

# Latinos' Knowledge of the Supreme Court

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## ABSTRACT

There is convincing evidence that Americans have high, stable levels of knowledge about the Supreme Court. Yet, this conclusion masks variance in political knowledge associated with ethnicity. Using data from surveys of Latinos and non-Latinos fielded before and after the Supreme Court's rulings in *Arizona v. United States* and *National Federation of Independent Business v. Sebelius*, we find Latinos know less about the Court than other Americans. However, Latinos' knowledge of the Court increased significantly between the surveys, while others' Supreme Court knowledge did not. We discuss the implications of this result for the Supreme Court's legitimacy and civic education policy.

There is convincing evidence of a link between knowledge about the US Supreme Court and feelings of diffuse support for the Court. Individuals with greater knowledge of the Court tend to express higher levels of loyalty to it (Gibson, Caldeira, and Baird 1998; Gibson 2007; Gibson and Caldeira 2009a, 2009b). Generalized institutional legitimacy is especially important for courts, which are charged with ensuring the enforcement of constitutional provisions protecting minority rights against majoritarian political processes (e.g., Bickel 1986; *United States v. Carolene Products Co.*, 304 U.S. 144, no. 4 [1938]; but see Dahl 1957; Hall and Ura 2015).

Although classic studies of political knowledge conclude there is widespread ignorance about politics and government among Americans (Delli Carpini and Keeter 1996; Delli Carpini 2000), recent research challenges these findings (Lupia 2006; Prior and Lupia 2008). In particular, new evidence indicates that Americans are much more knowledgeable about the Supreme Court than previously thought (Caldeira and McGuire 2005; Gibson and Caldeira 2009a, 2009b). Moreover, analyses of survey data indicate that Americans' knowledge of the Supreme Court is largely stable over time (Gibson and Caldeira

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2009a, 2009b). Taken together, these results suggest that the enduring legitimacy of the Supreme Court rests on a stable foundation of familiarity with the institution among the American people (see also Caldeira 1991; Gibson and Nelson 2014, 2015; Ura and Merrill 2017).

Yet, there are good reasons to believe that this general result masks substantial variance in knowledge of the Supreme Court associated with salient political cleavages, including Latino ethnicity. Latino ethnicity, as it is understood in the United States, is a social identity shared by individuals with family or personal heritage in the Spanish-speaking countries of the Western Hemisphere (Latin America; Masuoka 2008; Beltrán 2010; Fraga et al. 2012). Latinos are more likely than other Americans to be immigrants or the children or grandchildren of immigrants, and they are more likely than other Americans to speak English as a second language or to speak a foreign language (i.e., Spanish) at home (Fraga et al. 2012; García Bedolla 2014). Consequently, Latinos may be less “well socialized into the polity” (de la Garza 2004, 108) compared to Americans of other ethnic backgrounds (Abrajano 2010; see also Hritzuk and Park 2000). In turn, differences in political socialization lead to lower levels of various forms of civic engagement. Numerous studies show, for example, that Latinos vote at lower rates (e.g., DeSipio 1996; de la Garza 2004; Fraga 2018) and have lower levels of political knowledge than other Americans (de la Garza et al. 1992; Delli Carpini and Keeter 1996; Leal 2007; Wolak and Gonzalez Juenke 2019).

This literature is consistent with substantial evidence of “gaps” in civic knowledge between Latinos and other Americans amid a larger set of informational inequalities along demographic and socioeconomic lines (Gaziano 1997; Hart and Atkins 2002; Chapin 2006; Galston 2007; Levinson 2007; Torney-Purta, Barber, and Wilkenfeld 2007; Dolan 2011; Abrajano 2015). Even if Americans generally know more about courts than traditional accounts of political knowledge indicate, there is likely to be substantial variation in the distribution of that knowledge across racial, ethnic, and class divisions.

Inequalities in political knowledge may be especially consequential for courts. First, as the United States increasingly becomes a nation of minorities, gaps between white and nonwhite Americans’ knowledge of the Supreme Court may have negative consequences for aggregate levels of diffuse support for the Supreme Court, undermining judicial independence. Second, members of “discrete and insular minorities” whose political liberties are most dependent on “searching judicial inquiry” into the purposes and effects of ordinary law and executive actions may systematically lack the necessary foundation to develop confidence in judicial institutions (*United States v. Carolene Products Co.* 1938, no. 4; Gibson and Caldeira 1992; Hetherington 1998).

On both counts, knowledge of courts among Latinos is particularly important. Latinos are one of the largest and fastest growing minority groups in the United States. About a fifth of the US population is Latino, and Latinos are expected to account for nearly 30% of the population by 2050 (US Census Bureau 2010; Fraga et al. 2012). Likewise, Latinos’ political and social interests are strongly tied to justiciable questions about voting rights,

immigration, and citizenship that are persistently important elements of the nation's political agenda.

In this article, we report an assessment of the extent and consequences of ethnic heterogeneity in knowledge of the US Supreme Court. Our investigation relies on a pair of original survey data sets collected in 2012 that included nationally representative samples of Latinos and non-Latinos. The surveys were conducted shortly before and after the Supreme Court's decision in *Arizona v. United States*, 567 U.S. 387 (2012), which considered whether provisions of Arizona's aggressive immigration law, SB 1070, were preempted by federal law, as well as other important decisions, including *National Federation of Independent Business v. Sebelius*, 567 U.S. 519 (2012), which considered the constitutionality of the Affordable Care Act's individual mandate.

The survey data first confirm Gibson and Caldeira's (2009a, 2009b) finding that Americans are well informed about the Supreme Court and that aggregate Supreme Court knowledge is stable. Second, the analyses show that these general results mask substantial heterogeneity associated with ethnicity. Latinos know significantly less about the Supreme Court than other Americans in both surveys. Third, levels of knowledge about the Court are also much less stable among Latinos than among other Americans. In particular, we find sizable and significant increases in knowledge among Latinos in the post-term survey. These results have important implications for understanding the emerging politics of judicial legitimacy in an increasingly diverse nation, the dynamics of Latinos' integration into American politics, and the acquisition of political knowledge more generally.

