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Social Media and Perceptions of Supreme Court Legitimacy

by

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Each branch of the United States government was given certain powers. The Executive and the Legislative branches were given the tangible power of the sword, enforcement through violence; and the purse, enforcement through funding, to either coerce or cajole individuals into compliance. The Judicial branch was not given a direct or tangible ability to force action, but their understated power is still both impactful and important. The judiciary was understood to “act as an in an intermediate body between the people and the legislature, in order... to keep the latter within the limits assigned to their authority” (Hamilton, Madison, and Jay 2015, 382). This gave them the power to arbitrate disputes between the people and legitimize the actions of the other branches of government, but also to declare the actions of the other branches as going against the Constitution of the United States to protect the people. A key part of the judiciary’s power is its legitimacy and the legitimization of the actions of the other branches of government. But legitimacy is a fickle power which rests on the people’s perceptions of the institution both having good morals and following the rule of law which governs America. This in turn causes the people to see the judiciary as a trusted branch of government. The United States Supreme Court knows this and must grapple with how their decision affects both the people’s view of their legitimacy and the their trust (Grove and Fallon 2019). It is not just their own decisions which affects the peoples’ perception of Supreme Court legitimacy, but also how the people come to know and understand what it is that the Court is doing and saying. This transfer of knowledge and translation of information about the Court to the people is now occurring through social media more often than in previous decades (Truscott 2024). With recent public polling showing a large decrease in perceptions of Supreme Court legitimacy which is split sharply between widening party lines and seemingly grow larger with every decision (Jones 2023), it begs the questions, does social media have a measurably polarizing effect on perceptions of

Supreme Court legitimacy, and is that effect more or less substantial than other sources of media? This comparison of forms of media, party affiliation, and sentiment towards the United States Supreme Court's legitimacy may help predict how groups of people or geographical areas are affected by the media they are exposed to, and ultimately learn how people are being guided or manipulated into taking a particular stance. Legitimacy of the Court is invaluable to not only the Judicial Branch, but also the general stability of the country. If people do not believe legitimate outcomes are being reached at the Court of Last Resort, they may see taking the law into their own hands as the only possible way to find justice.

This thesis will contribute to answers to these questions and assist in the larger discourse surrounding Supreme Court legitimacy. This thesis used a survey to gather data regarding individuals' sentiment toward the Supreme Court of America. The data analyzed showed that there was a statistically significant difference between participants' perceptions of Supreme Court Legitimacy when compared across information sources. The first section of this paper will be a literature review looking first at what legitimacy is, then challenges to Supreme Court legitimacy, then how the Court's legitimacy is affected by party polarization and media coverage, and end with a discussion about the importance of legitimacy in the American system of government. The second section will be an outline of the research methods used for this research paper, a discussion of why these decisions were made including the hypothesis and variables. The third section will be an analysis of the data collected, what trends seem to be present, and a discussion of what this data shows. The final section will be a conclusion discussing the limitations of the thesis, and what questions still must be addressed in future research. This thesis contributes to the conversation of both social media coverage of the

Supreme Court and how that affects their perceived legitimacy. Hopefully this contribution will inspire others to look more closely at the relationships between different media and the public.

Conceptual Legitimacy

Legitimacy is defined as the adherence to the rule of law which promotes the use of proper and fair processes to ensure just outcomes. Though this is a good general definition of legitimacy, it does not capture the full meaning regarding how the American public views legitimacy. To answer this question, we must look at what rules are being followed before we can answer what legitimacy is. In America, this points to the United States Constitution, and the constitutions of the several states, which are sets of norms and processes adopted by the American people to follow in society (Fallon 2005). The origin of the Constitution's philosophy helps illustrate why people accept its governing structure and what legitimacy means to Americans.

Thomas Hobbes' interpretation of the state of nature and the idea that there must be a covenant between people to stop them from harming one another was formative for the creation of the Constitution (Sarat 2004). Hobbes believed that people are naturally selfish and must be kept in awe of force for them to live in relative peace, or revert to a state of nature which consisted of all for themselves (Sarat 2004). This suggests peace through force which does not instill images of legitimacy. Hobbes' ideas led to John Locke's interpretation of the Social Contract which greatly influenced the principles laid out in the American Constitution. Locke differs from Hobbes in his idea of people in the state of nature. Locke believed that people are naturally neutral in the state of nature and will willingly give up some of their natural rights to an authority in exchange for the benefits of society (Sasan 2021). This idea is further expressed when Locke also explicitly states the idea that the people have a right to resist or replace their

governing authority if it fails to protect their natural rights (Sasan 2021). The idea that the people are the ones endowed with rights, and not a governing body, points to a need for people to accept and approve of the covenant which binds society for it to be legitimate. The Constitution must be accepted by society for it to be legitimate, and because “the Constitution can mean so many things to so many people... it enjoys widespread sociological acceptance” (Fallon 2005, 1793).

Once people consent to follow the rules of society, they can then determine whether the institutions, organizations, and individual actors are legitimate. This ultimately comes down to a public belief “that authorities, institutions, and social arrangements are appropriate, proper, and just” (Tyler 2006, 376). Legitimacy is a feeling that the authorities in charge or the rules made simply ought to be followed (Tyler 2006). This requires the people to see the authorities in charge and the rules as being morally acceptable and therefore proper and just (Tyler 2006). Legitimacy is the people deciding that the actions of and rules being made by the government are acceptable and do not require large scale resistance. The power to decide what is legitimate is given to the people and to the governing authorities it “is a property that, when it is possessed, leads people to defer voluntarily to decisions, rules, and social arrangements” (Tyler 2006, 276). For the purposes of this paper, legitimacy is an attribute possessed by governing bodies which compels individuals to feel they ought to obey the rules which they make or enforce.

Challenges to U.S. Supreme Court Legitimacy

The Supreme Court has for many years been afforded a generally positive evaluation of their institution. This general institutional evaluation is known as diffuse support, which currently grants the Court a positive bias towards the public's general views of their legitimacy (Scheb II and Lyons 1999; Gibson and Caldeira 2009). This diffuse support comes from the Court being seen by the general public as using logic and grounded principles to make their

judgments (Gibson and Caldeira 2009). This is in contrast with specific support which is an evaluation of the decisions made by the Court (Scheb II and Lyons 1999). It has been shown that even in moments when the Court might be seen as overreaching its duties, like deciding the 2000 election, the public has seen the Court as acting as a legitimate mediator in highly contentious controversies (Gibson, Caldeira, and Spence 2003). This general support for the Court waxes and wanes throughout the history of the institution, but current Gallop polling regarding the Court shows the public has a diminished view of their legitimacy compared to previous polls. (Jones 2023). This could show that diffuse support is beginning to diminish as people are more educated about the inner workings of the Court and evaluate the Court's specific rulings (Gibson and Caldeira 2009; Zilis and Blandau 2021). This next section will look at some of the theories and challenges to U.S. Supreme Court legitimacy in a polarized political climate.

