative degree to which the participant associates politics with the Court as compared to Congress. If a participant implicitly associates Congress with politics more strongly than she associates the Supreme Court with politics, then she will be quicker to associate Congress with political and Supreme Court with nonpolitical compared to when she is asked to associate Supreme Court with political and Congress with nonpolitical.

More precisely, we take the IAT-generated 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 positive D-score indicates that the subject is quicker to associate the Court with politics than she is to associate Congress with politics. A negative score reveals that the subject is less likely to associate the Court with politics. In short, a positive D-score indicates that the subject implicitly perceives the Court as

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more political than Congress while a negative D-score means that the Court is implicitly

perceived as less political.

There are several advantages to our IAT-based measure of implicit perceptions of the

Court as compared to the traditional survey items that measure explicit perceptions. First, this

approach employs a highly political reference point – Congress – when measuring perceptions of

the Court. Second, as discussed above, there is the potential for endogeneity issues when using

measures of explicit perceptions. Implicit attitudes, on the other hand, are formed over time and

thus are causally prior to dependent variables involving an opinion at time *t*. More importantly

perhaps, IAT-based measures are 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 an inability to be introspective.

Finally, it seems more theoretically reasonable that subconscious evaluations of the Court, not

conscious explicit perceptions, are the ones that will shape responses to Court-related stimuli.

Indeed, the theory of positivity bias (Gibson and Caldeira 2009) would seem to imply that these

subconscious attitudes towards the Court are particularly relevant.

We implement our IAT with a national convenience sample 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 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 very basic screening question or self-

reported issues with the completion of the IATs, we have a sample size of 1,517 respondents.[4]

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[3] Respondents who completed the IATs and accompanying survey items were paid $1.25.

[4] Four respondents failed to identify a picture of a cat (a screening questions designed to identify participants that are actually "bots") and six reported a browser/platform issue when taking the IAT component. Our sample skews

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While we our primarily interested in our IAT in which the Supreme Court and Congress are coupled with political and nonpolitical terms and will use this IAT to measure *Implicit Perception*, we also conducted three other 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. This IAT will allow us to assess how the Court compares with a nonpolitical institution. The other two IATs involve the same object pairings (Court-Congress and Court-Traffic Court) but involve categorizations with the good/bad attribute typically employed for IATs assessing implicit affect or preference.[5] For the purposes of this paper, this latter pair of IATs will be used to assess whether implicit perceptions of the political nature of an institution are distinct from general affect.

We randomly assigned 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. These items will be elaborated upon below.

Descriptive Results

Figure 1 presents the average D-scores for the IATs in which the Court is paired with Congress (which will subsequently serve as our measure of *Implicit Perception*) or Traffic Court

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somewhat young and Democratic, but there is meaningful variation for all of the demographic and political variables we recorded. For example, 27% of the sample are 40 years old or older, 24% identify as Republican (as compared to the 59% identifying 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.

[5] The specific "good" terms that participants classify in the good/bad IATs are "marvelous," "superb," "fantastic," "glorious," and "wonderful." The bad terms are "horrible," "terrible," "awful," "unpleasant," and "dreadful."

and the political trait is being associated with these objects. The D-scores are measured so that a positive value means that a respondent is quicker to associate the Court with politics than she is to associate this trait with the other object (i.e., perceives the Court as more political than the other institution). A negative D-score means the opposite. For both the pairing with Congress and with Traffic Court, mean D-scores are presented for all subjects, subjects who passed one attention check, and subjects who passed both attention checks.[6] These results are separated by attentiveness in order to assess whether the IAT results are sensitive to the level of attention paid to the overall survey task, as might be the case with traditional survey items (Berinsky, Margolis, and Sances 2014).

*** Figure 1 Here ***

The negative and statistically significant D-scores for the Court-Congress pairing reveal 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, as we had anticipated, the Supreme Court is viewed as less political than a fully-political institution and more political than a non-political institution. As Bybee (2010) contends, it appears that the public views the Court as somewhere between political and non-political.

To place the magnitude of these D-scores in some context, they are not as large as those reported by Iyengar and Westwood (N.d.) 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

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[6] All of the subjects included here passed a basic attention check in which they were asked to identify the animal in a picture. The two reading attention checks used to separate the data for this figure involve instructions asking the respondent to not answer a following question (see Berinsky, Margolis, and Sances 2014). A respondent is considered to have passed the check if they follow the instruction and do not provide an answer to the following question.

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 Court as compared to other institutions these differences are not

particularly large if compared to implicit partisan biases. This is perhaps not surprising given the

central role of party identification in conceptions of the political self.

Is it possible that the implicit perceptions of the extent to which the Court is political as

compared to other institutions is being driven by differences in implicit affect for these

institutions? We think this unlikely since this would imply that people have more positive

feeling towards traffic courts than the Supreme Court. To confirm that this is not the case,

Figure 2 presents the mean D-scores for the two ancillary IATs that reveal affect or preference.

