

# Measuring and Manipulating Constitutional Evaluations in the States: Legitimacy versus Veneration

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**Abstract.** American civil religion places the US Constitution on a pedestal. Though this veneration is well-documented, it is unclear where it originates and why other constitutions do not attract the same reverence. We develop a measure of constitutional respect and conduct a randomized survey experiment testing whether new information can change respondents' evaluations of their state or national constitutions. We find that people do respond to new information about state constitutions, but not to information about the national document, suggesting that Americans view the US Constitution with the sort of veneration and reverence James Madison advocated, while viewing their state constitutions through a more Jeffersonian lens of legitimacy, one that favors continually revising these constitutions to meet the living generation's needs.

*“Whatever veneration might be entertained for the body of men who formed our Constitution, the sense of that body could never be regarded as the oracular guide in expounding the Constitution ... It was nothing more than the draft of a plan, nothing but a dead letter, until life and validity were breathed into it by the voice of the people.”* – James Madison, 1796 in the House of Representatives

*“Whatever be the Constitution, great care must be taken to provide a mode of amendment when experience or change of circumstances shall have manifested that any part of it is unadapted to the good of the nation. In some of our States it requires a new authority from the whole people, acting by their representatives, chosen for this express purpose, and assembled in convention. This is found too difficult for remedying the imperfections which experience develops from time to time in an organization of the first impression. A greater facility of amendment is certainly requisite to maintain it in a course of action accommodated to the times and changes through which we are ever passing.”*— Thomas Jefferson to A. Coray, 1823 (spelling preserved)

Americans view their Constitution with respect that borders on veneration. Many people regard it so highly that they “find the notion of seriously criticizing it almost sacrilegious” (Levinson 2006, 17). Nearly all Americans (91%) say the Constitution’s “fundamental purpose ... is to protect and serve the interests of all people, regardless of their wealth and power”; almost as many (85%) call the Constitution “a major reason ... that America has been so successful,” with just as many believing other countries should imitate it.<sup>1</sup> Three-quarters of Americans call the US

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<sup>1</sup> The 85% believing other countries should imitate the US Constitution includes 19% saying “our Constitution is so good that we should do as much as we can to bring it to other countries” along with 66% saying “it is good, but we should only help other countries imitate it if they ask us to.” See Farkas, Johnson, and Duffett (2002).

Constitution “an enduring document that remains relevant today.”<sup>2</sup> Many label it “important” (71%), “wise” (44%), or even “inspired” (40%)—figures that rise to 83%, 64%, and 56% among Republicans—while few call it “outdated” (20%), “flawed” (19%), or “irrelevant” (4%).<sup>3</sup> The median American rates the US Constitution at 9 on a 10 point scale (Stephanopoulos and Versteeg 2016). This esteem perpetuates itself across generations, contributing to a continuing reverence for the Constitution and its framers—though this reverence seems to be based on something other than a deep knowledge of the document, since the public knows very little about the Constitution’s specifics (Farkas, Johnson, and Duffett 2002).

Scholarly understanding of this Constitutional veneration remains incomplete, however, for two reasons. First, Americans have not one but fifty-one constitutions—one federal and fifty at the state level—yet existing research focuses almost entirely on the federal document.<sup>4</sup> And second, political science knows little about where veneration originates or what might affect it. We therefore do not know why Americans venerate the US Constitution, nor do we know whether that veneration extends to state constitutions. With an eye on these two gaps, we report an experiment that provides randomly selected participants with varying information about the national and state constitutions to test whether this new information changes participants’ reactions to each document—and also whether the effects differ across state and federal constitutions. This design allows us to draw inferences about general circumstances that may affect evaluations of constitutions at both levels.

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<sup>2</sup> The precise figures were 75% in September 2009, 74% in August 2010, 74% in August 2011, and 69% in August 2012; see National Constitution Center (2012).

<sup>3</sup> From questions placed by the authors on the 2015 Cooperative Congressional Election Study, discussed below.

<sup>4</sup> Zink and Dawes (2016), discussed below, stands as a notable and well-executed exception.

Our findings reveal that Americans apply different standards to the US and state constitutions. Perhaps this comes as no surprise: Though state constitutions vary tremendously in their length (from 9,000 to 376,000 words), amendment rates (from 2 to 298 amendments adopted over 20 years), and age (from 27 to 233 years), no state constitution is truly comparable to the 1787 federal Constitution—not only by these metrics, but also by the national Constitution’s preeminence in the minds of voters.<sup>5</sup> American veneration for the national Constitution, rooted in its link to the nation’s founding myth, renders their evaluations of that document remarkably stable; none of the treatments reported below meaningfully change respondent evaluations of the US Constitution. In contrast, evaluations of state constitutions rise when respondents learn that their constitution is younger or amended more frequently than they might suppose, suggesting that voters appreciate their state constitutions *more* when presented with evidence of their democratic nature.

These different results for the national and state constitutions appear to reflect different sides of an argument between two of America’s founders, Thomas Jefferson and James Madison, around whose views we frame our discussion below. Americans today view their state constitutions through a Jeffersonian lens of legitimacy. From this perspective, constitutions become more legitimate and deserving of respect when the document has been revised and updated to reflect current standards and beliefs. Respondents therefore evaluate their state constitutions more favorably when they learn of regular updates. However, Americans view the federal Constitution through a Madisonian lens of veneration that values stability and reverence. Thus,

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<sup>5</sup> Statistics as of the end of 2013; drawn from Council of State Governments (1996-2015).

evaluations of state constitutions hinge on perceptions of Jeffersonian legitimacy, while evaluations of the national constitution reflect Madisonian veneration.

## Theory

Before the Constitution was yet two years old, Thomas Jefferson and James Madison had begun arguing about its proper interpretation and stature. Jefferson wrote to Madison that “no society can make a perpetual constitution, or even a perpetual law. The earth belongs always to the living generation” (Jefferson 1789).<sup>6</sup> He feared institutional ossification, believing it would bring reduced legitimacy: “Every constitution ... naturally expires at the end of nineteen years. If it be enforced longer, it is an act of force, and not of right.”<sup>7</sup>

Madison’s reply emphasized practical objections: “Would not a government so often revised become too mutable to retain those prejudices in its favor which antiquity inspires[?]” Directly responding to Jefferson’s argument that government should be a reflection of the preferences of those alive at any given moment, Madison responds that previous generations helped create the world in which any generation lives: “*improvements* made by the dead form a charge against the living who take the benefit of them,” giving their “tacit assent ... to established Constitutions and laws” (Madison 1999, p. 474 – 477, emphasis in original). In essence Madison was saying that, in contrast to Jefferson who worried about a previous generation binding a later one, Madison worried much more about excessive fiddling with a constitution.

This was an old theme for him, since in 1788, Madison had argued this point forcefully in Federalist 49 where he had also responded to a Jefferson plan for the Constitution of Virginia

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<sup>6</sup> The letter was actually not sent until January 1790.

<sup>7</sup> From Jefferson’s September 6, 1789, letter to James Madison (quoted in Washington 1853, 106).

(though named in Federalist 48 Jefferson is only referred to as the author of the “Notes on the State of Virginia” in Federalist 49). Jefferson had proposed that a convention should be called whenever any two branches call for a correction to the constitution. While Madison is deferential to this point (and to its author), he firmly rejects it.

First, Madison argues that “frequent appeals” to change the Constitution would “deprive the government of that veneration which time bestows on everything, and without which perhaps the wisest and freest governments would not possess the requisite stability.”<sup>8</sup> Madison believed that the true source of veneration will be opinions that are fortified by examples of the constitution’s goodness, examples that are both “*ancient* as well as *numerous*” (emphasis in original). Second, Madison is worried that “public passions” would disturb “public tranquility.” Madison argues that though the current moment had led to an excellent constitution, “it must be confessed that the experiments are of too ticklish a nature to be unnecessarily multiplied.”<sup>9</sup> His belief seems to have been that, at least for a national constitution, time would provide people with reasons to favor the document and to avoid changes. Both of Madison’s arguments rely on veneration and avoiding constitutional change, not merely to preserve the status quo—after all Madison had just finished engaging in a project to dramatically alter the status quo of the Articles of Confederation—but to preserve the hard-won gains of the Federal Convention of 1787.<sup>10</sup> Moreover, one cannot help but notice the belief here that Madison distrusts the public to make judgements about such weighty matters. Jefferson clearly trusted the public more.

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<sup>8</sup> See also Manzer (2001).

<sup>9</sup> As a final point, Madison argues that the large number of legislators in a bicameral legislature effectively separates power substantially and insures against undue influence in government, though this is less central to our argument about Madison’s views of a constitution.

<sup>10</sup> Bailey (2015) argues that Madison was really mostly concerned with avoiding a second constitutional convention in this paper and that despite its seeming clarity, the argument has been given too much weight by scholars (see pp. 15 – 37).

Madison and Jefferson rarely quarreled and were as close political allies as existed in their time, yet this particular disagreement endured. As late as 1824, the topic still on his mind, Jefferson wrote another letter, this time to a British reformer, praising the American states for making “successive improvements” to their constitutions: “[S]everal of them, corrected by experience, have, by conventions, still further amended their first forms.” He praised his home state of Virginia—“not only the first of the states, but ... the first of the nations of the earth ... to form a fundamental constitution”—for “now proposing to call a convention for amendment.” He hoped further for “a Convention of the states” to amend the federal Constitution, since “we have not yet so far perfected our constitutions as to venture to make them unchangeable.” To the contrary, “Nothing then is unchangeable but the inherent and unalienable rights of man.”<sup>11</sup> Jefferson’s ideal constitution remained one that reflected consistent revisions in line with changing sensibilities and standards.

To be sure, Bailey (2015, 11) cautions we have “long overestimated the importance of stability for Madison,” who worried more about additional conventions than he did the amendment process, which he deemed legitimate.<sup>12</sup> Still, Madison saw stability as leading (rightly) to veneration, while Jefferson saw frequent updating as leading (rightly) to greater perceived legitimacy—and it is this tension between Madisonian “veneration” and Jeffersonian “legitimacy” that we explore. Both cared deeply about constitutions and how those constitutions would be seen by the public, but each man emphasized different paths for the documents to gain the respect of the people, a point that has sometimes been obscured in people’s rush to condemn Jefferson’s plans for revised documents, plans that probably should be taken more seriously (Brennan 2017).

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<sup>11</sup> Jefferson addressed his 1824 letter to Major John Cartwright, a British parliamentary reformer (Jefferson 1824).

<sup>12</sup> And it is worth noting that Madison clearly thought it “imprudent” for Kentucky not to leave open the door of a process for “revision” (Bailey 2015, 22) in the crafting of their constitution.

It is not surprising that men with such different experiences with the document would have such disparate opinions. Madison's efforts to win passage of a new constitution were the culmination of years of effort, during which time Jefferson was away in France (1785 – 1789). Perhaps Jefferson's distance from the debates that gripped America's leaders is at least partly the cause of their differences. In any event, Madison's relative preference for constitutional stability and veneration is reflected in Americans' views today. Americans view the federal Constitution with such reverence that many instinctively resist proposals to amend or reinterpret it (Breslin 2009; Sink 2004; Lind 2011; Zink and Dawes 2016; but see Levinson and Blake 2016). Many describe the US Constitution as sacred, inspired, or venerable; others, eschewing such religious terminology, nevertheless acknowledge it as “a central feature of American ‘civil religion’” (Levinson 1988, 90). Polls repeatedly find that most Americans believe the Constitution “is an enduring document that remains relevant today” rather than “an outdated document that needs to be modernized” (National Constitution Center 2012). Most Americans (86%) expect future historians to look back at the US Constitutional system as one of “the most democratic and free” ever.<sup>13</sup> Ironically, this Madisonian veneration for the US Constitution arises despite ignorance of its specifics; only 16% claim a “detailed” knowledge of the US Constitution, with most (66%) claiming only a “general familiarity” (Farkas, Johnson, and Duffett 2002).