The Court is at all times in a balancing act between satisfying three facets to their legitimacy. These three distinct parts are: legal legitimacy, or was the decision of sound legal reasoning; political legitimacy, or will the government follow, block, or threaten the Court for its decision; and social legitimacy, or what will the people of America think and get their representatives to do in response to a controversy (Grove and Fallon 2019). Each one of these types of legitimacy holds different weight to the public, but all are important factors in how the legitimacy of the Court is perceived, and each form can be influenced and manipulated by the Court itself. In addition, each can be influenced by the information and media consumed by the public about the Court. Legal legitimacy is the most straight forward of these balances, but this is where most challenges to the Court's legitimacy stem from. Generally speaking, legal legitimacy is achieved when the Court is perceived as following the rules laid out in the Constitution (Grove and Fallon 2019). This is essentially characterized by an informed person disagreeing with the

Court's decision, but still being able to follow how the Court reached its opinion and understanding that a claim of illegitimacy is more than thinking the opinion was made in error (Fallon 2005). The difficulty with this form of legal legitimacy is how informed a person is and where they receive their information. James Boyd White suggests that translations between legal speech and that of the people is important for community building and shaping social norms (White 1985). This means mistranslations, purposeful or not, can cause communities to have conflicting views which move further from one another based on how the decisions of the Court are presented to the public. Those untrained or simply seeking to break through people's diverted attention to change or strengthen their audiences' views may misrepresent the legal legitimacy of a decision and rouse their community to see a decision as either legitimate or illegitimate regardless of its merits. This mistranslation can be seen affecting both political and social legitimacy with the political elite stoking their base to further their own agendas.

The U.S. Supreme Court presents itself as an institution above politics, but its power is balanced by the other political branches of government. This leads to the Court being inherently political, while trying to avoid seeming partisan. The Court understands the other branches of government can change aspects of its institution, like its budget, in response to the decisions it makes. It is suggested that this does not weigh heavily on how the Court decides its cases but it shows that the Court does act politically (Grove and Fallon 2019). The Court's political legitimacy is in part in the hands of increasingly partisan institutions which decide who sits on the Court. Polarization of political elites down party lines has been on the rise with a sharp uptick seen in the 1990s with current levels of polarization reaching highs not seen since the end of the Reconstruction Era (McCarty 2019). This in turn causes two distinct challenges to Supreme Court legitimacy. First, is that political elites are in a better position to use mass media to reach

many people and draw attention to select high-profile cases (Zilis and Blandau 2021). This has the effect of making their constituents aware of both the cases and the politician's stance on the controversy. Political elites have always had this advantage, but new advances in information technology allow them to distribute partisan and polarizing ideology at a much faster rate than in previous times. This shores up the voting base and may possibly be used as ideological currency against an opponent. This leads to the second challenge which is the politician can prime their constituents to take an ideological view of the controversy. This is possible because people are more inclined to believe what a person says about the Supreme Court if they believe them to be a trusted source (Nelson and Gibson 2019). These two challenges to the Court's legitimacy are exacerbated by the now highly politicized appointment process of the justices.

The appointment of justices to the Supreme Court has become a partisan affair with most justices approved by votes down party lines.¹ This leads to an increased bending of the appointment process to ensure that the Court is packed by justices of a particular and unwavering legal ideology. A recent example is how Senate Republicans both blocked Merrick Garland's appointment in 2016 (Grove and Fallon 2019) and eliminated the filibuster for Supreme Court appointments during the Trump presidency (Hasen 2019). Though it is an effective way to pack the Court, it did serious damage to their public approval rating with a sharp decline in approval after the appointment of Justice Barrett.² To intensify the institutional harm to the Court, justices are increasingly chosen for their entrenched partisan views to ensure the elimination of "swing judges" to guarantee certain political agendas of the nominating party are not derailed (Hasen 2019). In the time before the Trump nominations, swing justices, like Justice Kennedy, played an

¹ "U.S. Senate: Supreme Court Nominations (1789-Present)." n.d. Accessed June 6, 2024.

<https://www.senate.gov/legislative/nominations/SupremeCourtNominations1789present.htm>

² Gallup. 2007. "Supreme Court." Gallup.Com. September 25, 2007. <https://news.gallup.com/poll/4732/Supreme-Court.aspx>.

important role in the positive sentiment given to the Court's legitimacy due to controversies being settled in favor of both conservative and liberal values (Grove and Fallon 2019). With the loss of a swing judge, the "running tally" of decisions seems to take a partisan slant, which makes the Court perceived as acting in a more partisan way by favoring one political party even when the justices are acting in accordance with their legal legitimacy beliefs. This directly affects the last face of legitimacy, the Court's social legitimacy, which is how the people of America view the Court.

The U.S. Supreme Court was not given any direct means of enforcing its own rulings. It is dependent on others to willingly obey its commands, and "legitimacy is a valuable attribute for an institution if it promotes acceptance of its decisions and the rules it promulgates," which leads to "stability and institutional effectiveness" that "are virtues that benefit all members of society" (Tyler 2006, 391). The Court establishing its legitimacy is the most important aspect for social legitimacy because "legitimacy is loyalty; it is a reservoir of goodwill that allows the institutions of government to go against what people may want at the moment without suffering debilitating consequences" (Gibson 2004, 289). In essence "legitimacy is for losers, since winners ordinarily accept decisions with which they agree" (Gibson, Lodge, and Woodson 2014, 839). This allows for mass sociological acceptance and reverence being given to both the institution of the Court and their decisions by the People of America. But how are people primed to give the Court reverence which leads to sociological legitimacy?