D-scores here are calculated so that positive values mean that respondents prefer the Court to the

other institution (i.e., are more comfortable associating positive terms with the Court).

*** Figure 2 Here ***

As one would expect, the D-scores are positive for both IATs. On average, respondents

implicitly prefer the Court to Congress and more strongly prefer the Court to Traffic Court. This

could be viewed as evidence of the "positivity bias" that is foundational to Gibson and Caldeira's

(2009) theory of how the public views and assesses the Court. For our purposes, the important

result is that the pattern here is different from that presented in Figure 1. The Court may be

implicitly preferred to Traffic Court, but that does not stop people from perceiving the Court as

more political.

Comparison with Explicit Measures

How does our IAT-based measure of implicit political perceptions of the Court (*Implicit*

Perception) compare with traditional survey items designed to assess explicit perceptions?

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Respondents were asked three questions derived from Gibson and Caldeira (2011), each asking

respondents to what extent they agree with a statement about a possible determinant of Supreme

Court decisions: law, political views, and party. Respondents were also asked to estimate the

percentage of Supreme Court decisions that are political in nature. There is very little correlation

between these individual explicit items and *Implicit Perception*, with the largest correlation

coefficient a miniscule 0.039. For inclusion in the models below, we factor analyze the four

explicit items and use the results to generate a single variable: *Explicit Perception*.[7] The

correlation coefficient for *Implicit Perception* and *Explicit Perception* is essentially zero (r =

0.022).

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

attitudes (see Hofmann et al. 2005). As mentioned in our discussion of the two-minds thesis,

there is substantial evidence that implicit and explicit attitudes and cognitive processes

fundamentally differ (Banji and Greenwald 2013; Evans 2010; Perez 2013). Recall that the IAT

taps into deeply-rooted feelings, providing insight where social desirability bias or a lack of self-

awareness lurk. Although we can only speculate, it might be the case that people self-report that

they see politics because they think it is the expected answer (social desirability) or that people

are not sufficiently introspective to be able to self-report. Alternatively, as we have discussed

above, it is also possible that there are measurement issues with these explicit items and that

these issues contribute to the apparent lack of relationship between the implicit and explicit.

To further probe the differences between *Implicit Perception* and *Explicit Perception*, we

estimate a pair of models for which these two measures are the dependent variables. According

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

political they will view it. We thus include *Court Knowledge* as an independent variable

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[7] All four of the explicit items load onto a single dimension (with an Eigenvalue of 1.25).

expecting it to produce a negative coefficient. We also include a number of other political and demographic variables in these models: *Education*, *Democrat*, *Republican*, *Ideology*, *Non-Ideological*, *White*, *Female*, and *Age*.[8] The results of these two models (estimated via OLS) are presented in Table 1.

<center>*** Table 1 Here ***</center>

For the *Implicit Perception* model, the estimate for *Court Knowledge* is negative and significant, revealing that people who are more familiar with the Court implicitly perceive the Court as less political than those who know little about the Court. This result provides evidence for Gibson and Caldeira's (2009) claim that people who know the Court are more exposed to its legal symbolism and thus are less likely to view the Court as fully political. *Implicit Perception* is not predicted by any of the other independent variables in the model. The estimate for *Non-Ideological* is positive and significant in the *Explicit Perception* model, suggesting that people who cannot or will not place themselves on the traditional left-right dimension report perceiving the Court as more political. Perhaps it is the case that respondents who reject ideological labels are particularly disaffected with politics and are quick to simply label the Court as political. Interestingly, *Court Knowledge* does not behave as expected in this model, which could be seen as casting doubt on the explicit measure of political perceptions.

<center>**The Consequences of Political Perceptions**</center>

Does it matter whether people view the Supreme Court in political terms or instead see it as a relatively nonpolitical institution? The assumption underlying most of the literature on

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[8] *Court Knowledge* is based on three factual questions about the Supreme Court. Specifically, it consists of the total number of correctly answered questions. *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 of if the respondent identifies with the party or indicates that they are "closer" to the party. Independents thus serve as the baseline in these and other models. *Ideology* is measured on a seven-point scale with positive values for conservatives and negative values for liberals. Respondents who opted out of placing themselves on the traditional left-right dimension are coded as zero (i.e., moderate) but are also then indicated by the dummy variable *Non-Ideological*. *White* and *Female* equal one for respondents who self-identify as such. *Age* is measured in years.