Responding to Madison's apparent victory, Levinson has revived Jefferson's legitimacy arguments, claiming that excessive veneration of the US Constitution blinds Americans to its major flaws and prevents them from openly considering needed reforms (Levinson 1988; 2006; 2012; 2016; see also Dahl 2003). Levinson's call for significant Constitutional reform has yet to

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<sup>13</sup> More precisely, 52% expect the US to be seen as “the most democratic and free” while 34% expect it to be “right up there with the best of them” (Farkas, Johnson, and Duffett 2002).



bear fruit at the federal level, where he has focused his efforts. Though Levinson has leveled a Jeffersonian campaign against the federal Constitution, we will argue below that Jefferson's legitimacy thinking never really went away—instead, it has endured at the state level. Thus, Americans apply different standards of judgment to their state and federal constitutions, treating state constitutions as practical, Jeffersonian-style governing documents requiring regular updates to remain legitimate. In contrast, the public links the federal Constitution so firmly to the founding that Madisonian veneration inevitably arises.

Dinan (2006), reviewing the debates of the 233 state constitutional conventions held since 1776, concurs that Jeffersonian thinking won in the states, finding further that Jefferson's victory was no accident; state constitution crafters deliberately rejected Article V's difficult amendment procedures, and these state-level departures from the federal amendment process became more pronounced as time went on. Lutz (1994, 357) applauds states' flexible procedures: "Any people who believe in constitutionalism will amend their constitution when needed, as opposed to using extraconstitutional means" like judicial reinterpretation. And as Brennan (2017) reminds us, states indeed rely less than the federal government on extraconstitutional judicial interpretation precisely because they provide workable amendment procedures.

Thus, "constitution" means something different at the state and federal levels. Americans view their state constitutions through a lens of Jeffersonian legitimacy, but the US Constitution through a lens of Madisonian veneration. Far more research has shown that Americans revere their national Constitution than has shown why this veneration arises. Even Levinson's (1988) critical argument describes the substance of America's "constitutional faith," including the moral and legal dilemmas surrounding that faith, without much empirical consideration of why Americans venerate their national Constitution so highly.

This omission becomes glaring when considering the US Constitution in a comparative context. Elkins, Ginsburg and Melton (2009) argue that the U.S. Constitution “defies expectations” according to their own model of longevity that emphasizes the need for constitutions to have flexibility—a more Madisonian trait that may apply better to state constitutions in the American context.<sup>14</sup> Despite its outlier status (and as manifested by the preceding pages), one can easily find books, articles, and polls demonstrating Americans’ peculiar veneration for their Constitution, yet one would struggle to find a qualitatively similar discussion of other constitutions. Nobody commissions surveys asking German, Japanese, Botswanan, Brazilian, or Canadian citizens whether they see their national constitutions as “sacred” or “inspired.” Perhaps Jefferson, in all his enthusiasm for constitutional revision, would note further that no one commissions surveys asking North Carolinians, Vermonters, Nevadans, or Idahoans similar questions about their state constitutions. Why, then, do Americans revere their national constitution?

One potential cause for this veneration could be as simple as status quo bias. Psychological and economic research shows that individuals exhibit a general status quo bias (Samuelson and Zeckhauser 1988; Kahneman et al. 1991) and risk aversion (Tversky and Kahneman 1991; Kam and Simas 2010, 2012; Kam 2012; Eckles et al. 2014). Of the 155 written national constitutions currently in place, 146 (94%) were adopted within the past 100 years; only the US Constitution, the world’s oldest, was adopted as long ago as the 18<sup>th</sup> century.<sup>15</sup> The longer a status quo has been in place, the more likely people are to attribute normative value to it (Eidelman et al. 2010). The US Constitution’s unique age could plausibly produce Americans’ unique veneration for it, then.

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<sup>14</sup> The full measure of their argument goes beyond what we can treat here as they also emphasize inclusion and specificity as values necessary for the survival and veneration of constitutions.

<sup>15</sup> For this tangential claim, we rely on Wikipedia’s “List of National Constitutions”; research has shown Wikipedia to be a reliable source for this sort of simple, objective factoid (Brown 2011).

However, Zink and Dawes (2016) report several clever experiments demonstrating that status quo bias alone does not explain American Constitutional veneration. Participants in their randomized experiments showed less support for policy changes presented as Constitutional amendments rather than as mere statutory changes; simple status quo bias would have produced similar resistance to both. After performing several variants on their experiment, they finally conclude that something beyond status quo bias is at play: “In addition to the reasons individuals resist change in general, there is something about [the US Constitution] per se that biases individuals against proposals that would result in constitutional change” (Zink and Dawes 2016, 537), though they also note that the frequent amending of state constitutions indicates “that constitutional status quo bias is weaker at the state level” (p. 553).

If not status quo bias, a more likely possible source of this veneration stems from the social and political enculturation American youth receive through their public schooling. Several years ago, Hibbing and Theiss-Morse (1996) found that each additional year of education increases survey respondents’ support for the US Constitution, apparently because of increased exposure to this enculturation: Americans with postgraduate degrees support the US Constitution more than college graduates, who support it more than high school graduates, who support it more than those lacking a diploma. Civics courses may struggle to teach specific facts about US governance (e.g. Pew Research Center 2015), but they apparently succeed at inculcating respect for America’s founders and the Constitution they enacted.

While we have no qualms with Hibbing and Theiss-Morse’s conclusion, its US-centric analysis may presuppose a certain kind of constitution—or more to our point, their logic may apply very well to the US Constitution but not the state constitutions. Like public schools around the world, American schools teach a national myth, praising national heroes while overlooking many

of their flaws. Hibbing and Theiss-Morse's results imply that those who are more often exposed to this national myth (through additional education) are more likely to reverence the US Constitution. But if teaching a founding narrative always boosted constitutional veneration, then similar veneration should develop in all states and nations. However, we suspect that certain features of the US Constitution give it an especially close link to the American national narrative. In the United States, students learn a national birth story that begins with tales of the Boston Tea Party, of Paul Revere's midnight ride, of Washington's troops wintering at Valley Forge, and of victory over the British, finally reaching a climax with the 1787 Constitutional Convention where demi-gods drafted a nearly scriptural document. Then, students learn that the US Constitution endures today as a living relic of those seemingly-ancient tales. Societies around the world are built on national myths, but for Americans, it is the Constitution—not a Bastille, a royal family, a Long March, a Red Square Mausoleum, a Great Pyramid, a Colosseum, or Abraham's foundation stone—that stands as tangible validation of their founding myth.

State constitutions benefit from no such mythos. Even the best-known state founders—figures like Davy Crockett and Sam Houston in Texas, or Brigham Young in Utah—have only tenuous connections to their state constitutions at best. These figures simply do not compare to George Washington and the other American founders. Small wonder, then, that only half of Americans even know their state has its own separate constitution.<sup>16</sup> To the extent Americans even think of their state constitutions, they have every reason to view them not as sacred relics, but as functional governing documents—fundamentally different creatures from the US Constitution—requiring regular updates to maintain their democratic legitimacy.

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<sup>16</sup> The National Center for State Courts (2009) reports that 53% of Americans know their state has a constitution. In the 2015 CCES, 62% knew their state had a constitution. A poll administered to a less politically savvy sample in a single state found that only 40% knew their state had a constitution (Brown 2018).

Moreover, Americans' experience with each document serves only to reinforce these views. The median state constitution has received 17 amendments over the past 20 years; because 49 states require all proposed amendments to receive voter ratification, we infer that residents in the median state ratify 1.7 amendments during each biennial election, in addition to any amendments they may reject. Meanwhile, decades have passed since the last US Constitutional amendment. Zackin's (2013) argument that Americans' positive rights are to be found in the state constitutions rather than in the federal document fits nicely with this argument about how the two levels in the American context serve different purposes and therefore may be valued in different ways. Speaking comparatively, Dixon notes "the potential for the repeated use of constitutional amendment processes to increase the perceived legitimacy of such processes in the mind of the public" (2011, 106; cf. Vermeule 2006 and Dahl 2003). The historian Morton Keller (1981) once speculated that the American "cult of the constitution" applies also to state constitutions, though perhaps more weakly. Our argument, paired with Dixon's observation, suggests otherwise.

Our theoretical argument that Americans apply Madisonian veneration to the US Constitution but Jeffersonian legitimacy to state constitutions has observable implications. If a constitution is associated strongly with a founding myth (as is the case with the US Constitution), views of it should be fairly stable and impervious to manipulation. That is, reminding Americans of less-known details about the US Constitution should not change their views of it, since their views will reflect their evaluation of the national story more than of the document itself. But if a constitution is seen as a mere organizational document erecting an arena for representative governance, then reminding people of its details should change their evaluations of it. In particular, if people view state constitutions through a Jeffersonian lens, then two specific factual details should influence their evaluations: A constitution's age and amendment rate. That is, voters should

appreciate knowing that their state's governing documents have been kept current, whether through frequent amendments or recent revision. Again, we do not expect these details—age and amendment rate—to influence evaluations of the US Constitution, since, as we argue, evaluations of that document reflect its association with the founding rather than its modern applicability; we do, however, expect these details to influence evaluations of state constitutions, since respect for those documents stems from their democratic suitability.

We arrive at these two variables—the constitution's age and amendment rate—through Jeffersonian logic. We also consider one additional variable that grows somewhat tangentially from Jefferson's paradigm: A constitution's length. As Chief Justice John Marshall once wrote, a venerable (or Madisonian) constitution should avoid stretching beyond the “great outlines” and “important objects” of governance, or it will take on “the prolixity of a legal code.”<sup>17</sup> Yet the 50 state constitutions do exactly that by including provisions on “ski trails and highway routes, public holidays and motor vehicle revenues” (Tarr 1998, 2). Some argue, with Marshall, that these provisions are so mundane that their inclusion in a constitution suggests “simply a frivolous people who are unable to distinguish between things that are truly important and things that are not” (Gardner 1992). The terse 1787 Constitution contained only 4,500 words, after all—half the length of the shortest state constitution (9,000 words), one-sixth the median state constitution (24,000 words), and one-eightieth the longest state constitution (376,000 words).<sup>18</sup> Nevertheless, this attention to localized policies and concerns that struck Marshall as so inappropriate to the celebrated US Constitution makes tremendous sense for those who take a Jeffersonian view of

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<sup>17</sup> These are Chief Justice John Marshall's words from *McCulloch v Maryland*, 17 US 319 (1819).

<sup>18</sup> With amendments, the US Constitution today contains 8,000 words. The shortest state constitutions are Vermont's and New Hampshire's; the longest is Alabama's. Data on state constitution lengths from Council of State Governments (2015).

state constitutions, wherein citizens seek ownership of local policies as they regularly update their governing framework. We therefore arrive at the following hypotheses:

H1: Informing Americans that their state constitution has a high amendment rate should increase their evaluations of it.

H2: Informing Americans that their state constitution is young should increase their evaluations of it.

H3: Informing Americans that their state constitution is lengthy should increase their evaluations of it.

H4: Because Americans venerate the US Constitution as a relic of the founding, informing them of its amendment rate, age, or length should not affect their views of it.

Every state constitution is longer and more frequently amended than the US Constitution, and nearly every state constitution is younger. Thus, we expect to observe H1, H2, and H3 among Americans from every state. To be sure, however, we expect these effects to increase where state constitutions are especially young, lengthy, or amended—that is, where the state documents look the least like the national document. If we find evidence in favor of these hypotheses when it comes to state constitutions, then we will conclude that Americans take a Jeffersonian view of their state constitutions—that is, that they see them as functional governing documents that must remain current to retain their legitimacy. And if we find no evidence of similar pattern when it comes to the US Constitution, per H4, then we will conclude that Americans take a more Madisonian approach to the federal document, venerating its association with the founding.

