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NEWS TREATMENT OF THE SUPREME COURT: LANGUAGE SELECTION, IDEOLOGICAL DIRECTIONS, AND PUBLIC SUPPORT

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NEWS TREATMENT OF THE SUPREME COURT: LANGUAGE SELECTION,
IDEOLOGICAL DIRECTIONS AND PUBLIC SUPPORT

DISSERTATION

A dissertation submitted in partial fulfillment of the requirements for the degree of Doctor
of Philosophy in the College of Arts and Sciences at the University of Kentucky

By
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2022

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ABSTRACT OF DISSERTATION

NEWS TREATMENT OF THE SUPREME COURT: LANGUAGE SELECTION, IDEOLOGICAL DIRECTIONS, AND PUBLIC SUPPORT

In an increasingly diverse media landscape, how much of the ideological trends seen in current news reporting affect coverage of the U.S. Supreme Court? This work examines two different aspects of the Court's activities, their decisions and the confirmation hearings of Court nominees, analyzing what factors, if any, lead to differences in coverage language. Finally, through the use of a survey experiment, I analyze whether these differences in language, in combination with positive symbolic imagery, affect attitudes toward the institution. This work provides a novel consideration of whether the Court is subject to the same ideological slant found in coverage of other institutions, as well as the potential impact of such language on the Court's support.

KEYWORDS: Supreme Court, media, ideology, text analysis

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7/27/2022

NEWS TREATMENT OF THE SUPREME COURT: LANGUAGE SELECTION,
IDEOLOGICAL DIRECTIONS, AND PUBLIC SUPPORT

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CHAPTER 1: The Reluctant Court Takes Center Stage

Reporters over the years have suggested that coverage of the Supreme Court is unique in terms of how the media portray the institution. Some argue that because of the nature of how the Court operates, in contrast to the other two branches of government, it is far less likely to be dragged into the hyper-political arena. One such journalist, long time Court reporter Linda Greenhouse of *The New York Times* goes so far as to say Court reporting is “almost a formula story: The Supreme Court upheld, struck down, did x, y, z... It’s not real hard to do. It’s almost a science” (Greenhouse 1996, 1537, 1643).

However, there are many reasons to challenge this notion. First, the Supreme Court does hand down controversial decisions that may rile the public through the media’s coverage. Americans are unlikely to read decisions themselves and rely on their outlet of choice to synthesize them. In reality, that may be dangerous for the Court. Major civil liberties case like that of *Obergefell v. Hodges*, which legalized gay marriage, drew cheers from proponents of the decision and jeers from those against it. As will be discussed in the following chapters, this may very well be a consequence of the coverage given to these decisions. It also suggests some decisions are not as easy to pop in the cannister as others. There are, indeed, straight forward decisions that gain general approval (or more likely indifference). Nevertheless, when a controversial decision is passed down and a reporter is tasked with discussing potential consequences, how do they choose what to focus on? What language of the opinion do they hone in, and why? Do they acknowledge the ideological nature of the actors sitting on the bench, or maintain a “legalistic” portrayal of impartial actors with merely different legal philosophies?

This leads to the second reason as to why media coverage is less formulaic than Greenhouse suggests. The media landscape is ever changing and expanding, as traditional outlets like *The New York Times* now share coverage with outlets that appear steeped in ideological language no matter what they are covering. When Greenhouse wrote her analysis of Court reporting in 1996, both Fox News and MSNBC were in their infancy. The internet was also fairly new and nowhere near the absolute necessity it is today for most Americans. These are important changes in terms of where Americans receive their information from, including information about the Court (Peffley, Denison and Taylor 2020).

One last major development worthy of note, to push back a bit on how formulaic Court coverage is, the Trump presidency ushered in three new Federalist Society judges. With the controversial nominations of Gorsuch, Kavanaugh, and to a lesser extent Coney Barrett, Americans were sharply divided on their confirmations. For many liberal Americans, their fears came to fruition in the 2022 term. The decision in *New York State Rifle and Pistol Association vs. Bruen* expanded 2nd Amendment protections, a controversial opinion as Americans are witnessing an increase in gun related deaths in recent years (Gramlich 2022). Secondly, attention to the Supreme Court is up due to another controversial opinion in *Dobbs v. Jackson Women's Health Organization*. The decision, and an earlier draft leaked to the press, received a great deal of media attention. Due to how much it breaks from established precedent in *Roe v. Wade*. With these developments, it seems more eyes are turning to news coverage of the Court and its activities, while public support for the institution is plummeting.

This dissertation works to discuss many of the issues just mentioned through three separate empirical chapters, all discussing a different aspect of the relationship between the

Court and the media.. The first of which focuses on what language the media uses in their coverage of the U.S. Supreme Court. I create a unique dictionary of politicized terms a using a computer assisted text program to assess how different ideological outlets cover ideological decisions, and under what conditions. Chapter 3 focuses on the news cycle surrounding the nomination of Justice Kavanaugh. Accused of sexual assault as a younger man, followed by a performative display of anger in the aftermath of the accusation, it provides an interesting example of how the news cycle shifts, as well as an analysis as to the language used in coverage of the nomination differed by outlet ideology. Finally, the third empirical chapter attempts to challenge “positivity theory.” Following in the footsteps of recent research on the psychology of motivated reason, some judicial scholars suggest that exposure to positive symbolism surrounding the Court has allowed the institution to maintain popular support. Relying on responses to an online survey experiment, I argue that this may be tempered based on the language in coverage that accompanies this imagery. Can the Court’s public support really stand up, regardless of what images accompany it, if the rhetoric itself it politicized or negative?

Together, these ideas connect in important ways. For instance, the Court issues an opinion or new personnel join the bench. The media opt how to cover these events. The public then relies on the media for an understanding of what is happening. Whether the media is able to influence people’s perceptions of political events is at the center of a constant debate. The Court has, for many years, been able to stay out of the fray (Davis 1994). Now, it has been thrust into a new spotlight. Thus, this connection is vital to understanding whether the Court can keep a strong public image, and consequently, whether their decisions will be properly implemented.

CHAPTER 2: Distorting the Court?: Politicized Language in Media Portrayals of the Supreme Court

In successive days at the end of the 2014-2015 term, the U.S. Supreme Court issued two of the most controversial decisions in recent history: *King v. Burwell*, which found the Affordable Care Act, a lightning rod for polarized politics, constitutional; and *Obergefell v. Hodges*, which struck down state bans on same-sex marriage, effectively legalizing gay marriage across the country. In just two days, the media was flooded with stories of support, outrage, adoration and denial. Research on the Supreme Court has largely neglected the link between the Court's decisions and the media that chooses how to cover them. Yet, in an era of increasing diversification of media, it is important to consider how the media covers the Court in different situations. In other words, it is imperative to consider how Americans receive their information about the Court, as well as what language is used to describe the Court and its actions. I seek to further this understanding through a consideration of "politicized" language; a focus on both the ideological leanings of the justices, which would suggest they are merely politicians in robes, as well as the Court's conflictual relationships with other institutions and political actors. If the media is focusing on such content, even in specific contexts, its reporting on the Court could dramatically alter the public's perceptions of the Supreme Court and its actions.

Most Americans doubtless rely on the media for information regarding the Court, as limited as that coverage is (Slotnik and Segal 1998; Spill and Oxley 2003). However, not all media outlets are created equal, as differences in format and ideological grounding may accentuate certain biases for conflict inherent to the media as a whole. How do various media outlets differ in their portrayals of the Court, and more specifically, under what

circumstances does a more politicized portrayal of the Court occur? This research addresses the variation in the language of Supreme Court coverage across various types of news outlets, focusing on an ideologically diverse collection of organizations in print, broadcast and digital formats. Using computer assisted text analysis, I examine the language disparity across these outlets and the use of politically charged terminology, with substantial emphasis on the impact consensus and ideological claims on media presentations of the Supreme Court.

2.1 Coverage of the Court

The Supreme Court's influence on the public relies on two distinct linkages: media to public and Court to media. The former is the basis for public understanding of the Court and factors heavily into the literature on both broad and specific support. The latter linkage of Court to media, however, is a largely neglected relationship that forms the basis for what Court content is ultimately selected, presented and emphasized by the media for public consumption. Of particular interest here is the language used to describe the decision making of the Supreme Court and what politicized elements are emphasized under certain conditions. This section briefly discusses the extant literature regarding media coverage of the Court and its potential impact on citizens' evaluations of the institution.

There is no question that the media plays the most pivotal role in providing information about the Supreme Court to the public, and consequently, impacting public support for the institution. Most Americans lack the ability, or interest, to decipher the legalese of constitutional law or the intricacies of the legal realm, and unsurprisingly, have fairly little knowledge of the Court (Kritzer 2001). Therefore, since the public has little direct access to the workings of the Supreme Court, and even less expertise on the law, most

Americans must get their information about the Court, as limited as it may be, through the filter of the news media.

The media's role in educating the public about the Supreme Court appears to be severely lacking. Most research in the area of Supreme Court news coverage concludes that the institution is often poorly covered, if it is covered at all (Hetherington and Smith 2007; O'Callaghan and Dukes 1992; Solomine 1980; Tarpley 1984). While some newspapers and newsmagazines often provide thorough and comparatively detailed coverage of Court decisions (Solomine 1980; Tarpley 1984; O'Callaghan and Dukes 1992; Spill and Oxley 2003), much of the reporting on the Court, particularly in television news, is shallow and devoid of detail, perhaps due to the constraints of the journalistic profession and complexities of law (Newland 1964; Davis 1994; Slotnick and Segal 1998; Spill and Oxley 2003; Davis 2011). Furthermore, these differences in outlet types can lead to more or less favorable evaluations of the institution, with more traditional outlets, like those in newspapers or network news, providing coverage that corresponds with higher evaluations of the institution (Bartels and Johnston 2012; Johnston and Bartels 2010). The privacy of the Court's deliberations fails to provide the moments of evident conflict the media undeniably covets, particularly in television reporting, further impeding more widespread coverage of the institution (Davis 2011; Hetherington and Smith 2007; O'Callaghan and Dukes 1992). As O'Callaghan and Dukes (1992) argue, "High public esteem of the Supreme Court is based on an incomplete look at the court's workload" (195), but what few cases are covered extensively in the media offer various prisms through which to look.

Despite the dearth of Court coverage compared to other institutions and actors, what is covered can have significant impacts on public perceptions of the Court. Some argue

the Court preserves a high level of institutional support due to its “mystique of legality” promoted by the media at large (Gibson, Caldeira and Spence 2003; Scheb and Lyons 2000). Because the Court is not as transparent as other institutions, conducting its business behind closed doors, the public is not exposed to what would be considered the most “political” elements of the judiciary (e.g., disagreements, bargaining), thus preserving high levels of institutional support (Caldeira and Gibson 1992; Hibbing and Theiss-Morse 1995; Mondak and Smithey 1997). Additionally, some posit that the public is conditioned to be supportive of the Court through sparse coverage and a consistent portrayal of the institution’s “legalistic” attributes (Casey 1974; Baird and Gangl 2006), emphasizing an objective and fair Court (Murphy and Tanenhaus 1968; Casey 1974). Alternatively, it has also been argued that greater knowledge of the Court leads to greater support of the institution (Caldeira 1986; Caldeira and Gibson 1992; Gibson and Caldeira 2009b; Gibson and Caldeira 2009c).

In understanding the media’s role in perceptions of the Court, an immediate contradiction unfolds: if public support of the institution is high because of its supposed mystique and lack of transparent political bargaining, as has been suggested (Hibbing and Theiss-Morse 1995), why is it that greater knowledge of the institution, and inevitably a better understanding of its political attributes, leads to greater support for the Court (Ramirez 2008)? *Perhaps the best answer to this question lies not in mere exposure to the Court through news media, but rather in the portrayal of the Court through different media organizations.* While an individual may consume a great amount of information about the Court, it is also possible, and in the current media environment highly likely, that much of this coverage abandons the “legalistic,” non-ideological language thought to preserve support. Differences in mere outlet types can lead to greater or less favorable evaluations of the institution, with more traditional

outlets, like those in newspapers or network news, providing coverage that corresponds with higher evaluations of the institution (Bartels and Johnston 2012; Johnston and Bartels 2010). Thus, while it has been argued time and again that a positive, supportive portrayal of the Court is critical to maintenance of widespread public support (Baird and Gangl 2006; Nicholson and Howard 2003; Ramirez 2008), the media's preferences for notable conflict in Court reporting (Johnson and Socker 2012; Vinson and Errter 2002; Zilis 2015), areas of significant political controversy (Evans and Pearson-Merkowitz 2012; Tarpley 1980) and the profit motives that inevitably lead to ideological biases among many outlets (Gentzkow and Shapiro 2010) certainly provide attractive opportunities to politicize the Court through greater attention to both *intra-* and *inter-*branch relationships.

Finally, a recent study by Hitt and Searles (2018) finds that the way the Supreme Court is presented in the media can have dramatic effects on how people view the institution. After analyzing more than 1,000 broadcast transcripts over a two decade period, they find that the media narrative as a whole has largely shifted from a more "principled" examination of the Court toward more of a "game-framed" narrative that focuses less on legality and basic facts of decisions and more toward terms like "battle" and "fight." The consequences of this appear to be drastic, and as the media shift more toward this latter narrative, support for the Court drops, suggesting that tone changes do have an impact on the legitimacy of the institution.

While valuable work has been done to examine the linkage between the media and the public in relation to the Court, research on the media's portrayal of the Court and its output is comparatively sparse. Bolstering our knowledge of this linkage is vital to a more

complete understanding of how the media shapes perceptions of political institutions and how citizens make legitimacy arguments.

2.2 Conflict, Bias and Portrayals of the Supreme Court

I argue that the market-driven media landscape will alter its portrayal of the Court depending on observable conflict cues and ideological disagreement with Court decisions. First, in those instances in which the media can find observable conflict among the members of the Court or other governmental actors, the presence of politicized language regarding the Court will become more prominent. Second, the ideological biases found in many American news outlets can impact coverage of the Court, particularly when an ideological clash arises between the outlet and the decision of the Court. Third, the more ideologically extreme the outlet, the more likely they are to politicize disliked decisions. As more Americans turn to ideologically-driven sources for their coverage of the Court and other political information (Gentzkow and Shapiro 2010), it is crucial to understand how these outlets differ in their coverage of the Court.

The mass media tends to focus on stories of conflict, carrying the mantra “if it bleeds it leads” metaphorically into the political arena (Vinson and Errter 2002). This leads to a disproportionate amount of attention placed on certain conflictual elements of the institution, most notably its “actions, factions and interactions” (Johnson and Socker 2012). Though most of the Supreme Court’s conflict is developed behind closed doors, hindering access for the media and public alike, each decision handed down by the Court comes with a clear indicator of consensus, with unanimous decisions signaling strong consensus and split decisions signaling greater dissensus (Zilis 2015). As the leading indicator of consensus on the Court, the size of the Court’s majority may also lead the media to alter its portrayal of the

decision, ostensibly rewarding the Court for unanimous decisions through legalistic coverage and punishing the Court for dissensus through heightened politicized language. I treat the concepts of consensus and dissensus as mirror opposites, unanimity and complete discord. This leads to the first hypothesis,

H1₁: SC decisions with lower levels of consensus will lead to news coverage with greater levels of politicized language than decisions with higher levels of consensus.

Additionally, though ideological news bias may be contributing to politicized portrayals of the Court in its own right, it is more likely that these biases are affected by the relative output of the Court. Though the Court may be viewed as a liberal or conservative institution based on its membership, a point that is not always necessarily obvious, each individual decision offers a unique opportunity to assign ideological alliance at a given time. Rather than merely celebrating ideological victories when the Court decides in an agreeable fashion, ideological outlets may be more likely to emphasize the political attributes of the Court when a *disagreeable* decision is made. Counter to the idea of a generally supportive news media that offers positive treatments of the Court, I instead suggest this positivity is constrained by disagreement with individual decisions. In other words, by providing a politicized treatment of disliked decisions, disagreeable outlets may in fact be attempting to delegitimize the decision. Ideological posturing and politicized tone on the other hand may be dampened when attempting to bolster the legitimacy of a supported decision. These potential differences in language among ideologically disparate outlets may lead to vastly disparate perceptions of the Court, its actions and the fairness of the institution. This leads to my second hypothesis,

H₂: *Decision disagreement between a news outlet and a SC decision will lead to news coverage with greater levels of politicized language than news coverage with no decision disagreement.*

With an understanding that an individual's news outlet selection may greatly influence their perception of the Supreme Court, it is also important to understand how different types of outlets approach Supreme Court coverage. For instance, Johnston and Bartels (2010) argue that "sensationalistic" outlets, defined as cable news and talk radio formats, offer more negative portrayals of the Court, perhaps portraying the Court in a more politicized manner, as opposed to an unbiased legal institution. Numerous studies have shown a proliferation of ideological news outlets (see Gentzkow and Shapiro 2010), many of which are rather commonly associated with "liberal" or "conservative" coverage. For example, *The Wall Street Journal* is often considered a more conservative news publication than most, but when compared to the content of other "conservative" news outlets like *The Washington Times*, a need for differentiation becomes apparent. Thus, my final hypothesis states:

H₃: *Decision disagreement among the most ideologically extreme news outlets will lead to greater levels of politicized language than decision agreement among less ideological outlets.*

2.3 Data and Methods

This paper utilizes a unique dataset of news articles covering all Supreme Court decisions in the 2014 term. Though all articles were collected through online sources, the sample includes 1,076 articles from 30 different print, broadcast and strictly digital organizations.¹ Improving on studies that focus on a limited number of outlets, usually

¹ The full list of organizations included in the sample: ABC, *The Atlanta Journal Constitution*, *Associated Press*, *The Daily Beast*, *The Boston Globe*, CBS, CNN, *The Christian Science Monitor*, *The Chicago Sun Times*, *The Chicago Tribune*, *The Daily Kos*, *Dallas Morning News*, Fox News, Fox Business, *The Huffington Post*, *The Los Angeles Times*, MSNBC,

exclusively in elite print media like the *New York Times*, this work provides a more representative sample of media outlets in the 21st Century. These organizations were selected for their diversity, representing different formats, ideological foundations, geographic regions, ownership and circulation sizes. Any articles from the selected organizations that focused extensively on a Court's decision, within a three-day period of that decision, were collected.² The total number of articles used in the analyses is 1,076.

