

Thinking about Government Authority: Constitutional Rules and Political Context in Citizens' Assessments of Judicial, Legislative, and Executive Action

This study replicates and extends previous research on how citizens think about the appropriate exercise of authority across the three branches of government. Three similarly designed experiments with nationally representative samples confirm that what individuals are told about compliance with decision-making rules matters across institutions, but so does the political context in which officials are acting. Significantly, different aspects of political context interact with rules in unique ways in assessments of the appropriate exercise of judicial, legislative, and executive authority. Evidence indicates that citizens' feelings about the President and their policy preferences are more important in assessments of the legitimacy of unilateral executive action in the Trump administration than they were during Obama's presidency. This could reflect an erosion in the importance of constitutional norms in citizens' assessments of executive authority, but other possible explanations specific to our inquiry are also discussed.

Introduction

How do people think about the appropriate exercise of government authority? It is a timely issue raising several interesting questions: How important are *constitutional provisions* that grant and limit the powers of state officials like the President and institutions like Congress? What role do *political factors* play including (1) widespread democratic support for particular actions (2) citizens' own feelings about prominent government actors, and (3) their views on specific policy issues being addressed? Conflicts regarding government authority can arise when officials in different branches (or levels of government) debate who is best suited to act with respect to problems of public concern. These questions can be complicated by the fact that our constitution is often vague in defining institutional powers (Dworkin 1978; Moe and Howell 1999). Most citizens are not constitutional experts, yet we live in a society where individuals are regularly asked to assess novel assertions of power on behalf of public officials to address matters of public concern. Consider recent debates about the President's authority to determine immigration policy or congressional authority to legislate with respect to issues like gun control where states and localities have traditionally exercised a good deal of discretion. How do ordinary citizens navigate this complex terrain?

This study investigates how citizens think about the appropriate exercise of government authority in response to matters of public concern. Using data from a combination of nationally representative experiments (Timed Experiments in the Social Sciences [TESS] and Cooperative Congressional Elections Study [CCES]) we probe how institutional rules and political factors interact in the minds of citizens to shape assessments of state action. Understanding how citizens make sense of debates about government powers will significantly contribute to our knowledge of when particular actors may be able to augment their own authority and where institutional rules and political context can act as a significant constraint on the ability to do so. Moreover, looking at assessments across institutions will reveal if there are aspects of the democratic environment that are particularly relevant for courts, Congress, and the President.

Authority and Public Opinion

The relationship between government overreach and public opinion is a topic of significant interest across disciplines. Consider, for instance, research on the executive branch. Both legal experts and political scientists have theorized about the role of the public in endorsing measures where officials, like the President, take questionable constitutional action. Ackerman (1991), posits that ratifying elections, where the public passes judgment on presidential action taken in critical “constitutional moments,” can validate assertions of authority that may have been questionable at they were taken. Voting, however, is a rather blunt instrument of assessment that may not reveal how citizens feel about particular assertions of power, especially where other issues are relevant in elections. Moreover, as Whittington points out, not all assertions of authority are the subject of ratifying elections. More often than not, shifts in power occur through the ‘constitutional constructions’ of government officials as they take action that may never be the subject of formal judicial or widespread democratic review (Whittington 1999, pp. 2-15). Scholars have argued that the institutional capacities of each branch should guide our normative assessments of how constitutional powers evolve regarding complex separation of powers issues in both domestic (Johnson 2004) and foreign policy domains (see, for example, Zeisberg 2013 on interpretation of constitutional war powers).

It is not clear that the public attends to such nuance in their assessment of government authority, but citizens are commonly aware of government officials’ claims to authority in response to particular matters of public concern. Even without critical elections, public acquiescence can appear to ratify particular assertions of authority and widespread opposition can pose a significant obstacle to state officials trying to stretch the boundaries of power beyond what the public is willing to accept. Constitutional scholars, for example, generally acknowledge the expansion of executive war powers in the regard over our nation’s history (Marshall 2008); Ackerman points to Roosevelt’s failed Court Packing plan as an example of how popular sentiment can constrain overreaching executives (1991).

Moe and Howell (1999) have argued that ambiguity in the constitution regarding executive authority is a “presidential resource” that chief executives can use to augment their authority. American Political Development (APD) scholars who study the presidency have written at length about how executive power tends to expand in times of crisis as presidents take action in response to pressing national problems (Skowronek 1996; Whittington and Carpenter, 2007). James (2009) effectively argues that that this approach contextualizes the conditions under which institutional rules meet political context giving rise to the potential for constitutional change to occur. What APD scholars cannot understand, however, is how various considerations *act in minds of citizens* to lead them to accept new claims of authority as appropriate. This is significant because where action is not formally challenged it is up to citizens to decide for themselves whether they think the action is legitimate or whether officials have overstepped the bounds of their authority. Thus, understanding the factors that contribute to citizens’ assessments of state action may shed light on the circumstances where state officials are most likely to be successful using the “resource” of constitutional ambiguity.

Theoretical Underpinnings: Thinking about Government Action

People often equate authority and legitimacy when talking about government power (Gibson and Caldeira 2009). In fact, the terms refer to distinct aspects of state capacity. Authority involves the power to make rules and compel people to follow them. Legitimacy involves a sense of “rightfulness” in the exercise of government authority (Tyler 1990, 2006). Citizens want to be confident that the people making the rules are the appropriate ones to be doing so and that they are following required procedures. Questions of legitimacy are at the center of how citizens become positively or negatively oriented toward particular government institutions and outputs (Hibbing and Theiss-Morse 2002; Gibson and Caldeira 2009). Research shows that individuals are more likely to obey laws and abide by policy decisions that they perceive as the result of the appropriate exercise of authority (Tyler 1990).

Law and courts scholars have been particularly interested in the concept of legitimacy as it applies to legal decisions and institutions (Caldeira and Gibson 1992; Gibson and Caldeira 2009, Bartels

and Johnson 2012, Zink et al. 2009). It is time to refine and extend this inquiry to the actions of other government actors to see how institutional rules and political factors interact to influence assessments of state power more generally.

Moreover, looking at citizen assessments of state authority represents a unique opportunity to confront the fact that the way empirical scholars and legal academics conceptualize the concept of legitimacy has been somewhat inconsistent based on different points of emphasis. When political scientists look at legitimacy, they often operationalize the concept in terms of political factors like public support for particular outcomes (Zink et al. 2009) and institutions (Calderia and Gibson 2009; Bartels and Johnson 2012; Christenson and Glick 2015). When legal scholars talk about legitimacy, on the other hand, they are usually concerned with whether or not decisions are made by appropriate actors, following required rules of decision-making (Dworkin 1978; Sunstein 1993; Ely 1980). Acknowledging that the essence of the concept lies somewhere between these twin conceptualizations, our aim is to discover how constitutional rules and political factors *interact* to shape basic assessments of government action.¹

We begin with the premise that there are two primary sources of legitimate governmental authority in the United States, *institutional rules* and *democratic support* which often depends on the political context in which government officials are acting. Both are reflected in our constitutional structure and can be important in how citizens think about the appropriate exercise of state power. In our federal government authority is conferred by constitutional provisions, that bestow powers to institutions like Congress. Elected officials also derive authority from voters through democratic processes where specific individuals are chosen to fill institutional roles (Kelly 1983).