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public opinion regarding the Court is that perceptions regarding the fundamental nature of the Court will have important consequences for how the Court and its decisions are evaluated. We now turn to examining the effect of implicit political perceptions of the Court on three types of evaluation of the Court: 1) diffuse support for the Court, 2) acceptance of specific Court decisions and 3) support for a politicized appointment process. Recall from our earlier discussion that the raw, spontaneous expression of implicit attitudes is rooted in political socialization, an insight that suggests that implicit attitudes will be more strongly related to diffuse support (support for the institution) than specific support (support for decisions or actors). Our expectation, then, is that implicit attitudes will be a significant predictor of diffuse support for the Court but perhaps not for acceptance of its decisions. Although the appointment process has elements of diffuse and specific support, we believe that it is sufficiently removed from basic, rudimentary understandings of the Court that implicit perceptions will have little to no effect on opinions of the desirability of a political process. Each analysis will also include our measure of explicit political perceptions so that we can compare and contrast the relative effects of these two clearly different forms of perception.

Diffuse Support

One of the more common and well-received hypotheses/assumptions in the literature on public opinion and the Court is that people are more likely to support the institution of the Court if they believe it to be less political (e.g., Gibson and Caldeira 2009; Scheb and Lyons 2001). Evidence on this point obtained with measures of explicit perceptions of the political nature of the Court is actually a bit mixed, though. Experimental manipulations of perceptions of the Court's decision making process are shown to influence diffuse support for the Court (Nicholson and Howard 2003; Ramirez 2008) while survey evidence surprisingly reveals that some

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measures of explicit perceptions of the political decision making are actually positively

associated with diffuse support (Gibson and Caldeira 2011).

To test the effect of *Implicit Perception* on diffuse support for the Court, we construct 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 institutional changes to the

Court.[9] We factor analyze the responses to these four questions in order to summarize them in a

single variable: *Diffuse Support*.[10] We include *Implicit Perception* and *Explicit Perception* in

this model and expect both of these independent variables to have negative coefficients. Based

on Gibson and Caldeira's theory of positivity bias, we also include *Court Knowledge* and

Education in this model and expect positive coefficients for both variables. We also include all

of the control variables from the previous models (*Democrat*, *Republican*, *Ideology*, *Non-

Ideological*, *White*, *Female*, and *Age*). The results of this model estimation are displayed in

Table 2.

*** Table 2 Here ***

The estimate for *Implicit Perception* is negative and statistically significant, indicating

that people who have an easier time associating politics with the Court extend less support to the

Court. The same type negative relationship is found for *Explicit Perception* although this result,

as discussed, could be questioned due to the possibility of endogeneity. It could be the case, for

example, that someone who does not support the Court justifies this lack of support by stating

that the Court is too political. Importantly, the result for *Implicit Perception* cannot be

challenged along these same lines as it taps automatic, preconscious responses. For this reason,

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[9] 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 reigned in, and 4) that the power of judicial review should be eliminated.
[10] All four questions clearly load onto a single dimension (with an Eigenvalue of 1.81).

the result for *Implicit Perception* might be interpreted as stronger evidence for the claim that

perceptions of the Court as political cause diffuse support for the Court. Lastly, as expected,

Court Knowledge and *Education* both have a positive effect on Diffuse Support.

Specific Support: Acceptance of Court Decisions

We also test whether implicit perceptions of the political nature of the Court have an

effect on the degree to which people accept specific Court decisions. A long line of 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, 1992; Stoutenborough, Haider-Markel,

and Allen 2006). The foundational assumption here is that people view the Court as less

political and thus its decisions should be granted greater deference. To the extent that the 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. However, recall that the

relationship between implicit perceptions of the Supreme Court and its decisions, a type of

specific support, might be absent since specific support is sufficiently removed from basic

orientations toward the Supreme Court as an institution, the stuff that implicit attitudes toward

the Court are made of.

We asked our 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).[11] Note

that the former decision is conservative in direction (for less regulation in campaign finance)

while the latter is liberal (for less punitive juvenile sentences for crimes other than murder).

Responses are given on a four-point scale for which higher values correspond with higher levels

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[11] 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." For *Graham*, they were given the following summary: "The U.S. Supreme Court recently decided that juveniles cannot be sentenced to life in prison without parole for any crime other than murder."

of acceptance of the decision. We then estimate two models, one for each of the decisions.

Again, we include *Implicit Perception*, *Explicit Perception*, and the same set of other

independent variables in both of these models.

*** Table 3 Here ***

Table 3 presents the results. The estimates for *Implicit Perception* are negative in both

models, as is expected. The estimate in the *Graham* model is significant while the estimate in

the *Citizens United* model is not. For the former case, the more readily someone associates the

Court with politics the less accepting they are of the decision. The estimates for *Explicit*

Perception are significant in both models, but it is entirely possible that this is due to the self-

reported items being driven by unmeasured affect towards the Court. 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*.

Why do implicit perceptions of the nature of the Court affect acceptance of *Graham* but

not *Citizens United*? In a survey experiment designed to test the effects of linguistic and

legalistic complexity of Court decisions, Hansford and Coe (2014) find that acceptance of

Graham is more malleable than that for *Citizens United*. For the latter decision, acceptance

appears to be determined strictly by ideological compatibility with the decision. It thus could be

the case that secondary considerations such as overall perceptions of the Court will not have the

same effect in particularly ideologically-viewed decisions such as *Citizens United*.