## ETHNICITY AND HETEROGENEITY IN POLITICAL KNOWLEDGE

There are important reasons to suspect that aggregate patterns of high and steady knowledge of the Supreme Court may mask important heterogeneity in what people know about the Court. Political scientists and scholars in other fields identify an array of "gaps" in political knowledge between high and low socioeconomic status groups and between whites and both African Americans and Latinos (Gaziano 1997; Hart and Atkins 2002; Chapin 2006; Galston 2007; Levinson 2007; Torney-Purta et al. 2007). These well-documented and persistent group differences correspond to evidence that early socialization experiences, formal education, and resources shape individuals' basic political knowledge, interest in political topics, and availability of political information (Langton and Jennings 1968; Niemi and Hepburn 1995; Jennings 1996; Elkin and Softan 1999; Galston 2001; Dudley and Gitelson 2002). So, while average levels of knowledge of law and courts may be relatively high—supporting Supreme Court legitimacy—knowledge among those with lower incomes and among racial and ethnic minorities may be relatively low.

Latinos, as a group, may face acute obstacles to learning about the structure and function of the institutions of American national government including the Supreme Court. First, Latinos are more likely to be immigrants or the children or grandchildren of immigrants than other Americans (Fraga et al. 2012). Immigrants (excluding those who immigrate as younger children) spend the bulk of their politically formative years outside

the United States and simply miss out on opportunities for acquiring knowledge about American politics in schools, community organizations, and other social settings. Likewise, immigrants and their children are, virtually by definition, socialized by parents who were themselves socialized outside the United States, limiting typical intergenerational transmissions of information about American politics (Pedraza and Perry 2020).

Second, differences in political knowledge from early socialization experiences are amplified by language barriers for many Latinos. Latinos are more likely than other Americans to speak English as a second language or to speak a foreign language (i.e., Spanish) at home (Fraga et al. 2012). These linguistic differences limit the accessibility of many low-cost sources of political information, such as national network news broadcasts, which are performed or printed in English. Language accessibility may also mitigate the anticipated gains in political knowledge from complementary socialization agents and venues, like schools, churches, and work, which themselves are closely tied to social networks that reinforce and sustain political sophistication that carries over to adulthood (Huckfeldt and Sprague 1988).

Third, these factors together produce distinguishable patterns of political socialization among Latinos that hamper political participation and the acquisition of political information (de la Garza and Cortina 2007; see also Hritzuk and Park 2000). So, for example, Latinos tend to vote at lower rates than other Americans (DeSipio 1996; Shaw, de la Garza, and Lee 2000; de la Garza 2004; Fraga 2018), although contextual factors can significantly alter rates of participation among Latinos (Barreto 2010; White 2016; Fraga 2018). Similarly, Latinos tend to have lower levels of general political knowledge than other Americans (Leal 1999; Pantoja and Segura 2003; Nicholson, Pantoja, and Segura 2006; Abrajano 2015). It is therefore likely that Latinos also have relatively lower levels of knowledge about the Supreme Court.

This potential, perhaps probable, variance in knowledge of law and courts has important implications. First, given their status as the largest and one of the fastest growing minority groups in the United States, what Latinos know and think about the Supreme Court will increasingly constitute what Americans know and think about the Supreme Court. Second, the members of groups who stand most clearly among the “discrete and insular minorities,” whose political liberties most depend upon “searching judicial inquiry” into the purposes and effects of statutes and executive actions, may systematically lack a firm foundation for developing confidence in judicial institutions (*United States v. Carolene Products Co.* 1938, no. 4). Thus, shifts in diffuse support for the Court will be increasingly linked to factors that govern the stability and growth of Latino knowledge about the Supreme Court.

The Latino community is principally composed of immigrants or those close to the immigrant experience. Eighty-five percent of American Latinos are foreign born or have at least one parent or grandparent who was an immigrant (Fraga et al. 2012). As members of an immigrant-proximate community, many Latinos may be especially likely to lack the historical connections and socialization experiences that structure pathways to seek relief

from discriminatory political outcomes in the judiciary. Thus, inequalities in political knowledge may yield the perverse tendency for those most in need of judicial protection to be most shy of courts and for courts to become most politically dependent on the support of those who, broadly speaking, least need the protection of judicial counter-majoritarianism. It is, therefore, especially crucial to understand how “gaps” in knowledge of the courts across groups might be closed and which factors strengthen (or weaken) the knowledge-to-legitimacy link.

## **EXPECTATIONS**

The literatures on Latinos' political socialization and political knowledge along with studies of political knowledge among Americans generally lead to some clear predictions about Latinos' knowledge of the Supreme Court and factors that enhance or undermine the acquisition of political information. We expect, first, that Latinos will know less about the Supreme Court than other Americans. However, we also anticipate that Latinos' knowledge of the Supreme Court will be more easily influenced by political events. In particular, we expect high-profile judicial decisions will have greater marginal effects on Latinos' awareness of the Supreme Court's structure and function than on non-Latinos' knowledge of the Court.

We further anticipate that levels of Supreme Court knowledge will be affected by formal education. We expect, first, that individuals with higher levels of formal education will know more about the Supreme Court than individuals with lower levels of formal education. This ought to be the case for both Latinos and non-Latinos. However, barriers to Supreme Court knowledge acquisition associated with Latino ethnicity, such as attenuated US political socialization and reduced exposure to English-language news media, can be overcome by academic training in US civics and history. We therefore further expect that formal education will have greater effects on Supreme Court knowledge among Latinos than among other Americans.

We also anticipate that learning about the Supreme Court from salient events will be related to formal education. However, it is unclear *ex ante* whether the effects will be positive or negative. On the one hand, individuals with greater formal education are likely to have greater ongoing access to political news and will therefore have greater exposure to information about the Supreme Court in the wake of salient decisions. On the other hand, individuals with higher levels of formal education likely start with higher baseline levels of knowledge about the Supreme Court, and so marginally higher exposure to Supreme Court news may not support as much learning about the Supreme Court as relatively lower exposure to Supreme Court news among individuals with lower levels of formal education. Likewise, it is unclear whether these competing dynamics will affect Latinos differently from non-Latinos.

Finally, we expect that there will be variation in Supreme Court knowledge and learning among Latinos due to nativity, language choice, and national origin. Latinos born in the United States, and therefore politically socialized in the United States, should know

more about the Supreme Court. Similarly, Latinos with greater English-language facility face fewer obstacles to collecting information about American national politics. Finally, we expect Latinos from Puerto Rican and Cuban backgrounds—and therefore roots in community from a US territory or a community whose members, on average, have lived in the United States longer than members of most other national Latino communities—will have higher levels of Supreme Court knowledge than other Latinos. Again, these factors may also influence learning about the Supreme Court, but the direction of these effects is unclear. Factors related to higher starting levels of knowledge relate to greater access to new information but also less potential for learning new information from ordinary news coverage.