## Design

Clearly, we cannot manipulate a constitution’s actual length, age, or amendment rate to see how those changes affect voter perceptions of the document. Instead, our experimental design involves informing randomly selected people of their state constitution’s age, length, and amendment rate, and then testing whether that information changes their evaluations of their state constitution relative to an uninformed control group. As will be shown below (in our discussion of manipulation checks), those in the control condition who do not receive any information about these variables turn out to be largely ignorant about them. The information we provide participants is strictly factual, without any deception. By including participants from throughout the United States, we leverage the immense constitutional variation among the 50 states.

In June 2016, we used Amazon’s Mechanical Turk service to recruit a national sample of 999 US adults with an MTurk rating of 90% or higher, each of whom received \$0.40 for participating. MTurk panels are admittedly a non-representative convenience sample, making them inappropriate for non-experimental public opinion polling (Huff and Tingley 2015). However, randomized experiments conducted on MTurk participants produce the same estimated treatment effects as experiments conducted on representative samples (Berinsky et al. 2012), leaving us confident of the basic results. On the experiment’s landing screen, participants indicated their state and answered whether, off the top of their head, they happened to know whether their state has a constitution—only 52% did, consistent with other polls cited above.<sup>19</sup> On the next screen, they encountered a short battery of questions about the US Constitution beginning with this prompt:

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<sup>19</sup> Very few say “no” in polls asking this question; most who do not say “yes” acknowledge that they do not know. In this case, 5% said “no” and 44% said they did not know.



We would like to learn more about how you view the United States Constitution. <Treatment language here, if any.>

Here are several different things that people might say about the US Constitution. Please mark whether you agree or disagree with each statement.

Participants were randomly assigned to one of five experimental conditions varying how much information they received about the US Constitution's age, length, and amendment rate. Those in the control group (30%) received no information at all; those in the full treatment (30%) received the US Constitution's age, length, and amendment rate; and those in the three partial treatment conditions (13% each) received only the US Constitution's age, only its length, or only its amendment rate. Full treatment language appears in Table 1. H4 predicts that this information should not influence participants' views of the US Constitution. After this prompt, participants marked their agreement or disagreement with several items evaluating the US Constitution: "The US Constitution is an enduring document that deserves our respect"; "The people who wrote the US Constitution were only looking out for themselves"; "The US Constitution is an outdated document that needs to be modernized"; and so on. (We discuss measurement of constitutional evaluations in the next section; the complete instrument appears in a supplemental appendix.)

[Table 1 here]

The next screen repeated these questions, but with references to the US Constitution replaced with references to the participant's state constitution. The treatment language appears, as before, in Table 1. The full instrument appears in a supplemental appendix, along with a table listing the information about state constitutions that was piped into these treatments. Recipients received the same factual information about both constitutions. These items form the core of our experiment, as H1, H2, and H3 predict that information about state constitutions' ages, lengths, and amendment rates will change participants' respect for their state constitutions.

Subsequent screens included additional questions measuring participants' general trust in government and, following Cann and Yates (2016), participants' perceived legitimacy of courts and of the law. Because participants were assigned randomly into experimental conditions, it is unnecessary to include demographic controls in the analysis below. (In any event, Table A2 in the supplemental appendix demonstrates the demographic balance across groups.) We can therefore attribute any differences in the outcome variables to this study's experimental treatments.

Following advice from Mutz (2011), we included two manipulation checks at the end of the instrument to assess whether participants had internalized the constitutional information they may have received earlier in the experiment. The first of these questions asked respondents whether their state constitution is longer or shorter than the US Constitution; only 14% of those who did not receive this information answered this item correctly, compared to 58% of those who did receive it. The second of these questions asked participants which constitution, the US Constitution or their state constitution, had received more amendments over the past 20 years; only 19% of those who did not receive this information answered this item correctly, compared to 62% of those who did receive it.<sup>20</sup> These are massive differences. Not only did participants successfully internalize the treatments, but the treatments also provided information that was genuinely foreign to the control group. Those who completed the questionnaire quickly fared as well on the manipulation checks as those who took longer, suggesting that participants were neither looking up information on the Internet nor racing inattentively through the instrument.<sup>21</sup>

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<sup>20</sup> These two questions have the same answer no matter the respondent's state, as every state constitution is longer and more frequently amended than the US Constitution.

<sup>21</sup> The study spanned 11 screens, yet the median participant spent only 241 seconds. Those who took more than 241 seconds fared as well as those who took less.

## Measuring constitutional evaluations

Existing research has not converged on a consistent measure of respect for constitutions. Instead, each of the various polls and studies cited above has generally adopted its own *sui generis* approach. While we admire Zink and Dawes's (2016) inferred measure of veneration based on participants' responses to randomly varied question wording (discussed above), such an approach would add an extra layer of complication to our already randomized instrument. Moreover, differentiating Madisonian veneration from Jeffersonian legitimacy requires a measure that goes beyond veneration alone, a measure capturing respondents' general evaluation of each constitution. Thus, we assembled a battery of seven evaluative questions adapted from the National Constitution Center's (2012) regular polls and also from Cann and Yates's (2016) insightful study of respect for American courts and laws. We are less interested in these seven individual questions than in the latent constitutional evaluation they collectively reveal. Our battery begins with five statements: "The US Constitution is an enduring document that deserves our respect"; "The people who wrote the US Constitution were only looking out for themselves"; "We should amend the US Constitution more frequently so that it addresses modern concerns"; "The US Constitution is an outdated document that needs to be modernized"; and "The people who wrote the US Constitution were wise and visionary." (Tables below reference these five items as *enduring*, *selfish*, *amend more*, *outdated*, and *visionary*.) Respondents reacted to each statement using a 5-point scale including "strongly disagree" (coded as -2), "agree" (-1), "neither agree nor disagree" (0), "agree" (+1), and "strongly agree" (+2).

Drawing on Cann and Yates (2016), the next item on the battery examined respondents' preferences for judicial originalism. We presented respondents with two statements anchoring either end of a sliding scale: "Judges should base their rulings on what they believe the US

Constitution means in today's world" and "Judges should base their rulings on what they believe the US Constitution meant when it was originally written." We invited respondents to move a slider along a horizontal axis to indicate their views; a screenshot appears in the supplemental appendix. We code responses from -50 for a living approach to +50 for an originalist approach. The battery's seventh and final question asked, "Would you say the US Constitution is amended too much, not enough, or about the right amount?" Respondents chose "not enough" (coded -1), "about the right amount" (0), or "too much" (+1). (We reference these items below as *originalism* and *too amended*.)

Participants answered this 7-item battery twice: Once about the US Constitution, and again about their respective state constitutions. Correlations within each battery are high ( $p < 0.01$  in every pairwise comparison). We conducted separate factor analysis on each battery, producing one set of loadings for national evaluations and another for state evaluations. These factor models yield similar loadings across the two different types of constitutions, and yield approximately similar levels of explanatory power: 0.45 for the state factor compared with 0.51 for the federal factor. (Table A3 and A4 in the supplemental appendix give the factor loadings.) In both cases, inspection of the screeplot and traditional tests suggest a two-factor model, though the first factor in each model captures the vast majority of the variance. Both second factors explain only around 10 percent of the variance and are probably best thought of as residual dimensions; we will omit these second factors from our analysis.<sup>22</sup>

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<sup>22</sup> In each case, the first dimension factor correlates highly with a simple additive index (with all variables first adapted to the same scale);  $r = 0.91$  for the US Constitution and  $r = 0.88$  for the state constitutions. Thus, the results presented below could also be obtained using such an index variable. Nevertheless, we favor the factor analysis since it allows each of the 7 items to exert different weight as we recover latent dimensions of constitutional evaluation.

The first dimension factors have a straightforward interpretation: Each is a measure of how favorably people view their state or US constitution. Respondents score higher on each factor if they believe that the document is enduring, written by visionary people, amended too often, or that judges should adhere to an originalist viewpoint when interpreting it. Respondents score lower if they believed that the framers were looking out for themselves, that the document is outdated, or that it should be amended more often.<sup>23</sup>

Table 2 presents summary statistics for the US Constitution battery, both in the aggregate and by selected demographics, for all 7 items in the battery as well as for the first dimension of our factor analysis. For *enduring*, *visionary*, *originalism*, *too amended*, and the factor score, a higher value indicates greater respect; the opposite is true for *selfish*, *outdated* and *amend more*. Within each demographic category, boldface indicates the group showing greater respect, even if the difference is marginal. Republicans, conservatives, men, and respondents over 55 give higher evaluations across every indicator shown. Interestingly, higher education has mixed effects, increasing participants' sense that the Constitution is "enduring" and that the founders were unselfish and visionary while very modestly pushing some other indicators in the other direction; as a result, education has no net effect on factor scores. Nevertheless, the generally uniform effects that partisanship, ideology, sex, and age exert across all indicators strengthens our confidence in this battery's reliability.

[Table 2 here]

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<sup>23</sup> Though the factors for national and state constitutions are similar, they are not strictly comparable without more assumptions and connection between the scales. In other words, while comparisons within each scale make sense, strict numerical comparisons across the two scales are open to question.

Table 3 presents similar statistics as Table 2 but for state constitutions. Aggregate means are sometimes closer to zero in Table 3 than in Table 2, indicating somewhat less favorability or more ambivalence about state constitutions. However, standard deviations are comparable across both tables, suggesting plenty of variance. Demographic variables generally have the same effects in Table 3 as in Table 2. As in Table 2, the largest differences arise with partisanship, ideology, and age. As our concern is whether or not the randomized treatments produce any change in a person's responses, we now turn to an analysis of the experiment.

[Table 3 here]

## Results

Our treatments produce results consistent with our hypotheses.<sup>24</sup> Figure 1 compares the full treatment to the control for each type of constitution. Recall that the full treatment includes information about each constitution's age, length, and amendment rate; respondents who received only a partial treatment are not included here. Though the full treatment had no effect on evaluations of the US Constitution, it raised evaluations of state constitutions significantly ( $p=0.038$ ).<sup>25</sup> Notably, the effect remains equally strong among the subset of respondents who already knew prior to our experiment that their state had a constitution ( $p=0.038$ ). We can therefore

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<sup>24</sup> In addition to the results given here, we also placed a partial replication on the November 2016 wave of the Cooperative Congressional Election Study (CCES). The CCES wave preserved only the control and full treatment, omitting partial treatments. It dropped most items from our battery, preserving only two items about state constitutions: Whether the state constitution is amended too much (+1), the right amount (0), or too little (-1), and whether judges should apply an originalist interpretation to the state constitution (-100 to +100). Two items are insufficient to conduct factor analysis, so we considered each item separately. The originalism question does not replicate in the CCES data. Given that this is not a full replication, of course, we are not comparing apples to apples. The amendment rate question does replicate, however, producing near-identical results across the two samples; the average score on this question rises by +0.14 ( $p<0.01$ ) among MTurk respondents receiving the full treatment and by +0.15 ( $p=0.02$ ) among CCES respondents receiving the same treatment. Any experiment should be replicated in its full form several times to home in on a clean estimate of treatment effects, of course. We are heartened that even this partial replication in the CCES affirms our MTurk findings.