Based on existing research there is good reason to believe both rules and politics are important in public assessments of state action. Tom Tyler (1990) tells us that people care about rules and that they

¹Empirical scholars further distinguish between legitimacy for outcomes and institutions by invoking the concepts of *specific* and *diffuse support* first coined by Easton (1965). Indeed, most of the research in this area has focused on diffuse support for judicial forums like the Supreme Court, operationalized in terms of citizens' willingness to protect the Court from institutional threats. This project is concerned more with specific support, in that, it investigates assessments of individual government outputs by courts, Congress, and the President.

generally want required procedures to be followed when evaluating the legitimacy of judicial and legislative outputs. We also know from research on motivated decision-making (Kunda 1990) that policy preferences and feelings about particular government actors often influence political judgments (Lodge and Taber 2013). Using several nationally representative experiments designed to explore the cognitive processes involved in such assessments, we explore how these factors influence judgments about the desirability and appropriateness of executive, legislative, and judicial authority over policy issues related to immigration reform.

Current debates about immigration provide fertile ground for this investigation. Political officials in different branches often try to court different constituencies in support of proposed measures to deal with these problems. Questions about which branch or level of government is ‘best suited’ to act with respect to particular problems are challenging because constitutional provisions regarding institutional powers are often unclear and/or ill defined. Citizens can find it particularly difficult to navigate this territory where detailed knowledge of constitutional rules involves the application of esoteric provisions to which they have little exposure. Still, people seem to understand the stakes can be substantial with regard to issues that are salient on the nation’s policy agenda. How they come to evaluate the appropriateness of particular measures can have implications for current policy debates and understandings of government powers for years to come. Understanding how citizens make sense of debates about government power may help us to understand whether they see particular institutions and/or levels of government as uniquely equipped or appropriate to deal with certain policy problems.

Tom Tyler has written at length about how conceptions of “procedural justice,” or the idea that officials should follow prescribed rules, influences citizens’ views of government institutions and their outputs. He writes, “people are found to believe authorities are more legitimate when they view their actions as consistent with fair procedures” (2006, 381). Indeed, a number of studies by Tyler and others focus on procedural considerations in the judicial and legislative contexts, such as whether interested parties are treated fairly (Tyler 1990), whether affected constituencies have a “voice” in debate (Tyler

1994), and the deliberative nature of decision making (Tyler 1994; Gangl 2003; Doherty and Wolack 2012). While these studies do much to highlight the importance of procedure in assessments of government outputs and institutions, they fail to consider how individuals think about state action in the context of specific constitutional provisions that actually empower and limit the authority of our federal institutions.

Public debates regarding proposed policy measures often involve citizens and officials invoking alternative conceptions of what the Constitution forbids and requires. Constitutional concerns have been raised on both sides of the political aisle. In addition to the conservative Tea Party movement, one could point to the uproar caused at the last Democratic National Convention when the parents of a Gold Star soldier publicly asked candidate Trump if he had “even read the Constitution” in questioning the legitimacy of Trump’s plan to bar Muslims from entering the United States.

Taking advantage of psychological theory regarding discretion in decision making (Chaiken and Maheswaran 1994; Hodson, Dovidio, and Gaertner 2002) our working hypothesis for the experiments is that institutional rules, or what citizens are told about constitutional provisions, will predominate in citizen assessments of the legitimacy of state action. Often, however, constitutional provisions can be vague. Therefore, in the experiments on executive and legislative authority we specifically manipulate what participants are told about expert assessments about the authority of officials to act regarding particular matters related to immigration reform. For instance, in the experiment on executive authority, participants read a hypothetical article about proposed unilateral action regarding the removal of funds from sanctuary cities. In some conditions participants are informed that constitutional experts agree the President clearly *has the authority* to act, in others they are told experts agree that the President *does not have the authority* to take this particular action; in a third set of conditions participants are informed that *experts are divided* about whether or not the President can take action under the relevant constitutional provision.

We also test how legitimacy assessments are influenced by political factors like (1) the level of public support for particular action (2) citizens' feelings about government officials and (3) their views about the policy being addressed. Where participants are told there is expert consensus that the government official either has or does not have authority to act, we hypothesize that what participants are told about rules should predominate in their assessments of legitimacy. We expect that the role of the political factors we investigate will be most pronounced where participants are told that experts are divided about whether or not an official has the power to take particular action. This is consistent with the idea that feelings and/or context can "act as information" where rules are unclear or indeterminate (Gangl 2003).

Conceptualizing Rules Across Institutions

To be clear, institutional rules may come in several forms. We test three in the context of this inquiry. First, they may involve *appropriate versus inappropriate grounds for judgment*. In the case of judicial officials, for instance, legal text, intent, and precedent are viewed as appropriate grounds for decisions; bribes, which call to mind a tit-for-tat exchange that serves a particular jurist's self-interest, are not seen as appropriate. Decisions driven by a judge's political ideology may fall somewhere between these extremes. Specifically, our theory posits that some deviations from neutrality will be seen as more serious threats to legitimacy than others. For instance, there are some influences on judicial decision-making (like bribes) that are likely to be seen as clear violations of appropriate judicial behavior, and others (such as the influence political views in decisions) that citizens might be less concerned about. To account for this, we conceptualize legitimacy as a continuum for the purposes of studying perceptions of the appropriate exercise of judicial authority. One advantage of this approach is that enables us to test how citizens view alternative behaviors *in relation to one another*.

We live in an era where the motives of judges making decisions about important issues are increasingly questioned. Understanding how citizens evaluate decisions driven by appropriate versus less appropriate motivations and how aspects of the political environment -- like broad democratic support for

judicial outcomes -- can influence such assessments will significantly contribute to our knowledge of how different factors can come into play in judgments of the appropriateness of judicial authority with regard to particular outputs. Here we look at how citizens assess the appropriateness of a judicial decision about the availability of benefits to nondocumented individuals in the context of immigration reform.

A second institutional factor worthy of consideration is what the Constitution says about *the relative power of national actors*, such as the President, and institutions, like Congress. The recent debate about who has the authority to determine immigration policy between President Obama and Congress involving the deportation of the parents of “Dreamers” could be an example of an issue where institutional rules involving relative powers of national actors are particularly relevant. President Trump’s ban on refugees and immigrants from certain majority Muslim nations is another. In the current study we use Trump’s threat to take away funding from “sanctuary cities” via executive order to see what factors are relevant in citizens’ assessments of unilateral executive authority.

The third institutional factor we explore involves *what level of government is appropriate to act* regarding particular matters of public concern. We live in a federal system where questions of state versus federal capacity often come into play, especially involving matters related to immigration. Constitutional considerations may again be relevant here, as well as attitudes about the relative efficiency of national versus local government official acting in this domain. In our study of legislative authority, we employ a scenario that describes a national proposal to restrict in-state tuition benefits in the context of immigration reform to investigate this dynamic.

