SUPPLEMENTAL MATERIALS

ON THE RELATIONSHIP BETWEEN PUBLIC OPINION AND DECISION MAKING IN THE U.S. COURTS OF APPEALS

ELECTRONIC APPENDIX

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The purpose of this Appendix is to present descriptive information regarding the variables under analysis, a correlation matrix, and alternative model specifications used to examine the influence of public opinion on decision making in the U.S. Courts of Appeals. Of chief importance, note that none of the substantive conclusions in the manuscript alter when any of these alternative modeling strategies are employed. Below, we provide a brief discussion of each table or figure.

Appendix Table 1. Descriptive Statistics

This provides the mean, standard deviation, minimum, and maximum values of the variables used in Table 1 of the manuscript.

Appendix Table 2. Correlation Matrix

This provides a correlation matrix of the variables used in Table 1 of the manuscript.

Appendix Table 3. The Influence of Public Opinion on Courts of Appeals Decision Making, 1977-2002, Using the Erickson, Wright, and McIver Measures for Public Mood in Place of the Berry et al. Mood Measures

This model specification utilizes the Erickson, Wright, and McIver (1993) measures for both circuit and national mood in place of the Berry et al. (1998, 2007) proxies for circuit and national mood.

Appendix Table 4. The Influence of Public Opinion on Courts of Appeals Decision Making, 1961-2002, using the Stimson National Mood Measure in Place of the Berry et al. National Mood Measure

This model specification employs the Stimson (1999) national mood index in place of the Berry et al. (1998, 2007) proxy for national mood.

Appendix Table 5. The Influence of Public Opinion on Courts of Appeals Decision Making, 1961-2002, Using the Common Space Score of the President who Appointed the Median Circuit Judge in Place of the Giles, Hettinger, and Peppers Scores

This model specification uses the Common Space score of the president who appointed the median judge on each circuit as a proxy for that judge's ideology in place of the Giles, Hettinger, and Peppers (2001) scores.

Appendix Table 6. The Influence of Public Opinion on Courts of Appeals Decision Making, 1961-2002, Excluding the Congressional Preferences Variable

This model specification excludes the *Congressional Preferences* variable.

Appendix Table 7. The Influence of Public Opinion on Courts of Appeals Decision Making, 1961-2002, Excluding All Insignificant Variables

This model specification excludes all variables that failed to achieve statistical significance at $p < .05$ (two-tailed) in Table 1 of the manuscript.

Appendix Table 8. The Influence of Public Opinion on Courts of Appeals Decision Making, 1961-2002, Using Contemporaneous Measures of Public Mood

This model specification uses contemporary measures of public mood (that is, measures of public mood representing the same year as the decisions under investigation), in place of the one year lagged measures of public mood employed in the manuscript.

Appendix Table 9. The Influence of Public Opinion on Courts of Appeals Decision Making, 1962-2002, Using Public Mood Lagged Two Years

This model specification employs measures of public mood lagged two years in place of the one year lagged measures of public mood employed in the manuscript.

Appendix Figure 1. The Liberalism of National Mood, Circuit Mood, and Courts of Appeals Decisions by Circuit

These figures plot the *National Mood*, *Circuit Mood*, and the percentage of liberal decisions handed down per year by each circuit in the data. The highest correlation between *National Mood* and the percentage of liberal decisions is found in the Seventh Circuit ($r = -0.283$). The lowest correlation between these variables is the Ninth Circuit ($r = 0.009$). The highest correlation between *Circuit Mood* and the percentage of liberal decisions is found in the Eleventh Circuit ($r = -0.422$). The lowest correlation between these variables is the Third Circuit ($r = 0.0004$).[1]

[1] We also ran our empirical models for each circuit in the data. The only circuit that exhibited a statistically significant response to either mood variable was the Sixth Circuit, which responded to negatively to *National Mood* and positively to *Circuit Mood*. However, because these variables are highly collinear in the Sixth Circuit ($r = 0.680$), when one or the other is excluded from the model, the other mood variable falls out of statistical significance, indicating that no circuit responds directly to public mood.

