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# I

## Legitimacy and American Democracy

In 1954 the “Let Robeson Sing” campaign was in full voice, bombarding the U.S. State Department with letters and petitions calling for the reinstatement of Paul Robeson’s passport. President Eisenhower warned against military intervention in Southeast Asia. Before year’s end, he authorized an emergency program to train the South Vietnamese army. The Communist Control Act went into effect, virtually outlawing the Communist party in the United States. Meanwhile, the Senate censured Joseph McCarthy, the nation’s most notorious “red-baiter.” West Germany regained its sovereignty. The first issue of *Sports Illustrated* appeared. Elvis Presley began his Sun recording sessions. A new nemesis for Bugs Bunny, the Tasmanian Devil, made his debut. Puerto Rican nationalists opened fire from the gallery of the U.S. House of Representatives, wounding five congressmen. U.S. consumerism got a shot in the arm as the nation’s first shopping mall opened in Southfield, Michigan. RCA began mass production of the first color television set; sporting a 12-inch screen, it was priced at \$1,000. A month or so later, Swanson and Sons contributed to the nation’s television culture by putting the first TV dinner on sale. The Ohio State

Buckeyes won their second national championship in college football, their first under legendary coach Woody Hayes. Hank Aaron recorded his first major league home run; he went on to hit 754 more, setting a career record that stood until 2007. Roger Bannister broke the holy grail of track records, running the mile in less than four minutes. Contrary to the predictions of some medical experts, the effort did not kill him. His record stood for less than two months. Mary Church Terrell, the first president of the National Association of Colored Women, died, and Oprah Winfrey was born. Ellis Island closed after 63 years of operation, during which more than 20 million immigrants passed through its halls looking for a new and better life. And the Supreme Court decided *Brown v. Board of Education of Topeka*,<sup>1</sup> offering that same possibility to black Americans.

The unanimous *Brown* opinion was announced by Chief Justice Earl Warren early on the afternoon of May 17. Sitting at the Court Chamber's raised mahogany bench and flanked by his black-robed brethren, he read it aloud. It was short (merely 11 pages), and it took him only 30 minutes to deliver (Patterson 2001, 65). *Brown*'s brevity, however, should not be used as a metric of the scope of its effect, for within those 11 pages and 30 minutes were the seeds for the elimination of state-created and -sanctioned second-class citizenship for black Americans. In *Brown* the Court declared that separate was inherently unequal, and although the decision itself focused narrowly on public education in the United States, its logic would be used to extirpate state-contrived apartheid throughout the nation (Kelly, Harbison, and Belz 1991, 591). Through a series of decisions predicated on *Brown* over the next two decades, that end was all but achieved (see Chapter 2). This effect alone affirms Judge Lewis Pollak's assertion that the *Brown* opinion was "probably the most important American governmental act of any kind since the Emancipation Proclamation" (quoted in Higginbotham 1996, xxxi).

But *Brown* and the associated Supreme Court decisions of the 1950s and 1960s did more than eradicate the vestiges of slavery jurisprudence in the United States; they also seem to have created a reservoir of good will toward the Court among African Americans, a reservoir that appears deep enough to endure the high court's

much more tepid support for black political and legal interests since the 1970s (see Chapter 2 for a detailed discussion of this doctrinal shift). Analysis presented by Gibson and Caldeira (1992) confirms this point. Using cohort analysis, they performed a rough test to determine whether different eras of black litigation success before the Court affected the level of commitment black Americans have to the Court as an institution—in short, their *diffuse support* for it. Dividing a black national sample into three age cohorts, they found that those blacks who came of political age during the glory days of the Warren Court era (birth years from 1933 to 1953) showed the highest level of diffuse support. On the other hand, blacks who were socialized either prior to the Warren Court era or after the Warren Court revolution had significantly lower levels. Thus, the Court's decisional behavior with respect to *Brown* and its progeny seems to have given rise to a legacy of legitimacy among black Americans (see Gibson and Caldeira 1992; Gibson, Caldeira, and Spence 2003b; Hoekstra 2000 for more systematic discussions of residual loyalty for the Court).