Support for a Politicized Appointment Process

Bartels and Johnston (2012) argue that there is another important consequence of perceptions of a political Court. They contend that people who see the Court as political will be more supportive of a politicized appointment process for the justices and find support for this hypothesis using a measure of (explicit) perceptions of politicization. As discussed previously, however, we view the appointment process, while related, as peripheral to evaluations of the Court as an institution. In other words, we see opinions regarding the appointment process as distinct from diffuse support, meaning that implicit perceptions of politicization may be less consequential here.

To explore whether implicit perceptions of the Court's political image (or lack of one) affects evaluations of the appointment process, we asked three questions about opinions regarding the process of appointing justices (see Bartels and Johnson 2012). Specifically, we asked whether they agree that 1) nominees should have to state their personal views on controversial issues, 2) presidents should consider how a nominee will vote in cases instead of only considering legal qualifications, and 3) the lobbying of Senators by interest groups improves the confirmation process. Interestingly, these three indicators of preference for a politicized appointment process do not correlate highly and therefore we do not combine them into a single measure.[12] Instead, we treat each item as a separate dependent variable and estimate three distinct models. All three dependent variables are coded such that higher values correspond with support for the more political version of the appointment process.

*** Table 4 Here ***

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[12] Cronbach's alpha for these three items is a very low 0.174. The first of these three questions offers a binary choice, the second has three ordinal categories, and the third is a five-point scale. We thus estimate a logit model, ordered logit, and OLS model, respectively.

Table 4 presents the results. None of the estimates for *Implicit Perception* in these models are statistically significant. There is no evidence that the ability to associate the Court with politics has an effect on preferences for a politicized appointment process. The estimates for *Explicit Perception* are significant and positive in two of these models, however, which is compatible with what Bartels and Johnston (2012) report. Thus, unlike with diffuse support for the Court, we find that explicit perceptions predict attitudes towards the process of appointing justices but implicit ones do not. This is not surprising. The gut-level responses of the IAT are rudimentary, knee-jerk responses that may not be relevant to more finely tuned, unfamiliar stimuli such as the appointment of federal judges.

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 (e.g., positivity bias theory). The principal contribution of our paper is to introduce and develop a new measure of how people perceive the Court. Our IAT-based measure of the extent to which people implicitly perceive the Court as political is promising for reasons of both theory and empirics. On the theoretical front, we contend that implicit perceptions of the Court are particularly implied by Gibson and Caldeira's (e.g., 2009) theory of positivity bias that focuses on deep, lurking perceptions of the Court that can be activated by legal symbols. 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 lead to endogeneity-related problems.

Overall, we find that the public perceives the Court as less political than Congress, perhaps the most political of American national institutions. Yet, the Court is perceived,

implicitly, as more political than an apolitical institution (i.e., traffic court). 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 an explicit measure of perceptions of politicization, suggesting that there is little overlap between preconscious and conscious attitudes towards the Court. Reassuringly, our results reveal that implicit perceptions of the 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, we suggest that implicit perceptions of the Court should particularly illuminate the origins of diffuse support for this institution. An evaluation of the institution lends itself to raw, basic response as captured by the IAT whereas the specific decisions made by the Court are less likely to be judged based on implicit perceptions of the institution. Consistent with this thinking, we find that implicit attitudes predict diffuse support but only influence acceptance of one of the two Court decisions included in our study. We also find that implicit perceptions fail to predict opinions regarding the desirability of a political appointment process for the justices. Explicit perceptions of politicization are found to be associated with diffuse support, specific support, and opinions about the appointment process, though these results should be approached with a degree of caution as it is possible that these measures of explicit perceptions are actually endogenous to the opinions expressed about the Court. Alternatively, the difference in the operation of implicit and explicit perceptions of the Court could be taken as evidence for the "two minds" thesis that

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implicit and explicit attitudes operate independently when it comes to evaluations of the Court

and its decisions.

References

Banaji, Mahzarin and Anthony G. Greenwald. 2013. *Blindspot: Hidden Biases of Good People*. New York: Delacorte Press.

Baird, Vanessa A. 2001. "Building Institutional Legitimacy: The Role of Procedural Justice," *Political Research Quarterly,* 54 (June): 333-54.

Baird, Vanessa A., and Amy Gangl. 2006. "Shattering the Myth of Legality: The Impact of the Media's Framing of Supreme Court Procedures on Perceptions of Fairness." *Political Psychology* 27:597-614.

Bartels, Brandon L., and Christopher D. Johnston. 2012. "Political Justice? Perceptions of Politicization and Public Preferences Toward the Supreme Court Appointment Process." *Public Opinion Quarterly* 76(1):105-116.