Appendix Table 1. Descriptive Statistics

Variable	Mean	Standard Deviation	Minimum	Maximum
Circuit Preferences	0.02	0.23	−0.59	0.48
Circuit Mood	49.56	13.68	17.94	85.38
National Mood	48.28	3.49	41.67	57.42
Congressional Preferences	−0.03	0.10	−0.17	0.17
Presidential Preferences	0.05	0.48	−0.54	0.57
Supreme Court Preferences	0.01	0.16	−0.36	0.21
Percentage of Criminal Cases	35.83	11.89	8	69.57

N = 440

Appendix Table 2. Correlation Matrix

	Circuit Preferences	Circuit Mood	National Mood	Congressional Preferences	Presidential Preferences	Supreme Court Preferences	Percentage of Criminal Cases
Circuit Preferences	1.0000						
Circuit Mood	-0.3599	1.0000					
National Mood	0.3238	0.2462	1.0000				
Congressional Preferences	0.1434	-0.0274	-0.0551	1.0000			
Presidential Preferences	-0.0226	0.0288	0.1092	-0.1923	1.0000		
Supreme Court Preferences	0.3177	0.0777	0.3389	0.0637	0.3419	1.0000	
Percentage of Criminal Cases	0.0903	-0.1666	0.0086	-0.0121	0.0055	0.0310	1.0000

N = 440

Appendix Table 3. The Influence of Public Opinion on Courts of Appeals Decision Making, 1977-2002, Using the Erickson, Wright, and McIver Measures for Public Mood in Place of the Berry et al. Mood Measures

Variable	OLS Regression	Fixed Effects Regression
Indirect Influence		
Circuit Preferences [−]	−15.94 (3.70)*	−12.80 (3.41)*
Congressional Preferences [−]	−12.94 (5.43)*	−12.33 (5.48)*
Presidential Preferences [−]	1.31 (1.28)	1.83 (1.06)
Direct Influence		
Circuit Mood [+]	−0.41 (0.42)	−0.39 (0.49)
National Mood [+]	1.10 (0.67)	1.06 (0.88)
Controls		
Supreme Court Preferences [−]	−12.64 (9.38)	−11.66 (7.44)
Percentage of Criminal Cases [−]	−0.26 (0.06)*	−0.25 (0.08)*
Constant	27.63 (10.84)*	32.35 (9.81)*
R-squared	.45	.22
F-test	14.30*	95.96*
Breusch-Pagan Heteroskedasticity Test[a]	11.76	
Breusch-Pagan Fixed Effects Test[b]		105.48*
N	280	280

The Durbin Watson test (1.72) for the fixed effects model falls within the zone of indifference, although by only a few one-hundredths of a point. We report the non-corrected coefficients and note that there are no substantive differences in the fixed effects, AR1 model.

[a] A statistically insignificant Breusch-Pagan test indicates that heteroskedasticity is not present in the data.

[b] A statistically significant Breusch-Pagan test indicates that a fixed effects model is appropriate and that there are no time-specific effects in the data (Baltagi 2008: 70). In other words, a random effects model is not appropriate with these data.

* $p < .05$ (two-tailed test).

Appendix Table 4. The Influence of Public Opinion on Courts of Appeals Decision Making, 1961-2002, using the Stimson National Mood Measure in Place of the Berry et al. National Mood Measure

Variable	OLS Regression	Fixed Effects Regression
Indirect Influence		
Circuit Preferences [−]	−14.83 (2.88)*	−13.63 (4.63)*
Congressional Preferences [−]	−20.73 (5.11)*	−17.98 (4.53)*
Presidential Preferences [−]	0.86 (1.17)	1.33 (0.69)
Direct Influence		
Circuit Mood [+]	0.01 (0.11)	−0.06 (0.09)
National Mood [+]	−0.09 (0.14)	−0.04 (0.22)
Controls		
Supreme Court Preferences [−]	−1.71 (4.14)	0.28 (3.29)
Percentage of Criminal Cases [−]	−0.36 (0.05)*	−0.34 (0.06)*
Constant	50.04 (10.16)*	55.62 (14.93)*
R-squared	.31	.20
F-test	11.26*	24.76*
Breusch-Pagan Heteroskedasticity Test[a]	16.82	
Breusch-Pagan Fixed Effects Test[b]		17.75*
N	440	440

The Durbin Watson test (1.63) for the fixed effects model falls within the zone of indifference, although by only a few one-hundredths of a point. We report the non-corrected coefficients and note that there are no substantive differences in the fixed effects, AR1 model.

[a] A statistically insignificant Breusch-Pagan test indicates that heteroskedasticity is not present in the data.

[b] A statistically significant Breusch-Pagan test indicates that a fixed effects model is appropriate and that there are no time-specific effects in the data (Baltagi 2008: 70). In other words, a random effects model is not appropriate with these data.