Specifically, we hypothesize, first, that institutional rules will matter in such assessments:

1. Institutional Rule Hypothesis: What participants are told about compliance with constitutional or decision-making rules will have a strong and significant effect on judgments of the legitimacy of proposed action. Assessments will be highest when participants believe officials are following rules and lowest when they have reason to believe they are not.

Considering Political Factors

It is also important to note that judgments about state authority are not made in a vacuum. There is a growing body of research tending to show that political factors can also be important in public support for institutions and outputs. Bartels and Johnson (2012) and Christensen and Glick (2015) find, for instance, that citizens' partisan identification and/or agreement with the policy implications of recent decisions can impact diffuse support for the Supreme Court. Other scholars (Gibson and Caldera 2009; Gibson and Nelson 2015) have argued that orientations toward the court are more stable and not subject to the short term fluctuations these studies suggest. Understanding how rules and context interact to shape individuals' view the appropriateness of particular assertions of judicial authority may help us develop better theories about how aggregate orientations toward judges and courts are derived from, and influenced by, what they hear about individual cases.

Moreover, in a study looking at perceptions of presidential action Christensen and Kriner (2017) find that citizens are more likely to support assertions of executive authority when it accords with their partisan preferences. In an experiment with a nationally representative sample they find Democrats are more likely to support presidential action which they are told was taken by President Obama and Republicans are more likely to support it when they are told it was taken by George W. Bush. This demonstrates that partisanship is important in assessing government authority – but it leaves several issues unclear that our inquiry is well-equipped to investigate.

For example, looking at “support” for action might obfuscate whether citizens see the policy as “desirable” as a matter of public policy, and whether they see it an “appropriate” exercise of power. Tyler asserts (1990) that even if you disagree with a particular action as a matter of policy, you may still recognize the authority of government actors to take that action. In the experiments on legislative and executive authority, we disaggregate these concepts. Specifically, we ask participants whether they agree that Congress (or the President) “should take this action” and also whether they see it as a “legitimate, or appropriate, exercise of legislative (or executive) authority.”

Moreover, just looking at “partisan identity” does not tell us what aspect of that orientation is relevant in assessing government authority. For instance, Democrats are more likely to agree with the policy implications of actions taken by President Obama, but they are also more likely to support Obama and approve of his actions generally. In the study on executive authority we, again, disaggregate these distinct concepts.

Of course, merely saying that the democratic environment is important does not tell you what aspects of the larger political environment matter or when they will matter to citizens in thinking about congressional authority. We therefore identify several variables that should be of particular relevance to citizens in considering the appropriate use of government authority: (1) the level of public support for the proposed action, (2) participants’ views about the problem being addressed, (3) their feelings about officials taking action and (4) citizens’ preferences about the distribution of power between state and national institutions. We also specify alternative hypotheses regarding the “conditions under which” these variables might play a significant role in the assessment of appropriate executive authority.

Majoritarian conceptions of democracy suggest that government acts appropriately where it is doing what a substantial majority of citizens want it to do. State action appears most legitimate when it enjoys widespread support of the citizenry (Lipset 1983). We specifically manipulate the level of democratic support for the measures that are the subject of our experimental scenarios to see how the level of public support influences the assessments of proposed measures.

2. *Majority Support Hypothesis*: Participants will be more likely to action as legitimate when there is significant popular support for the action.

The other political variables we consider as part of the democratic environment recognize that people bring their own political values and preferences into assessments of appropriate authority.

Research from psychology and political science shows that personal preferences often make a difference in how individuals assess evidence (Kunda 1990; MacCoun 1998) and form opinions about policy and candidates (Lodge and Taber 2006, 2013). Citizens for instance, tend to make more positive assessments about the performance of candidates that they admire (Lau and Redlawsk 2006) and assess research that supports their opinions about the death penalty as more skillfully executed than research that does not (Lord, Ross and Lepper 1979). This is often referred to as “motivated reasoning” because psychologists have speculated that these tendencies are driven by a motivation to believe we are correct. Making assessments that support our prior beliefs is a directional goal that serves esteem in complex ways. Indeed, this sort of motivated decision-making can happen even where people have no obvious reason for doing so, or where they are sincerely trying to achieve accuracy goals (Kunda 1990).

It makes sense that these tendencies could also come into play in making judgments about the legitimacy of government authority. Put simply, people may be more likely to believe actions that they agree with are the result of legitimate authority. Thus, how citizens feel about the particular problem being addressed is likely to factor into whether or not they see efforts as appropriate.

3. *Policy Preferences Hypothesis*: Participants who agree with the policy implications of proposed action will be more likely to see those decisions and actions as legitimate.

Similarly, how individuals feel about the official taking particular action is likely to come into play. This could be especially true for assertions of executive authority as the president is a highly visible figure that most citizens have strong feelings about. Along similar lines there is a good deal of work that explores the extent to which citizens attribute policy responsibility to the chief executive (Tyler 1982; Rudolph 2003; Malhorta 2008; Gomez and Wilson 2008). Here we suspect that those who approve of the president are more likely to give him the benefit of the doubt in judging the appropriateness of proposed action.

4. *Presidential Support Hypothesis* (for study of executive authority): Participants who are satisfied with the President are more likely to see proposed action as more legitimate than those who are not satisfied with his job performance.

Finally, how people feel about the appropriate distribution between state and federal authority could influence how they feel about the legitimacy of proposed congressional action when it arguably impinges on state authority. We know from surveys that people tend to view state and local government more favorably than the federal government and also see them as more “efficient” in terms of spending tax dollars (Cole and Kincaid 2000). We also know that, in the abstract, citizens prefer states to “take the lead” on issues like education and crime but they envision the federal government doing more with respect to immigration and health care (Schneider, Jacoby and Lewis 2010). We know less about how these general preferences translate to thinking about specific policy measures. So here we measure participants’ preferences on the division of power between state and federal authority to see if it matters in assessments of national legislative action that is the subject of our scenarios.

5. *Federal Authority Hypothesis* (for study of congressional authority): Participants who think the national government has taken too much authority from states to deal with complex policy problems will be less likely to see the proposed congressional action as legitimate.

How Might Rules and Politics Interact?

Critical to our theorizing and empirical inquiry, we are interested, not only in which of the identified variables are significant in citizens’ thinking about government authority, but when they matter as well. Abstract questions about what we want from our representatives may be different from how we think about specific assertions of authority in the context of real world problems citizens care deeply about. Research on motivated reasoning suggests one way rules may moderate the role of the political

variables. Specifically, psychological studies tell us motivated biases are most powerful where criteria for assessment are ambiguous (Hodson, et al. 2002; Chaiken and Maheshwaran 1994). Research demonstrates that where people have a desire to be accurate they will use the most appropriate criteria available to make a decision, but where that criteria is indeterminate, directional goals and context can affect judgments in systematic ways (Kunda 1990). We believe participants will try to be accurate in their assessments of national authority. The most appropriate criteria to judge the legitimacy of authority is information participants are provided about compliance with decision making and/or constitutional rules. Thus, where participants are told experts agree that action is consistent or inconsistent with constitutional requirements, we do not expect political factors to influence assessments about the legitimacy of proposed action.