### ASSESSING COMPARATIVE KNOWLEDGE OF THE SUPREME COURT

We conducted two independent, national surveys, one in the late spring and another in the early summer of 2012. Each survey polled a nationally representative sample of non-Hispanic adults and a separate nationally representative sample of Latinos. Landline and cell phone-only households were called by interviewers from Pacific Market Research, a call center specializing in surveying Latinos. Up to five attempts were made per number.

Latino respondents were identified through a Spanish-surname list and were given the option to complete the survey in Spanish.<sup>1</sup> Apart from the Spanish-language option, Latinos also answered questions regarding generational status, immigration status, and country of origin, which are known correlates of a wide variety of political behavioral and attitudinal outcomes. Thirty-eight percent opted to complete the survey in Spanish in the initial poll, while 40% did so in the second poll.<sup>2</sup> Both surveys were approximately 18 minutes long for Latinos and 17 minutes for non-Latinos, with duration differences attributed to items about nativity, country of origin, and time lived in the United States that were asked only of Latinos. The incidence rate—here the rate at which the call center contacted eligible White and Latino adults—for the first survey was 79%. The American Association for Public Opinion Research (AAPOR) response rate (4) was 28% for Latinos and 35% for non-Latinos. The incidence rate for the second survey was 68%, and the AAPOR response rate (4) was 16% for Latinos and 32% for non-Latinos.<sup>3</sup>

The first survey was fielded May 23–June 2 (non-Latino  $N = 500$ ; Latino  $N = 609$ ; total  $N = 1,109$ ). This time frame was about one month before the Supreme Court

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1. Potential respondents were selected to be contacted based on the surnames associated with unique telephone numbers. Narrowing the sampling frame to a list of respondents whose surnames are found on the list of the most common Spanish surnames increases the incidence rate, or the probability of contact with a qualified respondent.

2. The share of Latinos who prefer to complete the Spanish-language version of the survey in both time periods is consistent with the language preferences observed in other major academic surveys of Latinos, including the 2005–6 Latino National Survey and the 2007 New England Latino National Survey.

3. The AAPOR defines various response rates and their calculations at <https://www.aapor.org/Education-Resources/For-Researchers/Poll-Survey-FAQ/Response-Rates-An-Overview.aspx>. We report response rate 4, which accounts for contacts with participants who were ineligible for the study and partial interviews.

issued decisions in two salient cases: *Arizona v. United States* (decided June 25, 2012), which considered whether various provisions of Arizona's aggressive immigration control statute, SB 1070, were preempted by federal law, and *National Federation of Independent Business v. Sebelius* (decided June 28, 2012), which considered the constitutionality of the Affordable Care Act. The second survey was in the field July 7–16, covering roughly the second week after the end of the Court's term (non-Latino  $N = 505$ ; Latino  $N = 607$ ; total  $N = 1,112$ ).

To measure knowledge of the Supreme Court, we asked three closed-ended questions about the structure and function of the Court proposed by Gibson and Caldeira (2009a, 2009b): whether federal judges are elected or appointed, whether Supreme Court justices serve for a set number of years or for life, and whether the Supreme Court, Congress, or the president has the “last say” over constitutional meaning. Complete question texts are reported in the appendix (available online). We then took the number of questions each respondent answered correctly (zero to three) as an additive scale indicating his or her level of knowledge of the Supreme Court.

### Baseline Results

To establish a baseline, we compare levels of knowledge about the Supreme Court revealed in our surveys with those from surveys conducted in 2001, 2005, and 2006 by Gibson and Caldeira (2009a).<sup>4</sup> Figure 1 shows indicators of Supreme Court knowledge from four surveys reported by Gibson and Caldeira (2009a)—a national survey from 2001 and three-wave panel study conducted in 2005 and 2006—along with the combined results of our independent surveys of Whites and Latinos from the late spring and early summer in 2012. We weight the data from our surveys to account for the sizable Latino sample.<sup>5</sup>

Our surveys are consistent with those conducted earlier by Gibson and Caldeira (2009a) showing high levels of public knowledge about the Supreme Court. Like Gibson and Caldeira, we find sizable majorities of Americans correctly answer each question about the Court. Knowledge about the Supreme Court's structural features—the process for selecting justices and justices' terms—was somewhat more widespread than knowledge about the Court having the “last say” on constitutional matters. In both May–June and July, more than three-quarters of respondents correctly said justices are appointed. More

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4. Gibson and Caldeira (2009a) report data from four surveys conducted in 2001, 2005, and 2006. The first survey was conducted January 5–19, 2001 ( $N = 1,006$ ) with an additional sampling period from January 22 to February 12 to collect data for an oversample of African American respondents ( $N = 409$ ). The 2005 survey was conducted from mid-May to mid-July ( $N = 1,001$ ). The 2006 surveys were panel studies that reinterviewed a subset of respondents from the 2005 survey between January and February 2006 ( $N = 335$ ) and again in May and June 2006 ( $N = 259$ ). Together, Gibson and Caldeira's (2009a) 2005–6 panel data covered a period from shortly before Justice Alito's nomination to the Court on October 31, 2005, through his confirmation on January 31, 2006, and until the conclusion of Alito's first (partial) term on the Court in June 2006.

5. Probability weights are applied to account for the overrepresentation of Latinos when data are pooled. These are applied in Stata 16 using the svy package.