<sup>25</sup> Because our hypotheses are directional, we report one-tailed probabilities.

infer that respondents reacted to the specific information we provided them and not simply to the general fact that our questions implicitly informed them of their state constitution's existence.<sup>26</sup>

[Figure 1 here]

Figure 2 further establishes this point and also provides a direct test of H1, H2, and H3, showing how each type of information changes respondents' evaluations of state constitutions.<sup>27</sup> Every state constitution has a higher amendment rate than the US Constitution. As predicted by H1, respect for state constitutions rises significantly ( $p=0.036$ ) among those who learn of their state's high amendment rate.<sup>28</sup> This information has the strongest effect in states with the highest amendment rates. The median state constitution received 16.5 amendments over the past 20 years. Our treatment is significant in states above this median ( $p=0.024$ ) but not in states below it ( $p=0.339$ ); Figure A1 in the supplement depicts these results.

[Figure 2 here]

Figure 2 also presents evidence in favor of H2: Respect for state constitutions rises meaningfully ( $p=0.057$ ) among those who were provided with their state constitution's age. Again, the effect is strongest in the most distinctive states. The median state constitution was adopted in 1890. Our treatment is significant in states with younger constitutions ( $p=0.063$ ) but not in states

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<sup>26</sup> The treatment effect for state constitutional evaluations depicted in Figure 1 is +0.14 ( $p=0.038$ ,  $n=605$ ) for the full sample and +0.20 ( $p=0.038$ ,  $n=314$ ) for those respondents who accurately stated on the survey's first screen that their state has its own constitution. We recognize that prior knowledge is not randomly assigned; however, the latter treatment effect remains essentially the same at +0.19 ( $p=0.038$ ,  $n=314$ ) when we control for respondent gender, partisanship, education, and race.

<sup>27</sup> This figure compares participants who received a particular type of information to participants in all other conditions (not only to participants in the pure control group), which biases our analysis against finding meaningful differences.

<sup>28</sup> Because our constitutional respect battery includes two items asking respondents to evaluate amendment rates (*amend more* and *too amended*), we recognize that our first dimension factor may have some circularity with the amendment rate treatment. However, we obtain similar results, albeit slightly attenuated, when we omit these two items from the battery and recalculate the factor using only the five remaining items. (This modified version of the factor correlates with the version reported here at  $r=0.91$ ,  $p<0.0001$ .) The same is true with the general result reported in Figure 1.

with older constitutions ( $p=0.264$ ), a difference depicted in Figure A2 in the supplement. Informing respondents of their state constitution's length does not appear to change their evaluations, however. Though Figure 2 depicts an effect in the direction hypothesized by H3, the difference is not statistically significant at conventional levels ( $p=0.160$ ). Still, our treatment comes closer to significance in states with constitutions longer than the median of 24,000 words ( $p=0.128$ ) than in states with shorter constitutions ( $p=0.439$ ), as depicted in Figure A3 in the supplement.

Figure 3 presents the same set of comparisons as Figure 2, but for the US Constitution. As predicted in H4, none of our treatments affect evaluations at all, with no  $p$ -values lower than 0.237. Just as Madison might have hoped, respondents venerate the US Constitution regardless of their exposure to these facts about it.

[Figure 3 here]

Though not directly tied to our hypotheses, our questionnaire also included some other items that were influenced by our treatments. Setting aside our factor model, Figure 4 summarizes responses to three items about how much confidence the respondent has in the American voter when it comes to making the right decision, how much reform the respondent feels the government needs, and how much trust the respondent has in their state government to do what is right. The figure plots separate means and confidence intervals for those who were in the control condition and those who were in the full treatment. Though our treatment did not affect respondents' trust in their state government or their confidence in their fellow voters, it clearly raised respondents' sense that the government needs major reform ( $p=0.040$ ). Evidently, people who learn that their state constitution is younger, amended more, and lengthier than the US Constitution show greater



respect for their state constitution (Figure 2), but also have a greater desire to see government reform (Figure 4).

[Figure 4 here]

Thus, high evaluations do not preclude a desire for reform—to the contrary, constitutional respect and reform may go hand in hand. Though this may seem contradictory, it recalls an old and honorable American tradition. During the American revolution it was common for revolutionaries both to claim the mantle of change—away from the despotism of the current parliament—and also to claim the mantle of being a defender of the true and older faith. That is, colonial revolutionaries saw reform as necessary to return to the principles established during the English Civil War and the Glorious Revolution.<sup>29</sup> Such women and men combined a desire for change with a veneration for first principles as they perceived them. Though we did not theorize *ex ante* about a relationship between these variables and derived no specific hypothesis, we are intrigued that our treatment seems to have invoked this tradition, increasing both respect and desires for reform. Or, taking the Jeffersonian perspective detailed above, we might conclude that those who learn just how regularly and recently their state constitutions have been updated see them in greater esteem and also have a strengthened desire to continue updating them.

## Discussion

Collectively these results are convincing on two key points. First, we are able to manipulate evaluations of state constitutions. People will change their view of their state constitution if given the right information—specifically its age and amendment rate. Treatment effects arise most

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<sup>29</sup> Some explicitly made the connection to the Copernican term “revolution” in order to denote the idea of a revolution that returns one to an original position or first principles.

strongly among respondents from states with the highest amendment rates or youngest constitutions, increasing confidence in this conclusion. This finding implies a Jeffersonian view of state constitutions as practical governing documents rather than pedestalized relics, where respect for the constitution hinges on its democratic legitimacy. Second, we find that informing participants of their state constitution's high amendment rate does more than increase respect—it also prompts desire for reform. Although the exact nature of that reform cannot be ascertained from these data, it seems likely that one element of it is the need for a document to be changed and altered for a given generation (for “the living” as Jefferson would put it). These facts hold both among those who are completely unfamiliar with their state constitutions (i.e., not even being certain that the constitution exists) and among those who already know about their state constitution, thus showing that respondents were reacting to more than the general effect of knowledge of the constitution's existence.

The dearth of effects on US Constitutional evaluations, meanwhile, suggests that Americans view that document through a fundamentally different lens, one based less on its content than on its venerable association with the nation's birth. Despite the null effects, we caution the reader against supposing that respect for the U.S. Constitution is immovable. Enough change may leave people dismayed, feeling that the Constitution no longer reflects their understanding of the founding. A founding myth is something that state constitutions uniformly lack, of course. Perhaps Madison was right to say that the (national) constitution requires veneration that is “breathed” by “the voice of the people.” This kind of allegiance should not be treated lightly, and, as Madison suggested, it may even be crucial to our political system. But we must also understand that the system of government generated by the founders has multiple levels and Jefferson's vision of constitutions amended and changed to fit the times and retain their

legitimacy clearly appeals to people thinking about their state constitutions. At the state level, Americans crave reform and change. They do not want a state constitution of antiquity but a state constitution of the present. Perhaps it is a fitting tribute to the founding generation's efforts that the thinking of American citizens—two and a quarter centuries later—is not uniform, but changes depending upon the level of government and the purpose of the document.

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Table 1: Treatment Language

| Group       | US Constitution language   | State constitution language  |
|-------------|--|--|
| 1 (control) | --   | --   |
| 2 (age)     | As you may know, the US Constitution was written in 1787.  | As you may know, the <state> State Constitution was written in <year>.   |
| 3 (amend)   | As you may know, the US Constitution has been amended 27 times since its adoption, with no new amendments in the past 20 years.  | As you may know, the <state> State Constitution has been amended <n1> times since its adoption, with <n2> new amendments in the past 20 years.   |
| 4 (length)  | As you may know, the US Constitution totals around 8,000 words, which means it can be printed onto about 15 pages.   | As you may know, the <state> State Constitution totals around <w> words, which means it can be printed onto about <w/550> pages.   |
| 5 (full)    | As you may know, the US Constitution was written in 1787. It has been amended 27 times since 1787, with no new amendments in the past 20 years. It now totals around 8,000 words, which means it can be printed onto about 15 pages. | As you may know, the <state> State Constitution was written in <year>. It has been amended <n1> times since its adoption, with <n2> new amendments in the past 20 years. It now totals around <w> words, which means it can be printed onto about <w/550> pages. |



Table 2: Evaluations of the US Constitution

|                | <b>Enduring</b><br><b>(-2 to +2)</b> | <b>Selfish</b><br><b>(-2 to +2)</b> | <b>Amend more</b><br><b>(-2 to +2)</b> | <b>Outdated</b><br><b>(-2 to +2)</b> | <b>Visionary</b><br><b>(-2 to +2)</b> | <b>Originalism</b><br><b>(-50 to +50)</b> | <b>Too amended</b><br><b>(-1 to +1)</b> | <b>1st factor</b><br><b>(-2.8 to +2.2)</b> |
|----------------|--------------------------------------|-------------------------------------|--|--------------------------------------|---------------------------------------|---|---|--|
| Mean           | 1.17                                 | -0.95                               | 0.30                                   | -0.01                                | 1.07                                  | -15.1                                     | -0.34                                   | 0.00                                       |
| St. Dev.       | 0.96                                 | 0.99                                | 1.15                                   | 1.24                                 | 0.85                                  | 31.0                                      | 0.67                                    | 1.00                                       |
| Republicans    | <b>1.54</b>                          | <b>-1.37</b>                        | <b>-0.42</b>                           | <b>-0.89</b>                         | <b>1.47</b>                           | <b>5.8</b>                                | <b>0.06</b>                             | <b>0.79</b>                                |
| Democrats      | 1.02                                 | -0.72                               | 0.71                                   | 0.46                                 | 0.91                                  | -27.6                                     | -0.59                                   | -0.43                                      |
| Liberals       | 1.00                                 | -0.73                               | 0.75                                   | 0.54                                 | 0.87                                  | -29.0                                     | -0.62                                   | -0.48                                      |
| Conservatives  | <b>1.52</b>                          | <b>-1.35</b>                        | <b>-0.46</b>                           | <b>-1.00</b>                         | <b>1.48</b>                           | <b>9.3</b>                                | <b>0.11</b>                             | <b>0.85</b>                                |
| Men            | <b>1.25</b>                          | <b>-0.98</b>                        | <b>0.22</b>                            | <b>-0.11</b>                         | <b>1.15</b>                           | <b>-11.3</b>                              | <b>-0.28</b>                            | <b>0.12</b>                                |
| Women          | 1.10                                 | -0.93                               | 0.38                                   | 0.09                                 | 1.00                                  | -18.6                                     | -0.39                                   | -0.10                                      |
| Age $\geq 55$  | <b>1.25</b>                          | <b>-1.22</b>                        | <b>0.08</b>                            | <b>-0.25</b>                         | <b>1.27</b>                           | <b>-10.3</b>                              | <b>-0.23</b>                            | <b>0.26</b>                                |
| Age $\leq 35$  | 1.07                                 | -0.83                               | 0.46                                   | 0.21                                 | 0.98                                  | -19.4                                     | -0.38                                   | -0.17                                      |
| College degree | <b>1.25</b>                          | <b>-0.98</b>                        | 0.33                                   | <b>-0.02</b>                         | <b>1.15</b>                           | -16.3                                     | -0.36                                   | <b>0.02</b>                                |
| No degree      | 1.08                                 | -0.91                               | <b>0.28</b>                            | 0.00                                 | 1.00                                  | <b>-14.0</b>                              | <b>-0.32</b>                            | -0.02                                      |