2.3.1 Measuring Politicization

The dependent variable is a percentage-based measure of politicized words and phrases found in each article. I borrow from the work of Johnson and Socker (2012) in focusing on terms that emphasize the “actions, factions and interactions” that represent more politicized coverage of the institution. These words and phrases allude to coalitions and ideological representations of the Court, inter-branch relationships with other governmental actions, and other terms that tend to suggest the Court is a political, rather than purely legalistic, actor. These include terms like “liberal coalition,” “median justice,” “President Obama,” and “Republican Party.” To provide an example, one article on the term's execution drug case, *Glossip v. Gross*, noted Justice Sotomayor “joined the other three members of the Court's *liberal wing*.” Another article on an Alabama redistricting case stated, “Kennedy, often a *swing vote*, joined the Court's four *liberals* in the majority.” In these articles, the organizations opt to paint justices as ideological actors, often forming systematic coalitions. The Obama administration was also a frequently mentioned political actor,

NBC, *Newsmax*, National Public Radio, *The New York Post*, *The New York Times*, *Politico*, *Reuters*, *Salon*, *SCOTUSblog*, *USA Today*, *The Wall Street Journal*, *The Washington Post* and *The Washington Times*.

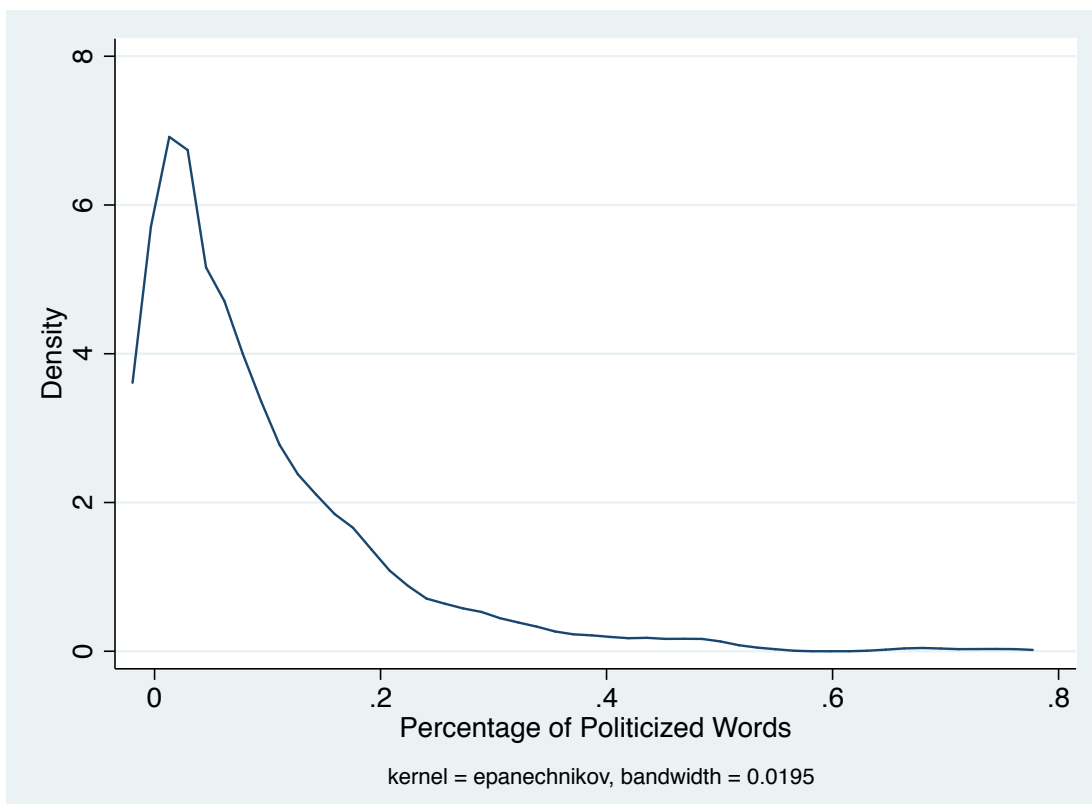
² This three-day window allows enough time for an organization to decide whether a case decision will be covered while greatly limiting the number of stories that focus nearly entirely on the opinions of outside actors.

appearing in 120 articles alone, both in relation to the administration's policies and the president's opinions on several decisions. This suggests outlets often attempt to pit the Court against, or at least equate it to, the other political branches. Because the 2014 term fell within the beginning stages of the presidential election cycle, each Republican and Democratic candidate was also included. The decision to cover a candidate's opinion of a Court decision again politicizes the institution, as most instances of candidate inclusion emphasize how they intend to alter the ideological makeup of the Court should they win the presidential election.

After constructing a dictionary of politicized terms, using the selections of Johnson and Socker (2012) in addition to the specific non-Court actors now included, the news articles are then parsed using text analysis software, resulting in total counts for the applied dictionary.³ These count totals are then divided by the total words in each article, establishing a percentage of politicized language for each observation. These percentages represent the conceptualization of media portrayal of the Supreme Court, addressing variance in *politicized language* regarding the Court. The mean percentage of politicized words in an article is 9.08% with a standard deviation of .11. Figure 2.1 provides the distribution of the constructed dependent variable, revealing a heavy skew to the left with many zeroes. The dependent variable violates OLS assumptions, and thus the subsequent analysis relies on a generalized linear model with a gamma log link to better account for the distribution and avoid biased estimates.

³ I use the R package "Weka," a collection of data mining machine learning algorithms, to create these dictionaries and apply them to the sample of news articles. The new variables are built on 60 applied terms denoting emphasis on intra-Court interactions, ideology and inter-branch assessments. These terms can be found in Appendix 1.

Figure 2.1 Density Plot of Percentage of Politicized Words



2.3.2 Independent Variables

To test my hypotheses, I incorporate a number of key predictor variables in the analysis. *Dissensus* is reconstructed into a three-value categorical variable representing the change from complete consensus (0) to division (1) to complete dissensus (2). As a factor variable, it operates as two dummy variables with an omitted category. Those cases with minority sizes of one to three, between that of unanimity and dissensus, are included together in the division category. Theoretically, I believe that total consensus will receive the least amount of politicized coverage, and while those divisive decisions will receive more than those of unanimity, the cases determined by 5-4 votes will be the most politicized. Consensus (0) serves as the baseline in the analysis.

To construct a measure of *Decision Disagreement*, I first use mondotimes.com user ratings to assign an ideological *news bias* score to each organization (Ho and Quinn 2008). Mondo provides information on 16,920 news organizations, with 60,000 users contributing ratings for news bias. These ratings are used as a categorical variable coded as such: 0 (liberal); 1 (leans liberal); 2 (neutral) 3 (leans conservative) to 4 (conservative), with those outlets rated as “no bias” serving as the reference category in the model. From Harold Spaeth’s U.S. Supreme Court Database (SCDB), *liberal decision* is a dichotomous variable of liberal (1) vs. conservative (0) case decisions, with those observations listed as indeterminable ($n=7$) dropped from the analysis.⁴ *Decision disagreement* is thus a dichotomous variable coded 1 if a liberal (conservative) media outlet is covering a conservative (liberal) decision from the Court (coded 0 otherwise). Nearly 30% of the stories in the analysis involve an outlet covering a decision with which it disagrees ideologically.

I also include a number of relevant control variables from the SCDB, taking omitted variable bias into account. *Issue area* is broken into 14 categories: civil rights; First Amendment; due process; privacy; attorneys; unions; economic activity; judicial power; federalism; interstate relations; federal taxation; private action; miscellaneous; and private action, with criminal procedure serving as the baseline category. As numerous studies have suggested, an inherent media fascination with particular issue areas--especially those in the “cultural” sphere” like notable civil rights and liberties cases (Spill and Oxley 2003; Spill Solberg and Waltenburg 2014), I expect to see these issue areas covered with more politicized language. *Precedent alteration* is a dichotomous variable indicating whether the

⁴ All excluded observations were stories on the sole case of original jurisdiction in the term, *Kansas v. Nebraska and Colorado* (2015).

Court broke from established precedent in the decision. I expect that those decisions that fall against established precedent are more likely to elicit politically charged language from the media. *Winning party* measures whether the case petitioner or respondent wins, controlling for the Court's decision to grant cert for the political opportunity to reverse a lower court. *U.S. Party* simply classifies whether the U.S. Government was involved in the case, which should control for any articles in which "Obama" is merely included as an administrative actor. Finally, *unconstitutionality* is a categorical variable that indicates whether the Court found a federal, state or local law unconstitutional. About 80% of the articles cover decisions in which no type of law was found unconstitutional, the reference category.

2.4 Results

Table 2.1 reports the results of the GLM regressions testing hypotheses 1 and 2. The full model, which includes both lack of consensus and dissensus, provides promising preliminary support for my expectations. Figure 2 illustrates the coefficient plots for the substantive variables included in the full GLM model, column 3. Compared to the baseline of total consensus, both division on the Court and total dissensus among the justices result in significantly higher estimates of politicized language. Figure 3 includes plotted predicted values for both Court consensus levels and decision disagreement, with all other predictors at their means. As illustrated, those cases that achieve total dissensus, a minority of four, received substantially more politicized coverage than both consensus and mere division. Additionally, I find support that decision disagreement is strongly connected to higher levels of politicized language in coverage of the Supreme Court, even when controlling for news bias and liberalism of decisions, though the substantive impact is somewhat modest. News bias yields no significant results, though the liberalism of a decision is significant in all

models. Precedent alteration is also significant in the right direction, suggesting a signal for great politicization of the Court when it goes against what is in essence the paradigm of common law.

These results suggest, at the very least, that news outlets are more inclined to discuss ideological factions and the considerations of outside actors as consensus dissolves on the Court. As expected, however, this is not a linear relationship. Most impactful to the politicization of the Court appears to be a total dissensus among its members, in which media outlets can observe obvious conflict among the justices, whether it be ideological or not (both categories, when compared to consensus, are significant at $p < .01$). Additionally, and despite a number of relevant, strict controls, a strong relationship is observed between decision disagreement and politicization ($p < .05$). Again, this suggests that outlets whose ideological foundations do not line up with individual decisions of the Court, (nearly all of which can be categorized as liberal or conservative), will punish the Court through a more politicized treatment of the decision. This can include highlighting the ideological factions and partisan backgrounds of the justices, increased attention on those not in the majority coalition to provide the opposing rationale, and the opinions of outside actors, including members of the president, Congress, interest groups and presidential candidates.

Table 2:1 Predicting Politicized Language in Supreme Court Coverage (Continued on next page)

	Model 1	(2)	Model 3
Divided Court	0.54*** (0.13)		0.59*** (0.13)
Dissensus Court	1.52*** (0.12)		1.57*** (0.12)
Decision Disagreement		0.14 (0.09)	0.25** (0.10)

Leans Liberal	0.06 (0.08)	-0.01 (0.09)	-0.02 (0.09)
Leans Conservative	0.13 (0.18)	0.04 (0.18)	0.04 (0.18)
Conservative News	0.14 (0.11)	0.07 (0.13)	-0.05 (0.13)
Liberal Decision	0.28** (0.11)	0.31** (0.10)	0.37*** (0.12)
Control Variables			
Federal Unconstitutional	-1.59*** (0.49)	2.16** (0.48)	-1.58*** (0.48)
State Unconstitutional	-0.82*** (0.22)	-0.23 (0.22)	-0.80*** (0.22)
Local Unconstitutional	-0.39 (0.34)	-0.82** (0.33)	-0.32 (0.33)
U.S. Party	0.14 (0.10)	0.31** (0.11)	0.14 (0.10)
Alters Precedent	1.40*** (0.36)	2.58** (0.34)	1.35*** (0.36)
Petitioner Wins	-0.37*** (0.10)	-0.60** (0.10)	-0.36*** (0.10)
Civil Rights	0.06 (0.14)	0.61** (0.13)	0.07 (0.13)
First Amendment	0.48*** (0.16)	0.44** (0.15)	0.50*** (0.16)
Due Process	0.09 (0.26)	0.66** (0.25)	0.13 (0.26)
Attorneys	-1.90*** (0.3)	2.68** (0.36)	-1.79*** (0.37)
Unions	0.80*** (0.28)	-0.11 (0.27)	0.77*** (0.28)
Economics	0.37*** (0.12)	0.20* (0.11)	0.38*** (0.11)
Judicial Power	-0.07 (0.20)	-0.12 (0.20)	-0.07 (0.20)
Federalism	0.23 (0.44)	-0.61 (0.42)	0.26 (0.43)
Federal Taxation	1.56*** (0.18)	1.18** (0.17)	1.57*** (0.18)
Miscellaneous	3.14*** (0.53)	3.33** (0.52)	3.14*** (0.52)
Constant	-4.05*** (0.15)	2.68** (0.12)	-4.16*** (0.16)
BIC	-6804.74	6820.5	-6798.60

(Table 2.1 Continued)

N

1,076

1,076

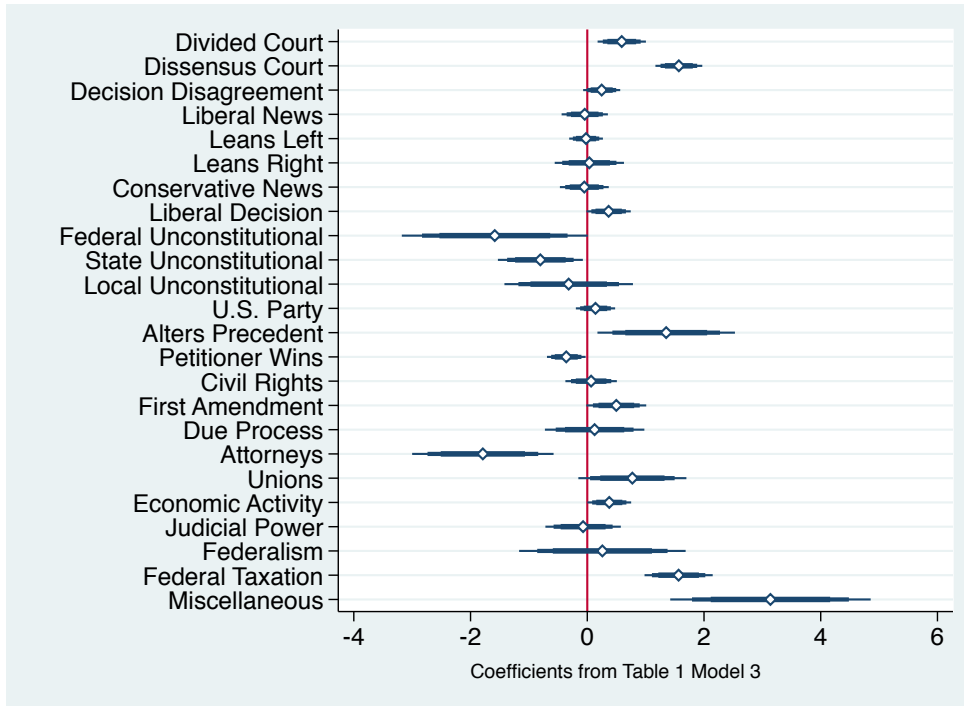
1,076

Note: Entries are GLM coefficients with standard errors in parentheses.

*** $p < 0.01$, ** $p < 0.05$, * $p < 0.1$ (Two-tailed). The BIC (Bayesian Information Criterion) is a model of fit that penalizes for excessive parameters. A lower BIC indicates a better fit.

With moderate support for my first two hypotheses established, I turn to the final hypothesis: Does the ideological extremism of an outlet impact its coverage of disagreeable decisions? The previous models show no support for conservative or liberal media bias, at any level, which should not be surprising; there is little reason to believe outlets uniformly treat the Court as a liberal or conservative. Rather, ideological outlets should look at cases individually and punish or reward the Court in their portrayals based on decision agreement. This expectation is supported thus far, but it does not address the fact that some outlets are more ideologically aligned than others. Specifically, are those outlets that are most liberal and conservative more likely to lash out at disagreeable decisions with more politicized portrayals?

