Assessing Judicial Impact through a Field Experiment

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Abstract

A field experiment was conducted to assess the impact of United States Supreme Court decisions on public opinion. At a county fair, 500 participants were invited to view a television newscast in small groups in a natural setting. Some of these newscasts included fabricated stories regarding controversial issues. Some versions of those fabricated stories included references to Supreme Court decisions that, supposedly, had authoritatively resolved the controversial issues. By comparing pre- and post-treatment questionnaires, it was possible to determine whether these supposed pronouncements of the Court altered the opinions of participants regarding the controversial issues.

Keywords: Field Experiment, Judicial Impact, Public Opinion.

1. Introduction

One of the most controversial topics in the study of public law is the question of whether courts have the power, not just to impact individual lives through their direct decisions, but to independently create long-term changes for the broader society in which they operate. Some research supports what may be called the "strong-court" hypothesis (Schuck, 1993), which posits that judicial decisions can – independent of other social, economic, political, and governmental actions – change society (Klarman, 2001; Spriggs, 1996). There is an instinctive attraction to this viewpoint, as it may bring to mind common perceptions of monumental cases. Didn't the United States Supreme Court end racial segregation with its decision in *Brown v. Board of Education* and legitimize same-sex marriage with its ruling in *Obergefell v. Hodges*? But other research brings these intuitive conclusions into question. As examples, some studies have found that court decisions do little to change public views (Marshall, 1987; Murphy & Tanenhaus, 1969), while others have determined that policymakers do not change their opinions of a policies because of judicial actions regarding them (Funston, 1975; Heise, 1995). Most prominently even the efficacy of the iconic decision in *Brown v. Board* has been brought into serious question, because the efforts of other political actors and the impact of independent social changes may better explain results typically credited to that case (Rosenberg, 1991).

This debate is no mere intellectual exercise. If courts – even the United States Supreme Court – are not "strong courts," then broad political battles over judicial appointments and judicial elections may be pointless. The money spent by interest groups trying to influence who sits on the bench, and resources expended by social-reform litigators trying to gain favorable decisions, would be better directed toward lobbying legislative and executive policymakers. Reformers, activists, politicians, plaintiff's, and institutional-reform litigators all need to know whether challenging societal norms in court can actually bring about social change.

To determine whether court rulings really can create social changes, we must first hypothesize a viable causal sequence that would allow them to do so (Bogart, 2002). There are two potential causal paths that may be followed. One path – which we can call the "judicial path" – has courts deciding controversies, issuing orders, and seeing those orders directly obeyed by an adverse society, without some alternative actor having already convinced people to move in the direction that the courts belatedly validate.

The other path – the "extra-judicial path" – has the courts not directly ending controversies but instead endorsing ideals that change the way an issue is viewed by actors outside the court system. These other actors then, convinced by the moral weight and logical arguments of the court, take steps to transform society (Bogart, 2002). The judicial action is then the initiating cause of the social change, by legitimizing or delegitimizing certain policies, which then alters public opinion, or dictates media coverage, or inspires pivotal politicians, etc (Black, 1960; Casey, 1974; Neier, 1982; Schultz & Gottlieb, 1998).

This article will explore the power of court decisions to travel an extra-judicial pathway to change society. That particular pathway is suggested in a study of political psychology conducted by Sniderman, Brody, and Tetlock (1991). Those authors evaluated public support for policies designed to assists blacks in America. They found that "there is significantly more support" when the policy is presented as already having the force of law. This impact was "enormous" among those who are well educated and dislike blacks. To generalize this finding, it appears that simply pronouncing that a particular governmental action is legal or illegal can alter support for it (particularly among elites who are inclined in the opposite direction). Because there is no more powerful declaration of legality in day-to-day American political life than a prominent United States Supreme Court decision, it is quite possible that public respect for the Court could be sufficient that an authoritative decision of that Court on a controversial topic, as reported in the news media, may be enough by itself to alter public opinion regarding that topic (at least among the attentive elites who act as opinion leaders). This, in turn, may then cause politicians to change social policies or, at the least, lead them to acquiesce to changes dictated by the courts without undue political struggle. It is the first stage of this indirect causal pathway – wherein an authoritative court decision impacts public opinion – that will be tested in the present study.