### Legitimacy Theory and Pluralism

That the U.S. Supreme Court appears to enjoy a legacy of legitimacy among black Americans has important implications for the American political system.<sup>2</sup> Legitimacy is fundamental to the maintenance and operation of all political regimes. Without it, leaders and governmental institutions alike lose their political authority—that is, the mass public's acceptance of their right to rule. This aspect of the concept of legitimacy is particularly important in a pluralist democracy such as the United States, for these systems are prone to political cleavage and stress. Any political system's constituents place demands upon it—indications of what is desired, needed, perhaps required by society. But, by definition, a pluralist system's constituents regularly lodge competing demands. As those demands are met, winners and losers are created, placing stresses upon the political system. As these stresses accrue, the system can begin to lose its organizational vitality, and its constituents may begin to divest it of

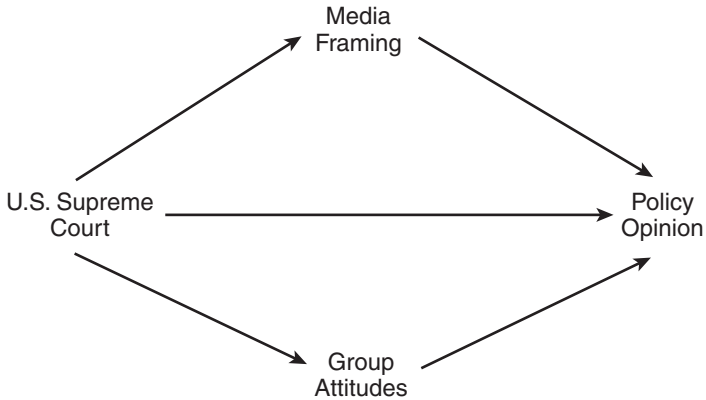
their support. A crucial force to counteract this entropy is a pluralist system's legitimacy.

Legitimate institutions and political actors are endowed by their constituents with an authoritative mandate to render judgments for the polity. Thus, legitimacy contributes to the vitality and persistence of pluralist systems. First, when the regime promulgates rules or mandates that are accepted, legitimacy can stimulate greater public approval or support, thereby augmenting the system's vitality. And, second, it permits pluralist systems to periodically (perhaps even regularly) disappoint some of their constituents. To be sure, authorities can rely on persuasion, appeals to self-interest and/or tradition, even coercion to effectuate society's rules and mandates, but in the long run these forces of compliance are inefficient and unreliable. Instead, "the most stable support will derive from the conviction on the part of the member that it is right and proper for him to accept and obey the authorities and to abide by the requirements of the regime" (Easton 1965, 278).

According to Easton (1965), the bedrock of this invaluable legitimacy is diffuse support. Conceptually, it is enduring, the product of political socialization, and not given to seismic or rapid changes. "Except in the long run, diffuse support is independent of the effects of daily outputs. It consists of a reserve of support that enables a system to weather the many storms when outputs cannot be balanced off against inputs of demands" (Easton 1965, 273; see also Easton and Dennis 1969). Diffuse support can stimulate greater public approval for the system, facilitating its persistence. Furthermore, diffuse support is a principal ingredient in a pluralist system's ability to meet the stresses that inevitably arise when members are asked to accept policies or rules that they do not want. As Easton nominally defines it, diffuse support "forms a reservoir of favorable attitudes or good will that helps members to accept or tolerate outputs to which they are opposed or the effect of which they see as damaging to their wants" (1965, 273). Citizens, of course, vary in their levels of diffuse support, both for the overall political system and the institutions that compose it.