* $p < .05$ (two-tailed test).

Appendix Table 5. The Influence of Public Opinion on Courts of Appeals Decision Making, 1961-2002, Using the Common Space Score of the President who Appointed the Median Circuit Judge in Place of the Giles, Hettinger, and Peppers Scores

Variable	OLS Regression	Fixed Effects Regression
Indirect Influence		
Circuit Preferences [−]	−7.11 (1.46)*	−7.25 (1.59)*
Congressional Preferences [−]	−22.47 (5.17)*	−19.21 (3.88)*
Presidential Preferences [−]	0.75 (1.19)	1.34 (0.57)*
Direct Influence		
Circuit Mood [+]	−0.04 (0.15)	−0.10 (0.14)
National Mood [+]	0.12 (0.23)	0.16 (0.22)
Controls		
Supreme Court Preferences [−]	−1.36 (4.45)	0.46 (4.05)
Percentage of Criminal Cases [−]	−0.35 (0.05)*	−0.33 (0.06)*
Constant	44.43 (9.42)*	47.38 (9.97)*
R-squared	.30	.20
F-test	11.17*	15.51*
Breusch-Pagan Heteroskedasticity Test[a]	12.17	
Breusch-Pagan Fixed Effects Test[b]		25.80*
N	440	440

The Durbin Watson test (1.61) for the fixed effects model falls within the zone of indifference, although by only a few one-hundredths of a point. We report the non-corrected coefficients and note that there are no substantive differences in the fixed effects, AR1 model.

[a] A statistically insignificant Breusch-Pagan test indicates that heteroskedasticity is not present in the data.

[b] A statistically significant Breusch-Pagan test indicates that a fixed effects model is appropriate and that there are no time-specific effects in the data (Baltagi 2008: 70). In other words, a random effects model is not appropriate with these data.

* $p < .05$ (two-tailed test).

Appendix Table 6. The Influence of Public Opinion on Courts of Appeals Decision Making, 1961-2002, Excluding the Congressional Preferences Variable

Variable	OLS Regression	Fixed Effects Regression
Indirect Influence		
Circuit Preferences [−]	−17.23 (2.81)*	−15.91 (3.86)*
Congressional Preferences [−]		
Presidential Preferences [−]	1.70 (1.18)	2.12 (0.66)*
Direct Influence		
Circuit Mood [+]	−0.05 (0.15)	−0.14 (0.14)
National Mood [+]	0.21 (0.23)	0.28 (0.22)
Controls		
Supreme Court Preferences [−]	−2.99 (4.24)	−1.34 (3.81)
Percentage of Criminal Cases [−]	−0.34 (0.05)*	−0.34 (0.06)*
Constant	38.63 (9.31)*	44.00 (8.77)*
R-squared	.29	.18
F-test	9.99*	13.78*
Breusch-Pagan Heteroskedasticity Test[a]	14.92	
Breusch-Pagan Fixed Effects Test[b]		15.23*
N	440	440

The Durbin Watson test (1.61) for the fixed effects model falls within the zone of indifference, although by only a few one-hundredths of a point. We report the non-corrected coefficients and note that there are no substantive differences in the fixed effects, AR1 model.

[a] A statistically insignificant Breusch-Pagan test indicates that heteroskedasticity is not present in the data.

[b] A statistically significant Breusch-Pagan test indicates that a fixed effects model is appropriate and that there are no time-specific effects in the data (Baltagi 2008: 70). In other words, a random effects model is not appropriate with these data.

* $p < .05$ (two-tailed test).

Appendix Table 7. The Influence of Public Opinion on Courts of Appeals Decision Making, 1961-2002, Excluding All Insignificant Variables

Variable	OLS Regression	Fixed Effects Regression
Indirect Influence		
Circuit Preferences [−]	−15.67 (2.68)*	−14.22 (4.26)*
Congressional Preferences [−]	−21.20 (4.89)*	−18.75 (4.58)*
Presidential Preferences [−]		
Direct Influence		
Circuit Mood [+]		
National Mood [+]		
Controls		
Supreme Court Preferences [−]		
Percentage of Criminal Cases [−]	−0.356 (0.051)*	−0.340 (0.06)*
Constant	54.53 (2.87)*	50.02 (2.14)*
R-squared	.31	.20
F-test	14.7*	19.24*
Breusch-Pagan Heteroskedasticity Test[a]	13.9	
Breusch-Pagan Fixed Effects Test[b]		23.36*
N	440	440

The Durbin Watson test (1.62) for the fixed effects model falls within the zone of indifference, although by only a few one-hundredths of a point. We report the non-corrected coefficients and note that there are no substantive differences in the fixed effects, AR1 model.