Instead, we expect the political variables identified will play more of a role where constitutional cues regarding authority are unclear; where rules are not determinative participants will use political context and their own preferences as information to make judgments about the appropriateness of government action. What participants are told about constitutional rules, should in effect, constrain the role of political factors. In a similar vein, Doherty and Wolak (2012, 305) provide evidence that people use their own beliefs as “tool(s) of inference” to interpret ambiguous situations when assessing the fairness of legislative procedures. Alternatively, it is entirely possible that constitutional considerations will not constrain the role of the political variables we investigate in a manner consistent with motivated reasoning hypotheses. Political factors might be important in assessments of legitimacy regardless of rules pertaining to authority. Because theory points to somewhat different ways political factors might operate in the distinct contexts created by experimental conditions, we set forth alternative hypotheses regarding how rules might moderate the influence of political factors on legitimacy assessments in this inquiry.

Alternative Moderation Hypotheses

6a. *Moderation of Motivated Reasoning Hypothesis*: One or more of the political variables will be significant where congressional authority is unclear. This is consistent with the idea that political context will be used as additional information that influences judgments about legitimacy where rules are not determinative.

6b. *No Moderation Effect*: This would be the case if one or more of the political variables are significant in judgments of legitimacy across all expert consensus conditions.

Experimental Component of Investigation

The following chart summarizes the experiments that have done been with M -Turk and nationally representative samples for this inquiry. As referenced in Table 1, the experiments on judicial and executive authority are replications of similar studies where results have been previously published (Braman and Easter 2014; Braman 2016). We replicate these studies with modifications describing action pertinent to immigration reform to explore how findings translate across issues.

Table 1: Experimental Design

Type of Action	Sample	Manipulations & Measures for Analysis
<p>JUDICIAL (Judicial Authority)</p> <p>Stimulus: hypothetical article describing state judge’s decision on the constitutionality of law prohibiting in-state tuition benefits for non-documented students</p>	<p>National Sample from CESS (Fall 2017) n=508</p> <p>[Note: replication of Braman and Easter (2014) experiment with undergraduate participants (conducted in 2012) involving gay marriage and tort reform]</p>	<p>1. Grounds for decision by state judge (law, ideology, contribution, bribe)</p> <p>2. Public Support for policy (15% v. 85%)</p> <p>3. Direction of Decision</p> <p>Measure: Policy Support</p>
<p>EXECUTIVE (Unilateral Executive Action)</p> <p>Stimulus: hypothetical article describing proposed executive action by Trump taking away federal funds from sanctuary cities</p>	<p>National Sample from CCES (Fall 2017) n= 490</p> <p>[Note: replication of Braman (2016) experiments with undergraduate participants (conducted in 2012) and M-Turk participants (conducted</p>	<p>1. Expert Legal Consensus re: Constitutional Authority (Clear Authority, Divided, Clearly No Authority)</p> <p>2. Public Support for Action (15% v. 85%)</p>

	in 2014) involving proposed action by Obama on debt ceiling and humanitarian aid to foreign nations]	Measures: Policy Support, Presidential Approval
LEGISLATIVE (National vs. State Authority) Stimulus: hypothetical article describing proposed congressional action restricting in-state tuition benefits for non-documented students.	National Sample from TESS (Fall 2016) n=405	1. Expert Legal Consensus re: Constitutional Authority (Clear Authority, Divided, Clearly No Authority) 2. Public Support for Action (15% v. 85%) Measures: Policy Support, Support for Federal vs. State Authority

Replication is increasingly important in the social sciences; prominent political psychologists have specifically noted the importance of replication for studies demonstrating cognitive mechanisms in how people think about government across different types of samples and issue contexts (see, for example Druckman et al. 2011; Gibson 2012). Moreover, the replication with CCES provides nationally representative experimental data for our inquiry that is so vital in the discipline. Finally, the fact that we have previous data on assessments of unilateral executive action from Autumn 2012 (with undergraduates) and 2014 (M-Turk administration), when Obama was in office, allows us to compare how these same factors operate when citizens are considering action by the current President. The experiments on legislative authority were conducted with TESS participants and have not been previously published. We describe results regarding legislative authority to provide fodder for comparison with the other institutions we investigate.

The design of each study is purposely quite similar. All experiments involve a hypothetical article; participants are not given a source for the article, but each scenario starts with a date and “AP” to simulate the style used by the Associated Press news service. The TESS study of congressional authority took place in September 2016. The experiments involving judicial and executive authority were included in the same 2017 CESS administration a year later (participants got one or the other scenario, not both). Prior to reading the hypothetical article in each administration participants were asked a series of

questions including the relevant immigration policy question for the scenario provided (See appendix for exact wording of questions in each scenario). Because the legislative and executive scenarios involve relying on the judgment of constitutional “experts,” in those experiments participants were also asked if they thought the experts in the article were “credible.” The main dependent variable asks participants whether they believe the action that is the subject of the scenario is “a legitimate, or appropriate, exercise” of government authority. (See the Appendix for relevant questions and the specific scenarios used in each study.) In the sections that follow we describe our analysis and results across judgments of judicial, legislative and unilateral executive authority.

Assessments of Judicial Authority

Our investigation of assessments of judicial authority entails a 4x2x2 experimental design. We manipulate what people are told about officials following appropriate rules in the judicial context by manipulating the motivation of a state judge (bribe v. political contribution v. ideology v. law) for a decision about whether non-documented students are entitled to in-state tuition benefits. We also manipulate direction of the decision (for immigration rights v. against immigration rights) to see how it interacts with participants’ expressed preferences on the issue. Finally, we manipulate the level of public support for such benefits (15 vs. 85%) to see how this influences judgments about the legitimacy of judicial action driven by more versus less appropriate motivations.

In previous research with undergraduates we found decision making rules had the largest impact on assessments of judicial authority, but political factors were important as well (Braman and Easter 2014). For salient issues (gay marriage in 2012) participants were more likely to see decisions consistent with their preferences as appropriate; for less salient issues (tort reform) significant popular support for outcomes seemed to boost such assessments. Significantly, these patterns emerged for decisions that were motivated by ideology and legal considerations, *but not* for decisions that participants were told were the result of bribes or political contributions. Regardless of preferences or popular support,

participants tended to assess decisions motivated by bribes and political contributions as similarly suspect. Results with our national sample are substantially similar, though not quite identical.

For the analysis of the CESS data we conduct a four-way ANOVA of all assessments using (1) judicial motivation (2) direction of the decision (3) level of public support and (4) participants expressed opinion about in state tuition benefits² as factors. Our analysis is fully specified such that all possible interactions between variables are also included. Then, because we are specifically interested in the role of political factors (public support and preferences) across motivations we disaggregate the data to conduct a fully specified three-way ANOVA for each decision scenario (bribe, contribution, ideology, and law) in order to investigate “the conditions under which” political factors are relevant in judgments and when they are not.

