

Courting Public Opinion: Supreme Court Impact on Public Opinion Reconsidered[†]

Kevin M. Scott
Department of Political Science
Texas Tech University
kevin.scott@ttu.edu

Kyle L. Saunders
Department of Political Science
Colorado State University
Kyle.Saunders@ColoState.edu

[†] Prepared for Presentation at the 2006 Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 19-22, 2006. This research has been supported by the National Science Foundation (SES-0519608). Any opinions, findings, and conclusions or recommendations expressed in this material are those of the author(s) and do not necessarily reflect the views of the National Science Foundation. We thank the staff of the Indiana Survey Research Center, particularly John Kennedy and Dom Powell, for assistance designing and executing the survey. We would also like to thank Larry Baum, Matt Courser, and Chris Zorn.

Courting Public Opinion: Supreme Court Impact on Public Opinion Reconsidered

Abstract

Scholars have struggled for some time with the ability of the Supreme Court to influence public opinion on issues through its decisions. While the evidence on the Court's ability to do so is decidedly mixed, one of the sources of confusion may be the general reluctance to spell out the conditions under which the Supreme Court may be able to shape public opinion. Using survey data collected before and after three major Supreme Court decisions in the 2004 Court term, we test the conditions under which the Court has positive or structural effects on public opinion. We find that when Court decisions are accepted by elites, they are more able to move public opinion. Decisions that create conflicting elite response, however, appear to create only structural changes in public opinion.

Courting Public Opinion: Supreme Court Impact on Public Opinion Reconsidered

In the wake of the Supreme Court's landmark decision in *Lawrence v. Texas* striking down statutes prohibiting homosexual sodomy, nearly every major public opinion poll tracked a decline in public support for homosexuality as an acceptable behavior (Bowman 2003). This decline reversed a growing acceptance of homosexuality that tracks as far back as most public opinion polls ask the question. What is not clear from the shift in public opinion in the wake of *Lawrence* is the source of the public opinion shift: most polls were taken several weeks after the decision and after reaction by politicians across the ideological spectrum. Public opinion may have retreated from growing tolerance of homosexuality because the *Lawrence* decision was characterized as the beginning of a slippery slope toward the legalization of gay marriage.

The pattern in public opinion following *Lawrence* has only added to the confusion surrounding Supreme Court impact on public opinion. Scholars have long noted that there is a reciprocal relationship between the perception of the Court as an institution and approval of particular decisions (Mondak and Smithey 1997). One side of this relationship has been relatively well explored—the impact of decisions on perception of the Court (see, e.g., Gibson, Caldeira and Spence 2003b), and scholars appear to be content with a model that suggests that unpopular decisions may impact evaluations of the Court as an institution, but that impact is temporary (Gibson, Caldeira and Spence 2003b; Mondak and Smithey 1997). On the other side of this reciprocal relationship—the ability of the Supreme Court to mold public opinion through its decisions—disagreement is far more widespread. The dissensus on this issue has been compounded by research that often analyzes data collected for purposes other than assessing the impact of the Supreme Court on public opinion. In this paper, we attempt to develop a more complete understanding of the circumstances under which the Supreme Court impacts public opinion and test that theory

using data collected specifically for that reason. We argue that Supreme Court impact on public opinion can vary by issue, with the Supreme Court having a positive impact on some issues while it shapes the structure of public opinion on other issues.

Supreme Court Influence on Public Opinion

Scholars have long looked for evidence that the Supreme Court, as the most highly regarded federal institution in the United States (Kritzer 2005), has a legitimating (positive) effect on public opinion. Because the public believes the law has a “clear, fixed meaning, that legal rules decide cases, and that the judiciary is merely a mouth-piece of self-interpreting, self-enforcing law” (Adamany 1973, 791; internal citations omitted), the Supreme Court is viewed not as a political institution but as an institution whose “main task is to confer legitimacy on the fundamental policies of the successful coalition” (Dahl 1957, 294).

Evidence for this view, the legitimation (or positive response) hypothesis, has been quite rare. In the context of public opinion, the positive response hypothesis predicts more aggregate public support for the Supreme Court’s position after a Supreme Court opinion than before the decision. Marshall (1988, 1989) and Johnson and Canon (1984) find, at best, modest increases in public support for the positions taken by the Court. Franklin and Kosaki (1989) report greater public support for abortions for health reasons following *Roe v. Wade* but found no shift in aggregate public opinion for discretionary abortions.

Scholars have been sufficiently frustrated by the lack of findings on the positive response hypothesis to argue that one should never (or almost never) expect a positive response to Supreme Court decisions. Supreme Court decisions can shape public opinion in ways not measured by net gain or loss of support for a position; instead, public opinion can change its *structure* as a result of Supreme Court decisions. “[W]hich groups support and oppose a position and how intensely” can be influenced, making the aggregate impact on

public opinion contingent on how large the different affected groups are in the population (Franklin and Kosaki 1989; 753).

The evidence for structural response to Supreme Court decisions is stronger than that for positive response to Court decisions: Franklin and Kosaki find that *Roe v. Wade* had a structural response on public attitudes toward discretionary abortions: those who favored greater access to discretionary abortions before *Roe* became more supportive after the Supreme Court's decision, and those who opposed access to discretionary abortions became more opposed as a result of the Court decision—in essence, *Roe* served not to change but to polarize public opinion on abortion. Johnson and Martin (1998) argue that the structural response observed by Franklin and Kosaki may work for the first Supreme Court decision on an issue, but they find no movement as a result of subsequent Court decisions, suggesting that the Court's only real impact is when it makes its first decision on an issue.

While survey research tends to find more support for the structural response hypothesis than the positive response hypothesis, experimental work has generated a fair amount of evidence that the Court can have a positive impact on public opinion. Mondak, for example, has argued that survey research has failed to find a positive response largely because surveys fail to account for the “low visibility of decisions and variance in public exposure to the Court's rulings.” As a result, “specific instances of enhanced policy legitimacy may be overlooked” (1990, 364). Experimental work, by using the power to manipulate conditions—including exposure level and decision visibility—has largely succeeded in elaborating a more nuanced version of conditions under which legitimation might occur.

At the individual/psychological level, Mondak (1990) argues that the best framework for understanding the circumstances under which the Court might serve to legitimate

public opinion is the elaboration likelihood model (ELM) (Petty and Cacioppo 1986). The ELM distinguishes between the *central* route and the *peripheral* route as the two paths that can lead to attitudinal change. The central route is typified by persuasive circumstances that require a great deal of thought and scrutiny of the attempted persuasion, and therefore are likely to predominate under conditions that promote high elaboration—or better said, higher amounts of thought/cognition. Under the central route conditions, a person’s unique cognitive response to the message determines the direction and magnitude of attitude change. Peripheral route processes, on the other hand, require little thought/cognition, and therefore predominate under conditions that promote low elaboration. These processes often rely on judgmental heuristics (e.g., “the Supreme Court is always right”) or surface features of a message (e.g., the number of arguments presented by advocates) or its source (e.g., the attractiveness of the source) (Petty and Wegener 1999; Petty and Cacioppo 1986).