2. Literature Review

Possible theoretical objections to the extra-judicial causal pathway have already been overcome by a long string of findings in the field of communications. Studies have shown that the media can both set the agenda of issues to which the public pays attention and frame the way those issues are understood by the people who are exposed to them (Hetherington, 1996; Iyengar, 1991; Iyengar & Kinder, 1987; Noelle-Neumann, 1993). This does not mean that media content can simply dictate what the public thinks about and what they believe. Instead, as individuals freely construct their own views, they do so by using building blocks supplied by the media – building blocks with certain orientations – which then strongly influence the shape their own thoughts take (Entman, 1989). These conclusions mean that when court decisions are reported by the media – particularly authoritative pronouncements from prominent courts, which may be widely covered and respectably presented – they may then become compelling pieces of information from which audiences construct their own opinions. In this way, courts may change society by changing how the public views controversial issues. But, does this actually happen?

There is clear evidence of court actions and media coverage interacting to set the agenda of public attention. Flemming, Bohte, and Wood (1998) demonstrated that some United States Supreme Court decisions, by their inherent importance, can cause immediate spikes in media coverage of the addressed topic and even increased coverage of the topic for years thereafter. Such increased coverage can then lead to greater public awareness of the decided issues. Franklin, Kosaki, and Kritzer (1993) compared public attention before and after the release of Supreme Court decisions involving six different policy areas. They found that in five of the six areas, including the dry topic of taxation of interstate catalogue sales, mass awareness of the policy topic increased sharply immediately following the handing down of the Court's decisions. In a follow-up study, Franklin and Kosaki (1995) demonstrated that these surges of awareness were a function of media coverage. Valerie Hoekstra (2000) also found that there was a heightened level of awareness of the Supreme Court decisions in local areas that were affected by the Court's rulings, and heightened national awareness if the issue was perceived as being important.

But, merely drawing attention to a topic is not the same as transforming public opinion about that topic. Stoutenborough, Haider-Markel, and Allen (2006) examined aggregate-level data, drawn from public surveys, to understand how the public reacted to United States Supreme Court decisions concerning gay rights. Their results were somewhat contradictory, leading them to conclude that the capacity of the Court to alter public opinion is "conditional." So, they then turned to individual-level data, gathered from repeated surveys with the same persons, and found opinions intensified, but not always in the direction of the Court's decision. Franklin and Kosaki (1989) also examined individual level survey data to answer whether the Supreme Court's decision in the case of *Roe v.*

Wade was correlated with shifts in public opinion on the issue of abortion, while Johnson and Martin (1998) looked for similar shifts regarding opinions about the death penalty in the aftermath of Court decisions on that subject. Both of these other studies provided no more than lukewarm support for the notion that Court decisions can move public opinion, finding only that these decisions may have inflamed extreme opinions but without altering their overall balance. But, it must be noted, even just intensifying extreme opinions can have political consequences felt by all.

Hoekstra and Segal (1996) also looked for individual changes in opinions when they surveyed citizens of a small town both before and after a United States Supreme Court ruling was handed down concerning a case originating out of their community. They concluded that "high levels of information about the decision increases support for the Court's decision among those for whom the decision is relatively less salient – i.e., the more relevant the situation is to one's personal life, the less likely one is to defer to the judgment of some other source, even one thought to be highly credible" (Hoekstra & Segal, 1996).

Taken together, these survey-based studies cast some doubt on whether court decisions can alter public opinion, but not conclusively. Yet, even if these studies had found a consistent and significant correlation between United States Supreme Court decisions and shifts in public opinion, one would have to question whether the Court's decisions really can be credited as the cause. This is because participants in surveys are not isolated from other influences beyond the one being studied. We, therefore, cannot say for certain that a particular court decision, by itself, produces a particular result because of its power, or that it fails to do so because of a lack of power. Other social influences are continually pulling in complimentary or contrary directions, thus confusing causal results.

To avoid the casual problems inherent in relying on survey techniques, some researchers have instead turned to experimental designs (Druckman, Green, Kuklinski, & Lupia, 2006). In these studies, a small group of test subjects – most often students who are enrolled in courses taught by the authors of a given study – are exposed to only one stimuli (a court decision) with all other factors controlled. These methods lead to more sure claims of causality. Such studies have routinely found that focused exposure to Supreme Court decisions has a significant impact on the views of the test subjects (Clawson, Kegler, & Waltenburg, 2001, 2003; Clawson & Waltenburg, 2003; Unger, 2008). They also have found, however, that the degree of impact is mitigated or enhanced by such factors as the subject's prior respect for the Court, the subject's race, and the subject's familiarity with the case.