In the main ANOVA we find, that judicial motivation is highly significant in the assessment of the legitimacy of judicial authority [$F(3, 504) = 5.87$ $p < .001$ effect size = .036]. Moreover, as in our previous study the relative order of motivations is as predicted. As Figure 1 demonstrates participants judged decisions driven by legal motivations as most legitimate and decisions that participants were told were tainted by bribes were deemed least legitimate. Those suspected of being driven by ideology fell between these two extremes. Consistent with our previous findings, participants saw decisions tainted by political contributions as just slightly more legitimate than those motivated by bribes. The difference between the two is not significantly significant, although both were deemed significantly less legitimate than those motivated by ideology ($p < .02$ and $p < .03$) and law ($p < .001$ in each instance).

²We include policy views as a factor because we are specifically interested in how such views interact with the direction of the judicial decision. We create a factor indicating whether participants expressed support for limiting government benefits to US citizens and those here legally or not; 184 of our subjects expressed support for limiting benefits, 384 did not. We include a supplementary OLS regression analysis in the supplemental material (p. 3) that uses the entire 1-7 range of the preference variable and controls for party and ideology of participants to demonstrate that it is their agreement with the decision that is driving this result.

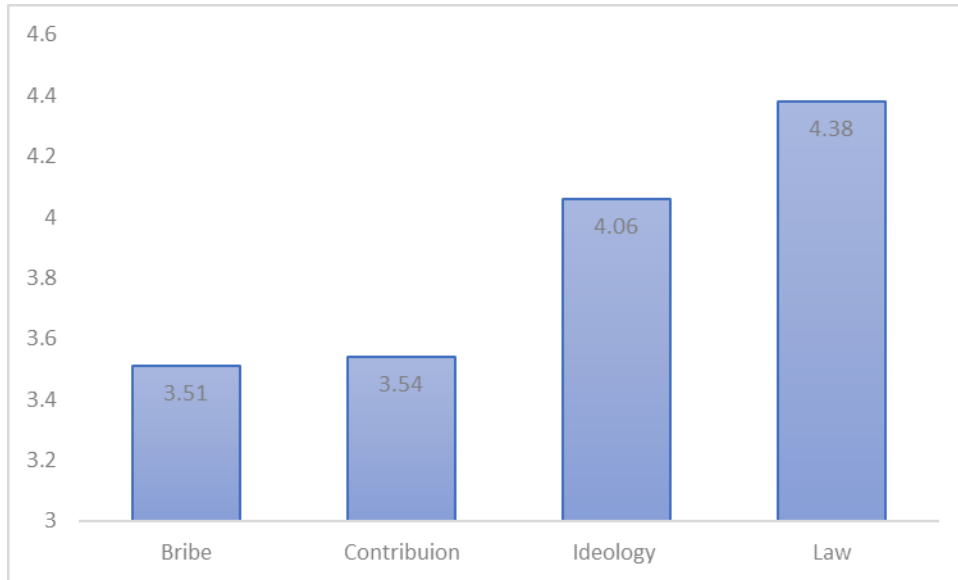


Figure 1 – Marginal Means for Legitimacy Assessments by Judicial Motivation

The level of public support for the outcome of the decision is not significant in the main ANOVA [$F(1, 506) = 1.83, ns$]. Theoretically, there is no reason to expect that the direction of the judge's or the policy preferences of participants should be significant, in and of themselves. And indeed, neither the direction of the decision [$F(1, 506) = 3.26, ns$] nor participants' preferences on the restriction of tuition benefits [$F(1, 506) = .081, ns$] are significant in assessments. Moreover, the interaction between the direction of the judge's decision and the level of popular support for the outcome is not significant in the main ANOVA [$F(1, 506) = 3.13, ns$].

We do observe, however, that the *interaction* between participants' preferences and the direction of the decision is highly significant such that participants are more likely to see decisions that are consistent with their policy preferences as more legitimate than decisions that go against those preferences [$F(1, 506) = 38.12, p < .001, \text{effect size} = .074$]. Given the high saliency of immigration issues in 2017, this is not surprising.³ The fact that preferences interact with rules in assessing the

³ Indeed 66% of participants indicated that the issue of limiting benefits for nondocumented individuals was somewhat or very important to them.

appropriateness of judicial authority is consistent with our findings in the 2012 experiment with undergraduates involving gay marriage.

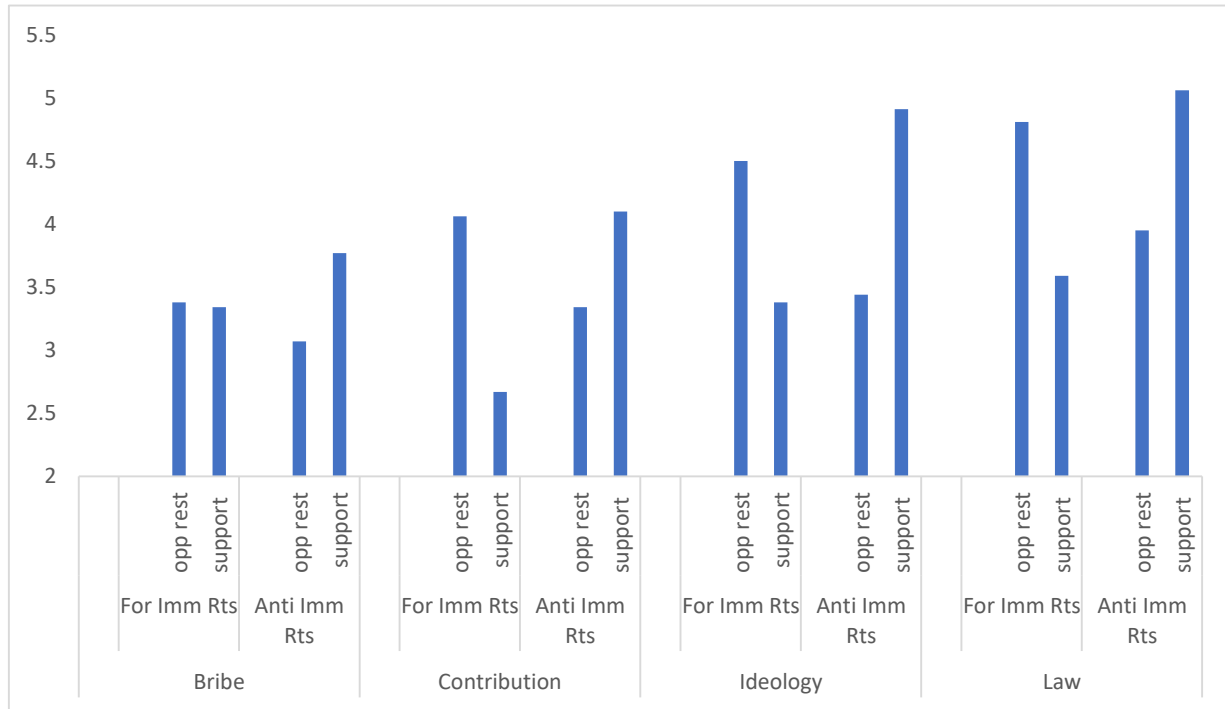


Figure 2: Marginal Means for Legitimacy Assessments for those who Agree and Disagree with Judicial Decision

Disaggregated analyses indicate that the interaction is not significant where participants are led to believe the decision is a result of a bribe [$F(1, 129) = 2.87, ns.$].⁴ The interaction is highly significant, however, in all the other decision contexts: where participants are led to believe the decision is driven by legal considerations, those who do not support tuition restrictions are significantly more likely to see the decision as legitimate when it supports immigration rights than when it goes against those rights; the opposite pattern emerges for those who support the restriction of in state tuition benefits [$F(1, 126) =$

⁴Looking at the Figure 2, it appears that in the bribe condition, when the decision is for immigration rights, there is less of a difference between those who support restrictions and those who do not than when the decision is against immigration rights. This is confirmed by supplementary regression analysis included in the appendix where we interact the entire seven-point preference variable with outcome and control for party and ideology of participants to demonstrate it is agreement with the decision that matters consistently across models (see Table A.1).

