

# Greater Public Confidence in the United States Supreme Court Predicts More Jurisdiction Stripping

## *Supplementary Appendix*

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### OLS ESTIMATES OF JURISDICTION STRIPPING

In the article, in order to evaluate our expectations about public opinion's effects on jurisdiction stripping, we estimate a negative binomial regression model of the number of jurisdiction stripping laws passed each year while controlling for the total number of public laws. As a first robustness check, we additionally model the logged percentage of public laws passed by Congress each year that stripped a court's jurisdiction. (Transforming the percentage into its natural logarithm compensates for the substantial left-skew in the distribution of the original percentages.) This approach accounts for over-time changes in legislative productivity in the construction of the dependent variable and offers the modeling flexibility customary with a continuous measure.

We estimate the model of the logged percentage of laws each year that strip federal courts' jurisdiction with ordinary least squares (OLS). As with the count model in the article, we specify: (1) a baseline model including only the two public confidence measures; (2) a second specification that includes the unadjusted workload variable and all controls; (3) a third model that substitutes the adjusted workload predictor (for the unadjusted

one); and a final model specifying a lagged dependent variable to capture autoregressive dynamics.<sup>1</sup> Table 1 reports the model estimates.

These model results support the same substantive inferences as the count model estimates reported in the article. First, the impact of *Court Confidence* on passage of jurisdiction stripping laws is consistent across all four models. In contrast to prior research, our data show a *positive* relationship between confidence in the U.S. Supreme Court and laws stripping federal courts' jurisdiction. Greater public confidence in the judiciary predicts larger proportions of public laws with jurisdiction stripping provisions.

Panel (a) in Figure 1 illustrates these results across the observed range of public Court Confidence. The OLS model estimates (Model 3) predict an increase of one standard deviation (0.03) away from the mean (0.33) confidence in the Supreme Court would increase the expected (base) percentage of public laws with jurisdiction stripping provisions from 2.9% to 3.6%, holding all other variables at their observed means. This amounts to an increase of roughly 26% in the proportion of jurisdiction stripping laws. Likewise, a shift from the minimum to maximum observed level of public confidence in the Court (from 0.24 to 0.39) predicts that the proportion of public laws with jurisdiction stripping provisions would increase from about 1.6% to 4.3%, more than doubling the predicted proportion of laws with jurisdiction stripping provisions. The substantive magnitude of this predicted effect is comparable to estimates produced by the negative binomial regression models reported in the article.

Additionally, and also in contrast to prior research, Americans' confidence in Congress is *negatively* associated with jurisdiction stripping. In other words, the higher public

<sup>1</sup>None of the OLS specifications exhibit significant residual autocorrelation. Also, univariate unit root tests indicate that only the unadjusted judicial workload predictor is nonstationary.

TABLE 1 Public Opinion and Jurisdiction Stripping Laws (Percent, Natural Log), 1973-2014

	Ordinary Least Squares			
	(1)	(2)	(3)	(4)
Court Confidence	5.61** (2.35)	7.51** (2.84)	6.66** (2.77)	6.96** (2.89)
Congress Confidence	-4.25** (2.00)	-4.44* (2.21)	-4.57** (2.08)	-4.77** (2.16)
Δ Judicial Workload (Thousands)		0.01 (0.02)		
Adjusted Judicial Workload (Per Judge)			17.40* (9.27)	17.90* (9.45)
Ideological Distance		-0.31 (0.33)	-0.14 (0.33)	-0.16 (0.34)
Total Public Laws (Hundreds)				
Jurisdiction Stripping <sub>t-1</sub>				-0.06 (0.15)
Constant	-0.23 (0.63)	-0.73 (0.75)	-1.15 (0.75)	-1.17 (0.76)
<i>N</i>	42	39	39	39
<i>R</i> <sup>2</sup>	0.14	0.20	0.27	0.27

Note: Entries are OLS estimates with standard errors in parentheses. \*\*p<.05; \*p<.10 (two-tailed).