The Supreme Court as an institution is often seen as different from the other branches of government. The public is taught through exposure to the logical processes of the Court that they are worthy of being seen as generally legitimate (Gibson and Caldeira 2009). Research would suggest that this is due to the symbolism of the Court combined with a base line

positive theory from diffuse institutional support which makes the greater public subconsciously adopt an ideology reinforcing the Court's legitimacy (Gibson, Lodge, and Woodson 2014; Gibson and Caldeira 2009). Though these two factors contribute to long-term stability, and general legitimacy for the Court and can be seen as a healing factor for controversial decisions (Christenson and Glick 2019), they are susceptible to other forces at work. The "running tally" is always being marked down with consistent and sudden shifts weakening the foundations of the Court's sociological legitimacy. The tallying of decisions can be seen as a measure of specific support raising or falling with the specific decisions of the Court which can affect its diffuse support. The general public's approval of the Court follows their ideological sentiment towards the Court's decisions, and the appointment of justices (Boston and Krewson 2024). This ideological satisfaction with the Court's decisions garners some support, but "disappointment is generally more powerful than delight" (Christenson and Glick 2019, 649). This tally of disappointment may shift people from a positivity mindset, diffuse support for the Court, to an attitudinal mindset, viewing the Court in a political ideological light, which hurts the Court's sociological legitimacy as people see them as acting partisan (McCarty 2019). The Court has its own agency to self-police some of these partisan actions, but it is also possible that they can damage their own general legitimacy by their own actions. This is dangerous, because most of the public are not experts in Supreme Court matters, and will differ from other trusted sources, like popular media sources, to inform their opinions (Boston and Krewson 2024). The way these media sources translate and present their information to the public is integral to how the public update their views of the Court's legitimacy (Boston and Krewson 2024). These constant updates with every headline have the potential to create rifts between the people of America that are ever drifting apart.

Polarization and The Media's Influence on Supreme Court Legitimacy

Polarization can be defined in several differing ways, but for the purposes of this study, political polarization will be the focus. Political polarization is not the measure of differing opinions, but how far those opinions are separated from one another, if separation is expanding, and how little compromise can be found between the poles (McCarty 2019). This difference in opinion and inability to work with or see the other side as an equal can lead to grinding halts and deep social and cultural rifts leading to a decline in meaningful engagement between members of opposite ideological views. This is on full display in the Legislative branch with strict party lines being toed and measured to all-time highs (McCarty 2019). The legislators themselves are the mouth pieces for their parties' agenda, and people look to them as trusted and informed actors. This means their opinions have a large effect on the polarization of the public (Tucker et al. 2018). But political elites don't often broadcast from their own private media platforms and are reliant on the general media to both present their message in a favorable light and present their opposition's in an unfavorable one. This also applies to how the public views the decisions made by the Supreme Court with more people taking an ideological stance rather than an institutional one (Boston and Krewson 2024).

How the media presents its information is vastly important to how the general public comes to understand and frame the issues. It has been shown that newspapers and television broadcasts have contributed to the radicalization of the public's partisan beliefs contributing to polarization, especially in politically contested regions (Melki and Sekeris 2019). Interestingly, it has also been shown that news broadcasts can polarize information by telling the audience how divided people are on an issue. The more the broadcasters say there is division on an issue, the more people favor their party's position and the less they favor a strong argument which might

have swayed them if they were not primed to think a certain way (Druckman, Peterson, and Slothuus 2013). This may be used to significant effect when the public is underinformed about specific topics like Supreme Court decisions, especially if being presented in a dramatic way. It has been shown that when broadcast media presents news in an uncivil and close up way, it has the effect of reinforcing a person's partisan beliefs while contributing to a more negative view of the other side (Mutz 2007). This is often seen in political discourse, but until more recently, news surrounding the Supreme Court was often given some reverence, even when the media provider disagreed with the outcome of a case. This helped contribute to viewers continuing to see the Court as a legitimate entity and accept the decisions handed down (Linos and Twist 2016). But this has begun to change. Political polarization and a 6 to 3 conservative majority have allowed the emergence of "new medias" being used as a powerful tool for polarizing ideology (Zilis and Blandau 2021) with a few taps of one's fingers.

Social media is a new tool being used to great effect to present agendas and ideologies by numerous individuals of varying expertise. Many point to social media as being a polarizing force in America with it presenting radical, wrong, or purposefully incorrect information to prime, convince, or simply "troll" the general public to adopt increasingly divided political ideologies (Tucker et al. 2018). Much of the information mentioned above was posted on Facebook, which in the intervening years since the 2016 election has moved to address these concerns (Tucker et al. 2018). More recent studies have shown that information shared on Facebook does entrench people's partisan views, even when being exposed to cross-cutting information and sources, but does not have an overwhelming polarizing effect on the public (Nyhan et al. 2023). People were simply more likely to follow accounts which they agreed with ideologically. This would suggest that social media contributes more to partisan confirmation

bias and siloing than political polarization (Nyhan et al. 2023). The study had two minor flaws which need to be addressed. It was over a relatively short amount of time, and it only looked at Facebook. Specifically, regarding the Supreme Court, people are becoming more reliant on Twitter/X for their information (Truscott 2024). With the large number of social media platforms available to the public, it might be more important to view the effects of social media on Supreme Court legitimacy in aggregate. Information about the Court is being presented in a win or lose “game frame” mindset more often which causes people to take a more ideological stance on the decision of the Court (Hitt and Searles 2018), and the general public reliant on the media to tell them how to view the Court’s decisions (Truscott 2024). It is for these reasons more information needs to be gathered to understand how social media affects Supreme Court legitimacy.

The Importance of Legitimacy

Legitimacy is an important cornerstone of how the American government functions. Though governments can rule through power alone, many scholars agree “that authorities benefit from having legitimacy and find governance easier and more effective when a feeling that they are entitled to rule is widespread within the population” (Tyler 2006, 377). This widespread acceptance of the government’s rule reinforced a subconscious belief in its subjects that it simply ought to follow the rules (Tyler 2006). This increases mass compliance through societal pressure and training. In America, the government was split into three distinct branches and given three distinct powers. The Executive branch was given “the sword.” This power can be characterized as a decision-making power over the outcome (Lukes 2005) as exemplified by the phrase “do this or else.” The executive branch is the enforcement element of the country which makes sure the laws are faithfully executed and may choose to use the sword if they deem necessary. We see

this power often wielded by police entities which are beholden to mayors, governors, or the President to enforce the laws of the legislature. This shows that the executive branch has the true monopoly of violence and can choose when, where, and how to apply this monopoly. Austin P. Turk implies that there are 5 resources which act as barriers to disobedience, and the monopoly of violence is the last threshold which stops people from disobeying authority (Turk 1976). This ultimate power is costly, inefficient, and requires constant upkeep for a populace to stay compliant (Tyler 2006). If people see the power of violence being wielded illegitimately, they may be more willing to resist, evade, or fight. The founders of our government attempted to lessen this power and gave the other branches ways in which they can influence the populace without direct threat of violence and reinforce the ideals of a legitimate government.