11.62, $p < .001$; effect size = .092]. This is also true where participants are told the decision is the result of judicial ideology [$F(1,131) = 16.94$, $p < .000$; effect size = .12] and where are told the decision could be tainted by a political contribution [$F(1, 118) = 11.28$; $p < .001$ effect size = .089]. The level of public agreement for the judicial outcome is not significant for any decision category, and neither is its interaction with the direction of the decision.

Discussion of Results on Judicial Authority

These findings are generally consistent with what was previously observed; the primary difference is that the interaction between participants preferences and the direction of the judgment is significant where participants were led to believe the decision was tainted by a political contribution. This could be because immigration was especially salient at the time of our experiment or could also reflect the fact that preferences matter more to citizens generally than we found in our undergraduate sample. Regardless, it seems our findings regarding the factors that are important in assessments of judicial authority translate quite well across samples and issue contexts.

Perhaps not surprisingly results demonstrate that rules matter in citizens' assessments of judicial authority. Of the political factors investigated, political preferences clearly mattered more than public support for outcomes in assessments of decisions involving the salient issue of immigration reform. Participants feelings about in-state tuition benefits interacted with the direction of the decision as anticipated. Moreover, as we have observed previously, preferences could not boost the assessment of decisions citizens judges as inherently suspect; those driven by bribes in this instance.

Contrary to our hypothesis, participants did not judge decisions driven by legal considerations as clearly legitimate regardless of preferences. Thus, our "moderation hypothesis" proved half right for assessments of judicial authority: although preferences did not matter where decision criteria were clearly inappropriate, they did matter where participants were told decisions were the result appropriate legal criteria. We also observed this in our 2012 experiment. We note that although the average rating of decisions driven by law was higher than those in the other decision categories, it was 4.38 on our 7-point

scale. Indeed, although decisions motivated by law were seen, on average, as more legitimate than those driven by ideology, the difference was not significant. We think this is because of a general skepticism citizens have about the motivations of judges even where they are told decision makers are using legally appropriate criteria. Thus, it seems there was still plenty of “room” for preferences to influence judgments of appropriateness in this category.

Assessments of Legislative Authority in the context of Federalism

Our experiment on assessments of legislative authority involved a 3x2 design. In our TESS sample we had participants read an article that stated Congress was considering an action that would cut off federal funds to states that allowed undocumented students to receive in-state tuition benefits. The article stated that the decision to do so might interfere with state prerogatives in our federal system of government, specifically pitting legislative authority against states rights in this instance.

We varied what people were told about congressional authority to take this action. One third of participants were told that consensus among constitutional experts was that Congress was acting within its authority under Article I; one third were told that legal opinion on the issue was divided; and one third were told that legal experts agreed that the action would infringe on state’s reserved powers in our federal system. We also altered the level of support for such measures in the article. Half of our participants read an article stating 85% of the population supported such measures; the other half were told only 15% of the population supported restricting tuition benefits in this way. Prior to reading the article, in order to gauge participant’s feelings about federalism, we asked them whether they agreed the federal government was taking “too much authority” from the states to deal with important policy issues. We also asked whether they favored the restriction of benefits to citizens and those here legally. Finally, because our scenario involved relying on constitutional experts, we also asked participants in each administration whether or not they thought the experts cited in the article were “credible experts” on the issue.⁵

⁵Forty four percent of participants said they did find experts credible and 36% said they were not sure; 20% percent of participants said they did not think that experts cited were ‘credible’ on this issue of constitutional authority.

To analyze results for assessments the appropriateness of legislative action in our federal system we conduct a fully saturated two-way ANOVA of our manipulated variables (degree of consensus and public support), then we conduct separate OLS regression analyses for the entire sample and for each consensus category to test the conditions under which public support, preferences, and feelings about federalism influence assessments of the appropriate exercise of national legislative authority.

Once again the ANOVA reveals that what participants are told about the rules matters in assessments of the appropriateness of legislative action [$F(2,403)=6.46$ $p<.001$, effect size $=.03$). Where participants are told the consensus among experts is that Congress clearly has authority to act the marginal means for legitimacy ratings are at their highest 4.95 on our seven point scale, where experts agree they are infringing on state prerogatives such that they do not have authority to act the mean rating is 4.16, and where expert opinion is divided ratings fall between these two extremes at 4.70. Similarly, majority support for the proposed Congressional measures acts as anticipated; where participants are told 85% of citizens support tuition restrictions marginal means for legitimacy ratings are 4.76; where they are told only 15% of citizens support such action the mean is 4.45. Its influence is marginally significant [$F(1,404)=2.97$ $p<.085$).

Ordinary least square regression analyses allow us to test for the influence of participants own policy views about the restriction of benefits (measured on a 1-7 scale with higher numbers reflecting support for restricting benefits) as well as their feelings about federalism (measured on a 1-6 scale with higher numbers representing more support for state authority). We also control for participants' partisanship (measured on a 1-7 scale from very republican to very democrat) and ideology (measure on a one to 1-5 scale with higher numbers reflecting more conservative views), as well as their expressed satisfaction with Congress and their own state legislature (each measured on a 1-4 scale ranging from

Answers of all participants were analyzed regardless of their response to this question to reflect the fact that in the general public, no doubt, this sort of variance exists. Looking at predictors of such skepticism (i.e. whether it is grounded in partisanship or disagreement with specific opinion experts express) is the subject of another paper somewhat beyond the scope of the current analysis. At any rate, we are confident the articles in each scenario present a realistic approximation of how citizens learn about constitutional rules in light of proposed government action.

very satisfied to very dissatisfied). In the full regression the both manipulations, level of authority (clear authority consensus =1, divided opinion =2, no authority consensus =3) and majority opposition [(vs. majority support (1/0)] are included as well as the interaction between them. In the disaggregated analyses the authority variable and its interaction with majority support fall away as we test for the influence of political factors in each consensus condition.

Results for the full model in Table 2 demonstrate that authority consensus condition is statistically significant. As the level of consensus goes from clear support for congressional authority to clear consensus among experts that congress does NOT have the authority to act, legitimacy ratings of participants go down. Also, as in the ANOVA analysis, majority opposition is marginally significant such that where participants are told a majority of citizens oppose restrictions, participants are less likely to see the proposed action imposing restrictions on tuition benefits as an appropriate exercise of national legislative authority.