Figure 2.2 Plotted Coefficients of Politicized Language



Returning to the news bias variable, based on mondotimes.com user scores of outlet ideology, I include a series of interaction terms in the model formed by multiplying Decision Direction times the four News Bias dummies (i.e., Leans Left, Neutral, Leans Right and Conservative, with Liberal the omitted category). Table 2.2 presents the results of other variables of interest. Once again, the importance of dissensus remains intact, as expected. The interactions between the categorical news bias variable and the dichotomous decision direction are small and insignificant, with one key exception. As indicated in the model, the interaction between conservative outlets decision direction, [name of interaction term], is highly significant, indicating that conservative outlets use much more politicized language when reporting on liberal decisions than they do for conservative decisions. The coefficient, .82, indicates that the gap in the use of politicized language between liberal versus

conservative decisions among conservative outlets is fairly substantial, more than three times larger than the average Decision Direction coefficient (.25) reported in Table 1 (column 3, full model).

Table 2.2: Predicting Politicized Coverage from News Bias and Decision Disagreement

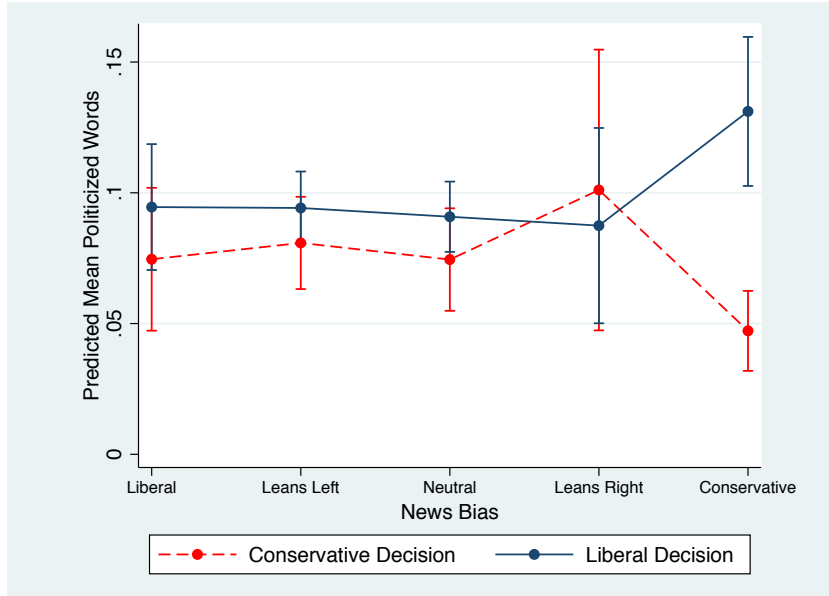
Con News x Lib Decision	0.82*** (0.23)
Lib News x Lib Decision	0.04 (0.25)
Leans Left x Con Decision	0.00 (0.00)
Leans Left x Lib Decision	-0.05 (0.18)
Neutral x Con Decision	0.00 (0.00)
Neutral x Lib Decision	0.00 (0.00)
Leans Right x Con Decision	0.00 (0.00)
Leans Right x Lib Decision	-0.34 (0.36)
Con News x Con Decision	0.00 (0.00)
Divided Court	0.57*** (0.13)
Dissensus Court	1.57*** (0.12)
Constant	-4.02*** (0.18)
BIC	-6779.05
N	1,076

*** p<0.01, ** p<0.05, * p<0.1

Note: Entries are GLM coefficients with standard errors in parentheses. News bias, liberal decision, U.S. Party, Alters Precedent, Law Unconstitutional and Issue Area omitted for space.

To illustrate just how large the difference is for conservative outlets compared to others, the predicted values of percent politicized language for liberal versus and conservative decisions are arrayed across the news bias of the outlet in Figure 2.3

Figure 2.3: News Bias and Decision Disagreement



Note: The Y-Axis is the predicted average percentage of politicized words in the news report. The X-axis is News Bias, the political bias of the news organization. . Error bars included at the 95% confidence level.

The figure clearly shows that the difference between politicized coverage for liberal and conservative decisions is tiny for Liberal, leans Left, Neutral and Leans Right outlets, Conservative outlets portray liberal and conservative Court decisions very differently. The percentage of politicized language for conservative decisions is only 5%, far below the average politicization for the other four types of outlets. When Conservative outlets cover liberal decisions, however, the percentage of politicized language is considerably higher. Clearly, the tendency for Conservative outlets to seemingly disparage liberal decisions with politicized language and sanitize conservative decisions by comparison is exceptional. With an average word count of 499 words per story, these differences are not trivial. Instead, it suggests that a news consumer’s ideological bias, and the decision to consume Supreme

Court coverage from the most ideologically conservative organizations (e.g., Fox News), are likely lead to far greater exposure to politicized coverage of liberal decisions.

2.5 Discussion

This paper contributes several important findings regarding the Supreme Court's link to the mass media. First, the evidence supports the theory that conflict-driven media use more politicized language when reporting on decisions of greater dissensus. Almost uniformly, I find that as consensus dissolves, the amount of politicized language used to describe the Court's decisions rises. It appears Chief Justice Warren may have been correct in his assessment that unanimous decisions send stronger cues to the public, particularly in those cases of great controversy. I find that when the Court's unanimity crumbles, the media turns its attention from the decision itself to intra-branch conflict and inter-branch reflections.

Second, I find that decision disagreement can play a significant impact in the portrayal of the Court's decisions. Despite the judiciary's relative insulation from much of the political squabbling that plagues Washington, it is, by any definition a political institution handing down many ideological decisions. And while the Court is not easily assigned a label as liberal or conservative institution at any point in time, as evinced by the work of Bartels and Johnston (2012), individual decisions can be relatively easier to decipher as ideologically driven. Counter these ideological decisions with ideological news outlets, and you have an opportunity for politicization through disagreement with Court actions.

Studies of partisan news have produced mixed results over time. The understanding of how partisan news addresses the Court specifically, as opposed to say the presidency, is less well developed. Specifically, I argue that it is not merely the news organization's own ideological biases, nor the simple direction of the decision that leads to increased politicization, but rather a combination of the two that may lead to greater politicization in decision coverage. In particular, the most conservative organizations are found to portray the Supreme Court in a more politicized light when the Court hands down decisions considered to be ideologically liberal, while downplaying that type of language when in agreement with the Court's decision. Thus, individuals receiving their information about the Court from outlets like Fox News or *The Washington Times* are consuming a fairly ideologically driven portrayal of the Court, regardless of decision direction. This finding suggests that the most ideologically conservative outlets feel unabashed in their commitment to providing a partisan treatment of political institutions, rewarding the Court for agreeable decisions and punishing it when in disagreement with case outcomes. That this finding is also largely restricted to conservative outlets is also telling; the number of accessible neutral and liberal organizations is far greater than those with conservative allegiances, yet conservative outlets maintain loyal consumers and often trounce their ideological counterparts in circulation or viewership. The conservative outlet Fox News, for instance, is almost unchallenged in cable news viewership, often accumulating more total viewers in a year than its leading competitors, CNN and MSNBC, combined (Kissel 2015). Thus, while many consumers may be exposed to supportive portrayals of the Court under ideological agreeable circumstances, the alternative scenarios are inevitable.

While more work needs to be done to understand how language impacts media consumers, this chapter lays the groundwork for a more thorough examination of disparity in Supreme Court coverage specifically. Though analyzing only one Supreme Court term, I examine a far more inclusive and representative sample of a more current media environment. Furthermore, the year's decisions are by no means abnormal, with a mere handful of cases receiving heightened attention due to the controversies involved in their outcomes. Collecting articles from a varied sample of media outlets is an arduous task, but it is far more telling, and relevant, than the tradition of focusing on a small group of ideologically similar print organizations (e.g. *The New York Times*, *The Washington Post* and *The Los Angeles Times*.) It is clear that ideological news bias does contribute to differences in Supreme Court coverage, beyond the blanket condemnation of a "conservative" or "liberal" Court. Instead, the individual decisions of the Court offer a variety of potential prisms through which outlets can portray the Court.

CHAPTER 3: Media Coverage of the Supreme Court Nomination Process: The Kavanaugh Nomination

Over the last three decades, the nomination and confirmation process for Supreme Court nominees has undoubtedly intensified in nature. While the process has never been entirely without conflict, partisan polarization and the insistence from presidents on more ideological nominees (Baum 2017) has led the nomination process into a remarkably contentious period in history. Where Court observers once lamented that the confirmation process produced “nothing of value” (Lemieux 2010), with nominees potentially using the hearing itself to dodge questions and posture as non-ideological umpires, the current political atmosphere makes such perceptions hard to stand by. In other words, in recent nominations the confirmation process has been used as a highly politicized tool by lawmakers to investigate not only the legal background of the nominees, but their personal lives as well. The likelihood of unanimity in Senate voting for any nominee is all but zero (Denison and Wedeking 2018), as partisanship and greater focus on the personal lives of the nominees have created a situation in which Senators are seemingly no longer voting on the merits of the nominee, but whether or not lawmakers’ party is in accordance with the president and their selection.

Arguably, a great deal of this change can be attributed to the attention now given to nominations and confirmation hearings, a fairly recent trend but nevertheless a very important development in the nomination process. As Farganis and Wedeking (2014) argue, due to the relatively rare occasion of a Supreme Court vacancy and nomination, the introduction of widely televised hearings beginning with O’Connor in 1981 allow legislators a unique opportunity to leverage broader public interest into an example of their dedicated and thorough public service. This is one of the most blatant representations of the

separation of shared powers involving all three branches of government, thus pulling the Supreme Court into the politicized world of Washington from which it so often shies away.

Though nominees have been asked to submit to some type of hearing over the last century, becoming a regular fixture for nominations in the 1950s, the attention now paid to nominees is at an historical apex. And again, while presidents have floated controversial nominees over the years, including those who failed to pass muster in the Senate, either by formal vote (e.g., Bork), recommendation for withdrawal (e.g. Miers), or through partisan blockade of the nomination (e.g. Garland), nominees now face blistering criticism not only from the Senators who task them with answering for their records, but also by an increasingly attentive news media whose own reporting spurs on much of the controversy that plays out in the Senate. Recent confirmation hearings of eventual justices Clarence Thomas in 1991, Neil Gorsuch in 2017 and Brett Kavanaugh in 2018 all resulted in not only controversy within the Senate chambers, but immense public involvement in the nominations, spurred on by coverage of the hearings (e.g., Caldeira and Smith 1996). Thus, while it is now possible to actually view the confirmation hearings in their entirety on television, or even find transcripts of the proceedings, a great many interested Americans will still look to the news media to interpret the events of the day, as well as the qualifications and controversies of the nominee in the days leading up to their hearings.

Two of the most recent nominees, Gorsuch and Kavanaugh, both nominated by President Donald Trump, were undoubtedly mired in partisan bickering before ever setting foot inside the Senate chambers. Following the death of Justice Antonin Scalia, conservatives, rightfully, lamented the idea of the Obama Administration replacing the conservative icon with a liberal selection, therefore potentially swaying the ideological center

of the Court. Meanwhile, liberals salivated at the chance to fill the seat as Obama remained in office, hoping to pick off the aging conservatives one by one as power shifted to what was a presumed Clinton administration. Obama's nomination of Merrick Garland was halted by Senate Republicans entirely, and the expectation of a Clinton presidency faltered in the surprising election of Republican Donald Trump. President Trump subsequently nominated judge Neil Gorsuch of the U.S. Court of Appeals for the 10th Circuit. Though widely respected as a judge, as was Garland, the circumstances under which Gorsuch is nominated are somewhat unprecedented. In a largely partisan act of defiance, Republican Senators successfully thwarted an adversarial challenge by Democrats, despite heavy criticism by left-leaning media outlets.

The nomination of Brett Kavanaugh, as will be discussed at greater length throughout this chapter, came under vastly different circumstances, but drew an even greater divide in media coverage. With the retirement of consistent "swing-voter" Anthony Kennedy, President Trump nominated D.C. Circuit judge Brett Kavanaugh for the position. Throughout the cycle of his nomination, accusations of impropriety in his youth, including the possibility of sexual assault in high school and later in college, began to unfold. Reminiscent of Anita Hill's testimony in the Clarence Thomas confirmation hearings, which resulted in a narrow 52-48 vote in Thomas' favor, Dr. Christine Blasey Ford testified before the Senate Judiciary Committee claiming that Kavanaugh had sexually assaulted her at a party in high school. Coupled with accusations by Democrats of Kavanaugh's potential problems with alcohol, the media kept a laser-sharp focus on the nomination of the eventual Associate Justice.

Republicans and conservatives saw another opportunity to place a like-minded individual on the Court. Democrats and liberals, many still reeling from a presidential contest loss and the dismissal of an Obama nomination in the prior term, saw this as an opportunity for conservatives to chip away at liberal legal precedent. This type of issue coverage is not uncommon in recent years regarding Supreme Court nominations, as the nomination process is one of the most visible components of all Supreme Court activities (Spill Solberg and Waltenburg 2015). However, this typical partisan back-and-forth would soon take a backseat to an investigation into the personal life of Brett Kavanaugh and a series of sexual assault allegations that would potentially put his confirmation in jeopardy.

In the midst of the #MeToo social movement regarding sexual assaults and harassment of women, particularly by powerful men in a work environment, the Kavanaugh accusations were a bombshell in the middle of what would have been a fairly typical, partisan-driven nomination (Gilmore 2019; AbiNader, Thomas and Carolan 2020). As this chapter discusses, if given the opportunity, the focus of not only the media, but political elites, may shift away from traditional issues areas like legal philosophy or policy stances and toward the more personal elements of a nominee's profile (Spill Solberg and Waltenburg 2015).

In this regard, the Kavanaugh nomination is perhaps most similar to that of the Thomas nomination. While both were generally considered well-qualified nominees, as sexual allegations arose, the narrative largely shifts away from one of judicial ideology toward a far broader discussion of the credibility of those accusations, largely through the lens of ideology. That is to say, where conservatives would likely have approved of Kavanaugh's nomination in light of his ideological record on the bench, following the reveal of sexual

assault allegations from the nominee's youth, the ideological focus shifts toward an assessment of the credibility of the accuser against that of the accused. While more Americans overall believed Blasey Ford's account than Kavanaugh's (Montanaro 2018), this meant little for partisan beliefs regarding confirmation. According to a poll conducted in October of 2018, 46% of American adults surveyed believed Blasey Ford's account in contrast to 33%. Nevertheless, when split by partisanship, 76% of Democrats believed Blasey Ford and 76% of Republicans sided with Kavanaugh's account.

What is interesting for the purposes of this study is whether media choice may have something to do with this split and the more general understanding of support for the nominee. It is one thing to simply side with a nominee aligned with your own partisan or ideological preferences, as perhaps a Republican or conservative would in this individual case. However, recent scholarship suggests that the contentiousness of the nomination and its confirmation hearings may have struck a blow to the institution's legitimacy. Krewson and Schroedel (2020) show evidence that Kavanaugh's nomination resulted in lower levels of diffuse support generally, though partisan factors still come into play. With this in mind, I suggest the tone of coverage one is exposed to regarding this nomination could strengthen or weaken that level of support. It is this, the tone of coverage across the media landscape, that drives the purpose of this chapter, as we attempt to better understand how outlets presented the nomination of Kavanaugh and how those outlets differ in the tone of their coverage, both within key phases of the nomination as well as when the nomination moved from one key phase to the next, including the tie period in which Kavanaugh battled allegations against his personal character.

This chapter focuses on the media's treatment of the Kavanaugh nomination, tracing

the tone of coverage from the announcement of his candidacy through his eventual confirmation vote on October 6, 2018 of 50-48. While Kavanaugh is not the most recent nominee to the Supreme Court, with the success of the Amy Coney Barrett nomination in 2020, his nomination does provide a unique opportunity in coverage observations. Considering Kavanaugh's nomination began in a largely conventional fashion, with the usual partisan considerations at the onset, with accusations coming out in the middle of the confirmation process, we can see how this effectively changed coverage tone among ideological outlets.

I seek to answer the question of whether there are systematic shifts in the tone of media coverage. Using a large dataset of news articles from outlets that span the ideological spectrum, I will provide one of the first systematic analyses of Supreme Court nomination coverage, honing in on how partisan media differs in coverage of candidates regarding the negativity in language, the politicization of tone, as well as the subject matter of focus. Focusing on such a highly contentious nomination that was torn by both emotional reactions to the accusations and political polarization, this chapter provides a unique look at the media's ability to shape narratives and potentially impact consumers' perceptions of a nominee, the Senate's advise and consent function, as well as the legitimacy of the institution in which the nominee would eventually find appointment.

3.1 Supreme Court Nominations and Media Coverage

Scholarship on the media's coverage of Supreme Court nominations is notably sparse, but to a certain extent, for good reason. They are not a common event, nor are they timed in the same fashion as an election cycle. Thus, while the past four presidents have all

had two Supreme Court appointees a piece, there is no guarantee as to when, or even if, these vacancies will occur. For example, Jimmy Carter never had a Supreme Court vacancy. Nevertheless, the nomination and subsequent confirmation process is one of the rare occasions in which all three branches of the federal government are involved. The president, with the advice of the Senate, nominates the judicial candidate, and their success or failure will leave some mark on the presidency as an indicator of general success. Congress, and more specifically the Senate, carries out the “advise and consent” function, in which the Senate Judiciary Committee vets the candidate in a public forum and, should the candidate make it through this challenge, the Senate will vote at large as to her ability to serve. Finally, and most obviously, should the candidate make it through the Senate, they will serve alongside eight other justices of the Supreme Court until their retirement or death, without serious threat of removal. It is also perhaps the most transparent aspect of the Supreme Court, as the institution has consistently avoided the scrutiny of the public eye.