The Legislative Branch was given the power of the purse, or to tax, spend, and influence non-violently. This controlling of the purse strings correlates to Lukes' second face of power, non-decision-making power, which is agenda setting (Lukes 2005) and can be exemplified with the sentence "you can grow any crop you want, but the government subsidizes corn." This power to set the agenda has direct, but less acute, influence over the lives of Americans. The legislature can write laws which affect both money and behavior which influences what choices people see as morally acceptable and proper. This can be seen in Turk's second, economic power; and third, political power, resources for civil obedience (Turk 1976). But, the legislature cannot enforce the laws which it passes. That power is reserved for the Executive Branch, and the President can veto bills which he thinks are illegitimate. The Legislative Branch also has another issue when writing laws. They are not the governing body which has the final say as to whether a law is legitimate under the Constitution or the actual meaning and implementation of the law in practice.

The Judicial Branch of government was not given direct powers to coerce behavior, but their power is possibly more important to stability than the other two powers. In 1803 Chief Justice Marshall penned the famous decree that the “province and duty of the judicial department to say what the law is” (Marbury v. Madison 1803). This decision has given the Judicial Branch, and ultimately the United States Supreme Court, the last word on the interpretation of the law and how it will apply and is generally accepted by the populace now. These interpretations of the legislation directly affect how people come to know what the law means as well as how they think about it. The various courts of the country are the arbiters of dispute amongst people and government. This arbitration is the seat of the judicial branch and allows them the most influence on the interpretation of definitions of the laws passed by the other branches. The battle over these definitions often attracts much attention and influences how people view both the legitimacy of the country and the branches of government.. This tracks Lukes’ third dimension of power, the power over ideology and subconscious thought (Lukes 2005), which can be expressed with the statement “he was found guilty, so he must have done it.” This statement is less visibly coercive than the other statements, but it is still a belief in the ideology that the justice system is legitimate and subconsciously people will make assumptions about a person through the outcome of their case. Because “legitimacy is an additional form of power that enables authorities to shape the behavior of others distinct from their control over incentives or sanctions” (Tyler 2006, 377). This also correlates with the Turk’s final two resources of power over ideology, access to information and creation of definitions; and control over human attention, distractions which may change a person’s focus (Turk 1976). The Judicial Branch’s control over what the law’s language means allows them to legitimize or de-legitimize the actions of the other branches of government and influence how the public views the government in general. This affects whether

the system, as a whole, is seen as acting both morally acceptable and in accordance with the rule of law.

This adherence to the rule of law is of the utmost importance when considering legitimacy because it allows those who lost in a controversy to feel as though they lost fairly. The concept “legitimacy is for the losers” shows that when people believe the system is not working in accordance with the rule of law, there will be social resistance requiring more coercive measures to be taken for outcomes to be followed (Grove and Fallon 2019, 2250; Tyler 2006). This feeling of an obligation to follow the outcomes of the Court creates a voluntary adherence to the rules even when outcomes are unfavorable (Tyler 2006). This is due to the social acceptance that the process which the outcome resulted from is both morally just and followed the rule of law as described in the Constitution. At the top of this system is the Supreme Court which garners the most attention from the people, and which often decides how the whole country will define the law and is the arbiter of our society’s greatest social conflicts. The Court’s ultimate power lies in its legitimacy which both legitimizes the other branches of government and allows it to be a place of bloodless conflict resolution. This promotes stability and trust between both the people and the government. This trust in turn leads to the people giving their consent to follow the rules and obey the commands of the government because they see it as a legitimate and moral thing they simply ought to do (Tyler 2006).

Theoretical Hypothesis and Variables

The general research question of this paper will be to determine whether social media has a greater polarizing effect on public perceptions of Supreme Court legitimacy when compared to other sources of media. This will be determined by how different groups of people view the legitimacy of the Court separated into specific variables. The independent variables of this study

will be individuals' assessment of Supreme Court legitimacy and their general sentiment towards the Court. The dependent variable being measured will be sources of information about the Court. This will be contrasted against the control variables of age and party affiliation. This will help determine if simple partisan politics is at work, or if the effects of different media exposure to the Court has a more profound impact on perception of Supreme Court legitimacy.

The dependent variable of sources of media exposure to Supreme Court information will be broadly broken down into the categories: no substantial source, traditional news media (New York Times, Fox News), non-traditional news media (The Daily Show, podcasts), social media (Twitter, Facebook), and word of mouth (human interactions and conversation outside of digital spaces). These sources of media were chosen because they are how most people learn about the Court. Though most of these categories are evident, while designing this research paper John Oliver of Last Week Tonight offered Justice Clarence Thomas one million dollars a year and an RV to step down from the Court. After this episode aired, I noticed more people talking about the Supreme Court and decided to add non-traditional news to the sources of media. Each of these sources of information has the potential to be either generally distributed between groups or specific to one group. A group which may have high variance is age. Younger adults may use social media more, older adults may use traditional news sources more. Measuring the differences between peoples' perspectives through their chosen media source leads to several hypotheses.

The first is that social media is more polarizing than other forms of media leading to higher measured responses to survey questions when compared to those who get information from other sources of media. This would align with those who suggest that social media propagates polarization through repeat emotional exposure to radical views or misinformation

and disinformation (Tucker et al. 2018). A second still possible hypothesis is that cross-cutting exposure to information that social media provides may not polarize views. There are some studies that suggest the more knowledge one obtains about the Court, the more likely they are to view them in a more neutral way (Gibson and Caldeira 2009). Social media can expose people to a wider breath of ideas and arguments which they would not normally encounter, changing their views to a more nuanced perception. This is the least likely of the outcomes but is still possible. The last is a null hypothesis that there is no meaningful difference between low perceptions of legitimacy and a specific source of media. This would suggest that either confirmation bias is more impactful than polarization, or all sources of media are equally polarizing. This would align with more recent studies of polarization in social media which implicates partisan entrenchment and not polarization (Nyhan et al. 2023) .