Bartels, Brandon L., and Christopher D. Johnston. 2013. "On the Ideological Foundations of Supreme Court Legitimacy in the American Public." *American Journal of Political Science* 57:184-199.

Berinsky, Adam J., Gregory A. Huber, and Gabriel S. Lenz. 2012. "Evaluating Online Labor Markets for Experimental Research: Amazon.com's Mechanical Turk." *Political Analysis* 20:351-368.

Berinsky, Adam J., Michele F. Margolis, and Michael W. Sances. 2014. "Separating the Shirkers from the Workers? Making Sure Respondents Pay Attention on Self-Administered Surveys." *American Journal of Political Science* 58(3):739-753.

Bybee, Keith J. 2010. *All Judges Are Political - Except When They Are Not: Acceptable Hypocrisies and the Rule of Law*. Stanford: Stanford University Press.

Caldeira, Gregory A., and James L. Gibson. 1992. "The Etiology of Public Support for the Supreme Court." *American Journal of Political Science* 36(3):635-664.

Clark, Tom S., and Jonathan P. Kastellec. N.d. "Source Cues and Public Support for the Supreme Court." *American Politics Research*, forthcoming.

Easton, David and Jack Dennis. 1969. *Children in the Political System: Origins of Political Legitimacy*. New York: McGraw Hill.

Evans, Jonathan St B T. 2010. *Thinking Twice: Two Minds in One Brain*. Oxford: Oxford University Press.

Franklin, Charles H., and Liane C. Kosaki. 1989. "Republican Schoolmaster: The U.S. Supreme Court, Public Opinion, and Abortion." *American Political Science Review* 83:751-771.

Gibson, James L. 1989. "Understandings of Justice: Institutional Legitimacy, Procedural Justice, and Political Tolerance." *Law and Society Review* 23:469-496.

Gibson, James L., and Gregory A. Caldeira. 2009. "Confirmation Politics and the Legitimacy of the U.S. Supreme Court: Institutional Loyalty, Positivity Bias, and the Alito Nomination." *American Journal of Political Science* 53(1):139-155.

Gibson, James L., and Gregory A. Caldeira. 2011. "Has Legal Realism Damaged the Legitimacy of the U.S. Supreme Court?" *Law & Society Review* 45(1):195-219.

Gibson James L., Gregory A. Caldeira, and Lester Kenyatta Spence. 2003. "The Supreme Court and the U.S. Presidential Election of 2000: Wounds, Self-Inflicted or Otherwise?" *British Journal of Political Science* 33:535-56.

Greenwald, Anthony G., and Mahzarin R. Banaji. 1995. "Implicit Social Cognition: Attitudes, Self-Esteem, and Stereotypes." *Psychological Review* 102(1):4-27.

Greenwald, Anthony G., Debbie E. McGhee, and Jordan L.K. Schwartz. 1998. "Measuring Individual Differences in Implicit Cognition: The Implicit Association Test." *Journal of Personality and Social Psychology* 74:1464-1480.

Greenwald, Anthony G., Brian A. Nosek, and Mahzarin R. Banaji. 2003. "Understanding and Using the Implicit Association Test: I. An Improved Scoring Algorithm." *Journal of Personality and Social Psychology* 85:197-216.

Hansford, Thomas G., and Chelsea Coe. 2014. "Linguistic Complexity and Public Acceptance of Supreme Court Decisions." Presented at the Annual Meeting of the American Political Science Association, Washington, DC.

Hess, Robert D. and Judith V. Tarney. 2006. *The Development of Political Attitudes in Children*. New Jersey: Transaction Publishers.

Hetherington, Marc J., and Joseph L. Smith. 2007. "Issue Preferences and Evaluations of the U.S. Supreme Court." *Public Opinion Quarterly* 71(1):40-66.

Hibbing, John R. and Elizabeth Theiss-Morse. 1995. *Congress as Public Enemy: Public Attitudes Toward American Political Institutions*. New York: Cambridge University Press.

Hibbing, John R. and Elizabeth Theiss-Morse. 2002. *Stealth Democracy: Americans Beliefs About How Government Should Work*. New York: Cambridge University Press.

Hoekstra, Valerie J. 1995. "The Supreme Court and Opinion Change: An Experimental Study of the Court's Ability to Change Opinion. *American Politics Quarterly* 23:109-129.

Hofmann, Wilhelm, Bertram Gawronski, Tobias Gschwendner, Huy Le, and Manfred Schmitt. 2005. "A Meta-Analysis on the Correlation Between the Implicit Association Test and Explicit Self-Report Measures." *Personality and Social Psychology Bulletin* 31(10): 1369-1385.

Iyengar, Shanto, and Sean J. Westwood. N.d. "Fear and Loathing Across Party Lines: New Evidence on Group Polarization." *American Journal of Political Science*, Forthcoming.