Theoretically, diffuse support gilds policies with legitimacy, increasing their level of support and augmenting the system's vitality. Legitimate institutions enjoy the sustained confidence of their constituents that they have an authoritative mandate to make policies. Consequently, "the people to whom [a policy] is intended to apply or who are affected by it, consider that they must or ought to obey it" even if they oppose it (Easton 1965, 132). In simplest terms, legitimate political institutions govern constituents who believe that the institution has the right to rule. Thus, institutions with diffuse support are able to promulgate policies that, first, can rally support and contribute to the vitality of the regime and, second, can cut against the preferences of their constituents and still be accepted or tolerated. In the end, then, the bonds of loyalty to the political regime established by diffuse support for the system and its institutions work to regulate the political conflict intrinsic to pluralism and permit or facilitate the persistence of the system (Easton 1965, 273).<sup>3</sup>

In the United States, which institution most effectively regulates pluralist conflicts and rallies support for the regime? The research literature points toward the Supreme Court. Relative to other institutions, it has the greatest capacity to legitimize policies (see, for example, Clawson, Kegler, and Waltenburg 2001; Hoekstra 1995; Mondak 1990, 1991, 1992, 1994). And, consistent with Legitimacy Theory, this capacity likely stems from its institutional credibility. The Court enjoys remarkably high and stable levels of abstract mass approval compared with the presidency and Congress (Mondak and Smithey 1997). Moreover, at the individual level, citizens with greater levels of diffuse support are more likely to agree with its decisions. Mondak (1990, 1991), for example, uses experimental analyses to show that attitudes toward the high bench affect one's evaluations of its outputs (see also Bartels 2003; Clawson, Kegler, and Waltenburg 2003; Hoekstra 1995). This research literature, however, has been nearly silent on the Court's image among black Americans and its capacity to influence their opinion (but see Gibson and Caldeira 1992; Gibson, Caldeira, and Spence 2003b). This is not a trivial omission.



**Figure 1.1** The Legitimizing Capacity of the U.S. Supreme Court

It must also be noted that the Supreme Court does not operate in a political vacuum. It is responsive to interest groups, such as the National Association for the Advancement of Colored People (NAACP), that strategically push cases through the judicial system. And since the Court does not actively pursue media coverage, the interpretation of its rulings is largely shaped by journalists. Furthermore, citizens are not empty vessels, simply waiting to be filled by the Court's pronouncements. Citizens' reactions to the Court's rulings are often filtered through a web of standing judgments, particularly their attitudes toward politically important groups in society.

We begin with the premise that the Court can wrap its cloak of legitimacy around its rulings. The Court has a greater capacity to pull citizens toward its policy pronouncements than other political institutions. Furthermore, citizens with higher levels of diffuse support for the Court are more likely to agree with its policies. This direct legitimizing effect is illustrated in Figure 1.1 by the arrow running from the Supreme Court to Policy Opinion. But we also assert that the Court's ability to legitimize policies is moderated by how the media cover its decisions. In other words, whether the Court can pull citizens in its direction is at least partially dependent on the media's framing of its rulings, as illustrated by the arrow from the Supreme Court to Media Framing to Policy Opinion. Citizens'

predispositions also matter. In particular, citizens' group attitudes act as an anchor moderating the influence of the Court's rulings. This is illustrated by the arrow running from the Supreme Court to Group Attitudes to Policy Opinion. Below, we bring various pieces of evidence to bear in support of this conceptualization of the legitimizing capacity of the U.S. Supreme Court.

### **Black Americans, the Political System, and the Supreme Court**

Like so much else in the study of American politics, conclusions about the Court's legitimizing effect have been drawn with little or no regard for the attitudinal differences between blacks and whites. And yet it is well documented that black Americans have distinct and identifiable attitudes toward a variety of institutions and social policies (see, for example, Kinder and Winter 2001; Secret, Johnson, and Welch 1986; Tate 1994; Tuch and Sigelman 1997). Most of the research examining mass attitudes toward the Court, as well as the experimental analyses demonstrating the Court's legitimizing capacity, has failed to include adequate numbers of black subjects, thereby rendering the extension of their findings to black Americans suspect and leaving a significant gap concerning public opinion and the Court.