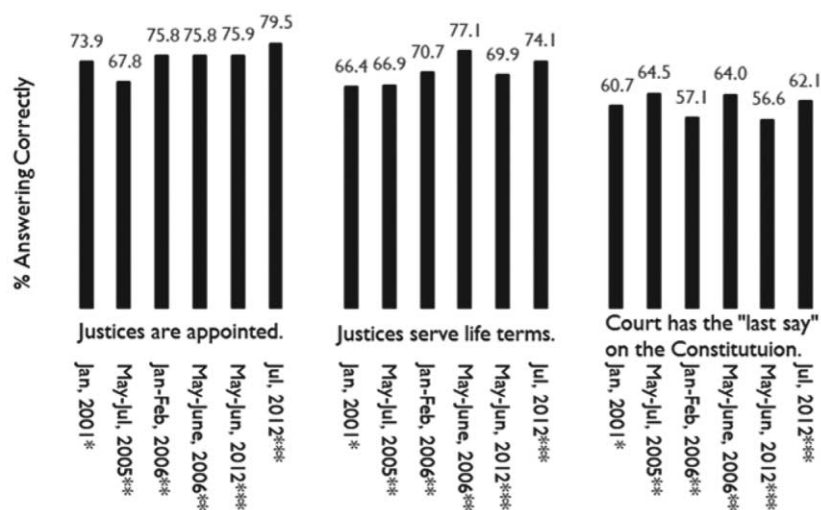


Figure 1. Levels and stability of Supreme Court knowledge, 2001, 2005–6, and 2012. Bars illustrate the percentage of respondents answering each of three Supreme Court knowledge questions correctly in each of five different surveys. \* Data are from a 2001 survey conducted by Gibson and Caldeira (2009a, 28). \*\* Data are from a 2005–6 panel study conducted by Gibson and Caldeira (2009a, 33). \*\*\* Data are from the 2012 surveys conducted by the authors and described in the text and appendix.

than two-thirds of respondents knew justices served lifetime appointments in both surveys, and more than half correctly identified the Court, rather than Congress or the president, as the final authority on constitution questions. Both of our surveys also show that a plurality of Americans answer all three questions correctly—45.8% in the May–June survey and 51.2% in the July survey. Similarly, respondents provided an average of 2.0 and 2.1 correct responses in the May–June and July 2012 surveys, respectively. In contrast, we would expect only about 8% of all respondents to answer all three questions correctly and the average number of correct responses to be 1.25 were respondents answering questions at random.

Our 2012 data also confirm Gibson and Caldeira's (2009a) finding of stability in knowledge about the Supreme Court between 2001 and 2005 and throughout the period surrounding the nomination and confirmation of Samuel Alito in late 2005 and early 2006.<sup>6</sup> Like Gibson and Caldeira, we find stability in aggregate knowledge of the Supreme Court surrounding salient political events. There is a small but statistically significant increase in aggregate knowledge about the Court in our second pair of surveys—amounting

6. Although our two surveys used independent samples rather than a panel, the timing of our 2012 polls allows us to make similar comparisons about the stability in Americans' knowledge of the Supreme Court over time.



to an average gain of 0.2 correct responses across the three knowledge items—which were fielded shortly after the conclusion of one of the most important and highly scrutinized terms in the Supreme Court's recent history ( $p < .05$ ; two-tailed difference of means test comparing responses to the three knowledge questions between the May–June surveys and the subsequent July surveys). Modest increases in average performance on the various Supreme Court knowledge items are also consistent with those observed during the course of the Alito confirmation process. Our aggregate data therefore provide additional evidence that “people learn from salient controversies surrounding the Supreme Court, but that the knowledge of a substantial portion of Americans *does not* depend upon an attention-grabbing controversy” (Gibson and Caldeira 2009a, 29).

### Comparative Levels of and Stability in Political Knowledge among Latinos and Non-Latinos

However, these aggregate results mask substantial heterogeneity in both the level and stability of Americans' knowledge of the Supreme Court. In both of our surveys, and consistent with our expectations, Latinos demonstrate significantly lower levels of Supreme Court knowledge than other Americans. However, Latinos' Supreme Court knowledge is also less stable than that of non-Latinos. While levels of knowledge about the Supreme Court among non-Latinos were little changed by the events between our surveys in 2012, Latinos' knowledge of the Supreme Court increased substantially and significantly.

Figure 2 illustrates the percentages of Latino and non-Latino respondents providing zero, one, two, or three correct responses to the three Supreme Court knowledge questions

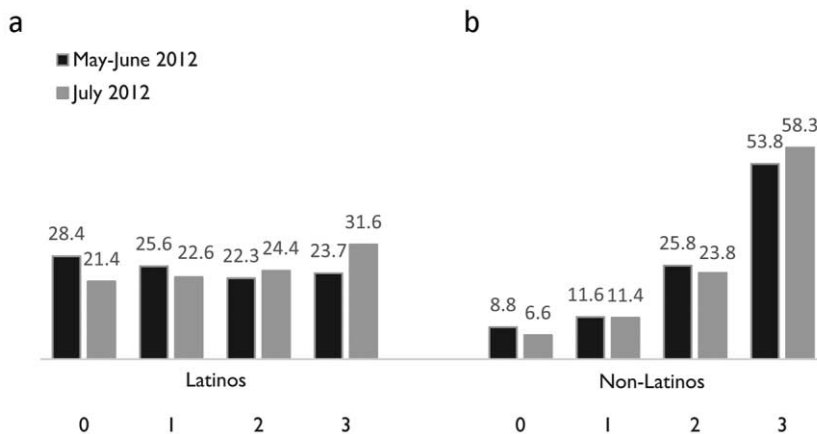


Figure 2. Knowledge of the Supreme Court among Latinos and non-Latinos. Bars illustrate the percentage of respondents providing the indicated number of correct responses (0–3) to the three Supreme Court knowledge questions. Black bars correspond to data collected in May and June 2012. Gray bars correspond to data collected in July 2012. a, Results for Latinos; b, results for non-Latinos. Both surveys were conducted by the authors and are described in the text and appendix.

in each of the two surveys we conducted. Figure 2*a* shows responses from Latino participants; figure 2*b* illustrates data from non-Latinos. The black bars correspond to the data collected from the initial May–June surveys, and the gray bars show data collected in the subsequent July surveys.

We observed a substantial knowledge gap between Latinos and non-Latinos in both pairs of surveys. In the May–June surveys, Latinos, on average, answered only 1.4 questions correctly. Non-Latinos answered an average of 2.2 questions correctly—a statistically significant difference between the groups ( $p < .05$ ; two-tailed test). Although the knowledge gap persists in the July surveys, the analyses show that Latinos’ knowledge of the Supreme Court increased significantly between the two polling periods, while changes in non-Latinos’ Supreme Court knowledge are not statistically distinguishable from zero. Latinos answered an average of 1.7 questions correctly, compared to 1.4 in the initial survey—a 21% increase in the average number of questions answered. This increase is statistically significant ( $p < .05$ ; two-tailed test). In contrast, non-Latinos showed higher rates of knowledge than Latinos in the July surveys, but they showed relatively little increase in knowledge from one survey to the next. Non-Latinos answered 2.3 questions correctly on average in the second survey, up from 2.2 questions in the first survey—a difference that is not statistically significant ( $p > .05$ ; two-tailed test).