Alternatively, Supreme Court confirmation hearings have been televised to some degree since Justice Sandra Day O’Connor’s nomination in 1981, expanding ever since to include daily coverage from 24-hour news organizations and even network television (Farganis and Wedeking 2014). With this highly covered event comes the inevitable result of increased political mixing, as potential justices are required to operate under the rules of the Senate and participate in a traditionally politicized discussion of their ambitions, morals, ethics and past deliberations.

As Collins and Ringhand (2013) detail, the nomination of a potential Supreme Court justice involves a great many obstacles for the appointing president. The president consults a

number of advisors, including the attorney general and various legal groups like the Federalist Society, and must find a candidate that will be approved by the Senate in their advice and consent function. What often goes overlooked in this process is the media's role in portraying the nominee, not only highlighting the importance of the vacancy itself, but giving news consumers an opportunity to vet the candidate themselves and voice their concerns with their senators. As Krutz, Fleisher and Bond (1998) note, the media plays a tremendous role in the dissemination of information about nominees that can lead to their successful appointment, or more importantly, their subsequent failure. Therefore, a greater understanding of the media environment surrounding judicial nominations is critical to understanding the political consequences of nominations and how they can be manipulated in media formats.

The news media provide what Slotnick and Segal (1998) describe as a “critical link” between the Supreme Court and the general public, one of particular importance considering the accessibility challenges associated with the institution. Since members of the Court rarely engage with the press to justify their decisions, and because much Supreme Court activity is littered with legalese that may be both confusing and deterring to the general public, it is a logical expectation that the press act as a translator. This is not necessarily any different in a typical confirmation hearing, or when going through the past judicial decisions of a nominee. Americans rely on the news media to provide relevant information that can be used to evaluate political decisions and decision makers. This makes journalist Max Friedman's assertion that the Supreme Court is the “worst reported and worst judged institution in the American system of government” a rather troubling conclusion (Quoted in Grey 1968, 5). Coupled with a great deal of empirical evidence that suggests a very similar assessment (e.g.

Ericson 1977; Slotnick and Segal 1998), it appears many Americans are receiving little information about the Court when compared to other institutions, and an arguably distorted representation of the Court and its work. Thus, the nomination of justices, whose confirmation is held in public view (aside from their one-on-one meetings with senators that are now common place), provides one of the rare chances for the American public to make their own assessments about the nature of the office and the individuals who hold these positions.

Much of the justification for poor quality of coverage is a combination of inadequate resources for critical reporting (Grey 1968; Davis 1994) and journalistic preferences for simple, sensational, visual and “personality-centric” stories the Court is often unwilling or unable to provide (Davis 1994; Davis 2011; Grey 1968; Newland 1964; Spill Solberg and Waltenburg 2015; Vining and Marcin 2014). Indeed, as Spill Solberg and Waltenburg (2015) note, the confirmation process is one that most directly relates to the “cult of personality,” leading many reporters toward a discussion of the candidate’s personality traits rather than some of their more compelling judicial opinions.⁵ Most outlets have little interest in Supreme Court beat reporters, and many covering the Court may not have any legal education or specialty in legal reporting (though many do) (Davis 1994). Because the Court’s deliberations are almost entirely behind closed doors, and the Court maintains a policy banning cameras in the courtroom, the opportunity for visual and conflict-centric reporting is severely limited, particularly when compared to the argumentative and relatively open practices of Congress. Additionally, the justices do not tend to seek out media sources to promote or justify their

⁵ With the exception of Elena Kagan, who served as Solicitor General under the Obama Administration before her appointment to the Supreme Court, all other sitting justices have prior judicial experience.

decisions as members of Congress do, instead allowing their opinions to essentially speak for themselves. These issues can make Court reporting an unattractive task, particularly in a predominantly visual medium like television (Slotnick and Segal 1998), and the additional burden of deciphering what can be complicated and complex legal language may deter many journalists from pitching Court stories at all. In an era of “sound-bite” journalism, the justices do not often provide the sexiest options on any given news day, which may preserve some of its goodwill but inarguably hinders public knowledge.

Early studies of coverage quality often focused on assessments of what information journalists chose to provide. For instance, Newland’s (1964) investigation into newspaper coverage of two decisions reveals that the media’s focus is often lacking in decision analysis, but heavily dedicated to reactions, while Grey (1968) notes that analysis of the Court’s decisions is far less attentive than treatment of other institutions. Ericson’s (1977) study of three newspapers’ coverage of the Court reveals a general lack of adequate coverage based on a rubric of basic details one may expect in a thorough discussion of the Court’s decision (see also Solomine 1980).

Television, the medium through which most Americans receive their news, provides its own series of dilemmas. Most television outlets fail to employ Supreme Court, or even legal, specialists of any kind. The decision to not maintain specialists for Court reporting is associated with more incidents of inaccuracy (Newland 1964; Slotnick and Segal 1998), and television reporting in particular has a tendency to oversimplify and mischaracterize Court actions, notably at the certiorari stage (Slotnick and Segal 1998). However, unique to Supreme Court coverage, the widely-accepted decision to televise confirmation hearings in full does give Americans an opportunity to witness their testimony for themselves, as well as

the grandstanding of senators attempting to highlight their own work (Farganis and Wedeking 2014).

Importantly, Larson's (1985) study of newspaper coverage shows the media is quite attentive to several issue areas, like racial discrimination, that may be considered more "newsworthy," but emphasizes this means the media's lack of coverage is largely a choice, and not necessarily dictated by editorial constraints. Other issue areas identified as press favorites include First Amendment and criminal procedure cases (Collins and Cooper 2012; Davis 2014; Slotnick and Segal 1998; Spill Solberg and Waltenburg 2015).

The idea of "newsworthiness" has been examined in several ways, with some noting that journalists may be able to identify cases that have broad public interest (Slotnick and Segal 1998), but are often not considered salient issues by those in the legal community (Spill Solberg and Waltenburg 2015). This agenda setting function of the press may provide a distorted portrayal of the Court whose workload is not dominated by cases in the aforementioned issue areas. Additionally, the decision to often focus disproportionately on the individual justices, the "cult of personality," confirms general journalistic preferences for easy, sensational coverage that may attract a larger audience but lacks substantive analysis (Spill Solberg and Waltenburg 2015). As opposed to dissecting a Court opinion, it is easier to discuss trivialities. All of this evidence suggests that the news media is often neglectful toward the Supreme Court, either through coverage that is facile, inaccurate and inarticulate, or through a refusal to cover the institution at all. The coverage of the nomination and confirmation hearings of a candidate obviously offers a different avenue for journalistic expression. Though the press has the opportunity to focus on whatever aspects of the

nomination they like, the questions and content produced by the Senate will undoubtedly dominate some coverage.

The studies discussed up to this point largely focus on coverage quality as a function of adequacy; is coverage complete, thorough and accurate? This is, of course, an important aspect of understanding public knowledge of the Court and its activities. While many have noted knowledge of the Court is low compared to many other aspects of political knowledge (Caldeira 1986, but see Gibson and Caldeira 2009c), based on the aforementioned evidence, we should not be surprised. Americans are consistently presented with poor quality coverage, at least in relation to adequacy.

In addition to simply analyzing *what* the media covers regarding the Court, (and whether they get it right), we should also consider *how* the media covers the Court. The media can essentially choose what to focus on and how to frame the Court and its actions in any way they like, though as previously mentioned, many will attempt to provide content in a way that will attract consumers. Thus, in assuming that consumers prefer stories about, for instance, judicial personalities or controversial issues (Spill Solberg and Waltenburg 2015), not only are many outlets providing inarticulate coverage, but also framing discussions of Court activities that may impact public opinion of the institution. Some have argued that the Supreme Court's comparatively high public approval ratings are a byproduct of positive symbolism pushed by the media (Gibson and Caldeira 2009b; Gibson, Lodge and Woodson 2014; Spill and Oxley 2003). A media environment that uniformly promotes a "myth of legality" is not necessarily a "quality" one in a strict sense of accuracy, but legalistic portrayals of the Court are decidedly different in quality than other potential frames. As numerous studies have convincingly shown, extralegal elements often have significant

impacts on judicial decision making, and thus, media framing that promotes positivity is not an entirely “accurate” depiction, but it is one avenue for presentation. A fairly recent body of research has not only attempted to see if the media does indeed push this “myth of legality,” but also under what circumstances this tone shifts and biases in coverage reveal themselves. These studies provide new considerations of what constitutes “quality” coverage and how it can affect public perceptions.

While some have shown evidence that the media does indeed promote a fairly legalistic portrayal of the Court (Spill and Oxley 2003; Spill Solberg and Waltenburg 2015), these tend to rely on relatively small outlet samples that plague many media studies (Collins and Cooper 2012; Epstein and Segal 2000). Furthermore, an emphasis on legalistic portrayals may be good for institutional legitimacy, but it may not be an accurate representation of the Court and its work. Additional scholarship has shown that legalistic language does not imply a dearth of politicized language, and things like the alteration of precedent and the majority coalition size can affect the use of legalistic language (Johnson and Socker 2012). Therefore, discrepancies in tonal quality may be the result of implicit biases and heuristic shortcuts in the journalistic community (Zilis, Wedeking, and Denison 2017). Again, regarding the nomination of a potential justice, the media has the opportunity to focus on past legal work, but may opt toward something more personality-driven (Fogarty, Qadri and Wohlfarth 2020; Spill Solberg and Waltenburg 2015), as seen in the Thomas hearing with Anita Hill or the Kavanaugh nomination’s focus on potential alcohol issues and alleged sexual misconduct.

Why does quality matter in coverage of the Supreme Court? The Supreme Court, unlike most other political institutions in the U.S., has a keen interest in its own public approval. Because its central judicial authority is not expressly dictated in the Constitution,

and because constraints on the Court necessitate that other actors comply with and implement their decisions to be effective, the Court's legitimacy is of comparatively greater concern (Caldeira and Gibson 1992; Gibson, Caldeira, and Baird 1998; Hoekstra 2000). Research on the Court's legitimacy has recently begun to acknowledge that the media, as the link between the Court and the public, possesses considerable power in this relationship (Bartels and Johnston 2012; Johnston and Bartels 2010). With emphasis on tonal quality – the framing of Court and the actions surrounding it – a number of experimental studies have shown that negative or politicized portrayals of the Court and its decisions affect public evaluations of the Court. Exposure to negative portrayals of the institution weakens support for the Court's decisions (Zilis 2015), and affects evaluations about the institution's procedural fairness (Baird and Gangl 2006; Ramirez 2008; though see Gibson and Caldeira 2011 for an alternative perspective). This line of research shows that negativity in coverage can have significant consequences. It stands to reason that negative coverage in the nomination process would follow a similar pattern.

Gibson and Caldeira's (2009a) examination of the Alito confirmation in the context of positivity theory suggests that those Americans' with high levels of institutional loyalty to the Supreme Court were far more likely to formulate their opinions on confirmation through a lens of judiciousness, as opposed to more ideological considerations. Again, the authors' theory stems from a larger literature on mass behavior recently pulled into political science, motivated reasoning, best associated with Taber and Lodge (2013). As Gibson and Caldeira (2009a) note, Bush's nomination of Alito came at a time of considerable polarization, and Alito's record both before and since his time on the high court suggest he is a staunchly conservative jurist. Despite this, Americans' views of Alito did not appear to be nearly as

polarized as opinions of congressional lawmakers, despite what was a fairly contentious hearing that resulted in a 58-42 confirmation vote in favor of the nominee.⁶

While Gibson and Caldeira (2009c) focus their attention on the positive role of institutional loyalty, it is equally important to consider the flipside of that coin. While high institutional loyalty may result in greater weight toward judiciousness, lower institutional loyalty means a greater reliance on ideological and partisan cues. Coupled with the litany of research from Gibson and others arguing that “to know the Court is to love the Court,” it is reasonable to suggest that many being exposed to confirmation hearings are not avid Court followers, and therefore *must* rely on ideological and partisan cues. Many of these cues are most likely best emphasized through the media coverage of the hearings, focusing on conflict between members of Congress and the nominee, as well as greater attention toward ideology. Additionally, it is quite likely, as opposed to coverage of Supreme Court decisions, much of this coverage is less prone to include positive symbolic judicial symbols, but rather the nominee before the Senate Judiciary Committee, the nominee without robes, and greater focus on the Senate and its members.

The recent politicized nominations and confirmations of Justice Neil Gorsuch and Justice Brett Kavanaugh have only heightened the level of interest in the confirmation process and potentially brought greater scrutiny among both lawmakers and the public in regard to the nomination process. The initial nomination of a conservative jurist, federal appellate judge Neil Gorsuch, was among the first items of business for the new administration. Revealed in a highly theatrical primetime presentation that had both finalists racing toward D.C. a la ‘Cannonball Run’ to claim their prize as nominee (Cillizza 2017), the

⁶ Senate Democrats attempted to filibuster Alito’s nomination, but cloture was invoked.

nomination would inevitably be debated. Though widely respected as a judge, as was Garland, the circumstances under which Gorsuch was nominated were somewhat unprecedented. As part of the aftermath, the retirement of Anthony Kennedy would again bring forth a nominee, Kavanaugh, mired in the conflict of the political environment that postures the Trump Administration against its own case of Democratic foes.

This is not to suggest that the Gorsuch or Kavanaugh nominations are alone in conflict-oriented coverage. As Davis (1994) points out, “It has become almost conventional wisdom that Supreme Court nominees possess some character flaw that will emerge in the confirmation process and seriously jeopardize, if not fatally damage, their chances of earning confirmation. The players in the process only wait for it to emerge” (1062). Whether it be attention paid toward sexual harassment allegations, substance abuse, or any array of unflattering topics, nominees are not above the more sensationalized and tabloid-centric foci of the news media. More directly related to the purposes of this discussion, the confirmation process has become something of an ideological battleground, one in which the President’s success in picking a nominee that will be confirmed is often discussed as more important than the characteristics of the nominee themselves. And, since the confirmation hearings are now a televised and fairly popular news event, the grandstanding of senators in opposition to the nominee is a highlight of the news cycle (Farganis and Wedeking 2014). All of this is to say that the media is a very important aspect of the nomination, providing details of the nominee’s personal and professional characteristics, the context of their nomination and the ideological conflict at hand.

Not unlike prior nominees like Robert Bork, the controversies surrounding recent

nominations arguably have little to do with judicial qualifications, but rather the ideological and philosophical traits that define each nominee. This is a matter of pure politics – and quite impolite politics at that. Many liberals called for Democratic Senators to essentially “return the favor” and filibuster Gorsuch at all costs, claiming the seat rightfully belonged to Garland. President Trump encouraged Republicans to take the nuclear option should a filibuster be attempted, an effective but myopic strategy, as much of the prior activity surrounding the nuclear option has proved to be. While invoking the “nuclear option” of dropping the Senate threshold for Supreme Court nominees from 60 votes to invoke cloture to a simple majority certainly solved the immediate concerns over Gorsuch’s confirmation, it also sets intriguing precedent for Democratic retaliation should they gain majority status once more. In the end, Gorsuch was indeed confirmed in the Senate by a vote of 54-45, even narrower than that of Alito over a decade earlier. Would such a politicized and contentious debate over the confirmation of the nominee find its way into media outlets, and particularly, into those with ideological or partisan objectives?

3.2 Understanding Differences in Nomination Coverage in the Modern Media Environment

The confirmation hearings for Brett Kavanaugh were covered with great fervor, and due to the political climate, were likely be steeped in negative, politicized language among liberal outlets, and perhaps more laudatory language from more conservative outlets. As previously mentioned, recent research has shown that negative news coverage of institutions has a strong impact on public assessments of the Court (Bartels and Johnston 2012; Johnston and Bartels 2010; Zilis 2015), and there is some evidence that ideological media bias seeps over into coverage of the judicial branch, as well (Denison 2017; Zilis, Wedeking

and Denison 2020). There is additionally some work that investigates the general coverage preferences of media outlets in the nomination process, suggesting a bias toward “culture war” topics, emphasizing issues like abortion to a disproportionate extent when compared to the Court’s attention to the issue (Evans and Pearson-Markowitz 2012). And as Farganis and Wedeking (2014) argue, media coverage of the confirmation process has increased over time with changes in media, and the spectacle has significantly impacted nominee and senatorial behavior. Finally, it is expected that coverage became more politicized as the hearings, and the eventual vote, approached. This nomination provides a prime example of how various media outlets can provide disparate coverage of the same event, suggesting large swaths of the population are receiving vastly different information, and consequently, arriving at different judgments (Iyengar and Hahn 2009). This work would be the first to breach the topic, and at a very opportune time.