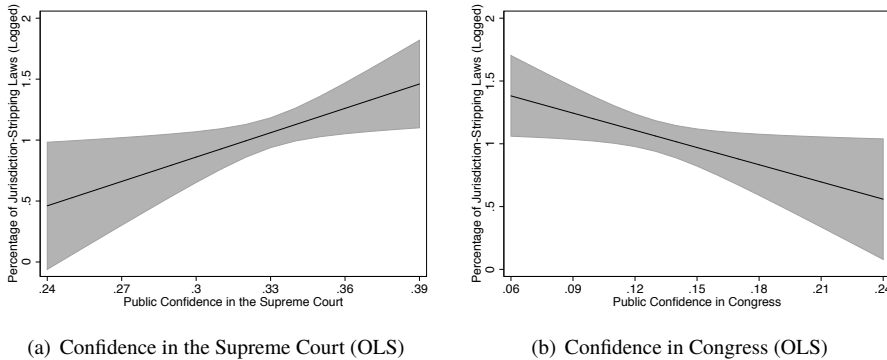


Figure 1. The Impact of Public Opinion on Jurisdiction Stripping

Note: Panels (a) and (b) display the predicted (logged) percentage of public laws with a jurisdiction stripping provision (with 95% confidence intervals) across the range of GSS confidence in the Supreme Court and Congress, respectively, using the results from Model 3 in Table 1.

confidence in Congress, the fewer jurisdiction stripping laws Congress enacts. Panel (b) in Figure 1 shows predicted (logged) percentages of jurisdiction stripping laws across the observed range of GSS confidence in Congress using results from Models 3. A decrease from the maximum (0.24) to minimum (0.06) level of public confidence in Congress predicts an increase from 1.8% to 4.0% of public laws containing jurisdiction stripping provisions. Again, the size of this predicted effects is similar to estimates produced by the negative binomial regression models reported in the article.

The OLS specifications also show mixed support for the influence of judicial workloads on jurisdiction stripping. Contrary to prior research, we find no significant relationship between the unadjusted number of federal cases filed against the United States and the number of laws passed limiting courts' jurisdiction. However, we do find a significant relationship between adjusted workload and jurisdiction stripping. Increases in workload relative to the number of Article III judges predicts more jurisdiction stripping laws.

The OLS models also show, consistent with Chutkow (2008) and the count models reported in the article, that ideological distance between the Supreme Court and Congress has no significant association with jurisdiction stripping laws. Finally, there is no evidence of significant autoregression in the proportional indicator of jurisdiction stripping legislation (Model 4).

#### ROBUSTNESS CHECKS

The following tables report the results of model specifications noted as robustness checks in the paper:

- Table 2 measures the explicit difference between confidence in the Supreme Court and Congress (Court confidence minus Congress confidence).

- Table 3 measures the net confidence for each institution (the difference between the proportion of respondents who report confidence in each institution vs. those that do not have confidence).
- Table 4 includes an additional dichotomous predictor for unified party control of Congress (1 = unified Congress; 0 = divided).
- Table 5 adds a dichotomous predictor for unified party control of government, including both Congress and the president (1 = unified government; 0 = divided).
- Table 6 uses the Judicial Common Space (JCS) scores to measure *Ideological Distance* (between the Supreme Court and Congress).
- Table 7 measures *Judicial Workload* using all civil cases involving the U.S. government (as both plaintiff and defendant).
- Table 8 adds a control predictor for the ideological distance between Congress and the median federal circuit court (i.e., the median of the individual federal circuit court medians) using the JCS scores.
- Table 9 adds a control predictor for the ideological distance between Congress and the median member of the D.C. Circuit using the JCS scores.
- Table 10 includes a control predictor for the ideological distance between the Supreme Court and the president.
- Table 11 adds a control predictor for the ideological distance between Congress and the president.

## 6 REFERENCES

### REFERENCES

Chutkow, Dawn M. 2008. "Jurisdiction Stripping: Litigation, Ideology, and Congressional Control of the Court." *Journal of Politics* 70 (04): 1053–1064.