The gravity of this gap in the discipline's understanding of the Court's role in the political system should not be underestimated. African Americans are the nation's largest racial minority and a potent political interest. Thus, how they react to a policy articulated by the Court may have important ramifications for the political system's overall performance and stability. Furthermore, their relationship with the Court has been historically unique. Its decisions in the middle decades of the twentieth century and the heavy weight of its institutional credibility, for example, likely contributed to white Americans' grudging acceptance of policies aimed at alleviating racial discrimination. The Supreme Court, more than any other political institution, may affect African Americans' belief in the system's right to rule and their overall support for the regime.

Historically, black Americans have enjoyed only tenuous footing in the political system. Constitutionally guaranteed the right to vote in 1870, their actual employment of the franchise was effectively denied until well into the twentieth century. It is little wonder, then, that black representation in the elective branches of all levels of government has been historically anemic. From 1870 to 1900, on average fewer than three blacks served in each Congress. This, however, was not the nadir of their representational presence. Over the course of the next three decades, no black was seated at all. In 1929 a black representative returned to the halls of Congress, but it took 40 more years before blacks began to consistently hold 10 or more seats. Even today, blacks occupy only 7% of seats on the Hill; yet they account for better than 13% of the nation's population. The picture is no brighter in either the 50 state legislatures or the nation's executive branches. Between 1975 and 2001, for example, on average blacks never constituted more than 8% of state legislators. Until Senator Barack Obama's run, no black has ever been a viable electoral threat in a presidential election, and only two black Americans have ever been elected a state's governor. Within the federal bureaucracy, blacks have enjoyed a greater numerical presence; yet until recently they have not occupied positions of genuine policy-making authority.

This dearth in black representation has had deleterious effects on the formulation and implementation of substantive policies of interest to African Americans and their attitudes toward the broader political system. To put it concretely, black citizens are substantively better represented by black legislators (Lublin 1997). Indeed, a raft of research literature has concluded that the minority composition of a legislature affects its substantive outputs (Herring 1990; see, however, Tate 2003). Black legislators have different policy preferences than whites and are apt to introduce different bills than their white counterparts (Bratton and Haynie 1999; Haynie 2001). Consequently, the historical paucity of black legislators reduced the likelihood that issues of concern to black Americans would be raised, let alone addressed in legislation.

The low incidence of "black-centric" policies emerging from Congress, the federal bureaucracy, and state legislatures, however,



is hardly the most consequential deficiency resulting from the insubstantial levels of black representation in the political branches. It is very likely that their trivial number has also had negative repercussions on black Americans' support for, and confidence in, the political system. Studies have shown that the presence of black political officials, and the membership in the governing coalition that this presence signifies, is positively related to black political participation (Bobo and Gilliam 1990) and attitudes about the political regime. Gilliam (1996), for example, finds that blacks who were core members of a large urban governing coalition "were significantly more likely to . . . have more confidence in local government" (76).

Similarly, in her study of the effects of black and female representatives, Mansbridge (1999) finds that blacks who are represented by blacks are more apt to perceive the system and its outputs as legitimate. In their eyes, the presence of members of their race in the policy-making process yields a sense of inclusiveness that contributes to the system's legitimacy. As she writes, "This feeling of inclusion makes the polity democratically more legitimate in one's eyes" (651).

Tate (2003) makes a parallel point when she suggests that the symbolic representational value of blacks in government may be of much greater importance than their substantive accomplishments. Using the Congressional Black Caucus (CBC) as an example, she avers that although its substantive accomplishments may be modest, its presence is far from irrelevant. The CBC, by giving voice to black interests, ensures that "in the marketplace of ideas and ideologies," blacks are heard, and their concerns are knowledgeably and sensitively represented. The CBC prevents blacks from being marginalized in American politics and society (110). It guarantees that African Americans are symbolically represented and thereby increases the system's legitimacy in their eyes.