Given this framework, Mondak argues that, while low elaboration “characterizes the typical examination of a Supreme Court ruling,” Supreme Court impact on public opinion is multifaceted. He finds that the Court’s ability to persuade (legitimate) is stronger when it makes stronger arguments, but argument strength does not interact with relevance to the subject, contrary to the expectations of the ELM. While Mondak argues that the Court’s impact on public opinion is greatest under situations of low and high elaboration, while moderate elaboration may simply lead to “close message scrutiny” (Mondak 1990, 366), he finds that under high elaboration conditions the Supreme Court’s persuasiveness declines as an individual’s desire to process information increases because “reliance on the credibility heuristic diminished as participants’ motivation to process the messages increased” (379).

Mondak's work (see also Mondak 1992, 1994) may suggest why scholars have struggled to find evidence of the Supreme Court acting as a credible symbol in public opinion surveys. Scholars invariably turn to issues of high salience (abortion, death penalty, flag burning) to gauge Supreme Court impact on public opinion because only those decisions tap issues of sufficient importance to generate media coverage which is a necessary condition for any public response. At the same time, however, opinion change may be unlikely because cases that touch on these issues "are likely to tap relatively well-ordered belief structures" (Franklin and Kosaki 1989, 754). On issues individuals conceive to be of great personal significance, the Court's ability to function as a credible signal is limited; instead, the Court decision may prompt individuals to examine information more closely rather than to persuade the individual. It may also be the case that, if persuasion or legitimation of policy courses takes due to Court decisions, the influences may take place at the margins. The size of those margins, of course, can vary due to levels and timbre of elite and group discourse, media coverage, and the level of persuasive communication inside social groups/networks. The impact of a Court decision on public opinion therefore may vary by the substance of the Court's decision itself, the extant public opinion on the subject matter, and the particular groups activated by the decision and concurrent discourse within those groups (Mondak 1994, Popkin 1991).

While experimental work suggests that positive response is possible under a limited set of conditions, survey research has struggled to provide sufficient evidence to suggest progress in this area. Perhaps this is because replicating laboratory conditions with the impacts of Supreme Court decisions can be quite difficult. The conflicting findings may also be a product of methodological differences: experiments tend to demonstrate positive response is possible while surveys have generally found structural response to Supreme Court decisions (Hoekstra 2003). However, this divide may not be driven solely by

methodology. Surveys tend to focus on such high-profile issues that finding shifts in public opinion may be nearly impossible. Part of the problem may be relying on surveys not designed specifically to test response to Supreme Court decisions. Omnibus surveys like the General Social Survey and the National Election Studies serve so many purposes (and so many masters) that only the most high profile issues find their way into survey instruments. Experimental work, on the other hand, can manipulate the issue of the Supreme Court decision and this advantage may explain some of the success experimental work has had in finding positive response to Court decisions.

Issue Importance and Supreme Court Influence on Public Opinion

The importance of the issue as the conditioning factor for Supreme Court impact on public opinion helps explain why scholarship on Supreme Court impact on issues like abortion and the death penalty does not cover the entire range of issues over which the Court might influence public opinion. Franklin and Kosaki and their successors leave incomplete a specification of the conditions under which one might expect positive response to Supreme Court decisions, structural response, or no response at all.

Hoekstra's remedy to the failure of surveys to span the range of issues has been to move to the polar opposite of abortion and the death penalty and focus on Supreme Court cases that have local (but not necessarily national) consequences. Hoekstra argues that "Court decisions on mundane issues, ones that people may not have attended to so thoroughly, should not produce the same patterns of polarization" as those issues on which "people already have strongly held beliefs on highly charged and controversial issues" (2003, 91-92). Rather, more mundane issues should be more likely to generate positive response or no response at all. The intervening variables—those which determine positive or no response—are issue awareness, salience and motivation—as long as a person is aware

of a Supreme Court decisions, and is “less able and less motivated” (Hoekstra 2003, 93) to process the information, then a positive response should be expected.

Hoekstra took this argument to mean that one cannot expect the Supreme Court to have an impact on the national level; any impact of the Supreme Court on public opinion could only be found at the local level—in those citizens most directly affected by a decision. Hoekstra argued that intensity of opinion varies by proximity to the parties in a case—those who live in the immediate community are unlikely to respond positively to Supreme Court opinions, while those in the surrounding communities will meet the conditions (exposure to media coverage of the decision, lack of strong preconceived position on the issue) to change their opinion as a result of a Supreme Court decision. For Hoekstra, the less motivated respondent (the one from whom a positive response is expected) is a person who cares less about the Court decision.

We argue that instead of case interest varying geographically, the variation in an individual’s propensity towards persuasion can vary across cases. That is, the same person can care more about abortion than medical marijuana or school prayer, and Supreme Court decisions in the latter two areas can create a positive response where a Supreme Court decision on abortion may have no effect given the firmness of the individual’s stance on abortion. Using this logic, then, one might expect positive response from individuals on cases where media coverage—both print and broadcast—is substantial, but public opinion is less fixed. On issues where public opinion is more rigid but there is still substantial media attention, one would expect a structural response—polarization within groups of the public. On issues where there is no media attention, one would expect there to be no shift in public opinion.

Once a threshold of salience (i.e., through the issue receiving sufficient media coverage) is achieved, the impact of the Court decision on public opinion is contingent on

the nature of the question posed on the Supreme Court. Therefore, rather than a dichotomy (that issues either tap well-ordered belief structures or they do not), a continuum of issue persuasion is likely a more appropriate framework. Issues that are continual components of the nation's public debate: abortion, the death penalty, and affirmative action, to take a few examples, are issues on which the Court is less likely to have a positive impact on public opinion. At the other end of the continuum might be Supreme Court decisions that are relatively new to the public: they may divide public opinion (perhaps along partisan lines), but they do not represent issues about which the public is likely to have well-structured beliefs.

In this paper, we assess Supreme Court impact on three sets of cases: public display of the Ten Commandments (*Van Orden v. Perry*; *McCreary County v. ACLU of Kentucky*), juvenile death penalty (*Roper v. Simmons*), and medical marijuana (*Gonzales v. Raich*) decided during the October 2004 Supreme Court term. Without longitudinal data on these issues, it is difficult to assess *a priori* where these cases might fall on a continuum that measures the degree to which public opinion was fixed before the Supreme Court opinion. While we have considerable public opinion data on the death penalty more generally, an issue on which attitudes are relatively stable, adding the dimension of execution of minors may change those results in ways that cannot be anticipated. The same observation can be made about medical marijuana: while the public's views on drug legalization may be relatively fixed, that may not necessarily mean views about the use of marijuana for medical reasons is as rigid. On the other hand, we have every reason to believe that public opinion on public display on the Ten Commandments, to the degree that it taps a person's beliefs about the propriety of religion in the public square, will be more fixed than public opinion on the other two issues. Accordingly, we expect that a positive response to the

Supreme Court is more likely on the issues of juvenile death penalty and medical marijuana than a positive response on public display of the Ten Commandments.