Table 3: Evaluations of State Constitutions

|                | <b>Enduring</b><br><b>(-2 to +2)</b> | <b>Selfish</b><br><b>(-2 to +2)</b> | <b>Amend more</b><br><b>(-2 to +2)</b> | <b>Outdated</b><br><b>(-2 to +2)</b> | <b>Visionary</b><br><b>(-2 to +2)</b> | <b>Originalism</b><br><b>(-50 to +50)</b> | <b>Too amended</b><br><b>(-1 to +1)</b> | <b>1st factor</b><br><b>(-3.0 to +2.9)</b> |
|----------------|--------------------------------------|-------------------------------------|--|--------------------------------------|---------------------------------------|---|---|--|
| Mean           | 0.64                                 | -0.42                               | 0.35                                   | 0.11                                 | 0.38                                  | -17.2                                     | -0.16                                   | 0.00                                       |
| St. Dev.       | 0.89                                 | 0.97                                | 1.01                                   | 1.00                                 | 0.83                                  | 29.2                                      | 0.63                                    | 1.00                                       |
| Republicans    | <b>0.92</b>                          | <b>-0.76</b>                        | <b>-0.19</b>                           | <b>-0.39</b>                         | <b>0.62</b>                           | <b>0.4</b>                                | <b>0.10</b>                             | <b>0.64</b>                                |
| Democrats      | 0.53                                 | -0.28                               | 0.63                                   | 0.36                                 | 0.26                                  | -27.8                                     | -0.31                                   | -0.33                                      |
| Liberals       | 0.45                                 | -0.25                               | 0.69                                   | 0.40                                 | 0.23                                  | -29.0                                     | -0.34                                   | -0.40                                      |
| Conservatives  | <b>0.91</b>                          | <b>-0.72</b>                        | <b>-0.25</b>                           | <b>-0.45</b>                         | <b>0.61</b>                           | <b>2.6</b>                                | <b>0.15</b>                             | <b>0.69</b>                                |
| Men            | <b>0.65</b>                          | -0.42                               | <b>0.30</b>                            | <b>0.01</b>                          | 0.37                                  | <b>-14.5</b>                              | <b>-0.13</b>                            | <b>0.07</b>                                |
| Women          | 0.64                                 | <b>-0.43</b>                        | 0.40                                   | 0.19                                 | <b>0.38</b>                           | -19.8                                     | -0.20                                   | -0.07                                      |
| Age $\geq 55$  | <b>0.84</b>                          | <b>-0.75</b>                        | <b>0.22</b>                            | <b>0.00</b>                          | <b>0.59</b>                           | <b>-14.6</b>                              | <b>-0.14</b>                            | <b>0.24</b>                                |
| Age $\leq 35$  | 0.59                                 | -0.33                               | 0.47                                   | 0.15                                 | 0.33                                  | -20.4                                     | -0.18                                   | -0.11                                      |
| College degree | <b>0.67</b>                          | <b>-0.45</b>                        | <b>0.34</b>                            | 0.11                                 | <b>0.39</b>                           | -18.6                                     | <b>-0.16</b>                            | <b>0.01</b>                                |
| No degree      | 0.62                                 | -0.39                               | 0.36                                   | 0.11                                 | 0.36                                  | <b>-15.9</b>                              | -0.17                                   | -0.01                                      |

Figure 1: Constitutional evaluations by type of document (90% CI)

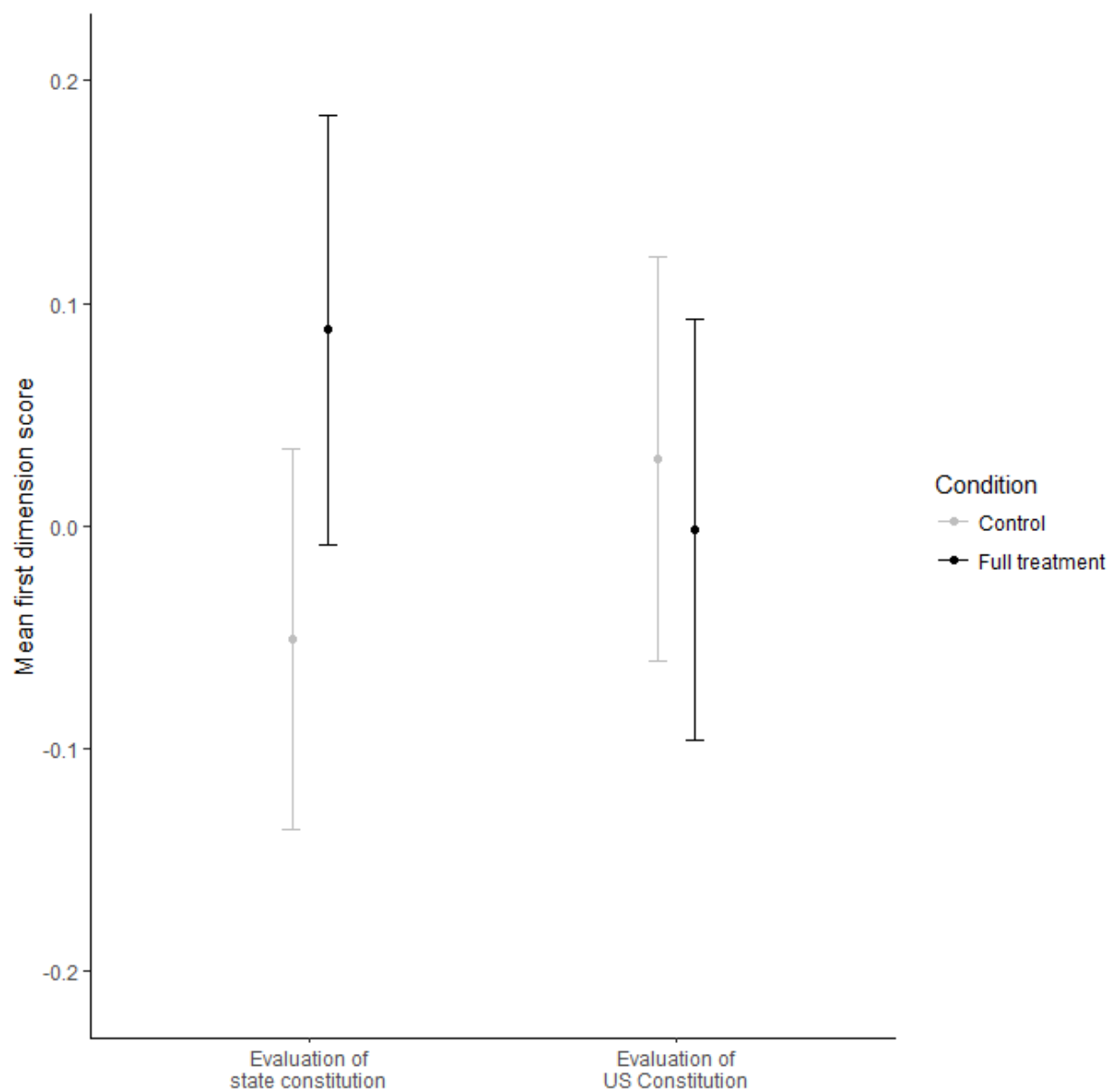


Figure 2: Evaluations of the state constitution, by information provided (90% CI)

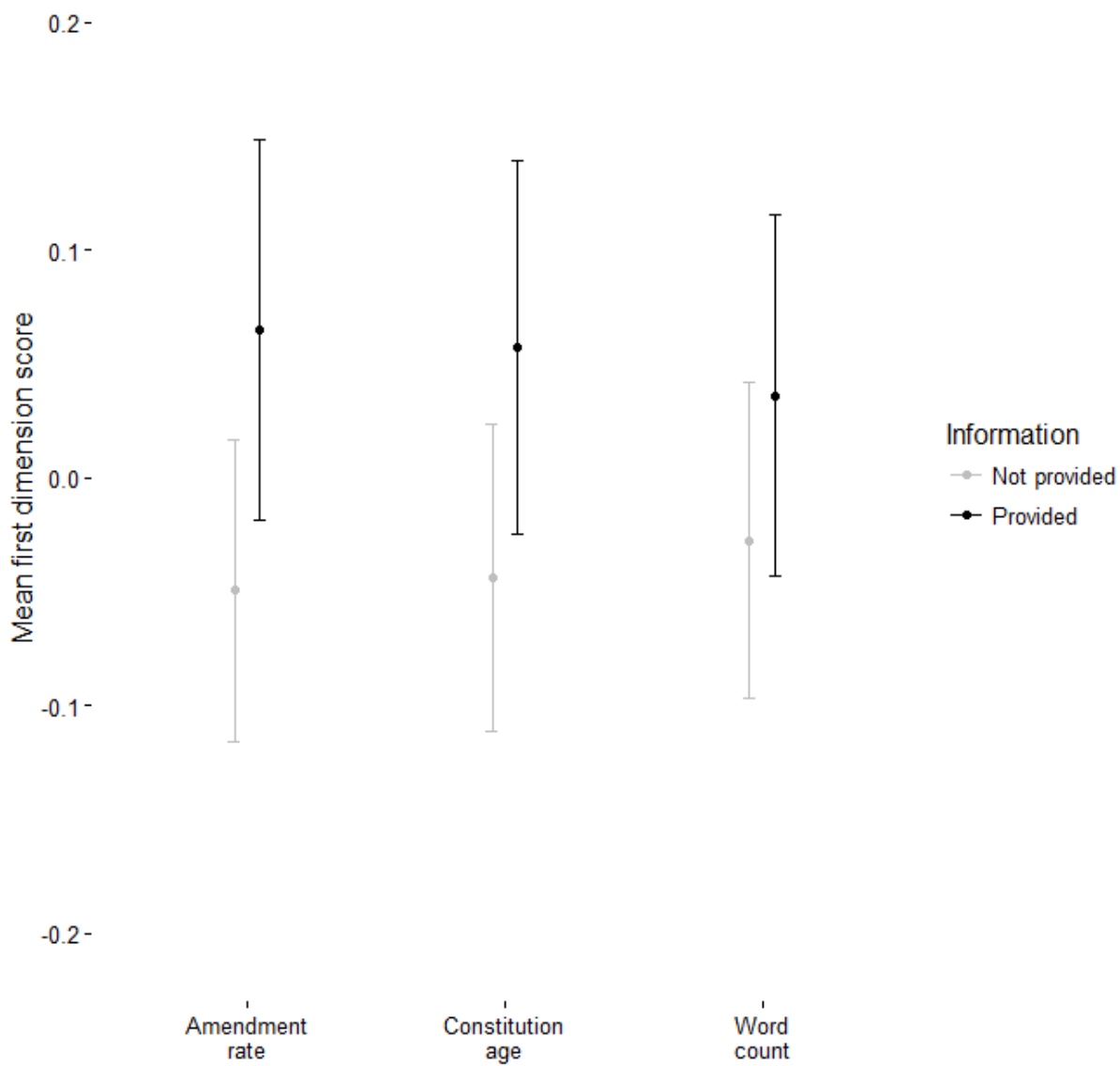


Figure 3: Evaluations of the US Constitution, by information provided (90% CI)