The expectation of ideological bias is much greater for the nomination process than that of decision making coverage, for a number of reasons. First, the nomination of a Supreme Court appointee is an inherently political event that involves all three branches of government, as opposed to just the work of the Supreme Court (Spill Solberg and Waltenburg 2015). Second, the nomination, and in particular, the confirmation process, is a far more accessible event than any singular Supreme Court decision, allowing for television access, more diverse imagery, and a direct-to-consumer presentation of the interactions between Senators and the nominee that has become central to the process since the 1980s (Farganis and Wedeking 2014). Third, and perhaps unique to this instance in history, is that Kavanaugh’s nomination came at a time of heightened political controversy and polarization under the Trump Administration (Abramowitz and McCoy 2018). Not only had a

Republican Senate only months earlier vowed to essentially ignore the nomination of Merrick Garland to the bench and confirmed a Republican in his place, angered Democrats retaliated through their own promise of filibuster as the minority party in the Senate. The Republicans' invocation of the so-called "nuclear-option," allowing for a confirmation vote from 52 instead of the previously established 60 Senators, was a particularly conflictual tactic that only widened the partisan divide. Fourth, the administration of President Trump and his own language in criticizing various judicial actors may add to heightened criticism among incongruous media organizations, or legitimizing language from those in agreement.

Thus, while the Kavanaugh nomination may in some ways be unique in the history of Supreme Court nominations, there remains good reason to believe that his nomination process is not entirely removed from a broader conceptualization of the media's coverage of judicial events, in particular, Supreme Court nominations. While his nomination was highly polarized, his is certainly not the first. While his nomination was covered exhaustively in the media, his is certainly not the first, and based on the most recent nomination of Amy Coney Barrett, is certainly not the last. And while his nomination involved serious accusations of sexual misconduct, again, his is not the first. While the nomination process continues to be mired in political controversy in recent years, there is little reason to believe this trend will abate any time soon. More likely, the attention paid to the personal aspects of the nominee, as opposed to his or her judicial history and philosophy, is only likely to increase. In the following sections, I outline some of the aspects of the nomination period that may lead to disparate presentations of the process throughout the media.

3.2.1 Ideological Media's Role in Nominee Depictions

One of the first things to consider is that the current media landscape is littered with a litany of possible media choices, and depending on what sources one consumes, the subsequent perception of events may vary. While the presence of widespread media bias is often challenged, it is hard to deny that certain media organizations maintain ideological reputations. Cable news in particular has gained a notable reputation for creating increased polarization based on the language and incivility found in its broadcasts (Mutz 2006). Outlets like Fox News and MSNBC are largely considered to have right and left wing slants, respectively. If we believe these perceptions to be true, individuals may be consuming vastly different presentations of the nomination process, especially when it comes to the involvement of Dr. Blasey Ford and the accusations leveled against the nominee.

Does the media actually politicize Court coverage, or cover the institution's activities in different emotional lights? Not only have prior studies shown that negativity is present in a great deal of coverage (Denison, Wedeking and Zilis 2017; Zilis 2015; Zilis, Wedeking and Denison 2020), and the prior chapter shows some signs of politicization in decision coverage, but recent developments in the study of media selectivity suggest the issue is one of growing importance (Gentzkow and Shapiro 2010; Iyengar and Hahn 2009). Of particular note is the work of Bartels and Johnston (2012; Johnston and Bartels 2010), who argue that "sensational" media sources, like those of cable news and talk radio, provide more negative portrayals of political actors, including the Court. Even after controlling for a number of potential influences on evaluations of the Court, including a novel conceptualization of ideological congruence, they find that those who opt to consume information from "sensational" sources are less supportive of the Court. With a greater diversity of options

than ever before, including a quickly expanding web of alternative internet sources, more people are inevitably consuming not only ideological, but negative, news coverage.

While we will return to the impact of Blasey Ford in the nomination, it is worth noting that one of the major consequences of her involvement was generating a fervor on both ends of the ideological spectrum. As McGinley (2019) notes, while many in the media, including at those perceived media outlets like Fox News, were quick to acknowledge the professionalism and believability of Blasey Ford early on, strong conservative outlets like *Briertbart* were quick to downplay her testimony and insist Kavanaugh was the more believable witness.⁷ As the nomination process wore on, the difference in tone between those outlets associated with the right and left seem to have become decidedly clearer. As one news piece from *The Washington Times* remarked, “They’ve been the craziest confirmation hearings in decades — yet they’ve done little to change the trajectory of Judge Kavanaugh, who still appears headed for a narrow confirmation to the Supreme Court” (Sherfinski, Swoyer and Dinan 2018). Here, we see what is considered a reliably conservative outlet in the *Times* seemingly reassuring its readership that not only have the hearings been “crazy,” but that Kavanaugh will ultimately surmount the accusations.

Consider this in contrast to an article from *The Daily Beast*, an online left-leaning publication:

The testimonies could not have been more diametrically opposed: a calm, fearful, almost apologetic woman recounting the most horrifying moment of her life for everyone to see, versus an admittedly angry man who warned that what happened to him would have negative ramifications for decades to come. What played out over the next nine hours was unlike any Senate hearing in recent memory—with tears,

⁷ President Trump has been an outspoken fan of Fox News channel for most of his presidency, and as accusations surrounded Kavanaugh’s nomination, the president reportedly looked to Fox News to bolster his candidacy and downplay the Blasey Ford accusations (McGinley 2019).

anger, fear and pain on full display as lawmakers and the nation looked on. (Kucinich 2018).

Here we see a very different approach when covering the hearings from what is considered a left-publication. Looking at the direct language used, the author uses very sympathetic terms for the accuser, Blasey Ford (e.g., calm, fearful) and unflattering, aggressive terms for the accused, Kavanaugh (i.e., angry). While these are extreme outlets examples of outlets on the scale to be used in the analysis below (mondotimes.com scores), even more middle-of-the road outlets made decisions as to what to focus on throughout the confirmation process. While no friend of the president in recent months, CNN has traditionally been considered somewhere between Fox News and MSNBC in the predominant cable news channels available to most Americans. In one article from the outlet, the authors spend considerable time on one particular exchange between Senator Amy Klobuchar and then-nominee Brett Kavanaugh, highlighting one of the more infamous or powerful moments in the public hearings:

"You're asking about blackout, I don't know, have you?" he responded.
"Could you answer the question, judge?" Klobuchar said, looking somewhat surprised by the response. "So, you have, that's not happened? Is that your answer."
"Yeah, and I'm curious if you have," he added.
"I have no drinking problem, judge," she said, her timing running out.
"Nor do I," Kavanaugh concluded (Bradner and Lee 2018).

This in and of itself is not that telling of the outlet's take on the exchange, simply opting to pluck out this particular back-and-forth. Again, one way of interpreting the exchange simply reproduced in print would be to say that Kavanaugh is aggressive in his rebuttal, particularly when considering it is not Klobuchar going through a public hearing regarding her past. Another would be to suggest that Kavanaugh is standing his ground in what could be considered an inappropriate line of questioning, not unlike now-Justice

Thomas's famous remark during his own contentious testimony in which he referred to the line of questioning regarding sexual harassment of Anita Hill as a "high-tech lynching."

It is the CNN approach that many may suggest would be a lack of bias – what Fox News, somewhat tongue-in-cheek, may suggest is a matter of, "We report, you decide." But the drama of the event left few without commentary of some sort to add to the exchange. The reporters at CNN finish their thought on the exchange by noting, "The exchange was a bizarre turn in a hearing full of surprises and Kavanaugh, seemingly aware that he had crossed a line with his responses, apologized after the committee took a short break" (Bradner and Lee 2018). Here we see CNN editorialize to a certain degree, suggesting Kavanaugh had backed down and apologized due to the intensity of the exchange. This is to say nothing of the more parodied declaration of Kavanaugh's, in which he tells the committee, "We drank beer. I liked beer," focused on by less news-centric outlets like BuzzFeed and parodied on comedic television like Matt Damon's portrayal of Kavanaugh for 'Saturday Night Live.'

While these are selected excerpts from individual outlets found in the collected data, there is a modicum of facial validity found in these few examples. We can see some differentiation in the tone and language selected among various outlets covering the same event in the Kavanaugh saga, the public hearings. The ideological slant of news organizations is a hotly contested topic in both political and media studies. For reasons outlined, my expectations are that those outlets with perceived ideological preferences will cover the Kavanaugh hearings differently based on the preferences of their editorial staffs as well as their audiences (Gentzkow and Shapiro 2010). The following section details how the time cycle of the Kavanaugh nomination may impact changes in language.

Undoubtedly the most dramatic aspect of now-Justice Kavanaugh's nomination was the accusation and subsequent testimony of Dr. Christine Blasey Ford. After a period of reported deliberation, Dr. Blasey Ford initially submitted a confidential letter to Senator Dianne Feinstein detailing her accusations against the nominee, alleging that Kavanaugh had sexually assaulted her when both were teenagers in high school in Maryland. Feinstein promised not to reveal her identity, and the letter of accusation went through a great deal of scrutiny by investigative agencies, politicians and the media. After watching her claims play out for several weeks, Dr. Blasey Ford made the decision to come forward as the author of the letter, and on September 27, 2018, she would speak publicly before the Senate Judiciary Committee regarding her accusations. Kavanaugh then took the opportunity to respond. In what appeared to be highly emotional testimonies by both sides, these public hearings would produce some of the most controversial media coverage of the entire nomination. Blasey Ford's accusations create serious questions on both sides of the ideological aisle, including whether the assault accusations were credible, whether Kavanaugh had the temperament to sit on the Court, whether Democrats had conspired to spoil the nominee's credibility.

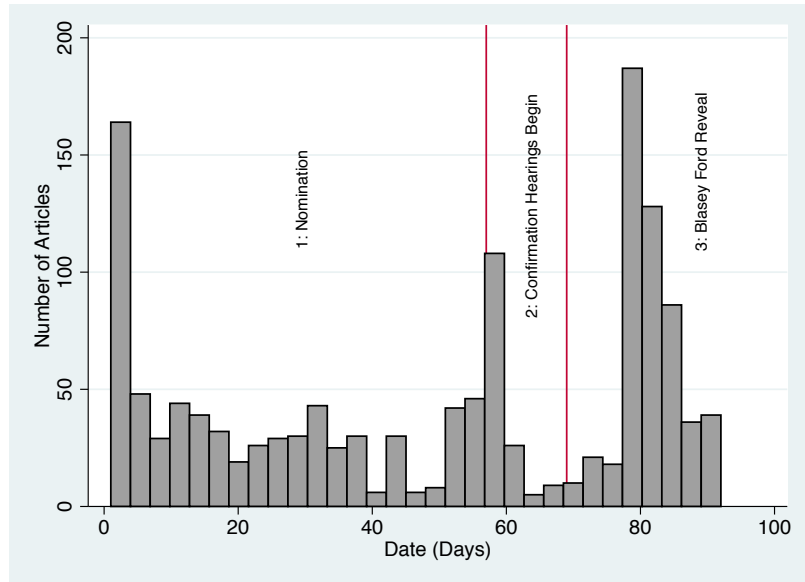
3.2.2 The News Cycle of the Kavanaugh Nomination

As the prior paragraphs illustrate, the nomination of Justice Kavanaugh included some important and distinctive elements not always found in Supreme Court nominations. Therefore, it is important to note that there are a number of reasons for why we expect to see disparity in coverage throughout the nomination cycle of Kavanaugh, including temporal, institutional and ideological factors. Perhaps the most obvious consideration for tone differentiation in coverage is temporal, both as a matter of coverage within specific time periods of the nomination cycle, as well as general trends over the duration of the

nomination cycle. One would expect that the confirmation hearings and subsequent vote would generate greater attention, and more disparate presentations across the media spectrum, as the increase in attention would lead to more enhanced focus on the conflict between the nominee (and/or President Trump as his appointer) and Democrats. As each document includes the date that it was published, it is possible to analyze these temporal issues. However, while the initial announcement of Kavanaugh's nomination, or any Supreme Court nomination announcement, may have received a disproportionate amount of attention, as the media (and consequently the public) began to learn more about the nominee and the alleged history of the individual, a greater focus on politicization and negativity over time is likely (Spill Solberg and Waltenburg 2015).

Further regarding this temporal aspect, the nomination of Brett Kavanaugh can be broken down into a series of events that, while somewhat unique to this individual nomination, would come to define much of the media narrative. The first major event is of course the nomination itself, announced by Donald Trump on July 9, 2018, in the East Room of the White House. The second major event is the confirmation hearings conducted by the Senate Judiciary Committee beginning on September 4. The period between these two events will be referred to from hereon as *Period 1*.

Figure 3.1 Article Frequency by Nomination Time Period



The third major event is Dr. Christine Blasey Ford’s accusation of sexual assault. Initially, Blasey Ford sent her accusation to Senator Dianne Feinstein, a Democrat from California, with a request the accusation remain confidential. While the accusation was initially sent to Feinstein on July 30, 2018, the public would not become aware of the accusation until September 12. Blasey Ford would come forward as the accuser on September 16. Based on the enhanced level of coverage following Dr. Blasey Ford coming forward, this date will serve as the beginning of this next time period. Public hearings involving Kavanaugh and Blasey Ford took place in the Senate following the doctor’s allegations on September 24. The period from the confirmation hearings to the revelation of the accuser will be referred to as *Period 2*. The final major event in this study is the eventual confirmation of Kavanaugh by a full Senate vote of 50-48 on October 6, 2018. The time period from the Blasey Ford accusation and this final vote will be referred to as *Period 3*. Figure 3.1 visualizes the amount of coverage across all outlets over time, split by the time periods discussed. Lending some credence to the idea of these people the major time periods

of note, the data shows large spikes at the initial nomination period, the beginning of the confirmation hearings, and during the Blasey Ford hearings.

For tone, I will be analyzing three different aspects – politicization, negativity and legalistic language. I use these three dependent variables as each provides a different and distinct dimension of tone that is important. Politicization is an understanding of how the media puts the Court and its activities into a political context through emphasis on ideology and inter-branch relationships. Alternatively, negativity is a consideration of the media’s use of more hostile language regarding the hearings. Finally, legalistic language in media coverage signifies a tone that emphasizes non-politicized language that focuses on traditional legal concerns untethered to the other types of tone described (Johnson and Socker 2012).

As I detail below, there are reasons to believe that ideological outlets will approach coverage in different ways within the framework of the time periods discussed above. In other words, during each individual time period, there is an opportunity for outlets to heighten or tamp down politicized, negative, or legalistic portrayals of the nomination. This will help to provide a better understanding of the nomination cycle, as well as what events specifically drive changes in tone, if any.

3.2.3 Period 1: Nomination to Confirmation Hearings

Period 1 involves the initial public learning period of future Justice Kavanaugh, in which the media first acknowledges the nomination and begins to reveal information about the nominee. For politicization in this time period, I expect as the ideological leaning of the outlet to be a crucial factor and that, given the timing sequence of the events just discussed, will interact with the time period variable. I expect that politicization will increase for liberal outlets and for conservative outlets. I expect this because the media will be explaining the

consequences of the nomination, comparing Kavanaugh's conservative credentials in comparison to his potential predecessor Kennedy, as well as explanation of the process through which Kavanaugh will have to traverse. In other words, language regarding ideology and institutional competition will be prevalent for ideological outlets. This is in comparison to those outlets considered neutral. While this may seem counterintuitive for those conservative outlets who may want to focus in on less controversial aspects of the nomination, like the nominee's approach to the law in general, there is also an opportunity to prepare the conservative base for the inevitable confirmation battle to come. In preparation for the hearings and eventual vote, the presence of more politicized language may serve as a way of painting ideological foes as overtly partisan. Therefore, I expect:

H1: In Period 1, liberal outlets will use more politicized language than neutral outlets.

H2: In Period 1, conservative outlets will use more politicized language than neutral outlets.

In regard to negativity, I expect results to differ slightly. As this construct is more focused on purely emotional words, there are greater reasons for negativity among liberal outlets. As Kavanaugh was noted early as a strong conservative, a Federalist Society member, and of course, a Trump nominee, liberal outlets would be far more likely to use negative language regarding the nominee. Again, because this time period focuses most on the reveal of the nominee until the confirmation hearings, one would expect this to be a time period of initial reactions on both sides. Conservatives have far greater reason to tamp down negative language regarding the nomination, as Kavanaugh was touted by some as being a stronger conservative than his predecessor. Therefore, I expect:

H3: In Period 1, liberal outlets will use more negative language than neutral or conservative outlets.

Our final consideration regarding language use in Time 1 addresses the idea of legal language. As legal language focuses much more on judicial process and procedure, there is a good reason to expect that outlets on one side of the ideological spectrum would be more inclined to promote legal language than the other. I expect that conservatives will use more legal language in this time period, highlighting his prior time on the bench and the positive aspects of not only law, but Kavanaugh's legal character. While not inherently a proxy for positive coverage, legal language at the very least steers away from the ideological nature of tone and promotes or reinforces greater positivity toward the institution (Johnson and Socker 2012; also see Gibson and Nelson 2017). Alternatively, liberal outlets have more incentive to focus on other aspects of Kavanaugh's nomination and steer away to some extent from foci dominantly on legal language. Therefore, I expect:

H4: In Period 1, liberal outlets will use less legal language than neutral or conservative outlets.