Given these findings, then, the obverse would seem likely. That is, the historically small number of black political officials should militate against black confidence in and support for the political system. Indeed, the terrible history of blacks in the United States creates a severe challenge to black support for the political process.

Even today, their meager presence in the regime and concomitantly limited capacity to urge the full and sensitive representation of black interests would hardly seem able to generate a sense of inclusiveness great enough to overcome that legacy and enhance the system's legitimacy in their eyes. And yet African Americans accept the political system as legitimate. They believe that the regime has an authoritative mandate to rule (Tate 2003). What explains this?

One significant force contributing to the legitimacy of the American political system for blacks is the Supreme Court. Certainly throughout the middle third of the twentieth century, the Court was the principal defender of black minority rights in our majority-rule democracy. As such, the Court has been the source of great substantive accomplishments for African Americans. After all, it was the Court that routed out the last vestiges of slavery jurisprudence and triggered the full realization of blacks' humanity and citizenship. Not surprisingly, black Americans greeted these substantive achievements with euphoria. Following the Court's *Brown* decision, for example, Harlem's *Amsterdam News* proclaimed, "The Supreme Court decision is the greatest victory for the Negro people since the Emancipation Proclamation" (quoted in Patterson 2001, xiv), while the novelist Ralph Ellison wrote, "The court has found in our favor and recognized our human psychological complexity and citizenship and another battle of the Civil War has been won" (quoted *ibid.*, xiv).

Symbolically, the Court has been the exclamation point to the voice for black interests and has had a tremendous effect on the polity's legitimacy in their eyes. The appointment of Thurgood Marshall as the nation's chief lawyer, and then his elevation to the Supreme Court itself, ensured that black Americans would have a surrogate directly participating in the nation's great battles over black legal and political rights. The fact that an African American was present and possessed of full status in the judicial process throughout the latter third of the twentieth century enhanced the legitimacy of the Court's outputs for blacks. "Having had a voice in the making of a particular policy, even if that voice is through one's representative and even when one's views did not prevail, also makes that

policy more legitimate in one's eyes" (Mansbridge 1999, 651). Marshall's presence on the high bench and the substantive accomplishments of black petitioners before the Court also helped to guard against feelings of black marginalization. They encouraged the sense that blacks were included in the process, had a voice, and were meaningful players in American society. "This feeling of inclusion in turn makes the polity more legitimate in one's eyes" (*ibid.*; see also Tate 2003).

In the final analysis, then, for blacks in the American political system, this may be the most important "political" function of the Court. Although its capacity to bring about significant social change appears to be modest at best (Rosenberg 1991), the Court does contribute to the integrity and legitimacy of the political system. In the case of black Americans, this is no inconsequential accomplishment. Whereas their experiences in the rest of the system give them little reason to invest it with an authoritative right to rule, African Americans' historical relationship with the Court helps to engender among them a more trusting and efficacious orientation toward politics and political affairs. In accordance with Legitimacy Theory, then, we assert that the Court contributes to the political system's legitimacy and stability in the eyes of black Americans. Their attitudes toward and responses to the U.S. Supreme Court present a highly consequential and intriguing landscape, one worthy of detailed and systematic analysis.

## **The Data and Scope of the Book**

Our goal in this book is to explore the attitudes of African Americans toward the Supreme Court and the Court's effect on black public opinion, oriented by a theoretical perspective that explains these attitudes and this effect in terms of Legitimacy Theory. That is, black Americans' attitudes toward the Court as an institution are largely stable and the product of historical experience, while the Court's ability to affect black public opinion is a function of its institutional credibility among the black public. The Court, of course, does not

operate in a vacuum, and citizens are not simply blank slates. Thus, we also investigate the moderating influence of group attitudes and media framing. In some instances, we compare black and white public opinion. The data we use to examine this complicated relationship are drawn from three sources.