No single knowledge question among the three we posed explains the knowledge gap between Latinos and non-Latinos or the instability in Latinos’ knowledge of the Supreme Court. Latinos performed more poorly than non-Latinos on each item. Between-group differences in the proportion of respondents answering each item correctly and in the number of items answered correctly are statistically significant in each pair of surveys ( $p < .05$ ; two-tailed tests). Figure 3 illustrates the percentage of Latino and non-Latino respondents providing a correct answer to each item as well as the percentage of each group providing a correct response to all three questions.

On average, non-Latinos more often provide correct responses to each individual knowledge item. Also, Latinos gains obtain for each of the three knowledge items, although gains on the question about who has the last say on constitutional questions are somewhat more modest (a 5.9% increase in correct responses) compared to questions dealing with judicial selection (a 7.6% increase) and justices’ terms (an 11.3% increase). The interitem pattern is nearly identical for Latinos and non-Latinos; that is, knowledge about justices’ lifetime tenure is more widespread within each group than knowledge about who has the “last say” on constitutional questions. However, neither ethnic differences in knowledge nor changes in Supreme Court knowledge are due to factors unique to a particular knowledge item.

#### Formal Education, Ethnicity, and Knowledge of the Supreme Court

Additionally, and consistent with our expectations, the knowledge gap is not strictly a product of difference in educational attainment between Latinos and non-Latinos. Although formal education is associated with greater knowledge of the Supreme Court among both Latinos and Non-Latinos, the interactions between ethnicity, education,

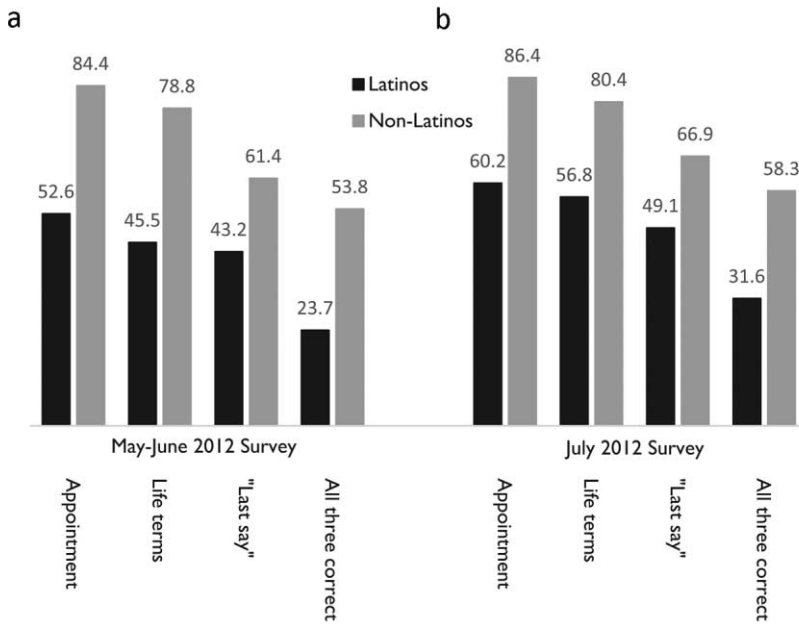


Figure 3. Knowledge item responses by ethnicity, May–June and July 2012. The first three sets of paired bars in each panel illustrate the percentage of respondents answering the Supreme Court knowledge questions correctly. The final set of bars in each panel indicates the percentage of respondents answering all three questions correctly. Black bars indicate rates for Latino respondents. Gray bars indicate rates for non-Latino respondents. *a*, Data collected in May and June 2012; *b*, data collected in July 2012. Both surveys were conducted by the authors and are described in the text and appendix.

and political context are complex. These are illustrated first in figure 4. Figure 4*c* reports estimates of a Poisson regression model of the number of Supreme Court knowledge questions (zero to three) answered correctly by each survey respondent. The predictors are indicators for Latino ethnicity, education levels, and survey timing (May–June or July); interactions among these categorical variables; and an indicator for women to account for the gender gap in political knowledge (Delli Carpini and Keeter 1996; Barabas et al. 2014).<sup>7</sup> Since multiple categorical interactions make it difficult to interpret individual

7. Running multiple regressions and running a single regression with dummy variables for the survey or for the Latino or non-Latino samples are analytically equivalent. In this case, the difference between estimating multiple models and a single model with dummy variables is especially trivial since all of the independent variables are categorical. We estimate a single model of the Supreme Court knowledge scale for each period with interaction terms representing different surveys and ethnic groups, rather than separate models for these groups, to be able to compare the predicted effects of independent variables within one pooled model rather than comparing effects between separate models.