[a] A statistically insignificant Breusch-Pagan test indicates that heteroskedasticity is not present in the data.

[b] A statistically significant Breusch-Pagan test indicates that a fixed effects model is appropriate and that there are no time-specific effects in the data (Baltagi 2008: 70). In other words, a random effects model is not appropriate with these data.

* $p < .05$ (two-tailed test).

Appendix Table 8. The Influence of Public Opinion on Courts of Appeals Decision Making, 1961-2002, Using Contemporaneous Measures of Public Mood

Variable	OLS Regression	Fixed Effects Regression
Indirect Influence		
Circuit Preferences [−]	−14.68 (2.78)*	−13.84 (3.70)*
Congressional Preferences [−]	−20.55 (5.19)*	−17.09 (5.33)*
Presidential Preferences [−]	0.87 (1.24)	1.50 (0.94)
Direct Influence		
Circuit Mood [+]	−0.26 (0.14)	−0.21 (0.15)
National Mood [+]	0.23 (0.20)	0.13 (0.19)
Controls		
Supreme Court Preferences [−]	−0.44 (4.09)	0.60 (3.17)
Percentage of Criminal Cases [−]	−0.35 (0.05)*	−0.34 (0.06)*
Constant	52.23 (9.24)*	53.61 (11.18)*
R-squared	.32	.21
F-test	10.22*	16.43*
Breusch-Pagan Heteroskedasticity Test[a]	15.23	
Breusch-Pagan Fixed Effects Test[b]		17.19*
N	440	440

The Durbin Watson test (1.62) for the fixed effects model falls within the zone of indifference, although by only a few one-hundredths of a point. We report the non-corrected coefficients and note that there are no substantive differences in the fixed effects, AR1 model. Dropping the insignificant variables from the model only serves to enhance the significance of the statistically significant variables.

[a] A statistically insignificant Breusch-Pagan test indicates that heteroskedasticity is not present in the data.

[b] A statistically significant Breusch-Pagan test indicates that a fixed effects model is appropriate and that there are no time-specific effects in the data (Baltagi 2008: 70). In other words, a random effects model is not appropriate with these data.

* $p < .05$ (two-tailed test).

Appendix Table 9. The Influence of Public Opinion on Courts of Appeals Decision Making, 1962-2002, Using Public Mood Lagged Two Years

Variable	OLS Regression	Fixed Effects Regression
Indirect Influence		
Circuit Preferences [−]	−15.23 (2.92)*	−14.40 (3.86)*
Congressional Preferences [−]	−21.32 (5.06)*	−18.60 (4.56)*
Presidential Preferences [−]	1.09 (1.20)	1.48 (0.66)*
Direct Influence		
Circuit Mood [+]	−0.27 (0.14)	−0.27 (0.16)
National Mood [+]	0.20 (0.21)	0.14 (0.25)
Controls		
Supreme Court Preferences [−]	−0.87 (4.24)	1.06 (3.64)
Percentage of Criminal Cases [−]	−0.34 (0.05)*	−0.32 (0.06)*
Constant	55.24 (8.53)*	55.64 (8.85)*
R-squared	.33	.21
F-test	10.19*	21.28*
Breusch-Pagan Heteroskedasticity Test[a]	15.22	
Breusch-Pagan Fixed Effects Test[b]		24.37*
N	429	429

The Durbin Watson test (1.63) for the fixed effects model falls within the zone of indifference, although by only a few one-hundredths of a point. We report the non-corrected coefficients and note that there are no substantive differences in the fixed effects, AR1 model. Dropping the insignificant variables from the model only serves to enhance the significance of the statistically significant variables.

[a] A statistically insignificant Breusch-Pagan test indicates that heteroskedasticity is not present in the data.

[b] A statistically significant Breusch-Pagan test indicates that a fixed effects model is appropriate and that there are no time-specific effects in the data (Baltagi 2008: 70). In other words, a random effects model is not appropriate with these data.

* $p < .05$ (two-tailed test).

Appendix Figure 1. The Liberalism of National Mood, Circuit Mood, and Courts of Appeals Decisions by Circuit

Appendix Figure 1. The Liberalism of National Mood, Circuit Mood, and Courts of Appeals Decisions by Circuit (continued)