Research Design

We utilize a quasi-experimental research design that allows us to test the impact of the *Van Orden*, *McCreary County*, *Roper*, and *Gonzales* decisions on public opinion. The predictable nature of the Supreme Court decision cycle allowed us quasi-experimental leverage over the main stimulus in this research design (Cook and Campbell 1979). We administered a four wave, repeated cross-section survey with approximately 300 respondents in each wave. The first wave occurred in February 2005, and was completed before the Supreme Court decision in *Roper*. The second wave was completed in April 2005. The third wave was administered in July 2005, followed by a fourth wave in October 2005. The waves bracket oral arguments for *Van Orden* and *Gonzales* (between waves 1 and 2), the decisions in *Van Orden* and *Gonzales* (between waves 2 and 3) and the decision in *Roper* (between waves 1 and 2).

Whereas previous research has encountered the problem of having as much as a year between waves of a survey (using the General Social Survey, as Franklin and Kosaki (1989) and Johnson and Martin (1998) do, at least in part), we attempt to solve the problem of attribution by increasing proximity of survey administration to the Supreme Court decision. This reduces, but does not eliminate, the possibility that observed change in public opinion can be attributed to some cause other than the Court's decision, but represents a substantial improvement over previous general-use surveys that have been used to study the impact of Court decisions on public opinion.¹

¹ Our only serious concern with regard to attribution bias is the kerfuffle that preceded the death of Terri Schiavo. The passage of legislation ordering federal court review of her status, Supreme Court denial of a petition to review the Eleventh Circuit's decision, and the termination of life support for Schiavo, all occurred while our second survey wave was in the field.

Some have criticized the use of repeated cross-sections to measure the impact of Supreme Court decisions, arguing that, among other problems, repeated cross-sections require that between-subject change be measured, whereas panel studies can measure within-subject change (Hoekstra 2003).² Aside from the prohibitive cost of panel studies and problems of mortality, panel surveys inevitably serve to cue respondents to pay attention to external stimuli (here, Supreme Court decisions), artificially altering results and potentially overstating Court impact. Attempts to cure this defect with second-wave only surveys to augment the panel may assist, but it is impossible to measure change in post-stimuli-only respondents. Though there are certainly tradeoffs in the approach, we prefer to use the repeated cross-section approach to avoid priming interview subjects in a way that makes generalizing from the sample to the population problematical.

Supreme Court opinions invariably generate reaction by upsetting one group while pleasing another. The Court's opinion in *Lawrence v. Texas* is a classic example of this phenomenon. In the wake of *Lawrence*, conservatives strongly criticized the Supreme Court and its activist judges, and this criticism only mounted when the Massachusetts Supreme Judicial Court ruling legalizing gay marriage cited *Lawrence* favorably. The Court's decision in *Lawrence* may have provoked a backlash that explains the slippage in support for homosexuals in public opinion polls in 2003 (Bowman 2003). The possibility of the same negative reaction was very real, particularly in the case of *Van Orden*. But the Supreme Court, in what may have been a Solomonic decision, allowed some but not all

² One of the greatest problems created by using repeated cross-section design is that one cannot test the hypothesis that those respondents who are more supportive of the Court are more likely to change their positions on an issue as a result of the Court decision. This cannot be tested because one has to assume that the composition of the different groups on the independent variables remains constant before and after the stimulus. While this is a reasonable assumption for most categories (i.e., Catholics before the Court decision are likely to be Catholics after the decision), it is an overly restrictive to assume that Court support will not be affected by the decisions of the Court (Grosskopf and Mondak 1998; Hoekstra 2003). Acknowledging this problem, we note that the one panel study that did test this hypothesis (Hoekstra 2003) found no relationship between support for the Court and opinion change after a Court decision.

public displays of the Ten Commandments. Despite the legal difficulties the decisions might create, they served to blunt public criticism of the decision and allowed us to more cleanly capture the impact of the Supreme Court decision on public opinion.³

We estimate models for each of the three decisions (public display of the Ten Commandments, medical marijuana, and juvenile death penalty). We discuss below the survey question(s) used to measure opinion on the issue, as well as the independent variables we use to specify the model. Details on the questions asked are provided in Appendix A.

Public Display of the Ten Commandments

To measure support for public display of the Ten Commandments, we first asked respondents “do you think that it is proper or improper for the Ten Commandments to be displayed in government buildings, such as courthouses?” Respondents who answered “proper” were then asked “do you think it is proper to display the Ten Commandments in government buildings only as a part of a collection of historical legal documents, such as the Constitution and Declaration of Independence, or is it proper to display them on their own?”⁴ This created three possible categories for a respondent’s opinion on public display of the Ten Commandments: proper on their own, proper as part of a collection of documents, and improper. The Supreme Court decisions lent support to this middle choice. In *McCreary County v. ACLU*, the Court decided that a display that included the Ten Commandments as a series of other documents showing government support for Christianity to violate the neutrality principle of the *Lemon* test. In *Van Orden v. Perry*, however, the Court concluded that in the Texas display, where the Ten Commandments are a statue on capitol grounds among other secular monuments, “the tablets have been used as

³ The same may not be true of *Roper v. Simmons*. That decision generated a blistering dissent by Justice Scalia and upset several conservatives (Cornyn 2005).

⁴ Response options for this question, as well as for the medical marijuana question, were rotated randomly.

part of a display that communicates not simply a religious message, but a secular message as well” (Breyer, 2005). While the Court’s mixed message may make it difficult for policymakers to determine which displays pass constitutional muster and which do not, the decisions were hailed by the liberals and conservatives alike as vindication of their position.⁵

We estimate a model of support for public display of the Ten Commandments that relies primarily on a person’s religious beliefs and the importance of religion to their lives. We classify a person’s religious belief as Catholic, Mainline Protestant, Evangelical Protestant, Other Christian, Other non-Christian, and non-religious. We use a doctrinal approach to separating evangelical and mainline Protestants (Layman 2001; Layman and Hussey 2005). We also ask respondents about the frequency of religious service attendance; those people who attend services more often should be more supportive of public displays of the Ten Commandments and more likely to see the Supreme Court decision as a vindication of that belief. We also include variables to measure ideology, party identification, education, political knowledge, attention to the news and race. Each of these is interacted with a post-decision dummy to test the possibility of structural response (polarization) as a result of the Court’s Ten Commandment decisions (Achen 1987; Franklin and Kosaki 1989; Johnson and Martin 1998).