### *Experimental Data*

One type of data is derived from a series of experimental analyses conducted between the fall of 1999 and the fall of 2001. Our subjects were students—black and white—from Purdue University. We chose to conduct experiments because of the leverage they provide for establishing the effects of different forces on our variables of interest. With random assignment of subjects to conditions and experimenter manipulation of the independent variables, experimental research designs are an excellent way to establish causal relationships (Aronson et al. 1990; Kinder and Palfrey 1993). There is a cost to establishing this leverage, however; experiments often depend on unrepresentative samples, weakening the generalizability of the results. We relied on convenience samples of college undergraduates. Although our samples are not representative of the nation as whole, they *do* vary in important ways—they are not just “college sophomores” (Sears 1986).

### *Archival Data*

We also draw upon archival data. Because knowledge of the Court and its policies conditions an individual’s responses to it (Franklin and Kosaki 1995), it is important to take soundings of the Court’s portrayal in the media. Indeed, the role of the media may be particularly important to understanding public evaluations of the Court, since it, unlike other policy makers, is largely dependent upon others to disseminate its policy pronouncements to the mass public. Accordingly, we collected data on framing of the *Adarand v. Peña*<sup>4</sup> affirmative action decision in both the black and the mainstream press.

### *National Survey Data*

Finally, we used data on public evaluations of the Supreme Court originally collected in the 1987 General Social Survey (GSS), the 1996 National Black Election Study (NBES), and the 2003 Blacks and the U.S. Supreme Court Survey (BSCS). These survey data are particularly useful for our purposes. The 1987 GSS oversampled blacks (Davis and Smith 1972–1998), and it includes the five questions that constitute the Caldeira and Gibson (1992) measure of diffuse support for the Court. Thus, we have the most direct and valid sounding available on public attitudes toward the U.S. Supreme Court as an institution. The NBES is a full-coverage stratified random sample of the national black electorate (Tate 1996).<sup>5</sup> It includes information on an array of basic political, social, and demographic forces. Using data from a large national sample of blacks, we are able to conduct a full analysis of black opinion. Finally, the BSCS is a panel survey that was put into the field to take soundings on the attitudes of a national representative sample of black Americans both before and after the Court issued its decisions in the University of Michigan affirmative action cases (Clawson, Tate, and Waltenburg 2003).<sup>6</sup> Including measures of attitudes toward affirmative action policy, diffuse support for the Court, and racial identification, this unique data source yields substantial intellectual payoffs. It allows us to measure the change in blacks' opinion of affirmative action policy and the Court in response to an actual Court decision, and, most importantly, it permits us to trace the relationship between attitudes toward the Court and opinions on a specific policy it has articulated.

### *Overview of the Book*

In combination, these data provide a rich palette with which to paint a portrait of the relationship between black Americans and the Supreme Court. As in all relationships, of course, a history underlies the attitudes and responses of the parties involved. Accordingly,

Chapter 2 tells the story of the power of the Court, but it is also a story of black relations with and responses to the Court. The Supreme Court was a significant force in black Americans' movement toward fuller political and legal equality. Yet it must be remembered that it is a reactive institution, and if not for efforts by blacks, spearheaded by the NAACP, the Court would not have had a leading hand in producing these salutary ends. In short, the Court was the site for significant and substantive victories for black interests, but black Americans were fully engaged and involved in producing these outcomes. Their litigation successes from the 1940s into the 1970s helped to form a reservoir of diffuse support for the Court that conditioned black attitudes toward it and its outputs. In this chapter we explore in some detail how this reservoir took shape.

Chapter 2 establishes that the Court has played an epochal role in protecting and defining black Americans' political and legal rights. As a result, black Americans have invested the Court with a reservoir of institutional legitimacy (see Gibson and Caldeira 1992; Gibson, Caldeira, and Spence 2003b). But to what effect? Legitimacy Theory suggests that the Court should be able to legitimize policies among African Americans. Indeed, that the Court can influence white public opinion in the direction of a policy that it articulates is fairly well documented (see Clawson, Kegler, and Waltenburg 2001; Gibson 1989; Hoekstra 1995; Hoekstra and Segal 1996; Mondak 1990, 1991, 1992, 1994; Stoutenborough, Haider-Markel, and Allen 2006). But is this true for black Americans? In Chapter 3 we put that question to the test. Through experiments, we show that the Court has a relatively greater capacity to move black and white opinion alike in the direction of an affirmative action policy attributed to it than an identical policy attributed to the bureaucracy.