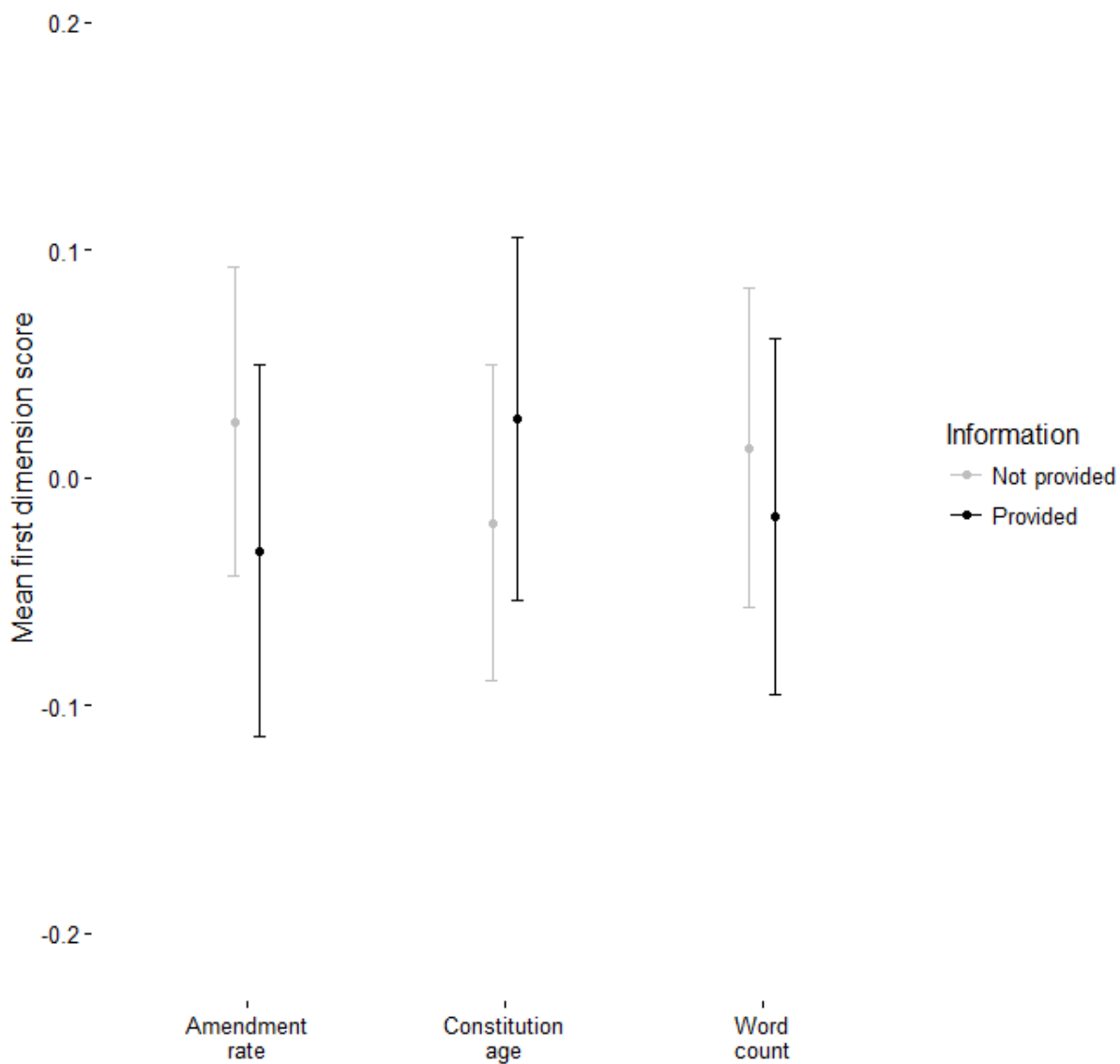
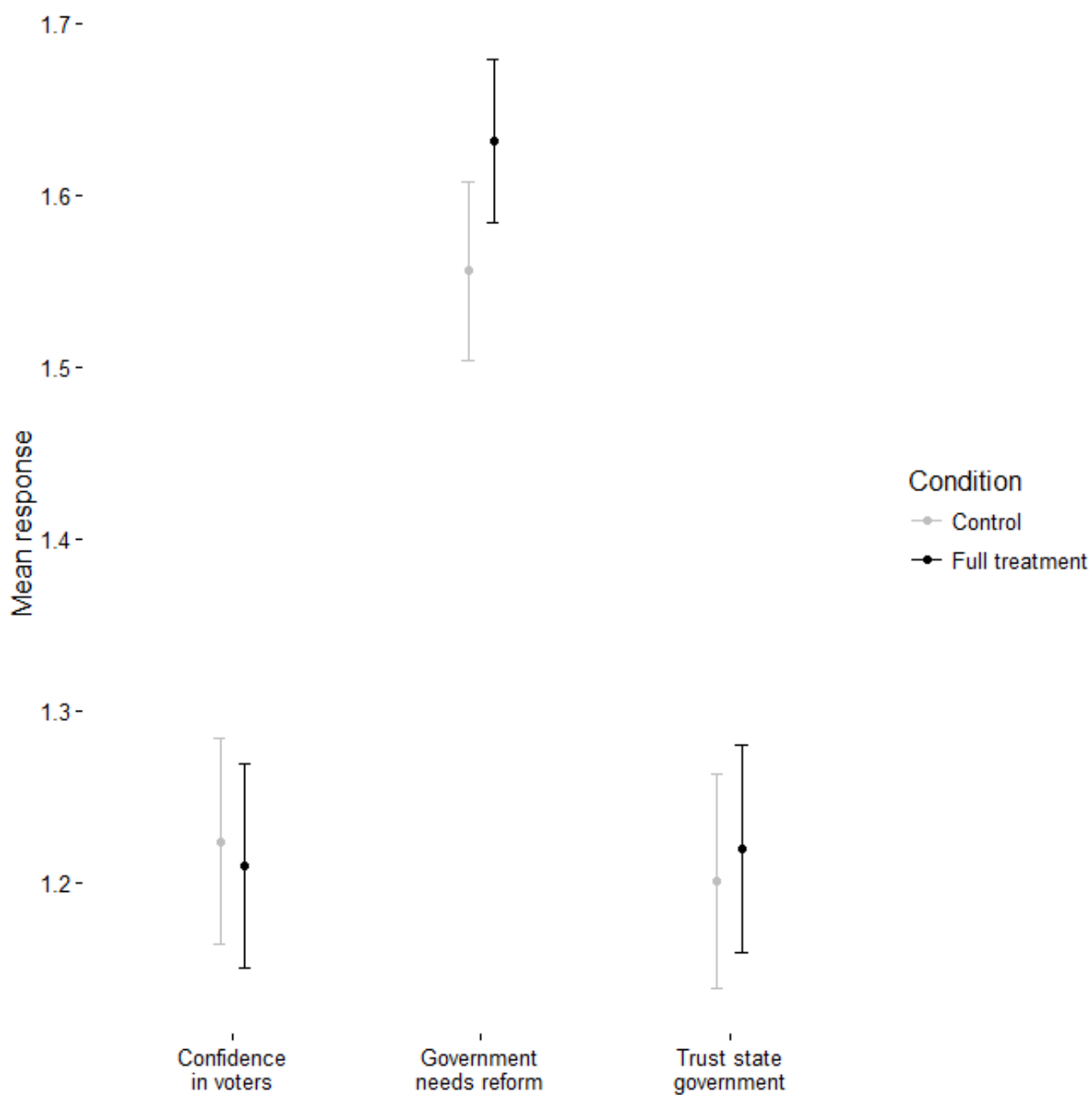


Figure 4: Trust and reform, by treatment condition (90% CI)



## Supplemental appendix

This supplement contains additional materials referenced in the text that may be of interest to some readers. Table A1 lists the information about state constitutions that was piped into our instrument. Table A2 demonstrates the demographic balance across treatment groups.<sup>30</sup> Tables A3 and A4 summarize the results of our factor analysis. Figure A1, Figure A2, and Figure A3 present tests of our experimental treatment by subgroup, as referenced in the main manuscript. Screenshots of our entire instrument appear after these tables and figures.

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<sup>30</sup> The three smaller groups sometimes deviate slightly from the two larger groups in this table. However, separate probit analysis does not reveal any statistically significant ( $p < 0.05$ ) relationships between assigned group and participant demographic variables (age, partisanship, ideology, race/ethnicity, education level, sex, length of residence in state) or state constitution variables (length, age, and amendment rate of state constitution)

Table A1: Constitution Ages, Amendment Rates, and Lengths

| <b>Constitution</b> | <b>Year</b> | <b>Amendments: 20 years</b> | <b>Amendments: All</b> | <b>Words</b> | <b>Page length</b> |
|---------------------|-------------|-----------------------------|------------------------|--------------|--------------------|
| United States       | 1787        | 0                           | 27                     | 8,000        | 15                 |
| Alabama             | 1901        | 298                         | 743                    | 376,000      | 684                |
| Alaska              | 1959        | 4                           | 28                     | 16,000       | 29                 |
| Arizona             | 1912        | 32                          | 89                     | 29,000       | 53                 |
| Arkansas            | 1874        | 18                          | 133                    | 59,000       | 108                |
| California          | 1879        | 36                          | 507                    | 55,000       | 99                 |
| Colorado            | 1876        | 30                          | 143                    | 66,000       | 120                |
| Connecticut         | 1965        | 2                           | 29                     | 17,000       | 30                 |
| Delaware            | 1897        | 18                          | 136                    | 19,000       | 35                 |
| Florida             | 1969        | 52                          | 96                     | 51,000       | 94                 |
| Georgia             | 1983        | 29                          | 61                     | 40,000       | 72                 |
| Hawaii              | 1959        | 24                          | 100                    | 21,000       | 38                 |
| Idaho               | 1890        | 11                          | 11                     | 24,000       | 44                 |
| Illinois            | 1971        | 2                           | 43                     | 16,000       | 29                 |
| Indiana             | 1851        | 9                           | 52                     | 10,000       | 19                 |
| Iowa                | 1857        | 5                           | 117                    | 13,000       | 23                 |
| Kansas              | 1861        | 5                           | 92                     | 12,000       | 22                 |
| Kentucky            | 1891        | 9                           | 40                     | 24,000       | 43                 |
| Louisiana           | 1975        | 104                         | 113                    | 54,000       | 98                 |
| Maine               | 1820        | 8                           | 120                    | 16,000       | 30                 |
| Maryland            | 1867        | 21                          | 218                    | 43,000       | 79                 |
| Massachusetts       | 1780        | 3                           | 169                    | 37,000       | 67                 |
| Michigan            | 1964        | 10                          | 23                     | 31,000       | 57                 |
| Minnesota           | 1858        | 7                           | 118                    | 12,000       | 21                 |
| Mississippi         | 1890        | 6                           | 103                    | 24,000       | 44                 |
| Missouri            | 1945        | 29                          | 121                    | 43,000       | 77                 |
| Montana             | 1973        | 10                          | 27                     | 13,000       | 24                 |
| Nebraska            | 1875        | 32                          | 143                    | 20,000       | 36                 |
| Nevada              | 1864        | 22                          | 31                     | 31,000       | 57                 |
| New Hampshire       | 1784        | 2                           | 54                     | 9,000        | 17                 |
| New Jersey          | 1948        | 21                          | 146                    | 23,000       | 42                 |
| New Mexico          | 1912        | 38                          | 215                    | 27,000       | 49                 |
| New York            | 1895        | 10                          | 144                    | 52,000       | 94                 |
| North Carolina      | 1971        | 9                           | 219                    | 17,000       | 30                 |
| North Dakota        | 1889        | 22                          | 131                    | 19,000       | 35                 |
| Ohio                | 1851        | 15                          | 160                    | 49,000       | 88                 |
| Oklahoma            | 1907        | 42                          | 165                    | 77,000       | 139                |
| Oregon              | 1859        | 52                          | 234                    | 52,000       | 94                 |
| Pennsylvania        | 1968        | 9                           | 28                     | 28,000       | 50                 |
| Rhode Island        | 1986        | 5                           | 7                      | 11,000       | 20                 |
| South Carolina      | 1896        | 33                          | 484                    | 23,000       | 41                 |
| South Dakota        | 1889        | 16                          | 112                    | 28,000       | 50                 |
| Tennessee           | 1870        | 7                           | 36                     | 14,000       | 25                 |
| Texas               | 1876        | 119                         | 410                    | 88,000       | 161                |
| Utah                | 1896        | 33                          | 103                    | 11,000       | 20                 |
| Vermont             | 1793        | 2                           | 38                     | 9,000        | 16                 |
| Virginia            | 1971        | 22                          | 53                     | 21,000       | 39                 |
| Washington          | 1889        | 17                          | 95                     | 34,000       | 61                 |
| West Virginia       | 1872        | 5                           | 133                    | 26,000       | 47                 |
| Wisconsin           | 1848        | 16                          | 70                     | 15,000       | 27                 |
| Wyoming             | 1890        | 18                          | 91                     | 32,000       | 58                 |