Medical Marijuana

To measure support for legalization of marijuana for medical purposes, respondents were asked “do you think adults should be allowed to legally use marijuana for medical purposes if their doctor prescribes it or do you think that marijuana should remain illegal

⁵ For the American Civil Liberties Union’s response, see <http://www.aclu.org/religion/tencomm/16265prs20050627.html> (accessed April 5, 2006). For the American Center for Law and Justice’s response, see <http://www.acli.org/news/Read.aspx?ID=1684> (accessed April 5, 2006).

even for medical purposes?” As in the case of predicting support for public display of the Ten Commandments, there is little existing literature to provide a guide. We estimate a relatively straightforward model including ideology, party identification, gender, marital status, religious importance, education, political knowledge, age and race, as those variables have been used to predict general support for the legalization of marijuana (see, e.g., Boylan 2005, 14). A plausible model of support for legalization of marijuana for medical purposes should start with the same factors.

Juvenile Death Penalty

To measure respondent attitudes on the juvenile death penalty, respondents were asked “do you favor or oppose the death penalty for a person who is under the age of 18 convicted of murder?” Social scientists have invested more effort in understanding the determinants of support for the death penalty than understanding support for medical marijuana or public display of the Ten Commandments (Soss, Langbein, and Metelko 2003). We model support for juvenile death penalty using many of the same characteristics suggested by Soss, Langbein, and Metelko: we include measures of education, age, race, gender, religious affiliation, frequency of church attendance, party identification, and ideology. Contextual factors also play a role, as people who perceive crime to be a greater problem and who live in less affluent areas may be more supportive of the death penalty. Accordingly, we include measures median income, percentage of people college educated, murder rate, percentage black and percentage white in the respondent’s county.⁶

Results

⁶ Soss, Langbein and Metelko are interested in white support for the death penalty, and note that their model fails to explain support for the death penalty among African-Americans. We reestimated the model presented below on only the white respondents in our survey and the results do not change. This, along with the lack of statistical significance for race in our model, may suggest that the death penalty for juveniles is less racially motivated than broader support for the death penalty.

The general strategy used to differentiate between positive and structural response to a quasi-experimental stimulus is to include a post-decision dummy variable to test for positive response to the Court decision and to interact variables predicting support for a given position with a post-decision dummy variable to test for structural response (Franklin and Kosaki 1989; Johnson and Martin 1998). Following the lead of earlier work, we exclude from our analyses respondents in the post-decision waves who have not heard of the decision. We present the three different models in turn.

Public Display of the Ten Commandments

To assess the impact of different covariates on respondents' support for public display of the Ten Commandments, we estimated a multinomial probit model. A multinomial probit model is appropriate when each respondent faces choices that are not necessarily ordered. That is, we do not assume *a priori* that our data measures some underlying support for public display of the Ten Commandments where display as part of a collection of legal and historical documents falls between approving the display of the Ten Commandments on their own and disapproving of public display of the Ten Commandments. Given the discrete choices (similar to choices in a multi-candidate election, where the candidates cannot be arrayed on a single dimension), we are left with estimating a multinomial logit (MNL) or a multinomial probit (MNP). A multinomial logit requires that we assume the independence of irrelevant alternatives (IIA), an overly restrictive assumption in this case.⁷ Accordingly, Table 1 presents our results for the estimation of the MNP model for support for public display of the Ten Commandments.

Table 1 Here

⁷ In American politics, the most common applications of multinomial probit have been analyses of voter choice in the 1992 (Alvarez and Nagler 1995; Lacy and Burden 1999) and 1996 (Alvarez and Nagler 1998) presidential elections.

The coefficients in the table can be read as changes in the probability that an option will be chosen over the comparison category. Evangelical Protestants prefer display of the Ten Commandments on their own to display as part of a collection, and they are more likely to believe that the Ten Commandments should be displayed as part of a collection than to believe they should not be displayed publicly. The same pattern holds for church attendance. More liberal respondents are more likely to view the display of the Ten Commandments as improper, but ideology does not affect the differentiation between public displays of the Ten Commandments on their own or as part of a collection. Greater political knowledge increases the probability that an individual will believe the Ten Commandments should not be displayed publicly, but political knowledge does not influence the choice as to whether other historical and legal documents should be included in that display. Finally, individuals with higher levels of education are less likely to think it proper that public displays of the Ten Commandments not include other documents, but education does not influence the choice as to whether or not the display should be mounted.

Most notably, respondents surveyed after the decision are more likely to believe that the Ten Commandments should be displayed as part of a collection than they are to believe that the Ten Commandments should not be publicly displayed. Setting all of the independent variables to their median values, respondents are 29.98% less likely to believe that display of the Ten Commandments is improper.⁸ Interestingly, respondents are no less likely to believe that the Ten Commandments should be displayed on their own after the decision. This appears to be evidence of positive response to the Supreme Court's decisions in the Ten Commandments cases: respondents shift toward public display of the Ten Commandments and that shift is toward the propriety of display of the Ten

⁸ All marginal effects are calculated using Stata 9.0's mfx command.

Commandments as part of a collection of other documents, precisely the kind of display the Supreme Court tolerated in *Van Orden*.

We see almost no evidence of structural shifts in public opinion as a result of the Court's decisions in *Van Orden* and *McCreary County*. That is, with the exception of mainline Protestants and other Christians, no group becomes more or less supportive of public display of the Ten Commandments as a result of the decision. Mainline Protestants become 16.5% less likely to oppose public display of the Ten Commandments (as part of a broader display) than before the decision.⁹ They are also 25.9% more likely to believe the Ten Commandments can be displayed on their own after the decision, representing significant shifts among mainline Protestants. Other Christians are 24.1% more likely to believe the Ten Commandments can be displayed on their own after the decision, where they were neither more nor less likely than the comparison category (non-Christian/non-religious) to approve of displays of the Ten Commandments before the Supreme Court decision. These effects are interesting, but modest: Catholics, Evangelical Protestants, frequent church attenders and conservatives do not shift their opinion in ways any different from the rest of the population of the decision. Mainline Protestants and Other Christians may have viewed the decision as limited approval of public recognition of their religion; Evangelical Protestants, in particular, already felt such acknowledgment of their religion (at least in terms of public displays of Ten Commandments) in the public square was appropriate, so the decision did little to change intra-group opinion despite its effect on public opinion more generally.

Medical Marijuana

⁹ Interactive effects may be significant even if the coefficient does not appear significant in standard regression results; the interactive effects reported here are where mainline (or other Christian)=1 and post-decision=1.

The dependent variable for our models of attitudes toward medical marijuana is also dichotomous (with one being equal to supporting medical marijuana) which warrants probit as the most suitable modeling technique; these results are presented in Table 2.

Table 2 Here

We were not able to find existing public opinion literature which discussed attitudinal expectations on attitudes towards medical marijuana or the cleavages surrounding the issue, so we resorted to a basic issue model. The results in Table 2 are interesting, but are not all that novel. Religious service attendance decreases ones support for medical marijuana, as does ideological conservatism and being married. Conversely, increased political knowledge increases support for medical marijuana. We find no evidence whatsoever of positive response to the Supreme Court decision, and only limited evidence for structural response to the Court's decision in *Raich*. This finding suggests that the Court's decision, which arrived in advance of the Ten Commandments decisions and amid a flurry of speculation about Supreme Court retirements, may not have met the threshold of salience necessary for Court impact (structural or positive) on public opinion. This proposition is supported by the finding that the only evidence for any structural change on this issue was with the political knowledge variable. Those with greater levels of political knowledge became less supportive of medical marijuana after the *Raich* decision came down. However, even this finding did not achieve normally accepted levels of significance ($p < .08$, two tails).