While experiments are excellent for establishing causality, they are problematic for justifying conclusions about the general population. A group of undergraduate political science students who are enrolled in a course being taught by the author of a study are likely to have quite different attitudes and levels of knowledge than an average-American. In addition, as part of these experiments, the participants are forced to engage with the material in ways that would not happen in everyday life: they are isolated in a sterile laboratory room with an assigned task from an authoritative figure.

Taken together, the academic literature discussed above paints a picture of courts that can influence the opinions of some people, some of the time. These conclusions provide partial empirical support for the "extra-judicial" casual pathway that *may* connect the decisions of courts to shifts in American public opinion and resulting governmental policy changes. But, this research is fraught with methodological weaknesses. In the studies based on survey research, we must entertain doubts that the decisions of the courts – and not some other concurrent events in society, such as changes in popular culture – are the true causes of observed changes. In the experimental studies, when the causal agent can be isolated with some certainty, we must still entertain doubts – but now about whether the treated subjects are responding in the same way as an average citizen during real-world exposure would respond. To find more sure evidence of the power of courts to influence public opinion, the ideal solution would be a controlled experiment involving a random sample of the population in natural circumstances. Of course, that is a contradictory and impossible solution – but in this article we will try a unique approach to this question that will get closer to this ideal than other studies have ever tried.

3. Research Design and Methods

An experimental design was chosen for this study because of the capacity of an experiment to isolate causes and effectively "test causal claims that [other] methodologies [can] not fully address" (Druckman et al., 2006). To construct this experiment, we follow the lead of Shanto Iyengar, who, with various collaborators, pioneered the use of experimentation to examine media impact (Ansolabehere & Iyengar, 1997; Gilliam & Iyengar, 2000; Iyengar, 1994; Iyengar & Kinder, 1989).

Specifically, we emulate Iyengar's (2002) practice of conducting experiments in the "field" of the real world. Such field experiments are rarely used, probably because they are very expensive to stage. In the Iyengar studies that served as models, the experiments were conducted in shopping malls, with passersby invited to be participants, and the experimental setting was staged to, as much as possible, simulate a typical home environment (Gilliam & Iyengar, 2000; Iyengar, 2002). With this design, the stimuli being applied can be controlled, while not limiting test subjects to an obviously unrepresentative sample, or applying a treatment in a way that would never be encountered in the everyday life. Because it is not the intent of the current study to just measure media impact, but, rather, to isolate the influence of a court decision, it was necessary to make some alterations to Iyengar's design; but the general structure remained the same.

To mitigate some of the concerns inherent in an experimental research design, this field experiment was designed to attract a broader pool of participants than can be gathered by giving students extra-credit or by soliciting needy subjects through local advertisements. So, instead of trying to bring participants to a research lab, the "laboratory" was taken to the people. A "quasi-representative" sample was attracted to a tent facility at a county fair in Logan, Utah. Participants were given the opportunity to rest their tired feet while relaxing on couches in an air-conditioned room – where a television happened to be showing a network news broadcast. In this way, the experimental manipulation involved a broader array of participants (than one could have in a laboratory), being exposed to an actual newscast (like they might watch on their own), in a setting that emulated (as much as possible) a typical viewing environment.

Adult passersby were recruited to help with the study through the efforts of several "callers" who offered the cash incentive of $10 per person to participate. Participants were then assembled in small groups to receive the experimental treatment. Obviously, this process still raises concerns about self selection. However, although a scientifically selected sample could not be chosen to enter the "lab", by (1) locating the treatment facility within a highly trafficked area which attracted passersby from throughout the surrounding communities, and by (2) offering a relatively high payout for the area (exchanged for just 20 minutes of a participant's time, in an environment where such amounts were being liberally spent), the experiment attempted to entice a diverse array of participants (including even financially secure individuals). In total, 500 participants were attracted through this process.