Kahneman, Daniel. 2003. "A perspective on judgment and choice: Mapping bounded rationality." *American Psychologist* 58(9): 697-720.

Mo, Cecilia Hyunjung. N.d. "The Consequences of Explicit and Implicit Gender Attitudes and Candidate Quality in the Calculations of Voters." *Political Behavior*, forthcoming.

Mondak, Jeffery J. 1990. "Perceived Legitimacy of Supreme Court Decisions: Three Functions of Source Credibility." *Political Behavior* 12:363-384.

Mondak, Jeffery J. 1992. "Institutional Legitimacy, Policy Legitimacy, and the Supreme Court." *American Politics Quarterly* 20:457-477.

Mondak, Jeffery J. 1993. "Public Opinion and Heuristic Processing of Source Cues." *Political Behavior* 15(2):167-192.

Nicholson, Stephen P., and Thomas G. Hansford. 2014. "Partisans in Robes: Party Cues and Public Acceptance of Supreme Court Decisions." *American Journal of Political Science* 58(3):620-636.

Nicholson, Stephen P. and Robert M. Howard. 2003. "Framing Support for the Supreme Court in the Aftermath of Bush v. Gore. *Journal of Politics* 65(3):676-695.

Pérez, Efrén O. 2010. "Explicit Evidence on the Import of Implicit Attitudes: The IAT and Immigration Policy Judgments." *Political Behavior* 32(4):517-545.

Perez, Efrén O. 2013. "Implicit attitudes: meaning, measurement, and synergy with political science." *Politics, Groups, and Identities* 1(2):275-297.

Posner, Richard A. 2008. *How Judges Think*. Cambridge, MA: Harvard University Press.

Ramirez, Mark D. 2008. "Procedural Perceptions and Support for the U.S. Supreme Court." *Political Psychology* 29(5):675-698.

Scheb, John M. and William Lyons. 2000. "The Myth of Legality and Public Evaluation of the Supreme Court." *Social Science Quarterly* 81(4):928-940.

Scheb, John M., and William Lyons. 2001. "Judicial Behavior and Public Opinion: Popular Expectations Regarding the Factors that Influence Supreme Court Decisions." *Political Behavior* 23:181-194.

Spill, Rorie L. and Zoe M. Oxley. 2003. "Philosopher Kings or Political Actors?" *Judicature* 87(1):22-29.

Stoutenborough, James W., Donald P. Haider-Markel, and Mahalley D. Allen. 2006. "Re-assessing the Impact of Supreme Court Decisions on Public Opinion: Gay Civil Rights Cases." *Political Research Quarterly* 59(3):419-33.

Theodoridis, Alexander George. 2013. "Implicit Political Identity." *PS: Political Science and Politics* 46(3):545-549.

Zink, James R., James F. Spriggs, II, and John T. Scott. 2009. "Courting the Public: The Influence of Decision Attributes on Individuals' Views of Court Opinions." *Journal of Politics* 71(3):909-925.

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

Independent Variable	Implicit Perception	Explicit Perception
Court Knowledge	-.031*	.029
	(.013)	(.032)
Education	-.003	-.008
	(.009)	(.023)
Democrat	-.003	-.151
	(.034)	(.084)
Republican	.011	-.017
	(.038)	(.093)
Ideology	-.008	-.022
	(.010)	(.024)
Non-ideological	-.012	.721*
	(.128)	(.313)
White	.007	.006
	(.028)	(.068)
Female	-.009	.083
	(.023)	(.057)
Age	.000	-.004
	(.001)	(.003)
Constant	.015	.104
	(.064)	(.155)
N	753	753
F	0.78	1.39
R^2	.009	.005

* $p \leq .05$ (two-tailed test). Cell entries are OLS coefficient estimates (and standard errors).

Table 2. Effect of Political Perceptions on Diffuse Support for the Court

Independent Variable	OLS Estimate (Standard Error)
Implicit Perception	-.151*
	(.089)
Explicit Perception	-.299*
	(.037)
Court Knowledge	.243*
	(.032)
Education	.100*
	(.023)
Democrat	.003
	(.083)
Republican	.039
	(.092)
Ideology	-.057†
	(.023)
Non-ideological	-.881†
	(.313)
White	.222†
	(.068)
Female	-.152†
	(.056)
Age	.006†
	(.003)
Constant	-1.32†
	(.155)
N	753
F	21.0*
R^2	.238

* $p \leq .05$ (one-tailed test, for hypothesized relationships). † $p \leq .05$ (two-tailed test, for control variables)