The marginal positive effects were modest at best. Beginning with a predicted probability of 81.4% of approval, the marginal effects of being married reduced the probability of support of medical marijuana 6.7%, service attendance yielded a marginal effect of 4%, and one unit changes towards strong conservatism merited a 3.7% drop in the

probability of support. One unit changes in political knowledge yielded a 3.8% gain in the probability of support for medical marijuana.

Juvenile Death Penalty

The dependent variable in our models of attitudes towards the juvenile death penalty is dichotomous (with a response of one being against the juvenile death penalty). To model this attitude, we therefore chose to run a standard probit model, which is presented in Table 2.

Table 3 Here

In constructing this model, we depended on extant public opinion literature, namely Soss, Langbein, and Metelko (2003), whose model of death penalty attitudes was very much on point.¹⁰ Positive coefficients in this table represent an increased propensity to oppose the juvenile death penalty. We discovered some interesting structural change in the attitudes as a result of the decision among certain groups: Catholics, Democrats and the more highly educated become increasingly galvanized in their opposition to the juvenile death penalty after the *Roper* decision. There are also other tendencies in the juvenile death penalty models to note beyond these interesting structural changes, though they are not nearly as novel. Respondents who are more liberal, live in more educated counties, are more likely to attend religious services and are women are more likely to oppose the death penalty for juveniles.

The predicted probability that a respondent will oppose the death penalty for juveniles generated by the model by holding all of the independent variables at their medians was 74.7%. The most powerful structural marginal effect was for Catholics, who

¹⁰ As mentioned above, the fact that the case being decided here deals with juveniles does introduce an interesting departure from Soss, Langbein, and Metelko (2003); however, we were content that this was the best model available in the literature.

increased in their probability of opposing the juvenile death penalty by 19.1% after the *Roper* decision, a one unit increase in respondent education led to a 10.4% increase in probability of opposing the issue, and a one unit change towards being more Republican increased a respondents propensity for supporting the juvenile death penalty by 5.3%.

The most powerful positive marginal effect of any attribute on attitudes of the juvenile death penalty was being female, which increased a respondent's probability of opposing this issue by 17.4%. The other positive marginal effects marked increased probability of opposition of 10.0% for one unit changes in the median education level in a county, a 5.7% increase in probability of opposition for each unit increase of religious service attendance, and a 5.2% increase in the probability of opposition for each unit that a respondent was in the liberal direction. While it would appear that many of these cleavages, especially those positive effects that became apparent in this model, are common knowledge (that women, liberals and the more educated are more likely to not support the juvenile death penalty), the presence of the structural changes are interesting. Catholics, for whom this was an important moral and social issue, apparently were quite activated by the *Roper* decision. The more educated and Democrats were also significantly activated by the decision.

Discussion

At first glance, the results appear to be inconsistent with previous analyses of the Supreme Court's impact on public opinion. Scholars generally believe that, if positive response occurs, it does so when the Court makes strong arguments (Mondak 1990) in a low-deliberation context (Mondak 1990, 1992), where personal relevance is low (Mondak 1994), and where civil liberties issues are considered (Hoekstra 1995). The core thesis has been that "those who hear of the decision with lower prior interest may be more susceptible to persuasion" (Hoekstra and Segal 1996, 1080; see also Hoekstra 2003). For Hoekstra (and

Hoekstra and Segal), this has meant that people who are aware of the decision but have lower personal stakes are the people most likely to change their minds as a result of the Supreme Court decision.

We expected a structural response to the Ten Commandments decisions because personal relevance should be greater in that case than in the death penalty and medical marijuana cases. We also expected that public opinion would be more stable on the Ten Commandments issue. The case taps into a long-running debate on the propriety of public acknowledgment of religion. On the other hand, we believed that medical marijuana and the juvenile death penalty were sufficiently different from the broader issues they represent—drug use and the death penalty, respectively—that the Supreme Court decisions might serve to alter the public level of support for the issues. We found, however, that the death penalty and medical marijuana cases demonstrate only structural response (and very limited change in the structure of opinion, particularly for medical marijuana) and that public opinion responds positively to the Supreme Court’s decision in *Van Orden* and *McCreary County*: there were significant shifts in the public support away from opposition to public display of the Ten Commandments and toward the Court’s position that the Ten Commandments may be displayed as part of a collection of other historical and legal documents.

One of the factors that influences public response to Supreme Court decisions is strength of the argument made by the Court, a factor which can be manipulated in the experimental setting but is not so easily varied when one leaves the laboratory. The public likely regards the Supreme Court decision in the Ten Commandments cases as a stronger, or more persuasive argument than the decisions made in the juvenile death penalty and medical marijuana cases. The juvenile death penalty decision (*Roper v. Simmons*) was criticized, particularly by conservatives, for, among other failings, relying on foreign law.

This sustained criticism may have led the public to doubt the strength of the argument made by the Court. One might also argue that the Court's decision in *Raich* was not particularly compelling: the Court was criticized for abandoning its newfound commitment to imposing limits on the Commerce Clause (see, e.g., Barnett 2005) and leaving the sufferers of medical marijuana without recourse to a drug that may ease their pain. On the other hand, while few commentators were enthusiastic about the Court's Ten Commandments decisions, the criticism was much less strident of the decision than one might expect for any high-profile Supreme Court decision. This absence of criticism may have been interpreted by the public as evidence of a strong argument in the decision.

Our findings suggest that the Supreme Court can have a positive impact on public opinion when its decision is viewed as "strong": the cacophony of criticism of the Court decision, particularly in an era of instant news and instant commentary, may play a role in allowing the Court's decision to move public opinion. In this respect, our evidence is consistent with that of Franklin and Kosaki, who inaugurated the modern debate on the Court's impact on public opinion. Frequently lost in brief citations to their work is the finding that *Roe* increased public support for abortions for health-related matters. This effect may have occurred because, while the decision increased access to both health-related abortions and those that were purely discretionary, the increased access for health-related abortions was a far less-criticized result of the decision.

While the common expectation is that the Court's decisions do not have a positive response on public opinion, the results presented here offer evidence that such received wisdom may be incorrect. Future research should endeavor to continue to assess the conditions under which the Supreme Court has an impact on public opinion. Scholars agree that Court decisions must cross some threshold in media coverage and public discussion (and one may read our results to suggest that *Raich* did not reach that level) before they

can affect public opinion. Once that threshold has been crossed, Supreme Court cases can either move public opinion or polarize it. We suggest the factor that determines the effect of the Court decision is the perceived quality of the arguments made by the Court.