The legitimizing capacity of the Court, however, is not unmoderated. In Chapter 3 we show that group-centric forces condition the Court's effect. Other research has demonstrated that the Court's influence is somewhat contingent on the characteristics of the individuals exposed to its message (Hoekstra 1995; Hoekstra and Segal 1996; Mondak 1990, 1992; Stoutenborough, Haider-Markel, and Allen 2006). One force that might affect the Court's influence and

is exogenous to the individual is the framing effect of the media (but see Mondak 1994). Indeed, framing is ubiquitous in American politics, and no institution's policies are more susceptible to framing effects than are the Court's. Unlike the president, Congress, or state governors, for example, the Court does not actively attempt to shape public opinion regarding its policies. Instead, it leaves it to others to frame its decisions. As a consequence, how the media frame the Court's actions likely affects the levels of support for the Court itself as well as its rulings. Caldeira, Gibson, and Baird (1998), for example, suggest that the media's portrayal of judicial institutions tend to expose individuals to a series of symbols reinforcing the courts' legitimacy. The possible effect of the media may be all the more consequential for the attitudes of black Americans, since the black media are appreciably different from their mainstream counterparts (see Owens 1996; Wilson 1991; Wolseley 1990). Do these differences carry over to the black press's coverage of a Supreme Court decision? In Chapter 4 we present the results of a content analysis of black and mainstream press coverage of the 1995 *Adarand v. Peña* decision. This analysis uncovers systematic differences. The black press tended to cast the decision as a dramatic setback to affirmative action and appeared to use the decision to mobilize black support for affirmative action policies. The mainstream press, on the other hand, was more likely to frame *Adarand* in apolitical or legalistic terms and tended to present affirmative action as an instance of reverse discrimination.

But do these different frames affect public opinion? More concretely, does the Court's legitimacy-conferring capacity vary with the different media frames? In Chapter 5 we take up this question. Using stimuli we created based on the coverage of the *Adarand* decision, we show that the different media frames have a significant effect on the Court's ability to effect agreement with its policy, for both black and white subjects.

Legitimacy Theory suggests that there is a positive relationship between black Americans' levels of diffuse support for the Court and the intensity of their agreement with a policy attributed to it. In Chapter 6, we use the GSS and NBES survey data to analyze the

effect of various levels of diffuse support on blacks' willingness to accept Court rulings that cut contrary to their interests. We find a relationship that is consistent with Legitimacy Theory. That is, blacks with higher levels of diffuse support are more likely to adopt positions consistent with Supreme Court decisions *even when those decisions are inconsistent with conventional black interests*.

The relationship we examine in Chapter 6, however, is dynamic and possibly reciprocal (see Gibson, Caldeira, and Spence 2003b). As a result, using the cross-sectional data of the GSS and NBES leaves it unclear whether diffuse support for the Court affects support for its decisions or vice versa. In Chapter 7, we draw upon panel data from the 2003 BSCS to examine black Americans' reactions to the Supreme Court and its rulings in the University of Michigan affirmative action cases. The nature of these data allows us to trace the relationship between African Americans' attitudes toward the Court and their opinion on the affirmative action policy it articulated. We show that, overall, black Americans' view of affirmative action is consistent with the Court's policy and, most importantly, that their attitude toward the policy did not affect their support for the Court.

Finally, in Chapter 8 we build upon our discussion and findings. Here, we take stock of our evidence and summarize some useful comparisons of black and white attitudes. We discuss the implications of our findings for the legitimizing capability of the U.S. Supreme Court, the role of the mass media in a democratic society, and the centrality of group attitudes in American politics. We close with a discussion of areas for future research.