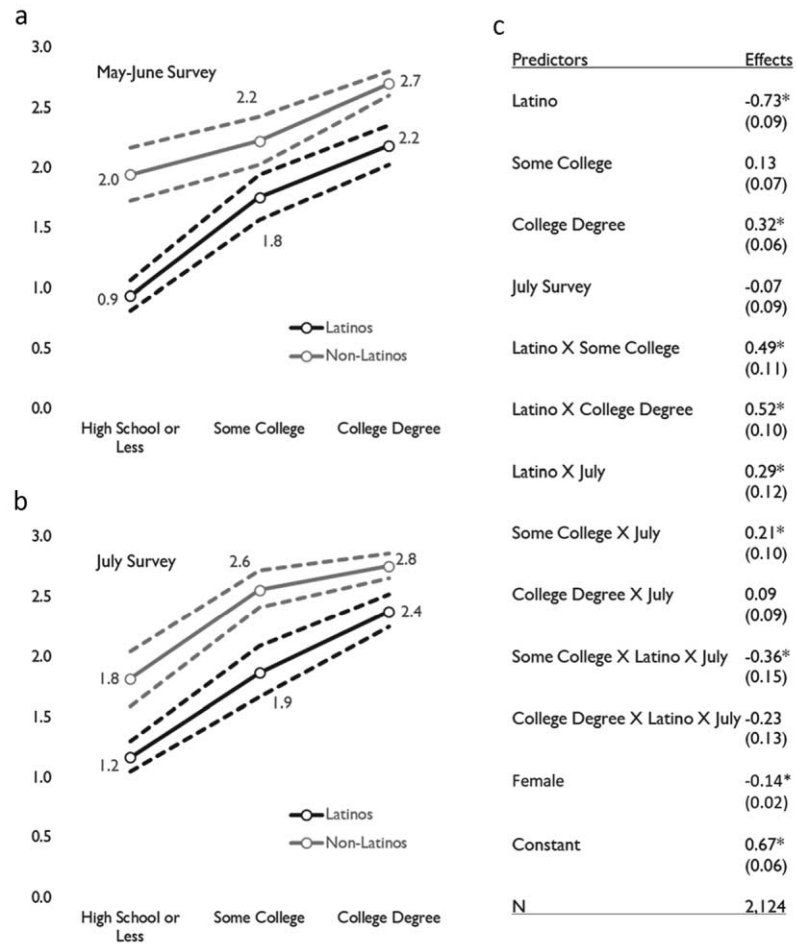


Figure 4. Supreme Court knowledge by ethnicity and education, May–June and July 2012. *Left*, Solid lines indicate the predicted number of Supreme Court knowledge questions answered correctly across categories of formal education attainment based on the Poisson regression estimates reported here. Dashed lines are 95% confidence intervals. *a*, Predictions for the May–June survey; *b*, predictions for the July survey. Black lines are predictions for Latinos, and gray lines are predictions for non-Latinos. Gender is set to male, the modal category in our survey. *Right*, Poisson regression coefficients (with standard errors in parentheses). The dependent variable is the number of Supreme Court knowledge questions answered correctly (0–3). \*  $p < .05$ .

coefficient estimates, figures 4*a* and 4*b* display the cumulative effect of the estimated effects in the predicted number of Supreme Court knowledge questions for Latinos (*black lines*) and non-Latinos (*gray lines*) for each education cohort within each survey.

First, we observe among Latinos that increased formal education is associated with greater knowledge of the Supreme Court; however, the size of marginal gains in Supreme

Court knowledge decreases as formal education increases. This association can be seen in both the May–June and July survey data. However, the salient events between the two pairs of surveys increased knowledge of the Court across education levels among Latinos. These gains occur relatively evenly across education cohorts. So, for example, the Poisson regression model predicts that a Latino with no more than a high school degree would answer only 0.9 Supreme Court knowledge questions correctly in the first survey and 1.2 questions correctly in the second. Yet, the model predicts that a Latino with a college degree would answer 2.2 questions correctly in the initial survey and 2.4 questions correctly in the second survey.

Among non-Latinos, the effects of increased formal education for Supreme Court knowledge are more complicated. Greater formal education appears to be associated with increasing Supreme Court knowledge among non-Latinos across the observed range of educational outcomes in both non-Latino surveys. However, in the initial survey period, there is no significant difference in the expected number of knowledge questions answered correctly by non-Latinos with a high school degree or less and those who attended some college. In contrast, those with a college degree answered significantly more questions correctly than either of the other cohorts.

As the Supreme Court issued its final rulings of the 2011–12 term, including its landmark decisions in *Arizona v. United States* (2012) and *National Federation of Independent Business v. Sebelius* (2012), less educated non-Latinos' knowledge of the Court remained stable while more educated non-Latinos appear to have learned more about the Supreme Court. Non-Latinos with a high school diploma or less answered no more questions correctly, on average, in the July surveys than in the May–June polls. (Indeed, there is a small decline in the average number of questions answered correctly by members of this group, but the difference is not significant.) In contrast, non-Latinos with some college education were able to answer significantly more questions correctly in July than they had earlier. The expected number of questions answered correctly by members of this cohort increased from 2.2 to 2.6 between the two non-Latino surveys, and the percentage that answered all three questions correctly also grew from 43.0% to 55.4%. The expected number of questions answered correctly by non-Latinos with a college degree also increased significantly but more modestly than among those with some college.

On their face, these data indicate, at most, modest gains in knowledge of the Supreme Court among the most educated non-Latinos. However, it is likely that members of this group are near a ceiling of knowledge about the Court. As a starting point, the May–June polls showed that nearly two-thirds of college-educated non-Latinos were able to provide correct responses to all three Supreme Court knowledge items. It seems this group was largely near a saturation point with basic knowledge of the Court. It remains to be seen how widespread more advanced knowledge of the Court may be among this group and whether and to what extent advanced knowledge may grow in response to salient events.

Together, these results align with both prior research on Supreme Court knowledge and several of our theoretical expectations. We observed, first, that aggregate Supreme Court

knowledge is both high at baseline levels and stable surrounding salient events. However, we also find that this result hides significant differences in knowledge about the Supreme Court between Latinos and non-Latinos. On average, Latinos know less about the Supreme Court than non-Latinos. Likewise, Latinos' expressed Supreme Court knowledge is less stable, increasing significantly after the Court's landmark decisions in *Arizona* and *Sebelius*. This knowledge gap is not merely the result of differences in formal education; Latino ethnicity is associated with lower levels of Supreme Court knowledge in a multivariate analysis controlling for educational attainment. Yet, formal education may mitigate this gap. While education is associated with greater knowledge among Latinos and non-Latinos, college attendance and graduation predict additional knowledge acquisition among Latinos.

#### Differences in Supreme Court Knowledge among Latinos

Finally, we examine patterns of Supreme Court knowledge among Latinos alone to evaluate our expectations about language, nativity, and national origin (fig. 5). Once again, we estimate a Poisson regression model of the number of Supreme Court knowledge questions respondents answered correctly (zero to three), using data from both the May–June and July surveys. In this second model, though, we restrict the analysis to data from Latino participants only.

We estimate the predicted effects of educational attainment, survey date, and gender. We also include predictors indicating whether respondents report being born in the United States or abroad, whether they completed their interview in English or opted to respond in Spanish, and their self-reported national background. All of these are operationalized as dummy variables, including categorical identifiers for Puerto Rican, Cuban, and other national backgrounds (with Mexican heritage—the most common background reported—used as the excluded base case). We also estimate interactive effects between the nativity, language, national background, and education variables and the survey date indicator. Again, we anticipate that Latino respondents born in the United States, choosing the English-language interview, or with Cuban and Puerto Rican national backgrounds will exhibit higher levels of Supreme Court knowledge than Latino respondents born outside the United States, completing the interview in Spanish, or with other national backgrounds. We additionally expect that US nativity, English-interview selection, and Cuban or Puerto Rican backgrounds would be associated with additional gains in Supreme Court knowledge in the July survey. Model estimates are shown in figure 5.