Conclusion

Extant literature on the impact of the Supreme Court on public opinion has produced conflicting findings. We are not convinced that those conflicting results are a product of methodological differences, but of problems scholars have had specifying the conditions under which the Court can legitimate a particular policy position. We speculated that issue salience determines whether the Court opinion has any impact at all, and once a threshold is cleared, the nature of the issue environment into which the Court decision is placed may determine whether public response to the position taken by the Court is positive or structural. We find, instead, that media coverage and elite debate seem to mediate Court influence, meaning that Supreme Court influence on the attitude structure of the public is conditional, but under different conditions than we expect.

Does the Court confer legitimacy upon the fundamental policies of the successful coalition? Our answer is: well, it depends. It is difficult to conduct a straightforward test of the Dahl hypothesis—that the Court legitimated the ruling coalition—without more fully considering the conditional effect of Supreme Court impact on public opinion. It should be clear that Court decisions can produce more than polarization among members of the general public, but the conditions under which the Court can legitimate a policy position require further testing in the laboratory and the field. While the analysis of public opinion data surrounding these four Supreme Court decisions and three issues cannot be considered definitive support for our argument that response to Supreme Court decisions rests on the perceived quality of the Court's argument, we believe our findings do justify a

future course of research that should continue to focus on assessing the conditions under which Court decisions can positively impact Supreme Court decisions.

Appendix A: Question Wordings and Response Options

NB: All questions had appropriate refusal and “don’t know” categories, but were not reported in here in the interests of space.

v08: How many days in the past week did you watch the national news on network or cable TV? Some examples of national news include ABC News, CNN, Fox, and the Daily Show with Jon Stewart.

v09: How many days in the past week did you read the daily news, either in a newspaper or on the Internet?

Attention: An additive index was created from v08 and v09 to capture media attention. It is scored 0-14.

v10: First, do you think that it is proper or improper for the Ten Commandments to be displayed in government buildings, such as courthouses?

v10a: (randomized)

- Do you think it is proper to display the Ten Commandments in government buildings on their own, or is it proper to display them only as a part of a collection of historical legal documents such as the Constitution and Declaration of Independence?
- Do you think it is proper to display the Ten Commandments in government buildings only as a part of a collection of historical legal documents, such as the Constitution and Declaration of Independence, or is it proper to display them on their own?

v10 and v10a were then combined to reflect the following coding to measure attitudes on the propriety of the Ten Commandments in the public sphere:

- 1 proper on their own
- 2 proper as part of a collection
- 3 improper

Medical Marijuana: (randomized)

- Do you think adults should be allowed to legally use marijuana for medical purposes if their doctor prescribes it or do you think that marijuana should remain illegal even for medical purposes?
- Do you think that marijuana should remain illegal even for medical purposes, or do you think adults should be allowed to legally use marijuana for medical purposes if their doctor prescribes it?

Juvenile Death Penalty:

Do you favor or oppose the death penalty for people who commit murder before they turn 18?

Decision Awareness:

Next, I will ask a few questions about some U. S. Supreme Court cases. First, have you heard or read about the Supreme Court case concerning the Ten Commandments?

Have you heard or read about the Supreme Court case concerning medical marijuana?

Have you heard or read about the Supreme Court case concerning the death penalty for people who commit murder before they turn 18?

Religious Preference: Do you consider yourself Catholic, Protestant, other Christian, Jewish, Muslim, some other religion, or do you have no religious preference?

What specific denomination is that?

While we recognize the vast number of ways in which evangelicalism may be defined, we have defined evangelical Protestants by their denominational affiliation. A list of 42 evangelical denominations, compiled by Geoffrey Layman (2001), was used to code whether or not a denomination was evangelical.

We coded the following as Protestant evangelical denominations: Seventh Day Adventist, American Baptist Association, Baptist Bible Fellowship, Baptist General Conference, Baptist Missionary Association of America, Conservative Baptist Association of America, General Association of Regular Baptist Churches, National Association of Free Will Baptists, Primitive Baptists, Reformed Baptist, Southern Baptist Convention, Mennonite Church, Evangelical Covenant Church, Evangelical Free Church, Congregational Christian, Brethren in Christ, Mennonite Brethren, Christian and Missionary Alliance, Church of God (Anderson, IN), Church of the Nazarene, Free Methodist Church, Salvation Army, Wesleyan Church, Church of God of Findlay, OH, Plymouth Brethren, Independent Fundamentalist Churches of America, Lutheran Church-Missouri Synod, Wisconsin Evangelical Lutheran Synod, Congregational Methodist, Assemblies of God, Church of God, International Church of the Four Square Gospel, Pentecostal Church of God, Pentecostal Holiness Church, Church of God of the Apostolic Faith, Church of God of Prophecy, Apostolic Pentecostal, Cumberland Presbyterian Church, Presbyterian Church in America, Evangelical Presbyterian, Christian Reformed Church, Adventist, Baptist, Holiness, Church of God, Independent-Fundamentalist, Pentecostal, and the Churches of Christ. We also made other coding decisions for other denominations reported outside of the above coding scheme in the same vein using available research.

Religious Attendance: How often do you go to religious services?

- 0 Never
- 1 A few times a year
- 2 Once or twice a month
- 3 Almost every week
- 4 Once a week
- 5 More often than once a week

Ideology: We hear a lot of talk these days about liberals and conservatives. When it comes to politics, do you usually think of yourself as a liberal, a conservative, a moderate, or haven't you thought about that?

- 1 A strong conservative
- 2 Conservative
- 3 More like a conservative
- 4 Moderate, Neither, Haven't Thought About
- 5 More like a liberal
- 6 A not very strong liberal
- 7 A strong liberal

This is a resulting measure from a standard branching NES style question.

Partisanship: Generally speaking, do you think of yourself as a Republican, a Democrat, an Independent, or what?

- 1 A strong Democrat
- 2 Democrat
- 3 Closer to the Democratic Party
- 4 Independent, Something else, None
- 5 Closer to the Republican Party
- 6 Republican
- 7 A strong Republican

This is a resulting measure from a standard branching NES style question.

Political Knowledge: We coded these five questions (correct answer=1, incorrect answer=0) into an additive index of political knowledge, ranging from 0-5. With small exceptions, this follows Delli Carpini and Keeter (1996).

Just a few more questions. Do you happen to know what job or political office is now held by Dick Cheney?

Whose responsibility is it to determine if a law is constitutional or not? The President, Congress, or the Supreme Court?

How much of a majority is required for the US Senate and House to override a presidential veto?

Do you know which party currently has the most members in the US House of Representatives?

Would you say that one of the parties is more conservative than the other at the national level?

Also included in the dataset were standard variables such as gender, age, race and income. All measures used common codings.