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

| Independent Variable	*Citizens United*	*Graham v. Florida*
Implicit Perception	-.002	-.187*
	(.095)	(.098)
Explicit Perception	-.153*	-.070*
	(.039)	(.040)
Court Knowledge	-.117	.077*
	(.034)	(.036)
Education	.012	.004
	(.025)	(.025)
Democrat	.082	.127
	(.089)	(.092)
Republican	.137	.127
	(.098)	(.101)
Ideology	.144*	-.099*
	(.025)	(.026)
Non-ideological	-.245	-.590
	(.334)	(.345)
White	-.033	.120
	(.073)	(.075)
Female	-.087	.061
	(.060)	(.062)
Age	-.001	-.001
	(.003)	(.003)
Constant	1.98†	2.57†
	(.165)	(.170)
N	753	753
F	9.24*	4.88*
R^2	.121	.068

* $p \leq .05$ (one-tailed test, for hypothesized relationships). † $p \leq .05$ (two-tailed test, for control variables)

Table 4. Effect of political perceptions on support for political appointment process

| Independent Variable	Nominee Should State Views	President Should Consider Future Votes	Interest Groups Improve Process
Implicit Perception	.042 (.247)	-.513 (.252)	-.008 (.114)
Explicit Perception	.319* (.102)	.266* (.103)	-.166 (.046)
Court Knowledge	-.272* (.091)	.153 (.090)	-.292* (.041)
Education	-.230* (.064)	-.001 (.064)	.003 (.029)
Democrat	-.091 (.230)	-.183 (.235)	.115 (.106)
Republican	-.174 (.256)	.014 (.258)	.040 (.117)
Ideology	.201† (.065)	-.090 (.066)	.085† (.030)
Non-ideological	-1.29 (.909)	.799 (1.07)	-.110 (.398)
White	.031 (.187)	-.414 (.197)	-.278 (.086)
Female	-.120 (.156)	.105 (.158)	.034 (.072)
Age	-.000 (.007)	-.006 (.007)	-.007† (.003)
Constant	1.91† (.437)	---	3.12† (.197)
Estimator	Logit	Ordered Logit	OLS
N	753	753	753
Likelihood Ratio Test	54.2*	22.5*	---
F	---	---	9.36*

* $p \leq .05$ (one-tailed test, for hypothesized relationships). † $p \leq .05$ (two-tailed test, for control variables)

Figure 1. Implicit perceptions of the Court as political
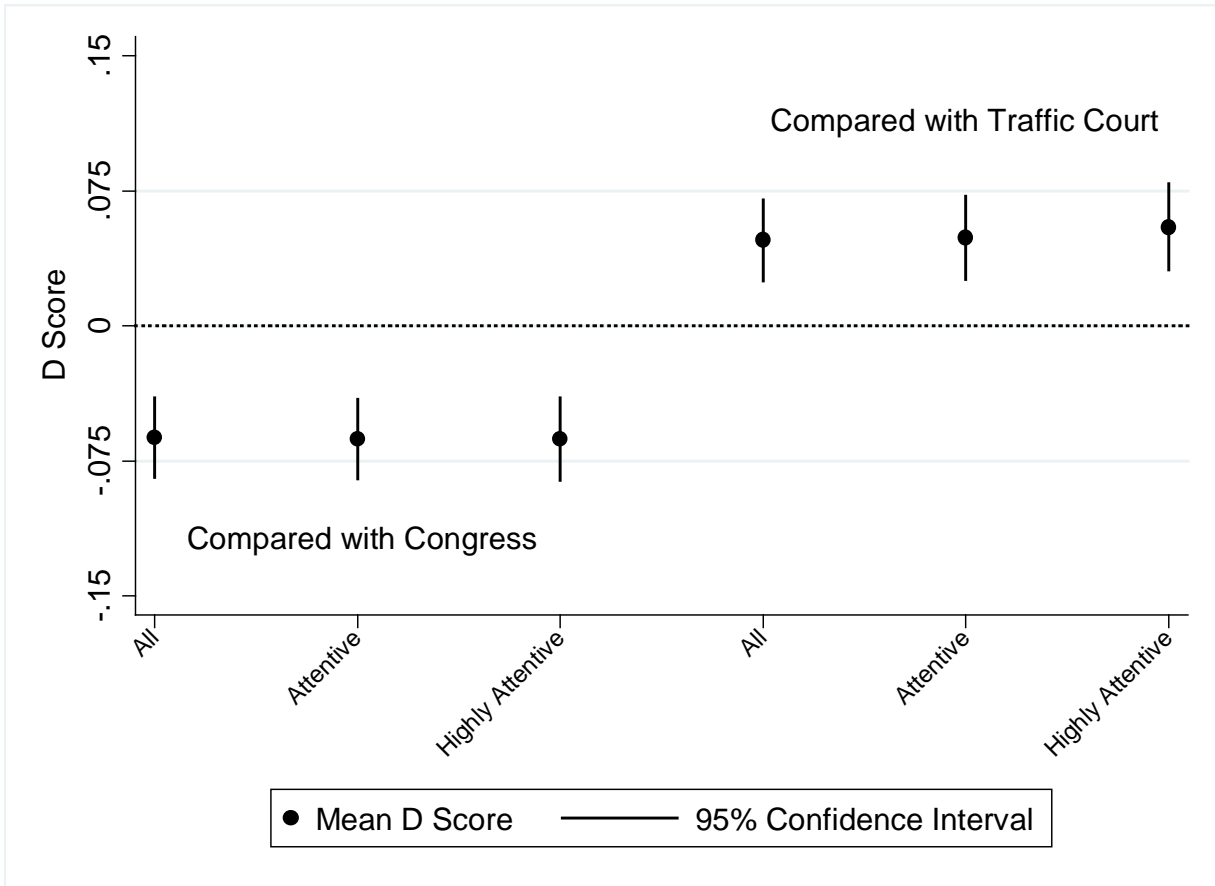
Note: Positive D-scores here indicate that subjects perceive the Court as more political than the referent institution while negative scores indicate that the Court is perceived as less political. Mean scores are presented for all subjects ("All"), subjects who passed at least one of two attention screening questions ("Attentive"), and subjects who passed both screening questions ("Highly Attentive").