On their entry into the tent facility, participants were given brief instructions, asked to sign an Informed Consent form, and asked to complete a short pre-test questionnaire assessing their demographic characteristics (such as sex, education, age, media habits, etc.) and their opinions regarding various controversial issues (including those to be measured in the experimental treatment). The targeted topics were included among several controversial subjects in the questionnaire so that participants would not be alerted as to what the study was actually seeking. Participants were then allowed to lounge together in small groups, while a television positioned in one corner of the treatment room played a newscast. The viewing area was in an enclosed, air-conditioned tent, casually and comfortably furnished, with plush couches, end tables, and lamps arranged as they would be in an actual living room. Light snacks and refreshing drinks were provided, and participants were free to mingle and chat with each other if they choose to do so. Participants were not instructed to pay attention to the newscast and were free to wander about the room, read other materials, converse, or even ignore what was happening. Thus, the environment in which participants might encounter a news program in the real world was simulated as closely as possible in an experimental setting.

The objective of the experimental treatment was to manipulate the source of authority for accepting a particular policy position. This manipulation occurred as participants were exposed to a 15 minute portion of an actual newscast of *The CBS Evening News* that had been recorded a few days prior to when the experiment was staged. Some versions of this newscast that were shown to the experimental subjects included fabricated stories, professionally produced for this study, about disputed public topics, which had been seamlessly inserted into the telecasts. These fabricated stories appeared to be just like the actual stories contained in the newscast. Two topics were chosen for the fabricated stories, with one more likely to incite an emotional response from viewers than the other. One story dealt with the possibility of public schools setting aside time and facilities for Muslim students to hold prayers. The other addressed the less passionate question of whether states should tax interstate sales conducted over the Internet.

Each of these two fabricated stories was produced in two versions, with the only difference being whether the story cited a United States Supreme Court decision as declaring an authoritative resolution of the disputed issue. Because all other aspects of the newscasts that were shown to participants were identical, we can attribute observed differences in post-exposure responses – between those who saw the newscast as it originally aired, and those who viewed a version with an inserted story – to cues conveyed in the fabricated news segments. Because all other aspects of the fabricated stories were identical, we can attribute observed differences in post-exposure responses (between participants who saw a version of the newscast that contained an authoritative pronouncement of the Supreme Court, and those who did not) to the presence of the Supreme Court references. This allows for the isolation of any "Court effect" from any "media effect."

In order to guarantee, as much as possible, that any observed Court-effect was in fact a product of the authoritative assertion of the Court, the reporter in the fabricated news segments did not interpret or explain the cited Court ruling. Thus, any observed effect could not be attributed to the reporter's gloss, but would be a function of only the Court's authority. In addition, in the treatment of the high-emotion issue, to avoid any participants basing their responses on prior knowledge of the cited Court decision, the fabricated story segment did *not* convey the actual result of a previously decided real case. Instead, it portrayed the fictitious outcome of a fictitious case as though it were a real Supreme Court decision.

Each small group that entered the tent where the experimental treatment was administered was randomly assigned to view one of five versions of the newscast. In each scenario, the newscast was of the same length had identical content, except for the experimental manipulation. In the first scenario, a total of 100 participants were exposed to the newscast without any alteration. This was the control group. In the second scenario, 100 other participants were shown the same newscast, but with a fabricated story inserted that inconclusively discussed whether public schools should set aside time and facilities for Muslim students to hold prayers. In the third scenario, the second scenario was duplicated for 100 other participants, except that the fabricated story concluded with an overt reference to a (fictitious) Supreme Court decision declaring that such student needs had to be accommodated. In the fourth scenario, 100 other participants were shown the same newscast as all the others, but with a fabricated story inserted that inconclusively discussed whether purchases made over the Internet should be subject to state sale tax. In the fifth scenario, the fourth scenario was duplicated for 100 participants, except that the fabricated story segment of the newscast included an overt reference to an authoritative Supreme Court decision declaring that states cannot tax purchases crossing state lines. This five-version design allows us to isolate what effect, if any, gaining knowledge of an authoritative Supreme Court ruling had on participants' attitudes about these controversial issues.

When a group of participants finished viewing the newscast, each participant filled out a post-test questionnaire that asked them about various aspects of the newscast they had just observed and about the various controversial issues included in the pre-test – to again, as much as possible, conceal the true target of the questionnaire. The goal was to determine whether any of the participants changed their views about the targeted topics, based on exposure to the authoritative Supreme Court pronouncements contained in the fabricated stories. After completing the questionnaire, each participant was paid $10 for his or her time and effort. When each small group was ushered out, a new small group was then brought in, and the process repeated.