Appendix B: Summary Statistics

Variable	Mean	s.d.	Min	Max
Media Attention	9.08	3.94	0	14
Awareness of 10 Commandments Case	0.75	0.43	0	1
Awareness of Medical Marijuana Case	0.64	0.48	0	1
Awareness of Juvenile Death Penalty Case	0.49	0.50	0	1
Catholic	0.22	0.42	0	1
Evangelical Protestant	0.29	0.45	0	1
Mainline Protestant	0.17	0.38	0	1
Other Christian	0.15	0.35	0	1
Other Non-Christian	0.05	0.21	0	1
No Religious Affiliation	0.13	0.33	0	1
Church Attendance	2.08	1.86	0	5
Ideology	3.65	1.93	1	7
Partisanship	3.97	2.23	1	7
Political Knowledge	3.45	1.42	0	5
Gender	0.55	0.50	0	1
Married	0.57	0.50	0	1
Education (ordinal)	3.06	0.89	1	4
Age	49.01	16.26	17	93
Race (White)	0.85	0.35	0	1
R Income (ordinal)	4.36	1.62	1	6
County Median Education	13.23	0.83	11.2	15.9
County Median Household Income	49724.24	16825.72	10045	98758
County Percentage White	75.30	22.59	1.3	99.1
County Percentage Black	10.57	16.07	0	91.1
County Violent Crime Rate	31.54	19.90	0	264.4068
County Murder Rate	0.04	0.08	0	1.207729

Appendix C: Survey Sampling and Response Rates

The survey data analyzed in this study comes from a nationwide telephone survey of adult US residents conducted by the Indiana University Center for Survey Research in Bloomington, Indiana. (<http://www.indiana.edu/~csr/>). The first strobe of the survey was conducted in February 2005, the second in March and April 2005, the third in June and July 2005, and the fourth and final wave conducted in October 2005. The response rates over each cross-sectional strobe were compiled using AAPOR standards. These standards (and their definitions) are available at <http://aapor.org>. All calculated rates are within accepted limits.

Response Rate 3

$$I / ((I+P) + (R+NC+O) + e(UH+UO)) \quad 0.213$$

Cooperation Rate 3

$$I / ((I+P)+R) \quad 0.344$$

Refusal Rate 2

$$R / ((I+P)+(R+NC+O) + e(UH + UO)) \quad 0.405$$

Contact Rate 2

$$(I+P)+R+O / (I+P)+R+O+NC + e(UH+UO) \quad 0.654$$

References

- Adamany, David. 1973. "Legitimacy, Realigning Elections, and the Supreme Court." *Wisconsin Law Review* 1973: 790-846.
- Alvarez, R. Michael, and John Brehm. 1995. "American Ambivalence Towards Abortion Policy: Development of a Heteroskedastic Probit Model of Competing Values." *American Journal of Political Science* 39: 1055-1082.
- . 2002. *Hard Choices, Easy Answers: Values, Information, and Public Opinion*. Princeton: Princeton Univ Press.
- Alvarez, R. Michael, and Jonathan Nagler. 1995. "Voter Choice in 1992: Economics, Issues and Anger." *American Journal of Political Science* 39: 714-744.
- . 1998. "Economics, Entitlements and Social Issues: Voter Choice in the 1996 Presidential Election." *American Journal of Political Science* 42: 1349-1363.
- Barnett, Randy E. 2005. "Foreword: Limiting Raich." *Lewis and Clark Law Review* 9: 743-750.
- Bowman, Karlyn. 2003. "Attitudes about Homosexuality." *American Enterprise Institute for Public Policy Research*. Accessed at http://www.aei.org/publications/pubID.14882/pub_detail.asp
- Boylan, Richard T. 2005. "Fiscal Federalism and the War on Drugs." Paper Presented at the Annual Meeting of the American Economic Association, Philadelphia, PA.
- Caldeira, Gregory A. 1986. "Neither the Purse nor the Sword: Dynamics of Public Confidence in the Supreme Court." *American Political Science Review* 80: 1109-1126.
- Clawson, Rosalee A., and Eric N. Waltenburg. 2003. "Support for A Supreme Court Affirmative Action Decision: A Story in Black and White." *American Politics Research* 31: 251-279.
- Cook, Thomas D. and Donald T. Campbell. 1979. *Quasi-Experimentation: Design and Analysis Issues for Field Settings*. Boston, MA: Houghton Mifflin.
- Cornyn, John. "Floor Speech: The Judiciary." Accessed at: <http://cornyn.senate.gov/record.cfm?id=236007>.
- Dahl, Robert A. 1957. "Decision-Making in a Democracy: The Supreme Court as a National Policy-Maker." *Journal of Public Law* 6: 279-295.
- Delli Carpini, Michael X., and Scott Keeter. 1996. *What Americans Know About Politics and Why it Matters*. New Haven: Yale University Press.
- Gonzales v. Raich*. 2005. 125 S.Ct. 2195.

- Grosskopf, Anke and Jeffrey J. Mondak. 1998. "Do Attitudes Toward Specific Decisions Matter? The Impact of Webster and Texas v. Johnson on Public Confidence in the Supreme Court." *Political Research Quarterly* 51: 633-654.
- Franklin, Charles, and Lianne C. Kosaki. 1989. "Republican Schoolmaster: The US Supreme Court, Public Opinion, and Abortion." *American Political Science Review* 83: 751-771.
- Gibson, James L., Gregory A. Caldeira, and Lester Kenyatta Spence. 2003a. "Measuring Attitudes toward the United States Supreme Court." *American Journal of Political Science* 47: 354-367.
- . 2003b. "The Supreme Court and the US Presidential Election of 2000: Wounds, Self-Inflicted or Otherwise?" *British Journal of Political Science* 33: 535-556.
- Hoekstra, Valerie J. 1995. "The Supreme Court and Opinion Change: An Experimental Study of the Court's Ability to Change Opinion." *American Politics Quarterly* 24: 109-129.
- . 2000. "The Supreme Court and Local Public Opinion." *American Political Science Review* 94: 89-100.
- . 2003. *Public Reaction to Supreme Court Decisions*. New York: Cambridge University Press.
- Hoekstra, Valerie J., and Jeffrey A. Segal. 1996. "The Shepherding of Local Public Opinion: The Supreme Court and Lamb's Chapel." *Journal of Politics* 58: 1079-1102.
- Johnson, Charles A., and Bradley C. Canon. 1984. *Judicial Policies: Implementation and Impact*. Washington, DC: Congressional Quarterly Press.
- Johnson, Timothy R., and Andrew D. Martin. 1998. "The Public's Conditional Response to Supreme Court Decisions." *American Political Science Review* 92: 299-309.
- Kritzer, Herbert M. 2005. "The American Public's Assessment of the Rehnquist Court." *Judicature* 89: 168-176.
- Lacy, Dean, and Barry C. Burden. 1999. "The Vote Stealing and Turnout Effects of Ross Perot in the 1992 U.S. Presidential Election." *American Journal of Political Science* 43: 233-255.
- Lawrence v. Texas*. 2003. 539 U.S. 558.
- Layman, Geoffrey C. 2001. *The Great Divide: Religious and Cultural Conflict in American Party Politics*. New York: Columbia University.