Period 3.2.4 Confirmation Hearings to Accusation

The second time period of note follows the original Judiciary Committee confirmation hearings up to the accusations of sexual assault by Dr. Blasey Ford. This period will include the confirmation hearings but end before the public acknowledgement of Blasey Ford. In this time period, some expectations change among the ideological outlets involved in coverage, particularly due to the nature of confirmation hearings themselves. Furthermore, as this is traditionally the only period of the confirmation process that is public, and usually subject to the most media coverage and public attention (Farganis and Wedeking 2014), there will be new considerations for media outlets regarding what kind of information they choose to cover, as well as how they cover it.

Regarding politicization, the confirmation hearings themselves bring in more information about the Senate and Senate Judiciary Committee. Along with this information comes a greater ability to comment on the exchanges between the nominee and members of the committee, as well as continued dialog about the ideological nature of both. Thus, there is reason to expect *both* liberal and conservative outlets to use more politicized language than those neutral outlets. What information they focus on specifically is less important than the idea that these ideological outlets take the opportunity to politicize the event, in particular. This is to say, as opposed to simply providing the consumer with information about what exactly happened during the hearings and subsequent deliberation in the chamber, these ideological outlets are likely to take an opportunity to contextualize the situation. One example from Paul Blumenthal at the Huffington Post under the headline ‘Brett Kavanaugh’s Confirmation Hearings Have Been Shrouded in Secrecy’ (2018) goes on to focus on the Democrats’ complaints that both the judiciary committee and the public were not given adequate information about the nominee, going so far as to suggest the committee may want to delay hearings until some of the records are properly revealed.

Nonetheless, the reality of this nomination was a Republican appointee going before a Republican controlled Senate Judiciary, as well as chamber, with many Democratic senators still reeling over the nomination and confirmation of Neil Gorsuch. In addition, when covering the confirmation hearings, there should be an expectation that there will indeed be ideological differences in how senators interact with the nominee. As Farganis and Wedeking (2014) and Ringhand and Collins (2013) note, there is a notable difference in how like-minded senators question the nominee versus those of an opposing party. It is quite likely that even in simply relating the events of the day, some contentious language from the

floor will be included in coverage. In comparison to neutral outlets, I expect that ideological outlets will focus in some extent on the vilification of their political foes, with liberal outlets pointing at Republican senators and the nominee as partisans, and conservative outlets doing the same regarding Senate Democrats and liberal detractors. Therefore, I hypothesize:

H5: In Period 2, liberal outlets will use more politicized language than neutral outlets.

H6: In Period 2, conservative outlets will use more politicized language than neutral outlets.

The judiciary committee hearing is also an opportunity for more negative focus, as for the first time in the process, you have direct confrontation between the nominee and potential detractors on the Senate Judiciary Committee. Nevertheless, I expect liberal news outlets will use more negative language than that of conservative or neutral organization. I expect this because I anticipate a greater focus from liberal organizations on the questions posed by Democrats on the committee, some of which were far more critical of the nominee than those posed by largely like-minded Republicans. For example, in the initial hearing, Democratic Senator Dick Durbin remarked to Kavanaugh, “You are the nominee of President Donald John Trump. This is a president who has shown us consistently that he is contemptuous of the rule of law. It’s that president who has decided you are his man.” This of course runs counter to the kind of language used by Judiciary Chair, Republican Chuck Grassley, in the same hearing: “Judge Kavanaugh is one of the most qualified nominees – if not the most qualified nominee – I have ever seen.”

Additionally, while it is quite possible that conservative outlets would highlight negativity in the hearings perhaps in an attempt to discredit the line of questioning by those on the Democratic side, as Republicans compared the proceedings at various times to an out of control mob, I expect they will use less negative language than liberal outlets or neutral

outlets, as they have more incentive to accentuate positive attributes of the nomination and his performance. For example, in their coverage of the confirmation hearings, Fox News devoted considerable time not only to the protests within the chamber and the objections of Democratic Senators to the proceedings, but also the nominee's lengthy responses to matters of judicial temperament, legal philosophy, and more flattering aspects of the nominee (Pappas 2018). Therefore, I expect:

H7: In Period 2, liberal outlets will use more negative language than conservative or neutral outlets.

Finally, in regard to legal language, this would be perhaps the most apt time for a greater focus by some outlets on stricter elements of the law. That is to say, much of the confirmation process focuses on the nominee's understanding of the law itself, prior precedent, and procedural elements of the Court (Collins and Ringwald 2013; Farganis and Wedeking 2014). Yet again, there is a potentially greater incentive for one side to perhaps focus on this type of narrative than the other. Conservative outlets may focus more on legal language as a way of promoting a more straight-forward view of the nominee, as opposed to an ideologue. Once again, Fox News provides a good example in their decision to dedicate a considerable amount of space to the judicial philosophy of Kavanaugh, who claimed in the hearing, "A judge must be independent and must interpret the law, not make the law" (Pappas 2018). I expect less legal language from liberal outlets than conservative outlets, as there is less incentive to focus on the standard answers often given regarding things like judicial philosophy. However, there is still a strong incentive to focus elsewhere as a way of convincing readership of the nominee's ideological credentials and his chance at winning confirmation. Thus, it is quite likely that both conservative and liberal outlets will use less legal language than their neutral counterparts.

H8: In Period 2, liberal outlets will use less legal language than neutral or conservative outlets.

H9: In Period 2, conservative outlets will use less language than neutral outlets.

Period 3.2.5 Accusation to Confirmation

The final time period is somewhat unique, but not unprecedented, within Supreme Court nominations. The previous nomination of Neil Gorsuch had much more controversy surrounding it than most prior nominations, but for very different reasons.⁸ Perhaps a more analogous example would be that of Clarence Thomas, a Bush nominee similarly accused of sexual impropriety prior to his nomination in 1991. Regardless, the accusation of sexual assault by Dr. Blasey Ford was a tremendous turning point in terms of media focus about the nomination. And perhaps at no point were ideological lines more deeply entrenched, which many liberals believing there to be little reason to not believe the accusation and subsequent testimony of Blasey Ford, thus discrediting the nomination of Kavanaugh as unfit for office. Many on the right countered that Kavanaugh himself was creditable and challenged some of the aspects of an accusation about an event that happened decades before. To a large extent, ideological media coverage followed in similar division.

The opportunity for politicization is rife for both sides, as both engaged in a certain of ideological finger-pointing. I expect that liberal outlets will have more politicized language in their coverage during Time 3 simply because of the ideological nature of the nomination and the Senate renewed involvement. However, I expect that conservative outlets will

⁸ The Gorsuch nomination, while no less politicized in nature, largely centered around Senate Republicans' decision to ignore the nomination of Merrick Garland by the Obama Administration. Republicans cited the upcoming presidential election as their reasoning to wait. Fortunately, the Republican Donald Trump won the election and was able to fill the seat with a Republican, despite Obama being the president at the time of vacancy. A similar election-year nomination debate would happen again in 2020, culminating in Republicans quickly filling the seat of the deceased Ruth Bader Ginsburg before election day.

engage in similar behavior, also maintaining a strong focus on the ideological division between those who believe the accuser and the accused. Therefore, I expect:

H10: In Period 3, liberal outlets will use more politicized language than neutral outlets.

H11: In Period 3, conservative outlets will use more politicized language than neutral outlets.

Similar to the potential increase in politicization by both liberal and conservative outlets in Time 3, I expect there to be a similar pattern regarding negative language. Again, liberal outlets are likely focused on the negative aspects of the nominee to an even greater extent than before, as well as the conservative attempting to discredit the accuser. However, among conservative outlets, there is similar negativity toward said accuser and Democrats they may believe to be “railroading” their nominee based on his conservative, rather than any credible claim of assault. Neutral outlets are likely to shy away from negative emotional language in comparison. Therefore, I expect:

H12: In Period 3, liberal outlets will use more negative language than neutral outlets.

H13: In Period 3, conservative outlets will use more negative language than neutral outlets.

Finally, the discussion of legal language is an interesting one for a number of reasons. While this is a highly emotionally charged period, it also ends in a confirmation vote that likely received a considerable amount of coverage that focused on procedural issues. Nevertheless, as we are approaching these latent constructs as percentages of text devoted to these particular concepts, there are reasons to believe a lesser degree of legal language will be used among more ideological outlets. In other words, while there may be a certain level of legal language found in ideological coverage of Time 3, I expect its magnitude would pale in comparison to politicization and negativity. Alternatively, I would expect neutral outlets to use comparatively greater degrees of legal language in their texts. Therefore, I expect:

H14: In Period 3, liberal outlets will use less legal language than neutral outlets.

H15: In Period 3, conservative outlets will use less legal language than neutral outlets.

Table 3.1: Expectations of Tone Comparison Within-Time Period by Outlet Ideology

	Politicization	Negativity	Legalistic
Period 1	Liberal: + Conservative: +	Liberal: +	Liberal: -
Period 2	Liberal: + Conservative: +	Liberal: +	Liberal: - Conservative: -
Period 3	Liberal: + Conservative: +	Liberal: + Conservative: +	Liberal: - Conservative: -

3.3 Data and Methods

This chapter utilizes a unique dataset of news articles covering the Supreme Court nomination process of Brett Kavanaugh. Using an online text-scraping technique developed by Wedeking and Zilis (2021), the dataset is comprised of 1,323 individual articles flagged as covering the nomination of Brett Kavanaugh from the initial discussion of the announcement on July 9, 2018 to the conclusion of the confirmation on October 8, 2018. Though all articles were collected through online sources, the sample includes articles from 30 different outlets that utilize either print, broadcast or digital formats.⁹ These organizations were selected for their diversity, representing not only different formats, but ideological leanings, geographic regions, ownership and circulation sizes.

3.3.1 Dependent Variables

⁹ The full list of organizations included in the sample: ABC, *The Atlanta Journal Constitution*, *Associated Press*, *The Daily Beast*, *The Boston Globe*, CBS, CNN, *The Christian Science Monitor*, *The Chicago Sun Times*, *The Chicago Tribune*, *The Daily Kos*, *Dallas Morning News*, Fox News, Fox Business, *The Huffington Post*, *The Los Angeles Times*, MSNBC, NBC, *Newsmax*, National Public Radio, *The New York Post*, *The New York Times*, *Politico*, *Reuters*, *Salon*, *SCOTUSblog*, *USA Today*, *The Wall Street Journal*, *The Washington Post* and *The Washington Times*.

This analysis relies upon three separate dependent variables representing different latent constructs related to tone of coverage. The first, politicization, follows a similar strategy as used in the first empirical chapter regarding coverage of Supreme Court decisions inspired by Johnson and Socker's (2012) work on coverage of the Court. The second, negativity, follows previous work on negativity in coverage of Supreme Court activities (e.g., Zilis, Wedeking and Denison 2020). Finally, the last dependent variable concerns legal language, again following Johnson and Socker's (2012) work on media coverage of the Court. The following paragraphs will outline the basis for these dependent variables before moving on toward a discussion of the independent variables used in the subsequent analyses.

The first dependent variable is a percentage-based measure of politicized words and phrases found within each article. As stated previously, the compiled dictionary of words and phrases alludes to coalitions and ideology, as found in Johnson and Socker (2012), but also the inter-branch relationships among governmental actors. These include terms like "liberal" and "conservative," "wing," "median justice," and "Republican Party." As an example of how these kinds of terms find their way into coverage of the nomination, one article from CNN published on August 28, 2018 focused not only the judicial history of the nominee, but also the ideological strategies of his presentation before the Senate Judiciary Committee. The article primarily highlights that one of the individuals tasked with introducing the nominee would be Lisa Blatt, described throughout as a notable "liberal" who in editorials urged her fellow "Democrats" to support the nomination of Kavanaugh (de Vogue and Tatum 2018). Another from the more conservative Washington Times notes that Kavanaugh is a "favorite of the conservative Washington legal establishment," whose connection to the impeachment of Bill Clinton and voting history on high profile cases will

help to “move the high court under conservatives’ control for decades to come” (Boyer and Swoyer 2018).

The second dependent variable is negativity in media tone. To capture this latent construct, I use the Linguistic Inquiry and Word Count (LIWC) dictionary. In particular, I use LIWC’s negative emotional words dictionary. LIWC’s negative emotional words dictionary has been used extensively in judicial scholarship, including work on opinion content (e.g., Black, Owens, Wedeking and Wohlfarth 2016; Owens and Wedeking 2011), as well as media coverage of the U.S. Supreme Court (Denison, Wedeking and Zilis 2020; Zilis, Wedeking and Denison 2017).

Finally, the third dependent variable in the analyses is that of legal language. Using a dictionary created and validated by Johnson and Socker (2012), this construct focuses on the use of language that is more concerned with legal functions and procedure, like “strict scrutiny,” “jurisprudence,” or “original intent.” Unlike politicized or negative language, this legal language strays away from discussion of ideology or emotion, instead providing a measure of focus that concentrates almost entirely on the Court and the nominee as legal actors.

After constructing dictionaries of politicized, negative emotional, and legal terms, the news articles are then parsed using the Quanteda text analysis package, providing total counts for each applied dictionary. These count totals are then divided by the total words in each article, creating a percentage for each measure based on each individual article. These percentages represent the conceptualization the media portrayals of the Supreme Court, addressing variance in each of our latent constructs. As each construct is presented as a percent, I will use ordinary least squares regression modeling to analyze the data.

Based on correlation coefficients, the measures are not strongly correlated, suggesting they are indeed measuring different latent constructs. Politicization and negativity are correlated at $-.17$ ($p < .001$), politicization and legalistic language are correlated at $-.04$ ($p < .01$) and negativity and legal language are correlated at $-.09$ ($p < .001$).

3.3.2 Independent Variables

The main independent variables of interest are those of time and outlet ideology. Beginning with the consideration of time, several variables are employed to account for time in the analyses. The first of which concerns the time periods discussed in the theory section previously. Articles have been divided into three distinct time periods. Period 1 accounts for the dates from the announcement of the nomination and ends before the initial confirmation hearings before the Senate Judiciary Committee. Period 2 begins with the date of the confirmation hearings and ends prior to the reveal of Dr. Blasey Ford as an alleged sexual assault victim of Judge Kavanaugh in their youth. Last, Period 3 begins with the aforementioned reveal and ends with Kavanaugh's eventual confirmation before the full Senate. For the purposes of analyzing within-period differences, separate models will be utilized for articles falling within each of these time periods. When looking at changes in tone and language over time, the variable will be treated as a three-group categorical variable. Additionally, I include a simple date variable represented by the number of days into the nomination cycle the article was published (i.e., July 9 = 1; July 10 = 2; July 11 = 3, etc.). There are 93 days accounted for in the nomination cycle from beginning to end. Period 2 begins on day 57 and Period 3 begins on day 69. Finally, to account for the possibility of a non-linear relationship between tone and time, I also include a date squared control, created using the aforementioned date system.

The other major independent variable is that of outlet ideology. Using mondotimes.com user scores of perceived ideology of each outlet, I recode their 5-point ideology scale (1 being liberal and 5 people conservative) into a 3-point scale, in which 1 is the liberal category (those outlets deemed to be liberal or lean liberal in the mondotimes.com ratings), 2 is the neutral category, and 3 is for those outlets considered conservative or leaning conservative. Mondo provides information on nearly 17,000 news organizations, with more than 60,000 users contributing scores for individual ideological affiliations. Mondotimes.com scores have been used in a number of studies regarding political communication and media bias (e.g., Denison, Wedeking, and Zilis 2020; Ho and Quinn 2008).

To provide some descriptive visualization of how the dependent variables look over time for all outlets, Figures 3.2, 3.3 and 3.4 are scatter plots of these relationships with a loess smoother and identifiers for each time period. Looking at all three figures collectively, there are obvious spikes in each of the dependent variables, often at very similar times. In particular, outlets saw a spike in politicized and negative language around the day 81 mark, September 27, as the special hearings for Blasey Ford and Kavanaugh began, arguably the most contentious moment in the nomination cycle. Comparing trends in politicization and negativity in Figures 2 and 3, while distinct measures, both show increases toward the end of the nomination cycle as the Blasey Ford hearings take place and the confirmation vote nears. Finally, while not a dramatic swing by any means, legal language appears to be higher during the confirmation hearing period and wane in the last stage of the nomination period, suggesting that coverage quickly steered away from matters of judicial philosophy and toward other areas of focus. While not a definitive test of change over time, these figures do

provide some optimism regarding how various aspects of tone ebbed and flowed throughout the nomination cycle based on events identified. This also suggests the variables are capturing noticeable elements of media tone and the events identified as critical in the nomination cycle may be driving some of these differences in coverage.

I also look at how these dependent variables change over time based on the ideology of the outlet. Looking first at politicized language over time in Figure 3.5, we see spikes in politicization during the times identified as critical moments in the process. Period 1 shows a high beginning point for liberal outlets and moderately high start for conservative outlets that would begin to wane until the confirmation hearings. All ideology types then spike in the last period of the nomination in the middle of the second hearings involving Blasey Ford. So, while we see some differentiation in the level of politicization they offer throughout the confirmation process, we also ultimately see more at different key points in the nomination.

I also look at how these dependent variables change over time based on the ideology of the outlet. Looking first at politicized language over time in Figure 5, we see spikes in politicization during the times identified as critical moments in the process. Period 1 shows a high beginning point for liberal outlets and moderately high start for conservative outlets that would begin to wane until the confirmation hearings. All ideology types then spike in the last period of the nomination in the middle of the second hearings involving Blasey Ford. So, while we see some differentiation in the level of politicization they offer throughout the confirmation process, we also ultimately see more descriptive support for the time period selections.