Research Design

To measure public perceptions of Supreme Court legitimacy and general sentiment towards the Court, I ran a short survey which was dispersed in the Portland, Oregon metro area. A combination of anonymous links in newsletters and pamphlets placed at Portland State University and in some public places were used to collect the data of this survey. There were no incentives used to entice individuals to participate. The survey ran from mid-May to mid-June. This meant the survey did not run while the most volatile opinions of the 2024 Supreme Court term were being announced at the end of June, but there was still more coverage of the Court than other times of the year. The survey consisted of questions which asked for general demographic data like age and party affiliation, two questions regarding the Court's legitimacy, two questions regarding sentiment towards the Court with one assessing the perceptions of the running tally, a question regarding information source about the Court, and a knowledge check

regarding the current Chief Justice of the Court. For both the questions about legitimacy and the first question regarding participants' sentiment toward the Court, the scale of strongly agree, agree, unsure, disagree, and strongly disagree were used. For the question which focused on the “running tally” of Court opinions, the scale getting worse, staying the same, getting better, and unsure were used. The survey collected no identifiable information about the participants and allowed them to skip any questions they did not wish to answer. This was done so individuals participating in this survey could answer the question honestly without fear of their answers being matched back to them.

For the measure of participant’s perception of Supreme Court legitimacy, I asked the two following questions:

1. How much do you agree with this statement: The U.S. Supreme Court makes decisions based on valid and justifiable legal principles.
2. How much do you agree with this statement: The U.S. Supreme Court makes decisions based on the political ideology of the justices.

Both questions look at different evaluations of Supreme Court legitimacy from two different lenses. The first asks whether participants view the justices as following the rule of law and the second asks if they view the justices as using their position for promoting political agendas. I believe the first question is the most important of the two, because perceptions of the rule of law being followed aligns most closely to ideas of legitimate process (Tyler 2006). If the Court is seen as not acting in a logical or grounded way, they are then seen as acting in a partisan way. This would cause some people to stop giving diffuse support to the institution and begin to judge the Court solely through their specific actions. This would slowly drain the reservoir of positive feelings towards the Court until they are simply seen as a super-legislature enacting partisan

legislation. Even if the justices are seen as acting politically, or in a partisan way, they can justify their reasoning with the proper application of the rule of law. This can effectively dissuade the outrage of the losers in the controversy (Gibson, Lodge, and Woodson 2014). But if the public begins to think the laws are being applied in an illegitimate way, the Court will weaken and lose its reserve of legitimacy, which could lead to people taking the law into their own hands.

Regarding the second question, most people acknowledge that the Court is a political institution (Gibson and Caldeira 2009). It is still important to measure whether the public sees the justices as acting politically because the public is beginning to judge the Court's legitimacy based on ideological beliefs (Boston and Krewson 2024). This becomes a problem when they are perceived as making decisions solely for political gain in a partisan agenda. This may cause the Court to begin losing their stock of legitimacy at a faster rate than if they are making decisions with the veneer of adherence to the rule of law. This question is important for another reason. It will indicate how the sources of information are presenting their information about the Court to the participants of the study. This could be useful in evaluating perception of the Court between political parties.

For the measure of participants' general sentiment towards the Supreme Court, I asked the two following questions:

1. How much do you agree with this statement: The U.S. Supreme Court is doing a good job.
2. In your opinion, is the Supreme Court: getting worse, staying the same, getting better, or are you unsure?

The first question is a straightforward assessment of the participants' sentiment towards the Court's job performance. The second question is to show how people view the running tally

of the Court's opinions, and whether it is having a negative effect on sentiment towards the Court. Those who would perceive many losses with no wins would see the Court as getting worse. If the participants perceive the Court as acting normally, they will see the Court as staying the same. Those who see the Court as getting better would perceive many wins with no losses showing that there might be a perceived imbalance of Court opinions. Ideally, these numbers would all be equal or “staying the same” would be the highest value. This would show that there is a perception by the public that the Court is not favoring one group over the other and the Court has diffuse support from the public. This perception of the Court moving in one direction or the other would also show how the participants’ political ideology is at play when they judge the legitimacy of the Supreme Court and when compared across party lines, show how large the gap between the parties has widened.

The final question of this survey is a basic knowledge check to see if the participants can identify the current Chief Justice of the Supreme Court. This was put in place to see if the source of information the participants are using is both giving them accurate information and engaging them enough for them to have basic knowledge of the Court. If one source of information was giving bad information, or only presenting baseless opinions about the Court, we would see participants unable to answer this question accurately at an abnormally high rate.

The Data Collected

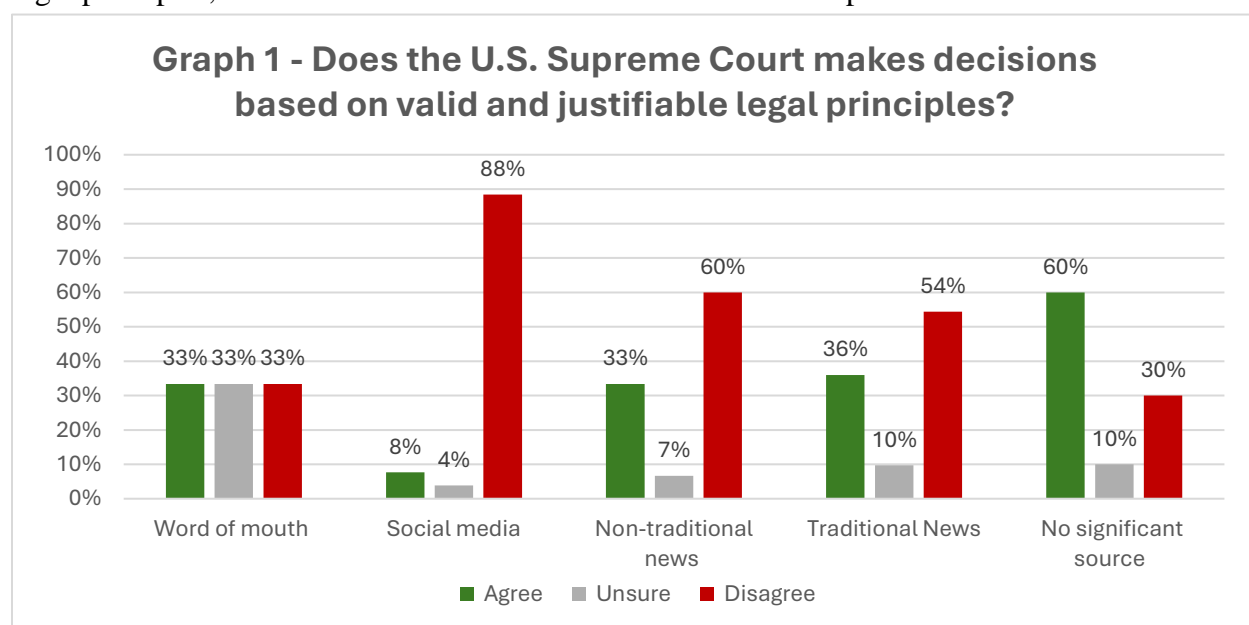
There were 192 initial participants³ with 172 of those responses giving usable amounts of information. Responses were discarded if they did not complete or consent to the survey or answered an attention question incorrectly. Of the 172 participants 28% of them were over the age of 65 and 63% identified as Democrat of which 72% described their party affiliation as being