- Layman, Geoffrey C., and Laura S. Hussey. 2005. "George W. Bush and the Evangelicals: Religious Commitment and Partisan Change among Evangelical Protestants, 1960-2004." Presented at A Matter of Faith? Religion in the 2004 Election Conference, Notre Dame, IN.
- Marshall, Thomas R. 1988. "Public Opinion, Representation, and the Modern Supreme Court." *American Politics Quarterly* 16: 296-316.
- . 1989. *Public Opinion and the Supreme Court*. Boston: Unwin Hyman.
- McCreary County v. ACLU*. 2005. 125 S.Ct. 2722.
- Mondak, Jeffrey J. 1990. "Perceived Legitimacy of Supreme Court Decisions: Three Functions of Source Credibility." *Political Behavior* 12: 363-384.
- . 1992. "Institutional Legitimacy, Policy Legitimacy, and the Supreme Court." *American Politics Quarterly* 20: 457-4777.
- . 1994. "Policy Legitimacy and the Supreme Court: The Sources and Contexts of Legitimation." *Political Research Quarterly* 47: 675-692.
- Mondak, Jeffrey J., and Shannon Ishiyama Smithey. 1997. "The Dynamics of Public Support for the Supreme Court." *Journal of Politics* 59: 1114-1142.
- Petty, Richard E., and John T. Cacioppo. 1986. *Communication and Persuasion: Central and Peripheral Routes to Attitude Change*. New York: Springer-Verlag.
- Petty, Richard E., and Duane T. Wegener. 1999. The Elaboration Likelihood Model: Current status and Controversies. In Shelly Chaiken and Yaacov Trope (Eds.), *Dual Process Theories in Social Psychology*. New York: Guilford Press.
- Popkin, Samuel L. 1991. *The Reasoning Voter: Communication and Persuasion in Presidential Campaigns*. Chicago: University of Chicago Press.
- Roe v. Wade*. 1973. 410 U.S. 113.
- Roper v. Simmons*. 2005. 543 U.S. 551.
- Rosenberg, Gerald R. 1991. *The Hollow Hope: Can Courts Bring About Social Change?* Chicago: University of Chicago Press.
- Soss, Joe, Laura I. Langbein, and Alan C. Metelko. 2003. "Why Do White Americans Support the Death Penalty?" *Journal of Politics* 65: 397-421.
- Van Orden v. Perry*. 2005. 125 S. Ct. 2854.
- Zaller, John R. 1992. *The Nature and Origins of Mass Opinion*. New York: Cambridge University Press.

Table 1: Multinomial Probit Estimates of Support for Public Display of the Ten Commandments

	Improper	Proper on their Own
Post-Decision	-2.426*	-0.255
	(1.229)	(0.956)
Catholic	-0.378	0.219
	(0.343)	(0.320)
Catholic* Post-Decision	-0.266	0.261
	(0.503)	(0.482)
Evangelical Protestant	-0.776*	0.652*
	(0.389)	(0.323)
Evangelical Protestant*Post-Decision	0.216	0.491
	(0.550)	(0.490)
Mainline Protestant	-0.147	0.413
	(0.357)	(0.335)
Mainline Protestant* Post-Decision	-0.192	0.779
	(0.534)	(0.510)
Other Christian	-0.605	0.159
	(0.365)	(0.326)
Other Christian*Post-Decision	-0.061	0.777
	(0.582)	(0.519)
Service Attendance	-0.202**	0.115*
	(0.070)	(0.052)
Service Attendance* Post-Decision	0.122	0.045
	(0.109)	(0.082)
Ideology	0.169*	-0.084
	(0.077)	(0.062)
Ideology*Post-Decision	0.126	-0.019
	(0.121)	(0.097)
Party ID	-0.160*	0.017
	(0.068)	(0.051)
Party ID* Post-Decision	0.111	0.016
	(0.105)	(0.080)
Education	0.172	-0.235*
	(0.145)	(0.111)
Education* Post-Decision	0.364	0.151
	(0.221)	(0.170)
Political Knowledge	0.281**	0.083
	(0.091)	(0.068)
Political Knowledge* Post-Decision	0.045	-0.116
	(0.149)	(0.114)
News Awareness	0.023	0.010
	(0.029)	(0.023)
News Awareness* Post-Decision	-0.021	-0.029
	(0.044)	(0.036)
White	-0.052	0.345
	(0.322)	(0.264)
White* Post-Decision	0.181	0.017
	(0.488)	(0.413)
Constant	-1.248	0.469
	(0.745)	(0.607)

Comparison Category is “Display of the Ten Commandments is Proper as Part of a Collection.”
N=1002. Standard errors in parentheses. * significant at 5%; ** significant at 1%, two-tails.

Table 2: Probit Estimates of Support for Legal Use of Medicinal Marijuana

	b (s.e.)
Post-Decision	-0.328 (0.684)
Service Attendance	-0.149** (0.035)
Service Attendance*Post Decision	-0.006 (0.056)
Ideology	0.137** (0.045)
Ideology*Post Decision	0.008 (0.070)
Partisanship	-0.054 (0.036)
Partisanship*Post Decision	0.007 (0.057)
Gender	-0.186 (0.131)
Gender*Post Decision	0.085 (0.202)
Married	-0.288* (0.135)
Married*Post Decision	0.288 (0.205)
Education	0.050 (0.076)
Education*Post Decision	-0.001 (0.120)
Political Knowledge	0.143** (0.051)
Knowledge*Post Decision	-0.139 (0.080)
White	0.101 (0.183)
White*Post Decision	0.084 (0.296)
Age	0.003 (0.004)
Age*Post Decision	0.007 (0.006)
Constant	0.348 (0.413)

N=1001. Standard errors in parentheses. * significant at 5%; ** significant at 1%, two tails.

Table 3: Probit Estimates of Opposition to Death Penalty for Minors

	b (s.e.)
Post-Decision	0.807 (2.601)
White	-0.318 (0.359)
White*Post Decision	0.023 (0.506)
Age	-0.003 (0.006)
Age*Post Decision	-0.001 (0.009)
Education	-0.171 (0.110)
Education*Post Decision	0.326* (0.160)
Gender	0.482** (0.185)
Gender*Post Decision	-0.040 (0.270)
Evangelical Protestant	-0.301 (0.226)
Evangelical*Post Decision	0.299 (0.351)
Catholic	-0.254 (0.249)
Catholic*Post Decision	0.876* (0.365)
Service Attendance	0.180** (0.058)
Attendance*Post Decision	-0.119 (0.083)
Partisanship	0.035 (0.054)
Partisanship*Post Decision	-0.166* (0.079)
Ideology	0.164* (0.069)
Ideology*Post Decision	0.044 (0.097)
%Black in County	0.010 (0.009)
%Black*Post	-0.006 (0.013)
%White in County	-0.005 (0.006)
%White*Post Decision	-0.001 (0.009)
Murder Rate in County	0.377 (1.634)
Murder Rate*Post Decision	-0.010 (2.221)
Median Education in County	0.312* (0.138)
Median Education*Post Decision	-0.113 (0.198)
Median Household Income in County	-0.000 (0.000)
Median Income*Post Decision	0.000 (0.000)
Constant	-3.464 (1.795)