TABLE 2 *Public Opinion and Jurisdiction Stripping Laws — Relative Confidence*

	(1)	(2)	(3)
Relative Confidence (Court - Congress)	8.74** (3.30)	9.24** (3.70)	9.48** (3.40)
$\Delta$ Judicial Workload (Thousands)		0.02 (0.02)	
Adjusted Judicial Workload (Per Judge)			23.35** (11.26)
Ideological Distance		-0.46 (0.48)	-0.27 (0.46)
Total Public Laws (Hundreds)	0.54** (0.09)	0.52** (0.09)	0.48** (0.09)
Constant	-1.54** (0.78)	-1.45* (0.82)	-2.34** (0.84)
<i>N</i>	42	39	39
Pseudo- $R^2$	0.13	0.14	0.16
$\chi^2(\alpha = 0)$	11.62**	6.44**	3.90**

*Note:* Entries are negative binomial regression estimates with standard errors in parentheses.  
 \*\* $p < .05$ ; \* $p < .10$  (two-tailed).

TABLE 3 *Public Opinion and Jurisdiction Stripping Laws — Net Confidence*

	(1)	(2)	(3)
Court Confidence (Net)	4.99** (2.23)	6.77** (2.62)	6.30** (2.44)
Congress Confidence (Net)	-2.65** (1.12)	-3.29** (1.28)	-3.90** (1.21)
$\Delta$ Judicial Workload (Thousands)		0.02 (0.02)	
Adjusted Judicial Workload (Per Judge)			29.78** (11.68)
Ideological Distance		-0.83 (0.53)	-0.57 (0.51)
Total Public Laws (Hundreds)	0.58** (0.10)	0.56** (0.10)	0.54** (0.09)
Constant	-1.25* (0.72)	-1.34* (0.72)	-2.52** (0.80)
<i>N</i>	42	39	39
Pseudo- $R^2$	0.13	0.15	0.17
$\chi^2(\alpha = 0)$	13.57**	5.96**	2.89**

*Note:* Entries are negative binomial regression estimates with standard errors in parentheses.  
 \*\* $p < .05$ ; \* $p < .10$  (two-tailed).



TABLE 4 *Public Opinion and Jurisdiction Stripping Laws — Including Unified Congress*

	(1)	(2)	(3)
Court Confidence	9.31** (3.33)	9.85** (4.08)	9.28** (3.87)
Congress Confidence	-9.72** (3.43)	-10.04** (3.86)	-10.21** (3.57)
$\Delta$ Judicial Workload (Thousands)		0.01 (0.02)	
Adjusted Judicial Workload (Per Judge)			15.13 (13.59)
Ideological Distance		-0.22 (0.50)	-0.13 (0.49)
Total Public Laws (Hundreds)	0.56** (0.08)	0.54** (0.09)	0.51** (0.09)
Unified Congress	-0.45** (0.18)	-0.42* (0.22)	-0.29 (0.25)
Constant	-1.36 (0.88)	-1.37 (1.06)	-1.78* (1.06)
<i>N</i>	42	39	39
Pseudo- $R^2$	0.16	0.16	0.16
$\chi^2(\alpha = 0)$	3.55**	2.98**	2.43*

*Note:* Entries are negative binomial regression estimates with standard errors in parentheses.  
 \*\* $p < .05$ ; \* $p < .10$  (two-tailed).

TABLE 5 *Public Opinion and Jurisdiction Stripping Laws — Including Unified Government*

	(1)	(2)	(3)
Court Confidence	7.23** (3.61)	8.74** (4.37)	7.33* (4.06)
Congress Confidence	-8.89** (3.53)	-8.83** (3.78)	-9.61** (3.49)
$\Delta$ Judicial Workload (Thousands)		0.02 (0.02)	
Adjusted Judicial Workload (Per Judge)			24.82** (11.20)
Ideological Distance		-0.50 (0.50)	-0.20 (0.49)
Total Public Laws (Hundreds)	0.55** (0.09)	0.52** (0.09)	0.48** (0.08)
Unified Government	-0.26 (0.21)	-0.23 (0.21)	-0.26 (0.20)
Constant	-0.98 (1.00)	-1.24 (1.18)	-1.62 (1.09)
<i>N</i>	42	39	39
Pseudo- $R^2$	0.14	0.15	0.16
$\chi^2(\alpha = 0)$	9.69**	5.70**	2.46*

*Note:* Entries are negative binomial regression estimates with standard errors in parentheses.  
 \*\* $p < .05$ ; \* $p < .10$  (two-tailed).