4. Results and Discussion

By staging a field experiment, the pool of participants was far more diverse than what would have been gathered by just using university students in an on-campus laboratory. But, the participant pool still did not exactly match the demographics of the greater community. Of the 500 participants attracted to the tent at the county fair, 281 were female and 219 were male. 255 were between the ages of 18 and 30, 117 between 31 and 45, 80 were between 46 and 65, and 48 were older than 65. If the experiment had been conducted entirely on campus, there certainly would have been far fewer participants in the older age groups. Of the 500 participants, 144 claimed incomes below $25,000 per year, 181 said they earned between $25,000 and $50,000, 148 said their incomes were between $50,000 and $100,000, and 27 claimed earnings above $100,000 per year. While not necessarily a perfectly representative income distribution, it is almost certain that there would not have been as many participants in the higher income brackets if this had been a typical laboratory experiment.

Of the 500 participants (all adults), only 12 had less than a high school education, 233 were high school graduates, 206 had undergraduate degrees, and 49 had graduate degrees. Again, the field experiment resulted in the higher categories being better represented than in a typical experiment filled with college students.

Of the participants, 220 characterized their personal politics as conservative, 140 called themselves moderates, 84 claimed to be uninterested in ideology, and only 56 were self-described liberals. While not typical of the country as a whole, these numbers are likely quite representative of politics in the community where the county fair was held (semi-rural Utah).

Of the 500 participants, 234 watched television news on a daily basis, 122 at least weekly, and 119 rarely or never. Newspaper usage was lower, with just 187 claiming daily reading, 147 at least weekly, and 166 rarely or never. Finally 164 looked to the Internet on a daily basis for news, 135 weekly, and 201 rarely or never. From these numbers it is clear that that choice of television news as the medium through which participants would be most naturally exposed to the influence of the United States Supreme Court was correct.

Because this experiment utilized both a pre- and post-test with all participants, it is possible to precisely evaluate the degree to which individual opinions changed in response to the experimental treatment. For each of the targeted topics, participants could answer "Yes" (that they agreed that Muslims students should be provided the time and facilities to pray in school, or that Internet sales should be taxed), which was initially coded with a -1, "Don't Know," which was coded with a 0, or "No," which was coded with a 1. This created an ordinal scale of responses. By subtracting a participant's post-test response from his or her pre-test answer, we can then see how much that individual's opinion was moved by the experience, and in what direction. So, for example, if a participant answered on the pre-test that he thought Muslim students should not be allowed to pray (a score of 1), but after the treatment changed his mind and answered that they should be allowed to pray (a score of -1), the second score was then subtracted from the first to produce a total score of 2 – indicating that the participant moved two places on the ordinal scale toward accepting the fictitious position of the Court. These raw results are summarized in **Table 1**.

One can immediately see, by viewing the data in **Table 1**, how much of an impact the treatment scenarios had on treated participants, compared to the control group. The control group saw almost no opinion movement from pre-test to post-test. In contrast, treated groups saw at least 19% of participants change their opinions. We can collapse the two negative and two positive groupings together in each column to then perform a chi-square analysis of the impact of merely watching the treatment stories that did not contain authoritative Supreme Court references. The results are presented in **Table 2** and **Table 3**. In the cases of both the story about Muslim school prayer and the story about Internet taxation, merely being exposed to stories on these topics moved opinion, to a statistically significant degree. In the school prayer scenario, the story generally moved participants to be more accepting of schools accommodating student desires to pray. In the taxation scenario, the story more often moved participants toward accepting taxation of Internet sales. Clearly, there was a pronounced media effect in this study.

Seeing that mere exposure to these stores moved participants' opinions significantly in one direction immediately raises methodological concerns. Though these stories were scripted with the intent to be neutral, this effort may have failed. That failure may have unfortunately deprived the Court references in the other treatments of the opportunity to move participants' opinions. If those who were open to being persuaded had already had their opinion moved by the news story, there would have been no one left to be moved by the Supreme Court references that concluded a story. This is particularly of concern for the Muslim prayer scenario, where all the movement created by the story without the Supreme Court reference was in the same direction that one would expect the Court decision to move participants' opinions. This may be a serious flaw in the research design.