Participants' feelings about the policy proposal clearly has an influence on their legitimacy ratings. Those who support restrictions on government benefits to US citizens and those here legally are more likely to rate congressional action limiting tuition benefits as appropriate. This is true across the board, in the full model and for all three expert consensus conditions; thus, rules do not seem to moderate the role of preferences in judgments of appropriateness as our moderation hypothesis suggests. We do note, however, that the effect of participants' policy preferences seems most pronounced under conditions where expert opinion about Congressional authority is divided. Indeed, the entire model with political variables and controls fits best and explains the most variance in this category, lending perhaps at least some credence to the idea that that political forces are most important where rules are unclear.

Table 2 -- OLS Regression Results – Ratings for Appropriateness of Congressional Action

	Full Model	Clear Auth	Divided Opin	No Auth
Constant	4.60*** (.75)	5.23*** (1.26)	4.19*** (1.15)	1.58 (1.18)
Manipulations				
Authority Consensus	-.56*** (.15)	--	--	--
Majority Opposition	-.83+ (.46)	-.46 (.32)	-.44 (.29)	.23 (.32)
Authority x Maj Opp	.32 (.21)	--	--	--
Preferences				
Support Restrictions	.34*** (.06)	.27* (.11)	.41*** (.09)	.33** (.11)
State Auth	-.70 (.07)	-.14 (.13)	-.04 (.11)	-.06 (.14)
Controls				
Conservative	.11 (.07)	-.05 (.13)	.07 (.11)	.32* (.13)
Democrat	.002 (.06)	-.11 (.11)	-.08 (.09)	.12 (.10)
Dissat Congress	-.07 (.07)	.05 (.12)	-.15 (.11)	-.11 (.13)
Dissat State Leg	.01 (.06)	-.04 (.11)	.03 (.11)	.03 (.12)
N	394	133	131	128
R-Squared	.16***	.10+	.24***	.15**

+ = p < .10 (two tailed test). * = p < .05, ** = p < .01, *** = p < .001

Those who agree the federal government has taken too much authority from the states are less likely to see national legislative action as appropriate, but this variable is not significant in any of the models. The effect of controls for ideology, partisanship and satisfaction with legislative bodies are inconsistent across models; none of those variables are significant, except for ideology in conditions where participants are told experts agree Congress does not have the authority to act. Thus, it is clear that it is **participants' feelings about the policy at hand** influencing assessments of appropriateness in conjunction with constitutional considerations.

Discussion of Results on Legislative Authority

What participants are told about rules regarding the appropriate exercise of government authority clearly matters in assessments of whether citizens think proposed congressional action is legitimate when it is pitted against state prerogatives in our federal system. The level of public support for congressional action is marginally significant in such assessments. Although participants' feelings about federalism act as anticipated, they do not significantly influence judgments about the appropriateness of national legislative authority; personal support for proposed measures do. This is the case **regardless** of what participants are told about experts' constitutional assessments, contrary to our moderation hypothesis. Still, it appears the political variables that we investigate do the best job of explaining assessments where rules are unclear, suggesting there is some role for rules to play in constraining the influence of political forces in judgments of appropriate of national legislative authority.

Assessments of Unilateral Executive Authority

In our experiment on how individuals assess the appropriateness of unilateral executive authority participants read an article stating that President Trump was considering issuing an executive order that would take away federal funding from sanctuary cities that declined to report non-documented citizens to federal authorities. Again, one third of participants read an article stating the consensus among experts was that the President had authority to do so; one third were told experts agreed he did not have such authority and one third were told expert opinion was divided on the question of authority. Half of our

participants were told 85% percent of the population supported such measures and the other half that only 15% of the population supported the action. Before participants read the article we asked them about their support for the sanctuary cities. The CCES also measured their satisfaction with the President's job performance, that of both houses of congress, and state institutions. As in our study of legislative authority we asked participants whether or not they thought constitutional experts of the sort cited in the article were "credible experts" on this matter of government authority. The proportion of participants expressing support for this proposition was similar that to the TESS study although a higher percentage of respondent expressed skepticism about expert credibility.⁶ Once more the responses of all participants are included in the analyses to reflect the fact that such differences of opinion exist in the general population.

In previous experiments looking at assessments of executive authority during the Obama administration with undergraduate and M-Turk samples we found that what participants were told about rules mattered in both samples. Moreover, participants' level of satisfaction with the President was the political variable that influenced assessments of unilateral executive authority in scenarios involving and raising the debt ceiling and committing troops to foreign states in times of humanitarian crisis. Neither the level of democratic policy support, or participants' policy views on these matters influenced judgments in either sample. Most interestingly, in prior administrations what participants were told about rules constrained the role of presidential satisfaction in different ways across the two samples. In the undergraduate sample, consistent with our moderation hypothesis, satisfaction with Obama was only significant where expert opinion about authority was divided. But this was not the case in the M-Turk sample; there participants' level of satisfaction with the President was at least marginally significant across all consensus categories. Moreover, presidential satisfaction was highly significant where participants were told that experts agreed Obama *did not have authority to act*. We posited that the reason for the difference was that undergraduates were more deferential to the opinion of experts; rules did less to constrain the preferences of participants in the non-student sample who appeared to be

⁶Here 46% of participants indicated they believed the constitutional experts cited in the article were credible on this issue of executive authority, 33% said they did not think so and 21% were not sure.

especially sensitive to the idea that the president was violating rules. Citing the work of Hibbing Theiss-Morse 2002, we posited that the potential violation could have signaled an impending constitutional crisis where it was important to choose sides, thus “triggering” participants’ personal feelings about the President to come into play in assessments (Braman 2016). Given these intriguing findings about how people think about unilateral executive authority, we felt it was especially important to conduct a replication with a nationally representative sample. The change from the Obama to Trump administrations allows us to observe influence of constitutional rules and political context, not only across issues, but with different Presidents at the head of our executive branch.

As with the inquiry into legislative authority we conduct a fully specified ANOVA of our manipulated variables and then OLS regressions for full and disaggregated models across consensus conditions to test the influence of our measured variables. Consistent with prior findings we expected that constitutional rules and presidential satisfaction would both be important in judgments of the appropriateness of executive action. Once more, our findings in the CCES administration are substantially similar in some respects and different in others.