The analyses show limited support for our theoretical expectations. As before, we find significant increases in Supreme Court knowledge associated with greater formal education as well as gains in Latinos' Supreme Court knowledge between the initial survey in May–June 2012 and the later survey collection effort in July. This subsequent analysis, though, shows only some additional heterogeneity in Latinos' knowledge of the Supreme

Court. Consistent with our expectations, we find that respondents who completed their interview in English exhibited significantly higher levels of Supreme Court knowledge than those who completed the survey in Spanish. Setting all other variables to their modes, the expected number of questions answered correctly by Latinos who completed the survey in Spanish is about 1.5, compared to 1.8 correct answers among those interviewed in English. Likewise, respondents who say they have a Cuban national background answer significantly more questions than those who say they have a Mexican background. Setting other variables to their modal values, respondents with Cuban backgrounds answer about half a question more than respondents with Mexican backgrounds.

However, we fail to observe expected increases in Supreme Court knowledge associated with US nativity or Puerto Rican national background. We also unexpectedly observe significantly higher levels of Supreme Court knowledge among Latinos with other national backgrounds, including Dominican and South and Central American respondents, compared to those with Mexican backgrounds. There are no significant interactions between any of the included variables and the survey date dummy variable. We therefore find no statistically significant differences among Latinos in acquisition of Supreme Court knowledge due to salient political events along the birthplace, language, and national background cleavages we analyze.

The predicted numbers of questions answered for selected covariate profiles are illustrated in figure 5. All four panels on the left show predicted correct answer counts for respondents identifying their national heritage with Mexico across three levels of formal education for the May–June (*black lines*) and July (*gray lines*) surveys with 95% confidence intervals. Figure 5*a* shows predictions for respondents born abroad and answering the survey in Spanish. Figure 5*b* shows predictions for respondents born in the United States and answering in Spanish. Figure 5*c* shows predictions for respondents born outside the United States and answering in English. Finally, figure 5*d* shows predictions for respondents born in the United States and answering in English. Predictions for respondents from Cuban or other national backgrounds would be higher for both surveys across all three levels of education but otherwise the same.

The expected correct answer counts illustrate some additional patterns in the data that are less evident in the coefficient estimates alone. In particular, the analyses show that the gains in Supreme Court knowledge between the May–June and July surveys accrued mostly to Latinos who had been born in the United States and especially those born in the United States who completed their interviews in Spanish. Among US-born respondents who completed their interviews in Spanish, the number of correct Supreme Court knowledge questions increased by about half a question between the two surveys. The average gain among US-born respondents who answered in English was about one-quarter of a correct response. The typical gain among foreign-born Latino respondents was smaller still. Neither of these two differences is statistically significant controlling for other predictors in the model, but they are substantively large. They also suggest that the intersection



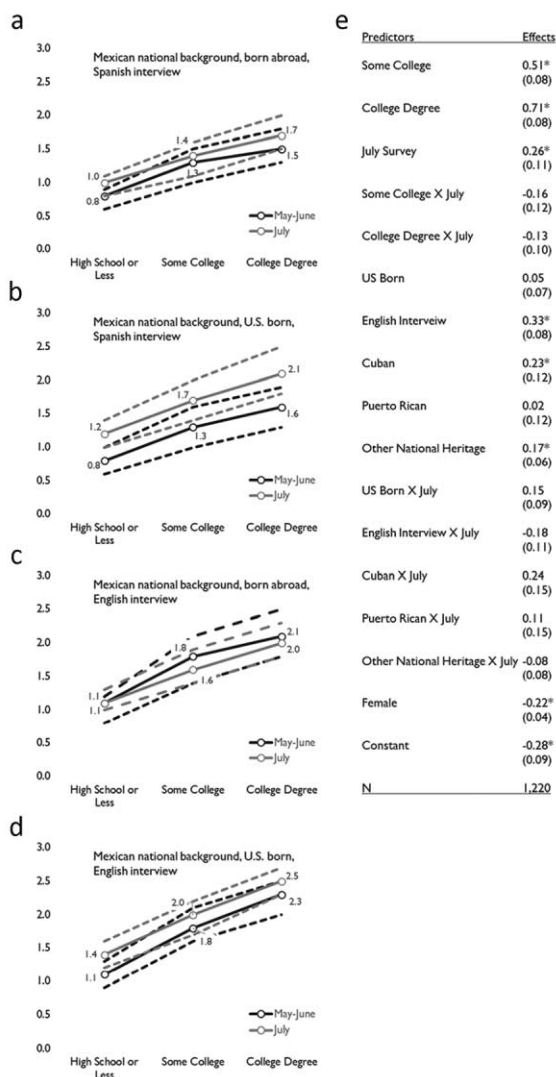


Figure 5. Supreme Court knowledge among Latinos, May–June and July 2012. *Left*, Predicted number of Supreme Court knowledge questions answered correctly among Latinos for the indicated covariate profiles based on the Poisson regression estimates reported above. Solid lines are the predicted rates. Dashed lines are 95% confidence intervals. Black lines are predictions based on the May–June survey. Gray lines are estimates based on the July survey. All predictions are for respondents from Mexican national backgrounds, the modal case in our data and the excluded base case for national background variables. Likewise, all predictions are estimated for male respondents, the modal gender category in the data. *Right*, Poisson regression coefficients (with standard errors in parentheses). The dependent variable is the number of Supreme Court knowledge questions answered correctly (0–3).

\*  $p < .05$ .

of US political socialization (arising from a lifetime of experiences in the US political system) with acute engagement with Hispanic culture (evidenced in the choice to answer the survey in Spanish) among Latinos is a potent social location for the acquisition of Supreme Court knowledge in response to salient judicial decisions. Additional research is needed, though, to assess this pattern in these data.