The next step was to evaluate whether the treatments that contained authoritative pronouncements of the Court differed significantly from those which contained just the fabricated stories but without Supreme Court references. It is particularly important to see if any changes moved in the direction that one would expect the fictitious Court decision to alter public feelings. These results are reported in **Table 4** and **Table 5.** When we compare the changes in opinion created by the Muslim prayer story without a Supreme Court reference to the changes in opinion created by the prayer story that did contain a Court mention, we do not find a statistically significant difference. The reference to the Court did almost nothing to move opinions that had not already been moved. But, as noted above, this negative result may be an artifact of a poorly scripted story. When we compare the changes in opinion created by the Internet tax story without a Supreme Court mention to the changes in opinion created by the tax story that did contain a Court reference, we also do not find a statistically significant difference. But, it is a much closer question, with the result falling just outside the range of generally-acceptable statistical significance.

This may have been a truer test than that found in the Muslim prayer story, for the Supreme Court decision referred to in the tax scenario would be expected to move opinion in the opposite direction from where the story by itself had directed the participants. And, such a move in this opposite direction is just what we see in the results, even if it fell just short of statistical significance.

Not wanting to stake these results solely on simple chi-square analysis, the data was reformatted and evaluated with both an OLS regression and ordinal regression. The results did not change. We can conclude that these results, for both the Muslim prayer and the Internet tax scenario, do not prove that an isolated proclamation of the Supreme Court has a statistically significant impact on public opinion – at least not beyond what the presentation of the controversial topic may have already produced.

But, it is important to remember the nature of the treatment here implemented, and the design flaw that was not discovered until the data analysis was undertaken. Perhaps if the scripts for both of the fabricated news stories had been better constructed so that the fake Supreme Court decisions would move opinion in the opposite direction from what the story itself might have done, we would have found a significant impact. A better executed study, similar to this, but improved to avoid the pitfalls this study exposed, is needed to be sure.

5. Conclusion

Even if we had still reached the present conclusion from a perfectly constructed and executed study, we would have eliminated only a small possible avenue for judicial impact. Perhaps we could then confidently say that a single, brief declaration of a Supreme Court position, perhaps even unnoticed, lost in the jumble of a TV program, and unheard in the midst of the distractions of everyday life, is not enough to significantly sway public opinion. This only tells us that something more compelling than this tiniest of all interventions is required to move public opinion. Perhaps that something more is an attentive viewer. Or perhaps a more prominent and sustained discussion of the Court's reasoning. Or perhaps it is multiple, reinforcing exposures to the Courts position. Or maybe what is needed is an opinion leader who discusses the Court's decision with the viewer. We only examined the bare minimum of possible exposure, and then – at least in one-half of the study – only just missed the standard, 95%-confidence level of statistical significance. This was the lightest touch a Court decision could possibly have on exposed persons. Anything heavier might produce a significant impact. Future studies should incrementally turn up the intensity, until they find the point – if it exists – where the Court's decisions can cut through the noise of real world environments and impact people's opinions. Then we will have to ask ourselves how often that point is likely to be reached.

Finally, it must be noted, as was mentioned earlier, that this study clearly demonstrated a media effect. It is important to consider that, while a pronouncement of the United States Supreme Court may not, by itself, shift public opinion, a Court decision may prompt repeated media stories on the given topic – and those stories can then alter public views. One way this can happen is through the "third-person effect," by which "individuals perceive that [media stories] exert a stronger impact on others than on self" (Perloff, 1996). Effectively, when a person repeatedly sees the same message being transmitted by the media, that person assumes that others will believe that message. While evaluating sixteen different studies which tested the third-person effect, Richard Perloff (1996) concluded that "[t]he third-person effect also operates at the elite level, perhaps more powerfully because elites are so consumed by the press and its effects." This effect raises two important possibilities. First, that a citizen media consumer, upon seeing a particular perspective on an issue becoming dominant in the media, will assume that fellow citizens share the media's frame, and will then mute or even mold his or her own views accordingly. And, second, that politicians will assume that their constituencies share this media-expressed point of view and will feel free (or even compelled) to act in accordance with it. These results will be particularly likely if there is "media consonance" – in other words, if there is unanimity, or, at least, majority agreement, among media sources on the frame of the issue (Noelle-Neuman , 1980). In such a causal pathway, it is arguably that a Court decision that is wide reported, even if does not change opinion, can still change policy as both public and politicians assume that the opinions of others have been changed. In such a scenario, it is still an action of the Court that initiated the resulting changes.