Figure 2. Implicit preference for the Court
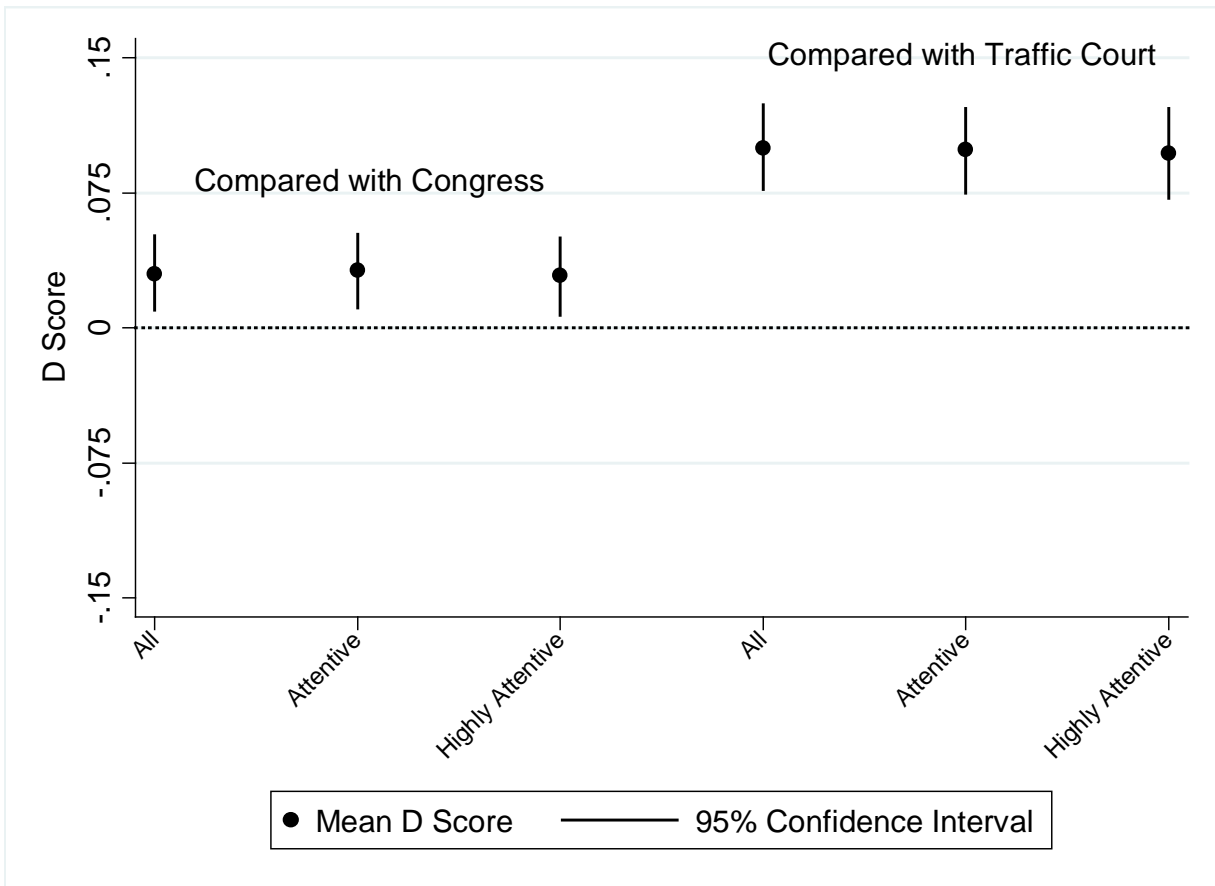
Note: Positive D-scores here indicate that have greater implicit affect for the Court than the referent institution. Mean scores are presented for all subjects ("All"), subjects who passed at least one of two attention screening questions ("Attentive"), and subjects who passed both screening questions ("Highly Attentive").