## **DISCUSSION**

During a period of intense national media coverage of the Supreme Court involving at least two landmark decisions—one upholding the “show your papers” provision of Arizona’s state immigration law while declaring other aspects of the statute to be preempted by federal law and the other upholding the constitutionality of the individual mandate to purchase health insurance under the Taxing and Spending Clause—we find both confirmation of prior claims of high and stable aggregate knowledge of the Supreme Court and evidence of an important caveat to those general conclusions. First, our analyses uncover that Americans collectively know a great deal about the basic structure and function of the Supreme Court. However, this aggregate result obscures substantial inequality in knowledge of the Court that is systematically related to Latino ethnicity. On average, Latinos know significantly less about the Supreme Court than other Americans. Also, although we do not have data to assess other disparities in knowledge of the Supreme Court, the literature on civic knowledge gaps suggests that similar disparities in knowledge of the Supreme Court exist between Blacks and Whites, between rich and poor, and along other lines of socioeconomic cleavage.

Second, our analyses confirm that high levels of aggregate levels of knowledge are also largely stable over time even in the presence of highly salient events surrounding the Supreme Court. Once again, though, the general pattern masks important variances related to ethnicity. Although we find little change in aggregate knowledge of the Court between our surveys, knowledge among Latinos increased substantially and significantly between the survey periods. This increase suggests that salient political controversies involving the Court may create opportunities to learn about the Court for individuals and communities who were not previously well informed about it and, as a result, that stability in Supreme Court knowledge is conditional on demographic and socioeconomic location and on political context.

We also find a complex set of relationships between knowledge, formal education, ethnicity, and context. Salient Supreme Court decisions seem largely uninformative for non-Latinos with the lowest and highest levels of formal education. However, a period of intense attention to the Court appears to increase Supreme Court knowledge among non-Latinos with some college. Conversely, formal education does not seem to moderate the relationship between salient events and Supreme Court knowledge among Latinos to the same extent. In our data, Latinos across the educational spectrum answered more questions about the Supreme Court correctly following a series of salient decisions, including a landmark decision with particularly acute consequences for Latinos.

## CONCLUSION

Taken together, these results have several important implications for understanding the emerging politics of judicial legitimacy in an increasingly diverse nation. First, as the nation's population becomes more diverse, inequalities in political knowledge and differences in the association between groups will become increasingly consequential for understanding the Supreme Court's legitimacy. Low levels of information among Latinos undermines aggregate diffuse support for the Court. Moreover, if similar gaps in knowledge about the Supreme Court exist among other racial and ethnic minorities, it is probable that ignorance of the Supreme Court is principally located among communities whose political influence has often been marginalized in American politics. As a result, diffuse support for the Supreme Court may be lower among these groups than it would be if they were more informed about the Court.

Furthermore, groups that historically have been most dependent on judicial independence and judicial review to protect their rights against majoritarian pressures tend to be least informed about the Court. Although we have no reliable systematic evidence of the state of knowledge of the Supreme Court among other historically disadvantaged groups, our data on Latinos' Supreme Court knowledge, together with the literature on civic education gaps, strongly suggest that African Americans and other "discrete and insular minorities" whose political liberties are most dependent upon "searching judicial inquiry" are generally less knowledgeable about the Court (*United States v. Carolene Products Co.* 1938, no. 4). Given the strong link between knowledge and legitimacy (e.g., Gibson and Caldeira 2009a, 2009b), judicial independence may be most dependent politically on the goodwill of those who tend to be least reliant on judicial countermajoritarianism. This arrangement may create political dynamics that lead the Court to be more attentive to the interests and preferences of the majority than the rights and liberties of minorities who are most in need of judicial protection (Rogers and Ura 2020).

These conclusions emphasize the important intersection of the study of racial and ethnic politics with the study of law and courts more generally. In particular, with a few notable exceptions (e.g., Gibson and Caldeira 1992), the empirical literature on diffuse support for the US Supreme Court focuses on national data without attention to minority populations. There have, therefore, been few opportunities to investigate whether the knowledge-loyalty nexus is different across groups. As the United States moves toward becoming a majority-minority nation, attention to between-group variance in the effects of precursors of institutional loyalty is increasingly important for understanding how Americans as a whole regard their institutions of government. In this respect, we acknowledge and agree with Hero (2007) and Smith (1997) on the distinct analytical importance of racial diversity to American politics and the potential contributions of this perspective for judicial politics research.

The results presented here also point to several important avenues for continuing research that connects with other fields. First, although a panethnic identity rooted in Latin American heritage and culture tends to unify Latinos in the United States in various

politically salient ways (Leal 2007; Barreto 2010; Manzano and Ura 2013), there is much diversity within the Latino community related to nativity, immigration status, national origin, language preference, and other factors (Beltrán 2010; Fraga et al. 2012; García Bedolla 2014). For instance, the explanatory importance of generational separation from immigration is leveraged in a prominent study of Latino general political sophistication (Pantoja and Segura 2003), and acculturation more generally is a consistent predictor of Latino policy attitudes (Michelson 2001; Sanchez 2006; Branton 2007; Pedraza 2014). Continuing to examine the dynamic interaction of context and diversity among Latinos for the accumulation of political knowledge may yield important insights into the processes of assimilation and acculturation and support the development of more effective civic education policies.

Our analysis also suggests that there are multiple unique paths for acquiring general political knowledge. Prominent accounts of the acquisition of political knowledge identify a critical role for formal education in learning about static features of the political system, such as the basic structure and function of the Supreme Court (Barabas et al. 2014). While we find much support for that proposition, we also find among Latinos evidence of rapid acquisition of knowledge about stable features of the Supreme Court from salient events without a moderating role for formal education. This appears to represent an exception to the general conclusion about the foundations of knowledge of general, static political information and formal education. This pattern also indicates pathways for acquiring general political knowledge aside from formal education that may be especially important for ethnic and racial minorities as well as other disadvantaged groups. Research related to civic knowledge gaps should therefore be attentive to processes outside of childhood education and socialization.

Nevertheless, our analysis indicates a need for programs of civic education aimed at Latinos. Even though Latinos' knowledge of the Supreme Court increased significantly following the Court's decisions in *Arizona v. United States* and *National Federation of Independent Business v. Sebelius*, their knowledge still lagged behind non-Latinos with comparable educational and socioeconomic backgrounds. These programs might advance on several fronts, serving both children and adults. These could include developing primary and secondary school curricula emphasizing judicial process and the importance of courts for securing Americans' civil rights and civil liberties as well as efforts to encourage coverage of the Supreme Court in Spanish-language and Latino-focused news media in the United States. Of course, the effects of these efforts will likely only be evident over the long run. However, securing the foundation of judicial legitimacy by expanding civic knowledge among a rapidly growing community of Americans is a worthwhile investment.

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