TABLE 6 *Public Opinion and Jurisdiction Stripping Laws — Judicial Common Space for Supreme Court-Congress Ideological Distance*

	(1)	(2)	(3)
Court Confidence	8.37** (3.61)	8.18** (3.60)	8.47** (3.37)
Congress Confidence	-9.11** (3.60)	-7.18** (3.60)	-9.02** (3.45)
$\Delta$ Judicial Workload (Thousands)		0.02 (0.02)	
Adjusted Judicial Workload (Per Judge)			24.71** (10.39)
Ideological Distance (JCS)		-1.06* (0.57)	-0.88 (0.55)
Total Public Laws (Hundreds)	0.55** (0.09)	0.56** (0.09)	0.53** (0.09)
Constant	-1.39 (0.97)	-1.29 (0.95)	-2.06** (0.92)
$N$	42	42	42
Pseudo- $R^2$	0.13	0.15	0.17
$\chi^2(\alpha = 0)$	11.36**	5.10**	2.97**

Note: Entries are negative binomial regression estimates with standard errors in parentheses.  
 \*\* $p < .05$ ; \* $p < .10$  (two-tailed).

TABLE 7 *Public Opinion and Jurisdiction Stripping Laws — Measuring Judicial Workload Using All Civil Cases Involving the U.S. Government*

	(1)	(2)	(3)	(4)
Court Confidence	8.37** (3.61)	11.63** (4.18)	11.35** (3.87)	11.64** (4.16)
Congress Confidence	-9.11** (3.60)	-9.76** (3.71)	-11.41** (3.73)	-9.75** (3.71)
Δ Judicial Workload (All Civil Cases)		0.004 (0.01)		
Adjusted Judicial Workload (All Civil Cases)			5.51* (3.14)	
Δ Adjusted Judicial Workload (All Civil Cases)				3.63 (7.11)
Ideological Distance		-0.58 (0.50)	-0.42 (0.48)	-0.57 (0.50)
Total Public Laws (Hundreds)	0.55** (0.09)	0.52** (0.10)	0.47** (0.09)	0.52** (0.10)
Constant	-1.39 (0.97)	-2.10* (1.13)	-2.13** (1.03)	-2.10* (1.12)
<i>N</i>	42	39	39	39
Pseudo- $R^2$	0.13	0.14	0.15	0.14
$\chi^2(\alpha = 0)$	11.36**	8.44**	3.49**	8.41**

*Note:* Entries are negative binomial regression estimates with standard errors in parentheses.  
 \*\* $p < .05$ ; \* $p < .10$  (two-tailed).

TABLE 8 *Public Opinion and Jurisdiction Stripping Laws — Including Congress-Median Circuit Ideological Distance*

	(1)	(2)	(3)
Court Confidence	10.27** (3.79)	10.87** (4.39)	9.47** (4.12)
Congress Confidence	-10.62** (3.69)	-10.16** (4.09)	-10.24** (3.79)
$\Delta$ Judicial Workload (Thousands)		0.01 (0.02)	
Adjusted Judicial Workload (Per Judge)			22.22* (12.49)
Ideological Distance		0.11 (0.85)	0.03 (0.82)
Total Public Laws (Hundreds)	0.53** (0.09)	0.51** (0.09)	0.48** (0.09)
Congress-Median Circuit Ideological Distance	-1.01 (0.74)	-1.23 (1.37)	-0.57 (1.36)
Constant	-1.60* (0.96)	-1.81 (1.13)	-2.21** (1.04)
<i>N</i>	42	39	39
Pseudo- $R^2$	0.14	0.14	0.16
$\chi^2(\alpha = 0)$	8.38**	6.26**	3.73**

*Note:* Entries are negative binomial regression estimates with standard errors in parentheses.  
 \*\* $p < .05$ ; \* $p < .10$  (two-tailed).