Further study, using field experiments – like the one conducted here – could shed a great deal of light on the questions that remain unresolved after this study.

6. References

Ansolabehere, S., & Iyengar, S. (1997). *Going negative: How political advertisements shrink & polarize the electorate*. New York, NY: Free Press.

Black, C. L. (1960). *The people and the court: Judicial review in a democracy*. New York, NY: Macmillan.

Bogart, W. A. (2002). *Consequences: The impact of law and its complexity*. Toronto, Canada: University of Toronto Press.

Bohte, J., Flemming, R. B., Wood, B. D. (1998). One voice among many: The Supreme Court's influence on attentiveness to issues in the United States, 1947-1992. In D. A. Schultz (Ed.) *Leveraging the Law: Using the Courts to Achieve Social Change* (pp. 21-62). New York, NY: Peter Lang.

Casey, G. (1974). The Supreme Court and myth: An empirical investigation. *Law and Society Review 8*, 385-420.

Clawson, R. A., Kegler. E. R., & Waltenburg, E. N. (2001). The legitimacy-conferring authority of the U.S. Supreme Court: An experimental design. *American Politics Research 29*, 566-591.

Clawson, R. A., Kegler. E. R., & Waltenburg, E. N. (2003). Supreme Court legitimacy and group-centric forces: Black support for capital punishment and affirmative action. *Political Behavior 25*, 289-311.

Clawson, R. A. & Waltenburg, E. N. (2003). Support for a Supreme Court affirmative action decision: A story in black and white. *American Politics Research 31*, 251-279.

Druckman, J. N., Green, D. P., Kuklinski, J. H., & Lupia, A. (2006).The growth and development of experimental research in political science. *American Political Science Review 100*, 627-635.

Entman, R. M. (1989). How the media affect what people think: An information processing approach. *Journal of Politics 51*, 347-370.

Franklin, C. H. & Kosaki, L. C. (1989). The republican schoolmaster: The Supreme Court, public opinion and abortion. *American Political Science Review 83*, 751-771.

Franklin, C. H., Kosaki, L. C., & Kritzer, H. (1993, September). The salience of United States Supreme Court decisions. Paper presented at the annual meeting of the American Political Science Association. Washington D.C.

Franklin. C. H. & Kosaki, L. C. (1995). Media, knowledge, and public evaluations of the Supreme Court. In L. Epstein (Ed.), *Contemplating Courts*, ed. (Washington, D.C.: Congressional Quarterly Press, 1995), 357.

Funston, R. (1975). The Supreme Court and critical elections. *American Political Science Review 69*, 795-811.

Gilliam, F. D. & Iyengar, S. (2000). Prime suspects: The corrosive influence of local television. *Center for Communications and Community*. Retrieved from: http://escholarship.org/uc/item/8sq290z2

Heise, M. (1995). State constitutional litigation, educational finance, and legal impact: An empirical analysis. *University of Cincinnati Law Review 63*, 1735-1765.

Hetherington, M. (1996). The media's role in forming voter's national economic evaluations in 1992. *American Journal of Political Science 40*, 372-395.

Hoekstra, V. J. (2000). The Supreme Court and local public opinion. *American Political Science Review 94*, 89-108.

Hoekstra, V. J., & Segal, J. A. (1996). The shepherding of local public opinion: The Supreme Court and *Lamb's Chapel*. *Journal of Politics 58*, 1079-1102.

Iyengar, S. (1994). *Is anyone responsible? How television frames political issues*. Chicago, IL: University of Chicago Press.

Iyengar, S. (2002, June). Experimental designs for political communication research: From shopping malls to the Internet. Paper presented at Workshop in Mass Media Economics, Department of Political Science, London School of Economics. London, UK.

Iyengar, S. & Kinder, D. R. (1989). *News that matters: Television and American opinion*. Chicago, IL: University of Chicago Press.

Johnson, T.R. & Martin, A. D. (1998). The public's conditional response to Supreme Court decisions. *American Political Science Review 92*, 299-309.