Table A2: Group Demographics

|                      | <b>All</b> | <b>Group 1</b> | <b>Group 2</b> | <b>Group 3</b> | <b>Group 4</b> | <b>Group 5</b> |
|----------------------|------------|----------------|----------------|----------------|----------------|----------------|
| N                    | 999        | 304            | 133            | 130            | 131            | 301            |
| Percent in group     | 100%       | 30%            | 13%            | 13%            | 13%            | 30%            |
| Median age           | 32         | 32             | 31             | 31             | 31             | 34             |
| Female %             | 51         | 53             | 51             | 57             | 48             | 48             |
| Democrat %           | 52         | 53             | 50             | 49             | 56             | 53             |
| College %            | 49         | 49             | 53             | 41             | 47             | 52             |
| White %              | 75         | 74             | 74             | 77             | 76             | 78             |
| 11+ years in state % | 77         | 79             | 79             | 73             | 77             | 76             |

Table A3: U.S. Constitution Factor Analysis Loadings

| <b>Variable</b>                                  | <b>Factor 1</b> | <b>Factor 2</b> |
|--|-----------------|-----------------|
| The Constitution is enduring                     | 0.575           | 0.540           |
| Framers were looking out for themselves          | -0.615          | -0.456          |
| The Constitution should be amended more often    | -0.809          | 0.320           |
| The Constitution is outdated                     | -0.849          | 0.100           |
| The Constitution was written by visionary people | 0.649           | 0.508           |
| Judicial originalism                             | 0.712           | -0.364          |
| The Constitution is amended too much             | 0.764           | -0.414          |

Table A4: State Constitution Factor Analysis Loadings

| <b>Variable</b>                                  | <b>Factor 1</b> | <b>Factor 2</b> |
|--|-----------------|-----------------|
| The Constitution is enduring                     | 0.603           | 0.593           |
| Framers were looking out for themselves          | -0.643          | -0.449          |
| The Constitution should be amended more often    | -0.781          | 0.407           |
| The Constitution is outdated                     | -0.811          | 0.148           |
| The Constitution was written by visionary people | 0.584           | 0.615           |
| Judicial originalism                             | 0.630           | -0.407          |
| The Constitution is amended too much             | 0.629           | -0.495          |

Figure A1: Heterogeneous effects by state constitution's amendment rate (90% CI)

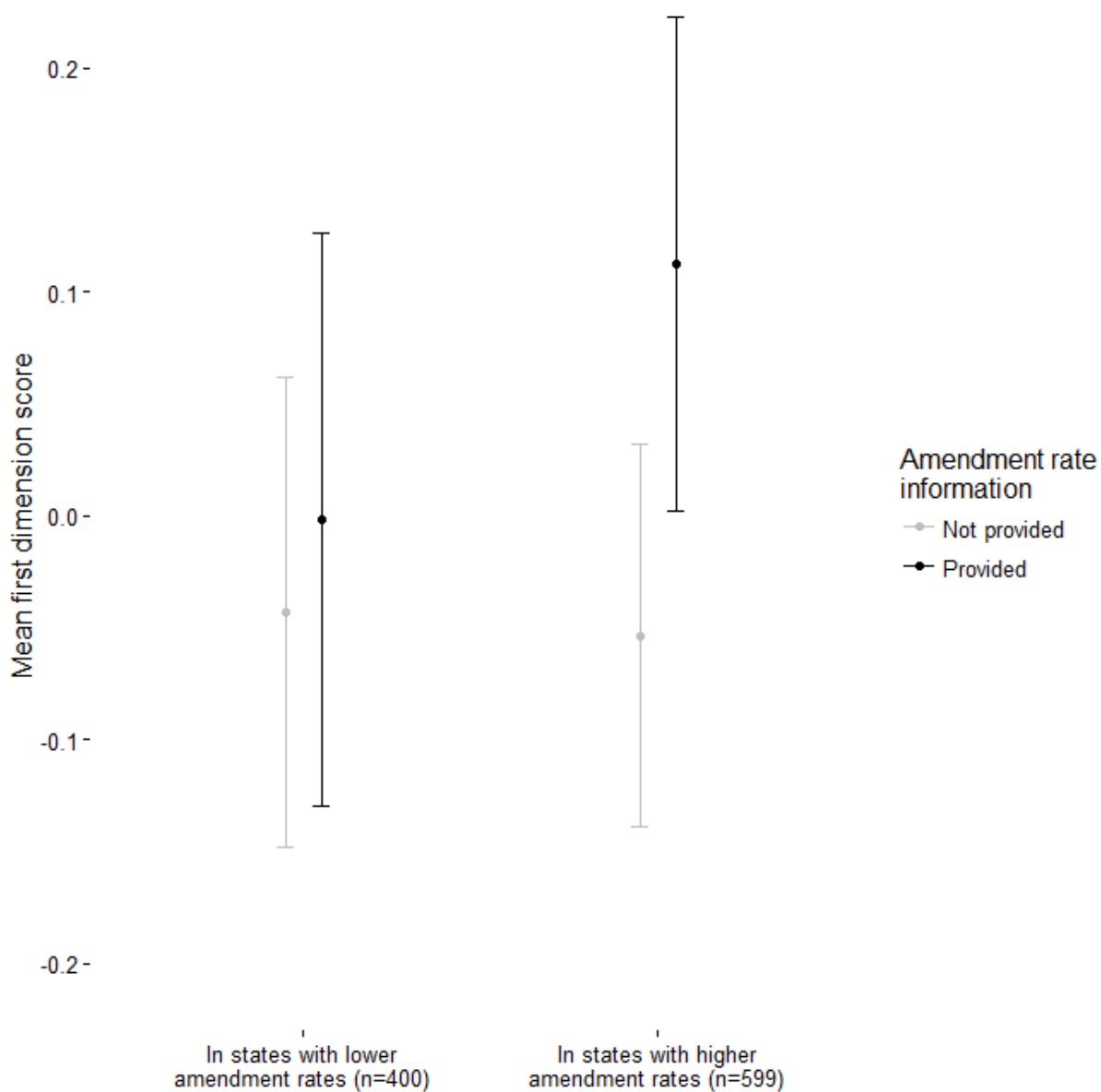


Figure A2: Heterogeneous effects by state constitution's age (90% CI)

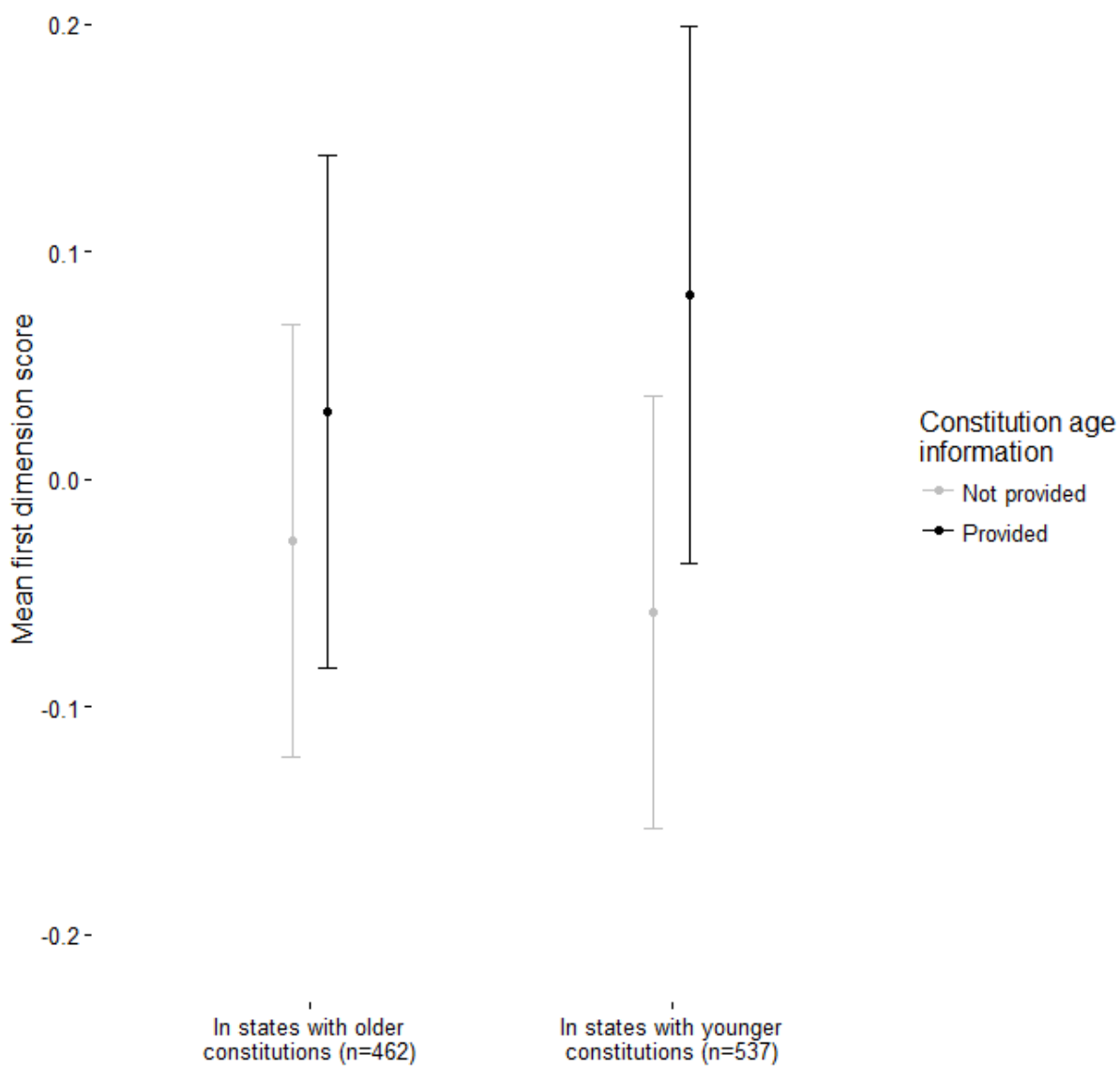
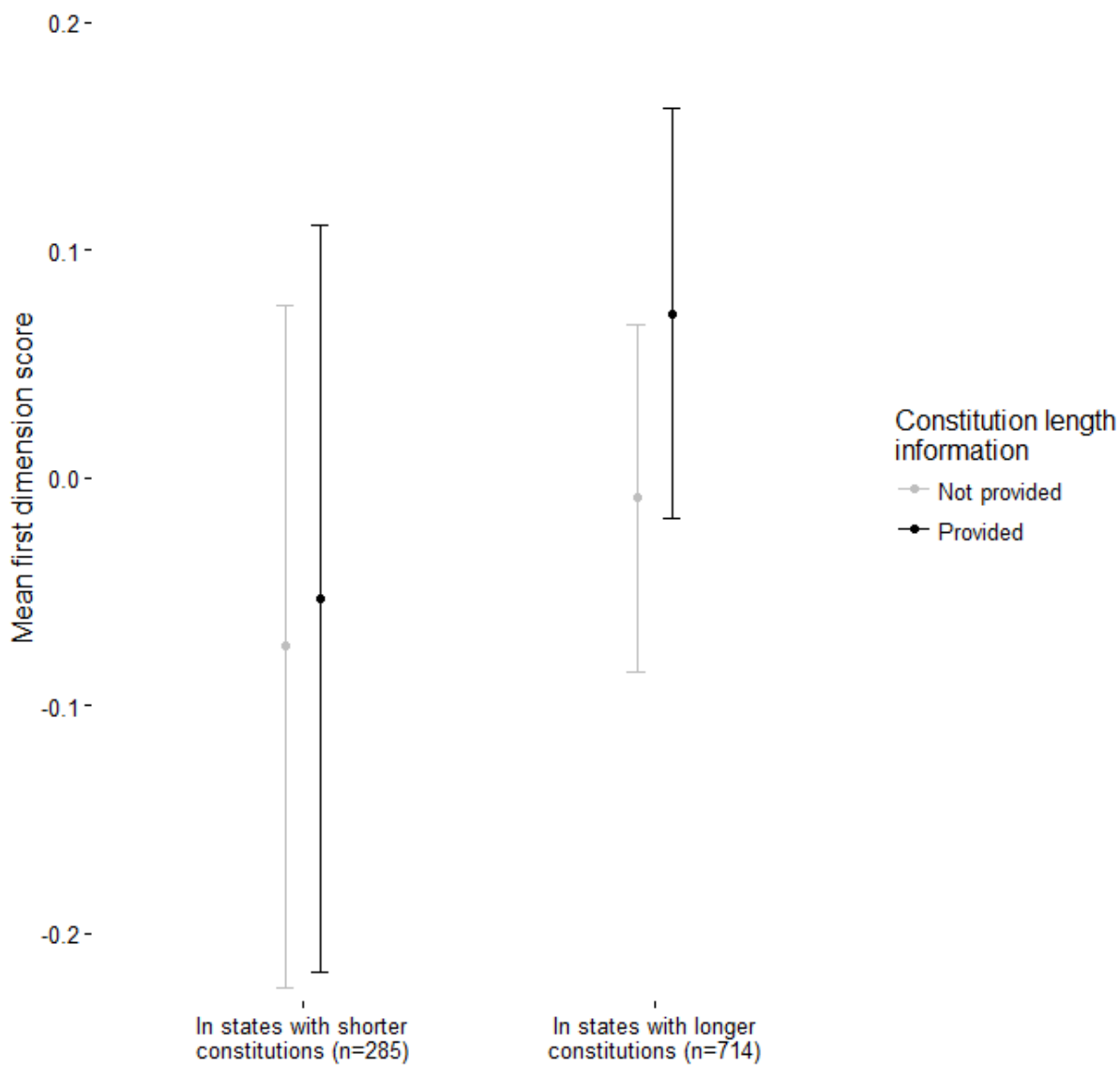