Figure 3.2: Politicized Language Over Time

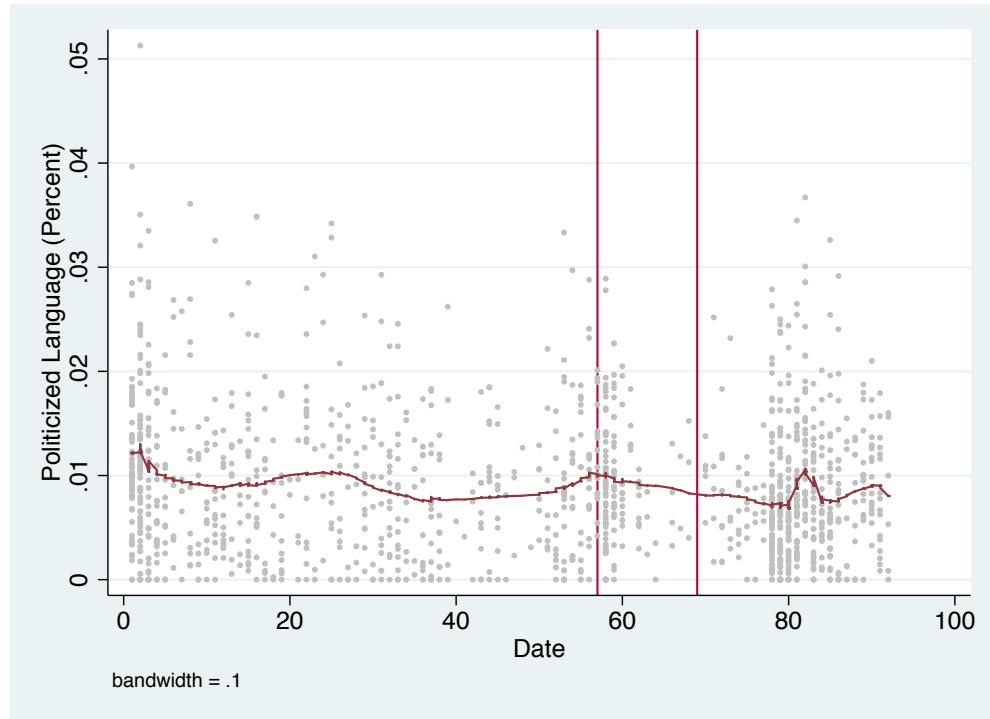


Figure 3.3 Negative Language Over Time

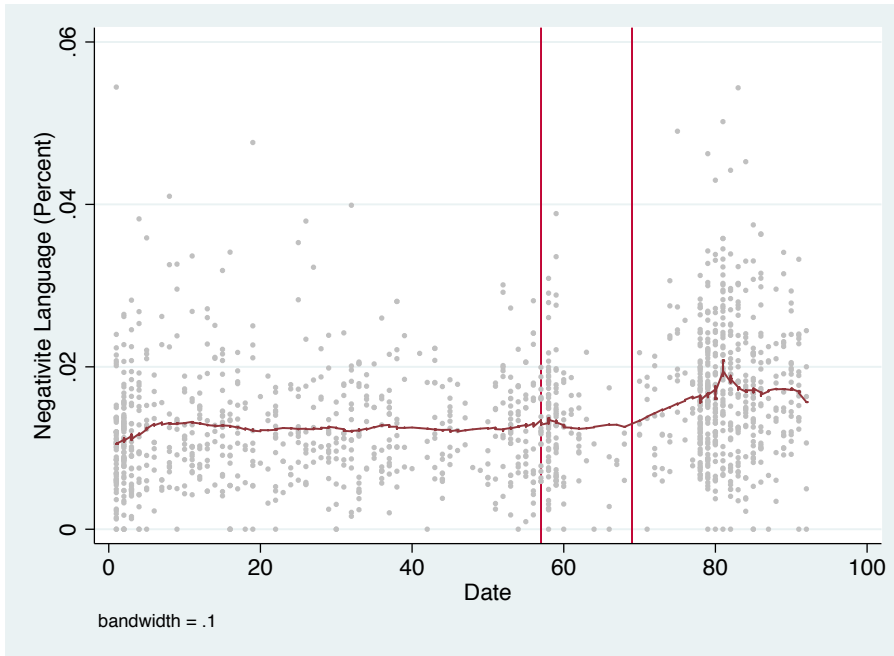


Figure 3.4: Legal Language Over Time

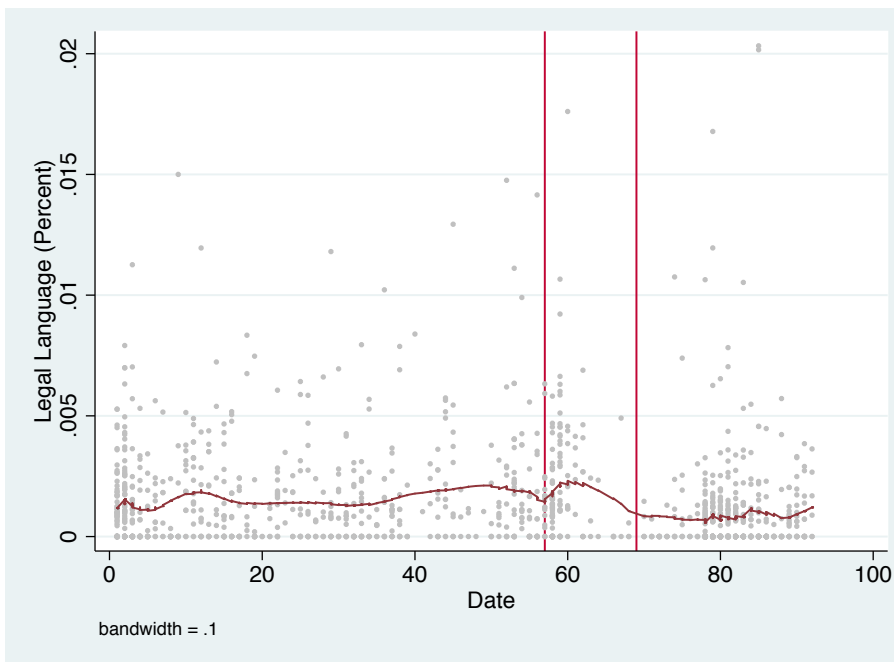
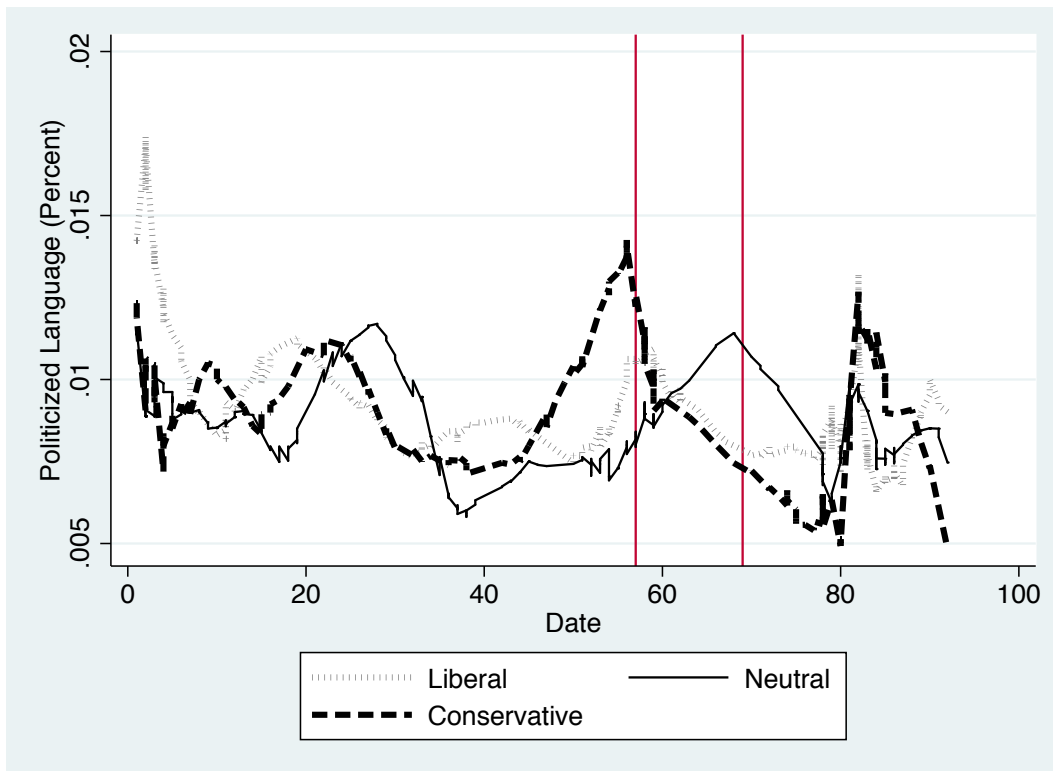


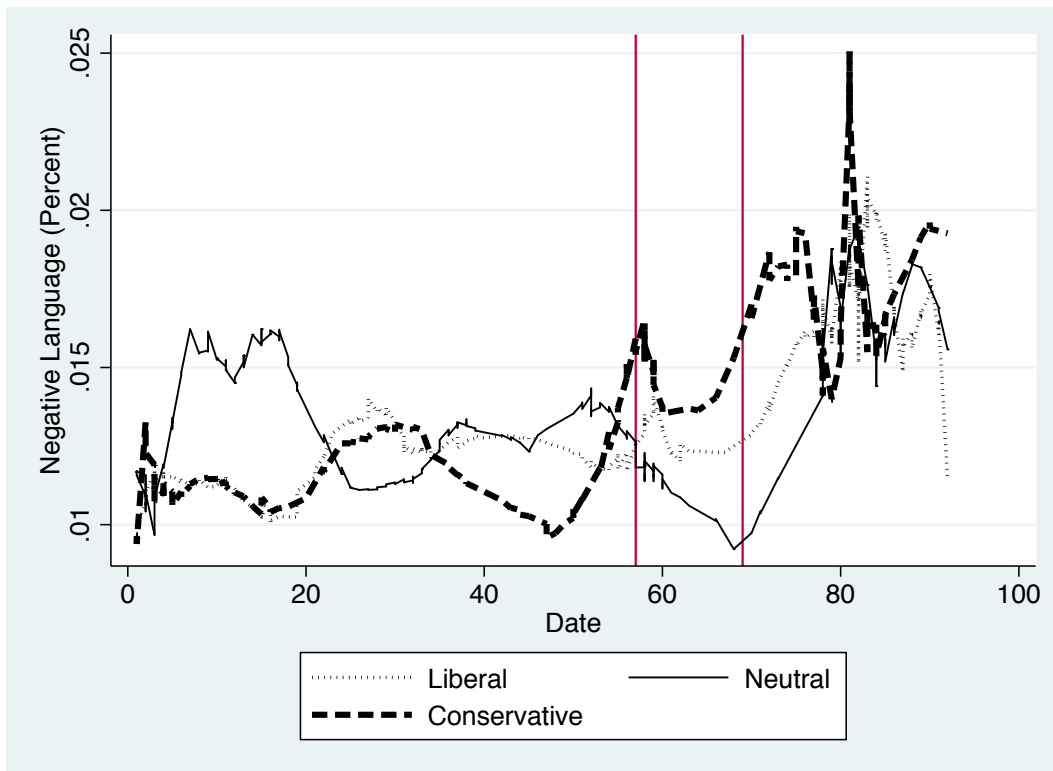
Figure 3.5: Politicized Language Over Time by Outlet Ideology



Turning to negative language, there is again notable differentiation in tone by outlet ideology over the time periods, particularly considering the ascendancy of negative language fairly consistently as the stakes of the nomination go up. While both liberal and conservative outlets start at a nearly identical percentage of negativity in tone at the announcement of Kavanaugh's nomination, both exhibit similar responses to the onset of the confirmation hearings. Finally, in the final period involving the allegations of Blasey Ford, both liberal and conservative outlets ramp up negativity, with conservative outlets becoming particularly more negative in tone during this period. This offers some descriptive support for the expectations of negativity for Periods 2 and 3 regarding liberal and conservative outlets.

Neutral outlets, meanwhile, take a very different approach throughout the timeline, starting off with the highest levels of negativity in the initial period, then being comparably less negative as the nomination goes through the final two periods. This, too, suggests the time periods selected represent the major events of the nomination as we observe major changes in tone moving into Period 2 and Period 3.

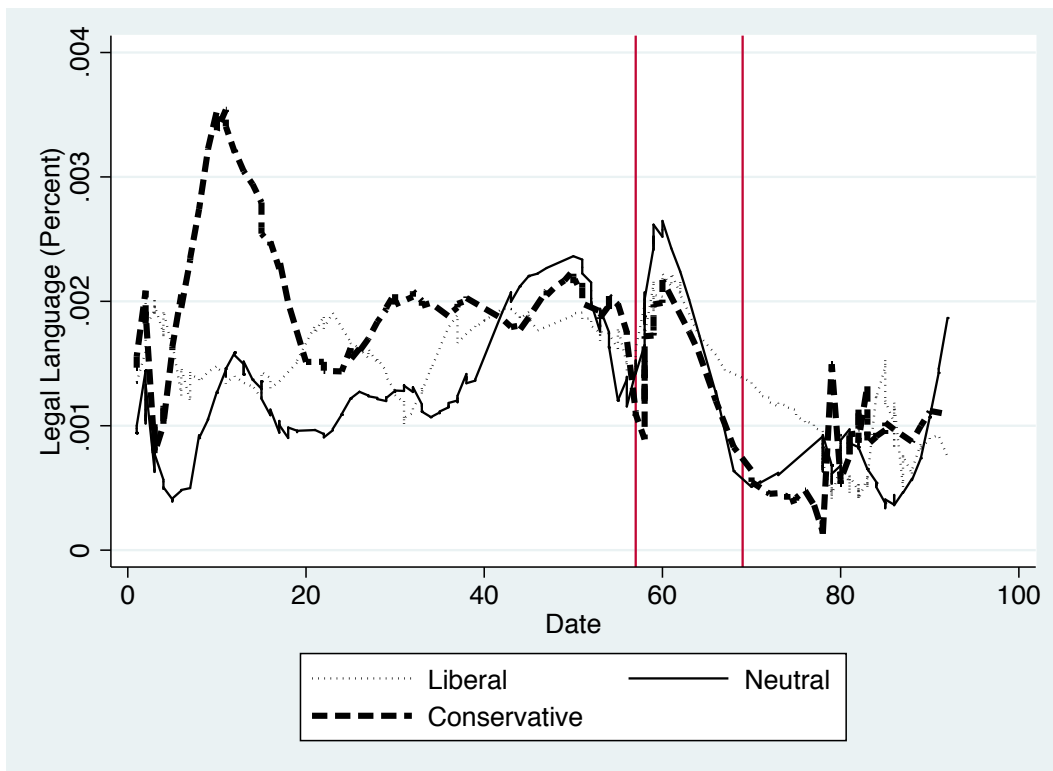
Figure 3.6: Negative Language Over Time by Outlet Ideology



Lastly, I include a final scatterplot of legal language over time by outlet ideology, illustrated in Figure 7. As something of an alternative to the ideas of politicization and negativity, we should expect some inverted trends here among ideological outlets. Indeed, while levels of legal language are considerably lower across the board than that of politicized or negative language, the predicted trends appear to play out. In period one, where many

Americans will likely be first introduced to Kavanaugh as a legal figure, outlets are indeed using moderate levels of legal language. Predictably, as the nomination moves into Period 2 and the confirmation hearings, we see spikes in liberal and neutral outlets. Finally, following the allegations of Blasey Ford going public and the public hearings involving her and the nominee, we see a sharp decline in legal language among all outlet types, with only neutral outlets finishing out their nomination coverage with another increase in legal language.

Figure 3.7: Legal Language Over Time by Outlet Ideology



While these figures only depict description representations of the relationship between two of the major independent variables, time period and outlet ideology, on each individual dependent construct, they do suggest that the periods identified are strongly associated with changes in tone, and at different rates by outlet type. While it is unlikely

nomination coverage for any nominee remains static over time in any of these constructs, identifying the major events of any nomination may provide valuable information as to how media cycles flow.

In addition to these variables of tone, time and, ideology, I also include a number of control variables in the analyses. First, I acknowledge that some of the change in tone may be a part of the style of the outlet. Bartels and Johnston (2012) identify sensationalism of the outlet as a major factor in the negativity associated with media coverage of the Supreme Court. They argue that sensational media outlets, like cable news and talk radio, tend to be more critical of political institutions, leading to more negative attitudes toward these institutions among the public. Taking this a step further, it is logical to suggest the relationship with politicization would be somewhat similar, particularly when considering the judiciary's reputation for avoiding being represented as a partisan, politicized institution. Conversely, I expect that sensational outlets are less likely to focus on the legal aspects of the nomination process, preferring livelier coverage of the cycle. Sensationalism is treated as a dichotomous variable. I also control for articles that contain editorial opinions or are otherwise not "straight" news articles. As I am more concerned with how traditionally reported news covers the nomination process, it is important to differentiate between the two. Those articles submitted by analysts or non-reporters are coded as 1 and those written by the outlet's own reporters are coded as 0. Finally, I control for the number of tokens in each article, as even though the dependent variables are treated as percentages, it is possible that lengthier articles, or outlets that allow for lengthier pieces, may be afforded more space for editorialization, politicized context, or deeper discussion of legalese. Since the dependent

variables are fractions, this variable controls for the size of the denominator in each fraction, operating as a proxy for the amount of attention an outlet devotes to a topic.