³ See appendix B for all descriptive data

strong. This represents the largest single group in the survey. 25% of the participants identified as Independent, and 71% of them leaned Democrat. 60% of participants received their information regarding the Supreme Court through traditional news media outlets, with only 15% of participants receiving their information from social media. A total of 9, or 5%, participants viewed themselves as being Republican or leaning Republican with another 22, or 13%, of the participants not affiliated with any mainstream party. Among the alternate party affiliations 30% of participants identified as liberal/progressive which made up the largest group in this section. Among all participants, 59% indicated that they believe the Supreme Court does not use valid or justifiable legal principles and 88% of the participants indicated that they believe the Court makes decisions based on political ideology. 81% of all participants believe the Court is not doing a good job, and 81% of participants believe the Court is getting worse. Much of this can be attributed to the political ideology of the participants not aligning with what they perceive as the political decisions of the Supreme Court (Boston and Krewson 2024).

When examining this data through the participants' information sources about the Supreme Court, we get some interesting data. The trends between information sources are generally similar for the questions regarding whether the Court is acting politically, with an average 84% of participants agreeing that they are acting politically. Regarding general job approval, on average 72% of participants were dissatisfied with the Court's job performance. Regarding feeling of the "running tally," on average 67% of the participants believe the Court is moving further away from their ideals of the Court's performance. The running tally question gives us an interesting comparison. When we compare participants who use media and those who do not for their information about the Court we see a stark difference. 47% of people who don't use media to get their information (word of mouth or no significant source) regarding the

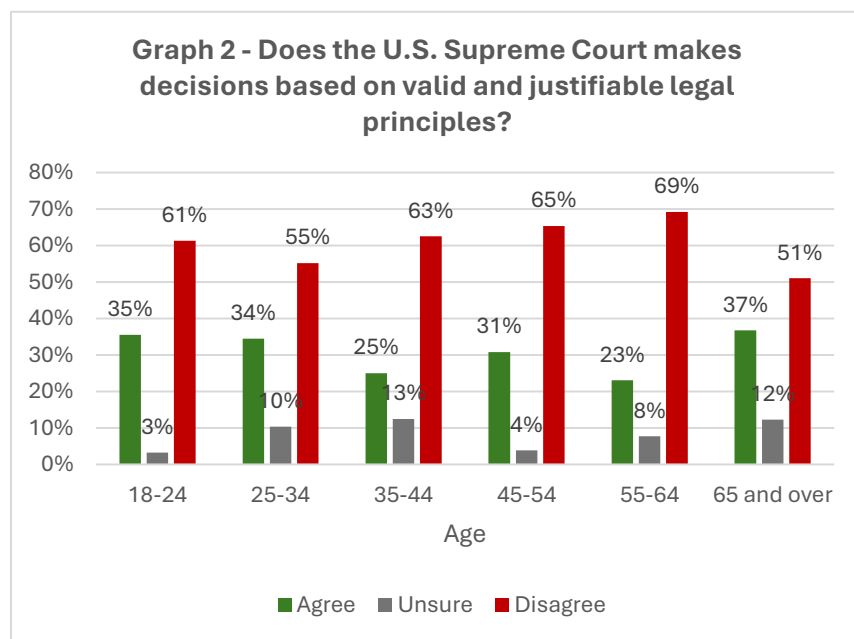
Court believe the Court is “getting worse.” Whereas 80% of those who use media (social media, non-traditional news, or and traditional news) to receive information about the Court, believe the Court is “getting worse.” The numbers are small regarding this association but are still interesting to observe and may reflect the positive bias which the Court passively enjoys through diffuse support of the Court as an institution (Gibson and Caldeira 2009). When looking specifically at whether the participants believe the Supreme Court is using valid and justifiable legal principles, we see a break in the trends so far as seen in Graph 1. There are two



interesting developments which are observed. The first is that once again, the participants which do not use any form of media for their information regarding the Court (word of mouth and no significant source) when compared to those who do use media (social media, non-traditional new, traditional news) have a more positive view of the Court which once again supports the positive bias theory of diffuse support for the Court. The second interesting observation is that those who use social media are 28% more likely to disagree that the Court uses valid and justifiable legal principles when it decides a case. This means that those who use social media are more likely to see the Court as acting illegitimately. This would suggest that the hypothesis

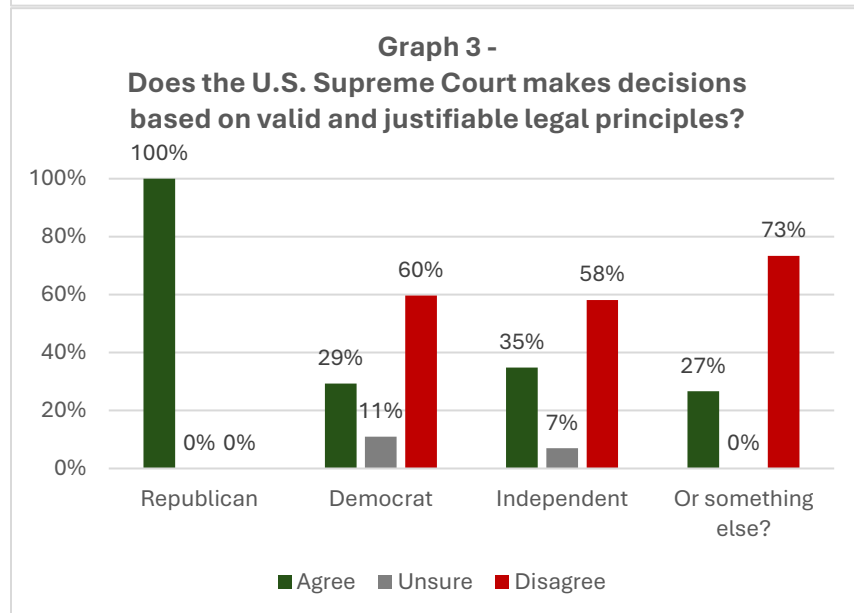
of social media having a more polarizing effect on perceptions of Supreme Court Legitimacy is true. To determine how true these findings are, we must examine factors which may be contributing to these findings to determine if there is something biasing the results.

One explanation for the observed variance would be that this observation is more dependent on other variables like age or party affiliation. When examining the same question through age we find that the participants' answers given are generally the same with little



variance as seen in Graph 2.