The most striking difference is that in the ANOVA testing the effect of constitutional rules and public support in judgments of the appropriateness unilateral action, the influence of what participants are told about the President’s compliance with rules is not statistically significant. Although the relative order of marginal means was as predicted (participants judged the restriction of funds from sanctuary cities to be most appropriate where experts agreed Trump had the authority to take such action [4.12] and least significant when they agreed he did not [3.68]), these marginal means are not statistically distinguishable [$F(2,488) = 1.98$ sig .13].⁷ This is at odds with prior findings in our undergraduate and M-Turk samples. The degree of public support for the action was not significant in assessments [marginal mean was 3.92 v. 3.83 for majority support and opposition respectively ($F(1,489) = .18$ ns)].⁸

⁷ The marginal mean where opinion was divided was 3.83

⁸ The interaction between rules and support was also not significant [$F(2,488) = .06$, ns]

In the regression models we include measures of participants preferences on the support for sanctuary cities (measured on a 1-7 scale with higher numbers representing more opposition to cities that do not report undocumented individuals) as well as the level of satisfaction they express with regard to Presidents Trump's job performance (measured on a 1-5 scale from very satisfied to very dissatisfied). We also include controls for ideology (measured on a 1-5 scale with higher numbers representing more conservative views), partisanship (1-7 scale with higher numbers for strong Republicans), satisfaction with Congress (1-8 scale with higher numbers more dissatisfied with House and Senate) and satisfaction with participants' state governor (1-4 scale with higher number representing less satisfaction). Again, we include our manipulations and the interaction between them as variables in the full model. Authority consensus is operationalized as an ordinal variable (1= expert consensus of clear presidential authority to act, 2=divided authority, 3=no authority consensus) and level of support for the action is dichotomous (1=majority opposition/0 = support). The consensus variable and its interaction with support fall away in disaggregated models testing the role of political variables in each consensus condition.

In the full model the authority consensus variable is not significant. Although the direction of the variable is negative as expected, signifying ratings of appropriateness are lower where experts agree the President does not have authority to take the proposed action, the coefficient it just misses marginal significance ($p < .11$). We also observe that ratings of appropriateness are lower when a majority of citizens oppose the restriction of funding to sanctuary cities, but the influence of the variable is not significant in the full model or in any of the individual consensus conditions.

Table 3 -- OLS Regression Results – Ratings for Appropriateness of Unilateral Executive Action

	Full Model	Clear Auth	Divided Opin	No Auth
Constant	4.48*** (.56)	3.56*** (.93)	4.66*** (.84)	4.34*** (.82)
Manipulations				
Authority Consensus	-.18 (.11)	--	--	--
Majority Opposition	-.07 (.34)	-.14 (.25)	-.08 (.22)	-.06 (.19)
Authority x Maj Opp	-.001 (.16)	--	--	--
Preferences				
Suppt Rest Funds	.24*** (.04)	.16** (.06)	.26*** (.07)	.32*** (.05)
Dissat Trump	-.62*** (.06)	-.52*** (.11)	-.69*** (.11)	-.67*** (.10)
Controls				
Conservative	.22** (.07)	.24+ (.14)	.24+ (.13)	.17 (.13)
Republican	-.04 (.05)	.07 (.08)	-.13 (.08)	-.09 (.07)
Dissat Congress	.04 (.03)	.07 (.06)	.01 (.05)	.02 (.05)
Dissat Governor	.03 (.05)	.08 (.09)	.001 (.08)	.04 (.07)
N	442	151	145	144
R-Squared	.59***	.48***	.63***	.68***

+ = p < .10 (two tailed test). * = p < .05, ** = p < .01, *** = p < .001

Among the political measures of interest, participants level of satisfaction with the current president is highly significant in the full model and across all consensus conditions. This indicates that how participants feel about the President is important in assessments of the appropriateness of unilateral executive authority; those who are dissatisfied with Trump are more likely to see his action as inappropriate and those who are satisfied are more likely to think he is acting appropriately in restricting funds to sanctuary cities via executive order. This is true regardless of what participants are told about the expert consensus with respect to his compliance with constitutional rules. We also see that policy support for sanctuary cities is highly significant across consensus categories, with those who express opposition to sanctuary cities more likely to see the unilateral restriction of funds by President Trump as appropriate. Although this is consistent with our general hypothesis that policy preferences might be important in assessments of state action, it is inconsistent with our previously published findings where issue preferences were not significant in judgments of the appropriateness of unilateral action on the debt ceiling or aid to foreign states in times of humanitarian crisis. This could be because immigration was such a salient issue in the fall of 2017 when the CCES was administered. Indeed, 64.3% participants in the sample indicated that the issue of limiting funds to sanctuary cities was somewhat or very important to them. The only control variable that reaches statistical significance in the full model is ideology, indicating that participants who identify as conservative are more likely to support unilateral restrictions than those who are liberal. It is also marginally significant in two of the three disaggregated models.

Discussion of Results on Unilateral Executive Authority

Evidence from the CCES administration confirm that how citizens feel about the President is important in judgments of the appropriateness of unilateral executive authority. This was true for all constitutional expert consensus categories. Our findings also demonstrate that what participants were told about rules mattered less in their assessments than we have seen previously with undergraduates and M-Turk participants. This could be the case for three reasons, and we cannot definitively tell what is driving this difference. First, it could be that those in the general population are less attentive to constitutional

rules as we have operationalized them in this study. Alternatively, it might be that in the context of immigration, specifically, rules are less important in judgments of unilateral executive authority than the other contexts we have looked at (and indeed it does appear that participants policy views in this context matter more than we have previously observed).

Finally, it could be that there has been an erosion in people's attentiveness to rules since the last time we studied tested the phenomenon in the context of executive authority in 2014. No doubt, some readers may see this as a particularly attractive explanation. Given the change in administrations and our current President's emphasis on "fake news" and the fallibility of experts who disagree with his policy agenda, some might conclude that politics has come to trump institutional rules in such assessments.

Still, we want to be crystal clear: we cannot be sure whether one of these explanations, or a combination of all three together, are driving this phenomenon. This problem is inherent in the type of replication we undertake here, but it does not make the endeavor useless. Each experimental inquiry, from our first with undergraduates in 2012, to our most recent CCES administration in the fall of 2017, represents some evidence about how rules and context interact in the minds of citizens in thinking about state authority. It is a complex mental phenomenon with many moving parts where context and who is undertaking particular action seems to matter a great deal. Clearly, more work needs to be done, but each empirical "snapshot" adds to our knowledge and provides fodder for future research.

Moreover, some generalizations do emerge looking across how citizen think about the authority of judicial, legislative and executive actors. First, although majority support for action seems to matter in the direction predicted in all our studies, it is not significant in any of the assessments of appropriateness we investigate, although it comes closest when considering the actions of our most representative body, which is, perhaps, appropriate. Second, where political factors are significant in judgments, what citizens were told about compliance with decision making (or constitutional rules) does very little to moderate --or constrain --their influence on assessments of the appropriateness of state action contrary to our moderation hypotheses. Third, citizens *policy support for the specific action at issue* is consistently

important in judgments of appropriateness across institutions, rather than general orientations involving partisanship, ideology, or even feelings about federalism when national authority is pitted against state prerogatives. Finally, how people feel about our Chief Executive is clearly an important factor in assessing the appropriateness of unilateral executive authority. This was true for undergraduates who seemed most constrained by expert assessments of constitutional rules and M-Turk participants who seemed especially attentive to potential violations in our previous work. At the very least the CCES administration indicates that how individuals feel about the President is more consistently important in our nationally representative sample than we have observed previously. Of course, future research will be necessary to see if this finding is limited to immigration actions on the part of our current President or part of a more general phenomena.

Finally, we would like to suggest that the questions about the importance of context raised by this line of research is an advantage, rather than an insurmountable shortcoming inherent in sort of replication we undertake here. We hope that we have convinced others of the importance of undertaking this sort of inquiry and we look forward to seeing how future research on individual cognition about the legitimacy of state action evolves.

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