Figure A3: Heterogeneous effects by state constitution's length (90% CI)



The full instrument appears below, with one screen per page. (Not all items from the instrument are analyzed in this manuscript.) Treatment language appeared on the second and fourth screens. Participants were randomly assigned into groups; the screenshots below use group 1 language for a respondent from Arizona

## Welcome!

We are conducting a study to learn more about how people think about government. This is academic research that has not received funding from any party, candidate, or government agency.

Most people will need only 4-6 minutes to finish. We will allow you up to 120 minutes max. You may return this HIT at any time if you change your mind and decide not to participate further. We will not collect any personally identifiable information about you.

If you wish to participate, please begin by answering these two questions, then click the "continue" button.

Please select your state:

To the best of your knowledge, does your state have its own constitution?

- ☐ Yes, it does.
- ☐ No, it does not.
- ☐ I don't know.

**You will not be able to complete this HIT without an external mouse. A touchscreen will not work.**

We would like to learn more about how you view the United States Constitution.

Here are several different things that people might say about the US Constitution. Please mark whether you agree or disagree with each statement.

The US Constitution is an enduring document that deserves our respect.

- ☐ Strongly disagree.
- ☐ Disagree.
- ☐ Neither agree nor disagree.
- ☐ Agree.
- ☐ Strongly agree.

The people who wrote the US Constitution were only looking out for themselves.

- ☐ Strongly disagree.
- ☐ Disagree.
- ☐ Neither agree nor disagree.
- ☐ Agree.
- ☐ Strongly agree.

The US Constitution is an outdated document that needs to be modernized.

- ☐ Strongly disagree.
- ☐ Disagree.
- ☐ Neither agree nor disagree.
- ☐ Agree.
- ☐ Strongly agree.

The people who wrote the US Constitution were wise and visionary.

- ☐ Strongly disagree.
- ☐ Disagree.
- ☐ Neither agree nor disagree.
- ☐ Agree.
- ☐ Strongly agree.

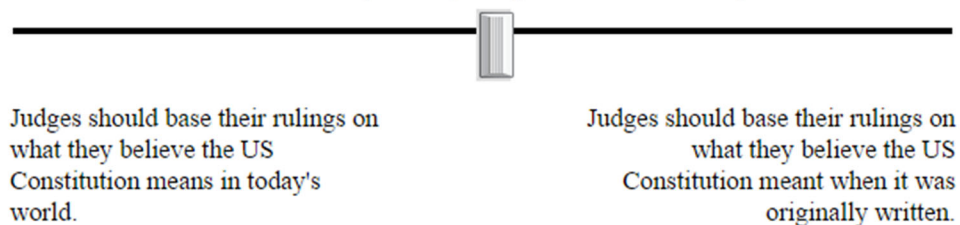
[Continue »](#)



We should amend the US Constitution more frequently so that it addresses modern concerns.

- ☐ Strongly disagree.
- ☐ Disagree.
- ☐ Neither agree nor disagree.
- ☐ Agree.
- ☐ Strongly agree.

Which of the following two statements comes closest to your view of how the US Constitution should be interpreted by the courts? Move the slider to indicate which position you agree with more closely.



Would you say the US Constitution is amended too much, not enough, or about the right amount?

- ☐ Not enough
- ☐ About the right amount.
- ☐ Too much.

Continue »

We would like to learn more about how you view the Arizona State Constitution.

Here are several different things that people might say about the Arizona State Constitution. Please mark whether you agree or disagree with each statement.

The Arizona State Constitution is an enduring document that deserves our respect.

- ☐ Strongly disagree.
- ☐ Disagree.
- ☐ Neither agree nor disagree.
- ☐ Agree.
- ☐ Strongly agree.

The people who wrote the Arizona State Constitution were only looking out for themselves.

- ☐ Strongly disagree.
- ☐ Disagree.
- ☐ Neither agree nor disagree.
- ☐ Agree.
- ☐ Strongly agree.

The Arizona State Constitution is an outdated document that needs to be modernized.

- ☐ Strongly disagree.
- ☐ Disagree.
- ☐ Neither agree nor disagree.
- ☐ Agree.
- ☐ Strongly agree.

The people who wrote the Arizona State Constitution were wise and visionary.

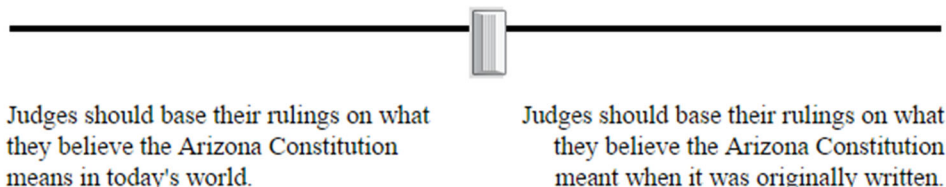
- ☐ Strongly disagree.
- ☐ Disagree.
- ☐ Neither agree nor disagree.
- ☐ Agree.
- ☐ Strongly agree.

Continue »

We should amend the Arizona State Constitution more frequently so that it addresses modern concerns.

- ☐ Strongly disagree.
- ☐ Disagree.
- ☐ Neither agree nor disagree.
- ☐ Agree.
- ☐ Strongly agree.

Which of the following two statements comes closest to your view of how the Arizona State Constitution should be interpreted by the courts? Move the slider to indicate which position you agree with more closely.



Would you say the Arizona State Constitution is amended too much, not enough, or about the right amount?

- ☐ Not enough
- ☐ About the right amount.
- ☐ Too much.

Continue »

In general, how much trust and confidence do you have in the wisdom of the American people when it comes to making political decisions?

- ☐ None at all.
- ☐ Not very much.
- ☐ A good deal.
- ☐ A very great deal.

How much of the time do you think you can trust your state government to do what is right?

- ☐ Never.
- ☐ Only some of the time.
- ☐ Most of the time.
- ☐ Just about always.

Which of the following three statements come closest to your view?

- ☐ The government doesn't need much change at all.
- ☐ The government is basically sound and needs only some reform.
- ☐ The government needs very major reform.

Continue »

We're almost done. We would like know your general views about government. Please mark whether you agree or disagree with each statement below.

Important policy decisions should be implemented as constitutional amendments rather than as normal laws.

- ☐ Strongly disagree.
- ☐ Disagree.
- ☐ Neither agree nor disagree.
- ☐ Agree.
- ☐ Strongly agree.

More frequent constitutional amendments would cause courts to make better rulings.

- ☐ Strongly disagree.
- ☐ Disagree.
- ☐ Neither agree nor disagree.
- ☐ Agree.
- ☐ Strongly agree.

Obedying the law is its own reward.

- ☐ Strongly disagree.
- ☐ Disagree.
- ☐ Neither agree nor disagree.
- ☐ Agree.
- ☐ Strongly agree.

If the government outlawed something I enjoy doing, I would stop because it's just important to obey the law.

- ☐ Strongly disagree.
- ☐ Disagree.
- ☐ Neither agree nor disagree.
- ☐ Agree.
- ☐ Strongly agree.

Continue »

Following the law isn't very important as long as you do what you think is right.

- ☐ Strongly disagree.
- ☐ Disagree.
- ☐ Neither agree nor disagree.
- ☐ Agree.
- ☐ Strongly agree.

If a court started making a lot of decisions that most people disagree with, it might be better to do away with that court altogether.

- ☐ Strongly disagree.
- ☐ Disagree.
- ☐ Neither agree nor disagree.
- ☐ Agree.
- ☐ Strongly agree.

Courts get too mixed up in politics.

- ☐ Strongly disagree.
- ☐ Disagree.
- ☐ Neither agree nor disagree.
- ☐ Agree.
- ☐ Strongly agree.

Continue »

Off the top of your head, do you happen to know whether the US Constitution is longer than the Arizona State Constitution?

- ☐ The US Constitution is longer.
- ☐ The Arizona State Constitution is longer.
- ☐ Both constitutions are about the same length.
- ☐ I am not sure.

Off the top of your head, do you happen to know whether the Arizona State Constitution has been amended more often in the past 20 years than the US Constitution?

- ☐ The US Constitution has been amended more.
- ☐ The Arizona State Constitution has been amended more.
- ☐ Both constitutions have been amended the same amount.
- ☐ I am not sure.

Continue »

You've reached the end. To help us analyze the results of this study, please tell us a few things about yourself.

How long have you lived in Arizona?

- ☐ 0-2 years.
- ☐ 3-5 years.
- ☐ 6-10 years.
- ☐ More than 10 years.

In what year were you born? Please write it here:

Are you male or female?

- ☐ Female.
- ☐ Male.
- ☐ Prefer not to say.

Generally speaking, what do you consider yourself?

- ☐ Strong Democrat.
- ☐ Democrat.
- ☐ Independent who leans Democratic.
- ☐ Independent.
- ☐ Independent who leans Republican.
- ☐ Republican.
- ☐ Strong Republican.

What is the highest level of education you have completed?

- ☐ Did not graduate from high school.
- ☐ High school graduate.
- ☐ Some college but no degree (yet).
- ☐ Two-year college degree.
- ☐ Four-year college degree.
- ☐ Postgraduate degree (MA, MBA, JD, PhD, etc).

Generally speaking, how would you describe your political views?

- ☐ Very conservative.
- ☐ Conservative.
- ☐ Moderate.
- ☐ Liberal.
- ☐ Very liberal.

What racial or ethnic group best describes you?

- ☐ White (non-Hispanic).
- ☐ Black or African American.
- ☐ Hispanic or Latino.
- ☐ Asian or Asian-American.
- ☐ Native American.
- ☐ Middle Eastern or Arab American.
- ☐ Multiple races.
- ☐ Something else.

Thank you for your participation! Click the button below to record your results and receive your confirmation code.