This shows that age may not meaningfully contribute to the variance seen when examining this question by information source. This also applies to party affiliation, because apart from those who identified as



Republican, which represents 3% of the participants, the variance between answers to this question are generally similar. Though Graph 3 may look like there is some statistical significance, there

were not enough Republican responses collected to make a meaningful or accurate analysis of these findings. When excluding the Republican response, it looks as though party affiliation may contribute to the participant's answers but the data did not show a statistically significant difference when excluding the Republican Party responses to the survey questions.

Observing that the data regarding information source and perception of Supreme Court Legitimacy may be significant and factors of age and party affiliation were not contributing meaningfully to the data collected, an ANOVA test was performed to discover if there was any statistical significance which could be found. These numbers were achieved by combining both the strongly and not strongly values for the question to consolidate the answers into agree, unsure, and disagree. Those numbers were entered into a chart separated by information sources as shown in Table 1. Then using Excel, a one-way ANOVA was performed by grouping the variables by rows, which represented sources of information. The significance value selected was .05, which represents the target for the P-value to be statistically significant and that the findings are outside the standard deviation expected to be seen. The result of this data analysis is a P-value of 0.049 and an F crit value of 3.48 and an F value of 3.5. A P-value under .05 indicates

Table 1 – Legitimacy Question by Information Source			
Info Source	Agree	Unsure	Disagree
Word of mouth	1	1	1
Social media	2	1	23
Non-traditional news	10	2	18
Traditional News	37	10	56
No significant source	6	1	3

that the findings are statistically significant by being outside what would be expected from standard deviation which is further confirmed by the F value

being larger than the F crit value which suggests the outcome. Both values being met allows us to reject a null hypothesis and consider that the data collected is statistically significant. Though

there is statistically significant variance in this data, it is just barely statistically significant, suggesting that the data is noisy and that there are other variables contributing to these findings, or the information set gathered was not diverse enough for an unbiased outcome. This can be attributed to the concentration of participants using traditional news media as their main source of information regarding the Court, but nonetheless, there is something there.

Inferences From the Data

The data collected shows that those who use social media as their main source of information regarding the Supreme Court have a more extreme view of the Court's legitimacy, but all participants still viewed the Court as making decisions with political ideology. This would suggest that social media has a more polarizing effect on people's view of the Court's legitimacy, but people understand that the Court is inherently a political institution. There are three factors which may contribute to these findings which all depend on how the information about the Court is presented. The first is that information presented on social media is often quickly presented, not sought after, and not fully investigated. This is referred to as "incidental news" exposure and can influence people's political opinion through social media (Fletcher and Nielsen 2018). This is akin to people only skimming headlines, and not thinking more deeply about the content they are being presented. This kind of news exposure is seen more on social media platforms like YouTube and Twitter/X and is fed to people occasionally through algorithms (Fletcher and Nielsen 2018). This causes individuals to absorb information about the Court in short spurts which may not present all the nuanced details regarding a decision made by the Court. This contributes to the second factor which is media sources, other than social media, give either more reverence to the Court, or use symbols associated with the Court's historic imagery. When symbols of the Court are shown or the Court is given respect when an outcome goes against the

presenter's ideology, it reinforces the legitimacy of the Court (Gibson, Lodge, and Woodson 2014; Linos and Twist 2016). Due to the incidental nature of social media's presentation of Supreme Court news, the individuals which view news about the Court on social media are not exposed to symbolism of the Court or see the Court given respect or reverence. This contributes to the social media viewers solely judging the Court on political ideology and whether the decisions of the Court align with their views (Boston and Krewson 2024). The third factor is how opinions are presented in an emotional and dramatic way as being either wins or loses when viewed from a particular political lens. It has been shown that social media messaging which evokes strong emotions, like anger, is more effective at spreading a message than measured or calm messaging (Tucker et al. 2018). This combined with the increase of “game frame” presentation of the Court’s decisions by either labeling them as wins or loses based on political ideology (Hitt and Searles 2018) may cause individuals who are exposed to information about the Court on social media to take a more extreme view of Supreme Court legitimacy.

These three factors are theoretical inferences and may not explain fully why there is a trend of more extreme views held by those who use social media to judge the legitimacy of the Supreme Court. The way in which information is presented about the Court ultimately determines how legitimately individuals believe the Court is acting. The data suggests that those with no exposure to information about the Court through any media have a higher probability of having a more positive view of the Court in general, suggesting that people naturally take a positive stance toward the Court when left alone (Gibson and Caldeira 2009). This may be as simple as them not knowing that the Court is making decisions which go against their ideological beliefs, but this still shows there is diffuse support for the Court as an institution. Information presented about the Court in extreme ways may contribute to the waning of the Court’s

legitimacy, but this may be the fault of the Court itself. Shifting dramatically without a swing justice to keep the running tally in check disrupts the Court's social legitimacy (Grove and Fallon 2019). The Court's swift changes and disruption of previously held precedents opens them up to attacks from elites and influencers, as well as the people generally. These elites and influencers use social media, non-traditional media, and traditional media as a tool of distraction which helps those in power set agendas and influence the public's opinion, and the place where they can get the most exposure and invoke the most emotionally charged ideological belief the quickest is through social media (Tucker et al. 2018). This shows the power that social media has to influence opinions regarding the Supreme Court's legitimacy

Discussion and Future Research

Though the survey was able to find some significance in its data, there are still aspects of the survey which need to be considered. One is that the data may be biased due to population source. The data collected consisted predominantly of people who live in the Portland, Oregon metro area. This caused most of the participants to identify as Democrat or Democrat leaning. The data collected in this survey is only part of the picture of social media's possible polarizing effect on Supreme Court legitimacy. This survey suggests that Democrats that use social media as their main source of information regarding the Court have more extreme views when using social media, but nothing can be said about Republicans or comparisons between Democrats and Republicans that use social media as their main source of information. This also extends to age groups, of which most in this survey were ages 65 or above. Therefore, a more robust and equally dispersed survey through the entire population of either Oregon or the United States of America would ensure that the data has less chance of being biased and provide more information about the phenomena observed in this study. Another factor which should be

explored with this study is specific media sources. Having both general data gathered about participants' information source with specific information about which media source they use could shed light on specific entities which have the most effect on individuals' views of Supreme Court legitimacy. This could give researchers an idea of specifically what kind of presentation of information has the most meaningful effect on an individual's perception about the Court. It may also shed light on how platform structure, long-form versus short-form, also contributes to individuals' perception of the Court's legitimacy. This may also be extended to how traditional media uses social media to spread information as compared to individual creators or influencers in the social media space. Addressing these considerations would both resolve some of the shortcomings of this study and contribute more to the general question of how social media affects perceptions of Supreme Court legitimacy.