Klarman, M. J. (2001). The white primary rulings: A case study in the consequences of Supreme Court decisionmaking. *Florida State University Law Review 29*, 55-107.

Marshall, T. (1987). The Supreme Court as an opinion leader. *American Politics Quarterly 15*, 147-168.

Murphy, W. F. & Tanenhaus, J. (1969). Public opinion and the United States Supreme Court: A preliminary mapping of some prerequisites for court legitimation of regime changes. In J. B. Grossman & J. Tanenhaus (Eds.), *Frontiers of Judicial Research*. New York, NY: John Wiley & Sons.

Neier, A. (1982). *Only judgment: The limits of litigation in social change*. Middletown, CT: Wesleyan University Press.

Noelle-Neuman, E. (1980). Mass media and social change in developed societies. In G. C. Wilhoit & H. deBock (Eds.), *Mass Communication Review Yearbook*: *Vol 1* (pp. 657-678). Beverly Hills, CA: Sage Publications.

Noelle-Neumann, E. (1993). *The spiral of silence: Public opinion – our social skin*. Chicago, IL: University of Chicago Press.

Perloff, R. M. (1996). Perceptions and conceptions of political media impact: The third-person effect and beyond. In A. N. Cigler (Ed.), *The Psychology of Political Communication* (pp. 177-197). Ann Arbor, MI: University of Michigan Press.

Rosenberg, G. N. (1991). *The hollow hope: Can courts bring about social change*. Chicago, IL: University of Chicago Press.

Schuck, P. H. (1993). Public law litigation and social reform. *Yale Law Journal 102*, 1763-1786.

Schultz, D. A. & Gottlieb, S. E. (1998). Legal functionalism and social change: A reassessment of Rosenberg's *The Hollow Hope*. In D. A. Schultz (Ed.), *Leveraging the Law: Using Courts to Achieve Social Change* (169-213). New York, NY: Peter Lang.

Sniderman, P., Brody, R. A., & Tetlock, P. E. (1991). *Reasoning and choice: Explorations in political psychology*. New York, NY: Cambridge University Press.

Spriggs, J. (1996). The Supreme Court and federal administrative agencies: A resource-based theory and analysis of judicial impact. *American Journal of Political Science 40*, 1122-1151.

Stoutenborough, J. W., Haider-Markel, D. P., & Allen, M. D. (2006). Reassessing the impact of Supreme Court decisions on public opinion: Gay civil rights cases. *Political Research Quarterly 59*, 419-433.

Unger, M. A. (2008). After the supreme word: The effect of *McCreary County v. ACLU* (2005) and *Van Orden v. Perry* (2005) on support for public displays of the Ten Commandments. *American Politics Research 36*, 750-75.

Table 1 Results Summary

Opinion Movement	Control	Prayer Story	Prayer Court	Tax Story	Tax Court
-2	1	1	0	3	2
-1	2	3	2	2	13
0	97	81	80	81	73
1	0	12	12	11	9
2	0	3	6	3	3

Table 2

Control v. Prayer Story			
	Control	Story	
Minus	3	4	7
Unchanged	97	81	178
Plus	0	15	15
	100	100	200
	Expect	Expect	
Minus	3.5	3.5	
Unchanged	89	89	
Plus	7.5	7.5	
X2	df	Probability	
16.58105939	2	0.000250882	

Table 3

Control v. Tax Story			
	Control	Story	
Minus	5	5	10
Unchanged	93	81	174
Plus	2	14	16
	100	100	200
	Expect	Expect	
Minus	5	5	
Unchanged	87	87	
Plus	8	8	
X2	df	Probability	
9.827586207	2	0.007344577	

Table 4

Prayer Story v. Court Prayer Story			
	Story	Court	
Minus	4	2	6
Unchanged	81	80	161
Plus	15	18	33
	100	100	200
	Expect	Expect	
Minus	3	3	
Unchanged	80.5	80.5	
Plus	16.5	16.5	
X2	df	Probability	
0.94560512	2	0.623253116	

Table 5

Tax Story v. Court Tax Story			
	Story	Court	
Minus	5	15	20
Unchanged	81	73	154
Plus	14	12	26
	100	100	200
	Expect	Expect	
Minus	10	10	
Unchanged	77	77	
Plus	13	13	
X2	df	Probability	
5.569430569	2	0.061746667	