TABLE 9 *Public Opinion and Jurisdiction Stripping Laws — Including Congress-D.C. Circuit Ideological Distance*

	(1)	(2)	(3)	(4)
Court Confidence	8.74** (3.72)	9.72** (4.23)	9.05** (3.89)	9.12** (4.27)
Congress Confidence	-9.33** (3.63)	-8.36** (3.83)	-9.67** (3.55)	-9.77** (3.78)
$\Delta$ Judicial Workload (Thousands)		0.02 (0.02)		
Adjusted Judicial Workload (Per Judge)			26.48** (11.52)	23.95** (11.94)
Ideological Distance		-0.95 (0.67)	-0.71 (0.64)	-0.24 (0.51)
Total Public Laws (Hundreds)	0.54** (0.09)	0.51** (0.09)	0.48** (0.09)	0.48** (0.09)
Congress-D.C. Circuit Ideological Distance	-0.15 (0.38)	0.53 (0.55)	0.56 (0.50)	
$\Delta$ Congress-D.C. Circuit Ideological Distance				0.03 (0.61)
Constant	-1.41 (0.97)	-1.75 (1.10)	-2.39** (1.02)	-2.23** (1.07)
<i>N</i>	42	39	39	39
Pseudo- $R^2$	0.13	0.14	0.16	0.16
$\chi^2(\alpha = 0)$	11.13**	4.82**	2.39*	3.78**

Note: Entries are negative binomial regression estimates with standard errors in parentheses. \*\* $p < .05$ ; \* $p < .10$  (two-tailed).

TABLE 10 *Public Opinion and Jurisdiction Stripping Laws — Including Supreme Court-President Ideological Distance*

	(1)	(2)	(3)
Court Confidence	9.45** (3.90)	10.01** (4.29)	9.05** (4.00)
Congress Confidence	-8.39** (4.19)	-8.66** (4.40)	-9.82** (4.06)
$\Delta$ Judicial Workload (Thousands)		0.02 (0.02)	
Adjusted Judicial Workload (Per Judge)			24.07** (11.76)
Ideological Distance		-0.50 (0.52)	-0.24 (0.51)
Total Public Laws (Hundreds)	0.55** (0.10)	0.52** (0.09)	0.48** (0.09)
Court-President Ideological Distance	0.21 (0.60)	0.05 (0.60)	-0.03 (0.56)
Constant	-2.03 (1.47)	-1.79 (1.43)	-2.17 (1.35)
<i>N</i>	39	39	39
Pseudo- $R^2$	0.13	0.14	0.16
$\chi^2(\alpha = 0)$	11.79**	6.43**	3.77**

*Note:* Entries are negative binomial regression estimates with standard errors in parentheses.  
 \*\* $p < .05$ ; \* $p < .10$  (two-tailed).

TABLE 11 *Public Opinion and Jurisdiction Stripping Laws — Including Congress-President Ideological Distance*

	(1)	(2)	(3)
Court Confidence	8.01** (4.06)	8.41* (4.48)	7.60* (4.07)
Congress Confidence	-9.82** (3.85)	-9.43** (3.94)	-10.67** (3.72)
$\Delta$ Judicial Workload (Thousands)		0.02 (0.02)	
Adjusted Judicial Workload (Per Judge)			25.24** (11.46)
Ideological Distance		-0.48 (0.50)	-0.21 (0.49)
Total Public Laws (Hundreds)	0.53** (0.09)	0.50** (0.09)	0.47** (0.09)
Congress-President Ideological Distance	0.46 (0.45)	0.48 (0.44)	0.51 (0.41)
Constant	-1.58 (1.10)	-1.55 (1.12)	-2.12** (1.02)
$N$	39	39	39
Pseudo- $R^2$	0.14	0.15	0.16
$\chi^2(\alpha = 0)$	11.69**	5.65**	2.83**

*Note:* Entries are negative binomial regression estimates with standard errors in parentheses.  
 \*\* $p < .05$ ; \* $p < .10$  (two-tailed).