This study was able to show that there was a statistically significant decrease in perceptions of Supreme Court Legitimacy when people use social media. This is important because more Americans are using social media as a public forum to express their political beliefs. This shows that there is a shift in the general public's view of the Court which may lead to the Court being substantially weakened and exposed to attacks from the other branches of government and the media. This in turn would cause the Court to lose substantial stocks of its legitimacy. This could contribute to all courts of America no longer being the place where the people go to resolve their conflicts. If Americans believe they cannot go to the courts to resolve their conflicts and that the social contract is being broken, they may feel as though they must resort to taking the law into their own hands to achieve outcomes, they believe to be moral and just. This would be a severe blow to the stability of the country and must be combated to promote the stability and longevity of the American system of government.

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Appendix A - Survey Questions

1. What is your age range?
 - a. 18-24
 - b. 25-35
 - c. 35-44
 - d. 45-54
 - e. 55-64
 - f. 65 and over
2. Generally speaking, do you usually think of yourself as a Republican, Democrat, Independent, or something else?
 - a. Republican [Go to strength]
 - b. Democrat [Go to strength]
 - c. Independent [Go to lean]
 - d. Or something else? [Specify]
3. [Strength] Would you say you are a strong Republican/Democrat or not a very strong Republican/Democrat?
 - a. Strong
 - b. Not very strong
4. [lean] Do you think yourself as closer to the Republican Party or to the Democratic Party?
 - a. Closer to Republican
 - b. Closer to Democrat
 - c. Neither
 - d. Closer to Democrat
5. Which one of these answers is not an animal?
 - a. Dog
 - b. Hammer
 - c. Cat
 - d. Fish
6. How much do you agree with this statement: The U.S. Supreme Court makes decisions based on valid and justifiable legal principles.
 - a. Strongly Agree
 - b. Agree
 - c. Disagree
 - d. Strongly disagree
 - e. unsure
7. How much do you agree with this statement: The U.S. Supreme Court makes decisions based on the political ideology of the justices.
 - a. Strongly agree
 - b. Agree
 - c. Disagree
 - d. Strongly disagree
 - e. Unsure
8. How much do you agree with this statement: The U.S. Supreme Court is doing a good job.
 - a. Strongly Agree
 - b. Agree
 - c. Disagree
 - d. Strongly disagree
9. In your opinion, is the Supreme Court:
 - a. Getting better
 - b. Getting worse
 - c. Staying the same
 - d. Unsure
10. Where do you get most of your information about the U.S. Supreme Court? Pick the one you use the most even if you use more than one.
 - a. Word of mouth (friends, classmates, relatives)
 - b. Social media (TikTok, Instagram, YouTube, X/Twitter)
 - c. Non-traditional news (The Daily Show, Last Week Tonight, podcasts)
 - d. Traditional News (CNN, Fox, Wall Street Journal, New York Times)
 - e. No significant source
11. Who is the current Chief Justice of the Supreme Court?
 - a. William Rehnquist
 - b. Mike Johnson
 - c. John Roberts
 - d. Anthony Blinken

Appendix B - tables and Data

Political Affiliation and Information Source	Table 2 – Broad Descriptive Data						Totals
	Age Ranges						
	18-24	25-34	35-44	45-54	55-64	65+	
Democrat	13	16	12	19	10	39	109
No significant source		1				1	2
Non-traditional news	2	2	3	4			11
Social media	6	5	1	2	1	1	16
Traditional News	4	8	7	13	9	37	78
Word of mouth	1		1				2
Independent	13	10	6	4	3	7	43
No significant source		1		1	1	1	4
Non-traditional news	2	5	2	2			11
Social media	5	2	1				8
Traditional News	5	2	3	1	2	6	19
Word of mouth	1						1
Or something else?	5	2	4	2		2	15
No significant source		1				1	2
Non-traditional news	2	1	2	2			7
Social media	2						2
Traditional News	1		2			1	4
Republican		1	2	1		1	5
No significant source				1		1	2
Non-traditional news		1					1
Traditional News			2				2
Grand Total	31	29	24	26	13	49	172

Independent Lean and Information Source	Table 3 – Independent Leand						Grand Total
	Age Ranges						
	18-24	25-34	35-44	45-54	55-64	65+	
Closer to Democrat	7	8	5	3	2	5	30
No significant source		1		1			2
Non-traditional news		4	2	1			7
Social media	4	1					5
Traditional News	3	2	3	1	2	5	16
Closer to Republican	2					2	4
No significant source						1	1
Non-traditional news	1						1
Traditional News	1					1	2
Neither	4	1	1	1	1		8
No significant source					1		1
Non-traditional news	1	1		1			3
Social media	1		1				2
Traditional News	1						1
Word of mouth	1						1
Grand Total	13	9	6	4	3	7	42

Table 4 – General Responses to Supreme Court Legitimacy Question				Table 5 – General Responses to Supreme Court acting Politically Question			
Responses	Count	Percentage	Collapsed %	Responses	Count	Percentage	Collapsed %
Strongly agree	5	3%	Total Agree	Strongly Agree	70	41%	Total Agree
Agree	51	30%	33% Total	Agree	81	47%	88% Total
Disagree	64	37%	Disagree	Disagree	11	6%	Disagree
Strongly disagree	37	22%	59%	Strongly Disagree	3	2%	8%
Unsure	15	9%	9%	Unsure	7	4%	4%
Grand Total	172	100%	100%	Grand Total	172	100%	100%

Table 6 – General Job Approval of The Supreme Court			
Responses	Count	Percentage	Collapsed %
Strongly Agree	1	1%	Total Agree
Agree	15	9%	9%
Disagree	64	37%	Total Disagree
Strongly Disagree	76	44%	81%
Unsure	16	9%	9%
Grand Total	172	100%	100%

Table 7 – Measurement of the Running Tally		
Responses	Count	Percentage
Getting Better	2	1%
Getting Worse	139	81%
Staying the same	22	13%
Unsure	9	5%
Grand Total	172	100%

Table 8 – Response to The Legitimacy Question by Information Source				
Info Source	Agree	Unsure	Disagree	Grand Total
Word of mouth		1	1	3
Social media		2	1	26
Non-traditional news		10	2	30
Traditional News		37	10	103
No significant source		6	1	10
Grand Total		56	15	101

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