3.4 Results

To begin, I split the initial analyses into the three separate time periods discussed above with results for each dependent variable within each table. The ordinary least-squared results presented here include a categorical variable for outlet ideology that uses a reference category of “neutral” outlets, or those not considered to be left or right leaning via *mondotimes.com* users’ scores.

Table 3.2: Coverage Tone in Time Period 1: Neutral Reference

Variables	Politicized	Negative	Legal
Liberal Outlet	0.0029*** (0.0009)	-0.0005 (0.0009)	-0.0002 (0.0003)
Conservative Outlet	0.0009 (0.0009)	-0.0005 (0.0008)	0.0004 (0.0002)
Date	-0.0002*** (0.0001)	0.0001* (0.0001)	0.0000 (0.0000)
Date Squared	0.0000** (0.0000)	-0.0000 (0.0000)	-0.0000 (0.0000)
Sensational	0.0020** (0.0008)	0.0009 (0.0008)	-0.0007*** (0.0002)
Opinion	-0.0018* (0.0010)	0.0035*** (0.0009)	0.0000 (0.0003)
Tokens	-0.0000*** (0.0000)	0.0000*** (0.0000)	-0.0000 (0.0000)
Constant	0.0115*** (0.0010)	0.0097*** (0.0009)	0.0016*** (0.0003)
Observations	666	666	666
R-squared	0.0646	0.0506	0.0359

OLS regression results. Standard errors in parentheses. Neutral outlets base category.

*** p<0.01, ** p<0.05, * p<0.1

Starting with polarization as the dependent variable, there is some evidence to support hypotheses one and two. Looking at Table 3.2, the full model gives some credence

to the idea of liberal use of politicization in coverage over the entire duration of the nomination process, with a modest, but significant coefficient of .0029. Compared to the neutral category, conservative outlets also trend in the correct direction, but with no significance. Additionally, sensationalism is also positive and significant in the politicized language model, as expected. While Period 1 contains the largest amount of stories (n=666), there is still limited support for my hypotheses. However, when looking at negative and legal language within Period 1, we see no significance regarding the ideological outlets' coverage. Again, in the legal language model, we do see some support for the idea of sensational outlets being less interested in traditional, legal language.

Moving toward the analysis of Period 2 in Table 3.3, we again find limited significant results, though the ideology scores do trend in the expected direction. Despite being the period with the most visible conflict, only the negative language variable yields significant results in relation to conservative outlets compared to the neutral base category. While this is the time period with the smallest sample (n=147), I find no support for any of my Period 2 hypotheses, as not only do liberal outlets appear to be less negative than their counterparts, but the other dependent variables of politicized language and legal language yield no significant results.

Finally, Period 3, which begins with the reveal of Blasey Ford as the accuser and ends with Kavanaugh's eventual confirmation, contributes similar results to the first two. Looking at Table 3.4, while neither conservative or liberal outlets are distinguishable from the language used by neutral outlets, the results provided in the appendix do show that liberal and conservative outlets differed significantly in terms of negativity of coverage in Period 3. With a modest coefficient of .0019, ($p < .05$), liberal outlets used less negative

language than their conservative counterparts. This is particularly interesting, because while my hypothesis suggested an expectation that liberal outlets would also be more negative in coverage than neutral outlets, neither was statistically distinguishable from the neutral category. However, conservative outlets using more negative language than liberal outlets suggests a certain level of criticism toward Blasey Ford and her testimony, or at the very least, more negative coverage of the proceedings leading up to the confirmation vote.

Table 3.3: Coverage Tone in Time Period 2: Neutral Reference

Variables	Politicized	Negative	Legal
Liberal Outlet	0.0013 (0.0014)	0.0016 (0.0016)	-0.0005 (0.0006)
Conservative Outlet	0.0011 (0.0014)	0.0040** (0.0016)	-0.0005 (0.0006)
Date	-0.0087 (0.0078)	0.0060 (0.0088)	0.0103*** (0.0032)
Date Squared	0.0001 (0.0001)	-0.0001 (0.0001)	-0.0001*** (0.0000)
Sensational	-0.0009 (0.0013)	-0.0009 (0.0015)	0.0000 (0.0005)
Opinion	-0.0035** (0.0014)	0.0022 (0.0016)	-0.0005 (0.0006)
Tokens	-0.0000 (0.0000)	-0.0000 (0.0000)	0.0000 (0.0000)
Constant	0.2870 (0.2407)	0.1618 (0.2723)	-0.3139*** (0.1000)
Observations	147	147	147
R-squared	0.0760	0.0965	0.0804

OLS regression results. Standard errors in parentheses. Neutral outlets base category.

*** p<0.01, ** p<0.05, * p<0.1

Table 3.4: Coverage Tone in Time Period 3: Neutral Reference (Continued on next page)

Variables	Politicized	Negative	Legal
Liberal Outlet	0.0006 (0.0008)	-0.0010 (0.0010)	-0.0000 (0.0002)
Conservative Outlet	-0.0007	0.0009	-0.0001

(Table 3.4 Continued)	(((
	(0.0009)	(0.0011)	0.0002)
Date	-0.0001	0.0028	0.0000
	(0.0016)	(0.0020)	(0.0004)
Date Squared	0.0000	-0.0000	0.0000
	(0.0000)	(0.0000)	(0.0000)
Sensational	0.0002	-0.0013	-0.0003
	(0.0008)	(0.0010)	(0.0002)
Opinion	-0.0025***	0.0073***	-0.0005*
	(0.0009)	(0.0011)	(0.0002)
Tokens	-0.0000*	0.0000***	-0.0000
	(0.0000)	(0.0000)	(0.0000)
Constant	0.0103	-0.1024	-0.0002
	(0.0647)	(0.0817)	(0.0177)
Observations	510	510	510
R-squared	0.0272	0.1046	0.0127

OLS regression results. Standard errors in parentheses. Neutral outlets base category.
 *** p<0.01, ** p<0.05, * p<0.1

3.5 Implications

There is little doubt that the news media is the primary way in which Americans learn about the judiciary and its functions, if they choose to learn about them at all. And while the nomination cycle of a Supreme Court nominee is decidedly unique, as Americans are given the opportunity to physically watch the hearings without outlet analysis or simply read the transcripts, there is still a reliance on the broader news media to interpret the happenings of the day, or in this case, the happenings of several months of deliberation over the nominee. As the past few nominations have shown, the nomination of a new Supreme Court justice may be among the most controversial activities involving the federal judiciary, perhaps even more so than a landmark decision over a salient issue. With that in mind, it is important to understand how the Supreme Court tackles the nomination. As the previous chapter detailed, part of the import of this coverage may be one of ideological selectivity. With nominees being political appointments from ideological and partisan presidents, and an

increasingly ideological media environment, there is a possibility that the coverage Americans receive regarding a Supreme Court nomination is heavily filtered through the lens of ideological outlets (Peffley, Denison and Taylor 2020). In other words, depending on where an individual receives their coverage of a nominee, an outlet may be able to bolster support based on their presentation of events. Alternatively, other outlets may be able to cast doubt upon the nominee's fitness for office through less favorable coverage, whether it be politicized, negative or otherwise.

While the results of this study are decidedly mixed, the relevance of the questions asked here remains crucial. Not only does the coverage of a nominee potentially alter their likelihood of confirmation success, it potentially alters Americans' views of the Supreme Court as an institution. Justice Kavanaugh's nomination and subsequent confirmation to the Court is by no means the normal state of affairs for such an appointment, but many of the aspects surrounding the controversy of his nomination have become commonplace in modern politics. Not only was Kavanaugh selected as a reliably conservative judge by a Republican president who promised to only select strong-willed, conservative originalists, making his nomination a thorn in the side for many liberals of alternative viewpoints, but what threw his final confirmation vote into jeopardy involved many of the major political issues of the day. Justice Kavanaugh became another notable figure in what has become an ever-growing movement to hold men in power accountable for their actions. The argument over whether to believe the accuser or the accused divided the nation, including those in the United States Senate tasked with deciding Kavanaugh's future. Ultimately, the vote to confirm and the process by which that confirmation occurred was yet another determination fueled almost exclusively by partisanship and ideology. Some might argue the public's

opinion on Kavanaugh trickled down from the elites forging their arguments over his guilt at the very top.

Thus, while it was an unusual nomination in many ways, Kavanaugh's nomination largely echoes what has been happening for the past two decades, and will likely continue to happen as polarization marches steadily forward. And while the results of this study do not adequately clarify how a polarized news environment is impacting general coverage of nominations, nor the impact that coverage has on attitudes of the institution, it does set up a framework for moving forward in studies of the nomination process in the media. Moving forward, it would be beneficial to include nomination coverage of multiple appointments, Democrat and Republican, including those with more traditional paths through the process. As such, this work attempts to take a snapshot of a nomination period and suggest that the ideological preferences at play in most recent nominations would not be all that different, though perhaps less sensational.

Chapter 4: Positive Symbolism and Competing Media Narratives in Evaluations of the Supreme Court

The U.S. Supreme Court has historically been able to maintain relatively high levels of public support, regardless of the controversial nature of many of its decisions. But there is recent evidence to suggest that the Supreme Court's legitimacy can still be affected by salient decisions (e.g., Bartels and Johnston 2013) and support for the institution is indeed falling as it becomes more embroiled in the public spectacle of the branches (Strother and Glennon 2021). Nevertheless, how can the institution continue to garner comparably high levels of support in the midst of such a polarized political environment? One of the more recent answers to this question revolves around the very presentation of the Supreme Court and the symbolism surrounding the institution. Building on earlier work that suggests Americans give asymmetrical weight to decisions they agree with versus ones they do not (Gibson and Caldeira 2009c), Gibson, Lodge, and Woodson (2014) offer a theory as to how this acquiescent positivity toward the Supreme Court develops in the first place. In line with much of the recent work regarding motivated reasoning (see Lodge and Taber 2013), they suggest that Americans are consistently exposed to positive symbolism in relation to the institution. These symbols, like the stately robe or the "cathedral-like" courthouse itself, are suggested to be subconsciously absorbed throughout a lifetime, creating what is often an instantaneous positive response to the Supreme Court. When moving beyond this instantaneous thought into a more deliberative consideration of the Supreme Court, those positive symbols remain as a forceful motivator in the evaluation. Even in recognizing the Supreme Court acted in a displeasing way, these positive associations remain branded in subconscious thought.

To address how far this positive symbolism indeed reaches, if at all, I use an online survey experiment to see whether these positive symbols are capable of tamping down the influence of politicized coverage of the Court. While the Court attempts to avoid much of the politicization found in other branches, opting not to participate in discussions of their opinions or defend the work of the institution at large, recent research shows that negativity bias is impactful in the public's assessment of Supreme Court activity (Christenson and Glick 2019). Therefore, it is worth asking the question of whether the positivity theory posited by Gibson and others is capable of surmounting textual content that puts the Supreme Court in a politicized role, a role which the Court intentionally tries to avoid?

As mentioned earlier, legitimacy, or diffuse support, of the Supreme Court is increasingly becoming among the most studied aspects of judicial politics. The reason for this widespread interest is because the Court relies so heavily on its legitimacy to be a truly impactful institution, and one that can stand toe to toe with other institutional actors. The judiciary's inability to enforce its own decisions lends to a unique need for public support; should public opinion of the Supreme Court wane too heavily, the American public and their elected representatives will likely do very little to enact the policies handed down (Clark 2009; Hall 2014; Nelson and Uribe-McGuire 2017). This diffuse support for the institution is even more essential when considering that the Supreme Court stands as a counter-majoritarian institution, one in which nearly a third of its decisions run against the preferences of the American population (Graber 2008). The justices themselves appear to be quite aware of this vulnerability, particularly as they move into an era of greater activism and political controversy (Farganis 2012). As Justice Kennedy noted in *Planned Parenthood v. Casey*, "the Court's legitimacy depends on making legally principled decisions under circumstances

in which their principled character is sufficiently plausible to be accepted by the Nation” (865-866). For the institution to survive, it must maintain legitimacy, even when handing down disliked decisions. The question is, how does an unelected institution that so often rules against public opinion maintain the public support necessary to maintain its power?

4.1 Maintaining Support at the U.S. Supreme Court

The literature on the maintenance of legitimacy, or institutional support, is extensive and diverse, but there are a few major points to emphasize. Overall, diffuse support for the Supreme Court is indeed relatively high compared to the other branches, and while there are deviations over time and within certain groups (Caldeira and Gibson 1992; Gibson and Caldeira 1992), this has until recently been fairly stable. Following a number of high-profile and controversial nominations, and increased polarization that trickles down into the confirmation process these levels of support have dropped (Strother and Glennon 2020). Nevertheless, there are a number of reasons suggested for why some individuals express greater support than others. Most notably, knowledge of and exposure to the Supreme Court is a consistent factor in more favorable evaluations (e.g., Gibson and Caldeira 2009a, Gibson and Caldeira 2009b; Gibson, Caldeira, and Baird 2009), and even an acknowledgment of some of its more politicized elements per legal realism does not necessarily detract from support (Gibson and Caldeira 2011). While it may seem counterintuitive to suggest that those with a greater understanding of the realities of legal decision making would still be very supportive of the judiciary, even those in the legal profession tend to ascribe high levels of legitimacy to the Supreme Court, but for certainly unique reasons (Bartels, Johnston, and Mark 2015).

Political conflict and directional disagreement also lead to fluctuations in legitimacy. Congressional hostility, for instance, is shown to substantially reduce the Court's incentives to exercise judicial review, likely out of fear of losing public support (Clark 2009). Divisiveness on the Court appears to indirectly lead to less public support, as Americans become more exposed to conflict and dissenting behavior (Zilis 2015). Recent contentious judicial nominations also appear to have hurt support of Court, but the longevity of those dips are yet to be seen (Krewson and Schroedel 2020). Even the public rhetoric of justices seems to be able to alter support (Strother and Glennon 2021). And notably, a great deal of attention has been paid to the influence of public opinion and judicial responsiveness, with some suggesting the Court reacts to the public to curb backlash (Casillas, Enns and Wohlfarth 2011; McGuire and Stimson 2004).

To this latter point, Bartels and Johnston (2020) push back against a rather sentimental answer as to why the Court maintains the power that it does. They claim that while many make the argument that the courts are generally protected against polarized political elites by a public that recognizes their import, in actuality the public is no less immune to fickleness and politicized responses to branch. They argue that not even the Court, often heralded as not only the counter-majoritarian branch but the most sober in its output, is immune to the increased polarization of American politics. If given the chance, partisan Americans are quite fine with limiting the powers of a Court that does not decide in their favor.

While the literature on how the Court may lose or gain support from the public is extensive, and this is merely the tip of the iceberg, the focus of this study is address the broader topic of how the Courts have managed to maintain greater levels of support than

the other branches. And while it is possible the answer is simply one of their shyness toward politicized brawling or their reluctance to justify their actions, there are reasons to believe that this relative maintenance of support could be due to any number of factors that deal with either the Court itself, the citizenry, or the media's influence on the institution's presentation.

4.1.1 Positivity Theory and Motivated Reasoning

The U.S. Supreme Court does maintain greater support than other branches, and recent research based in psychology purports to have an answer as to why. Building on earlier work that suggests Americans give asymmetrical weight to decisions they agree with versus ones they do not, Gibson, Lodge, and Woodson (2014) offer a theory as to how this acquiescent positivity toward the Supreme Court develops in the first place. In line with much of the recent work in motivated reasoning (see Lodge and Taber 2013), they suggest that Americans are consistently exposed to positive symbolism in relation to the institution. These symbols, like the stately robe or the “cathedral-like” courthouse itself, are suggested to be subconsciously absorbed throughout a lifetime, creating what is an instantaneous positive response to the Supreme Court. When moving beyond this instantaneous thought into a more deliberative consideration of the Supreme Court, those positive symbols remain as a forceful motivator in the evaluation. Even in recognizing the Supreme Court acted in a displeasing way, these positive associations remain branded in subconscious thought.

The theory of motivated political reasoning relies heavily on psychological research into what is often called a “dual processing” aspect of memory. As Kahneman (2011) argues, there are essentially two types of judgment processing that operate at different levels. System 1 is based on subconscious thought, suggesting that the mind is able to make nearly

instantaneous judgments based on information already stored in the subconscious memory, while System 2 is based on more deliberative thought and can be considered a slower mental process to come to judgment. Motivated political reasoning, and positivity theory in turn, suggest that the mind has already stored subconscious thoughts that when faced with certain judgments may be automatically triggered. As Gibson, Lodge, and Woodson (2014) argue, the Supreme Court and its work is not immune to these kind of immediate associations (Collins and Loftus 1975; Neely 1977). As the authors explain, per prior work by Lodge and Taber (2012):

Through previously learned mental associations, the first subconscious steps down the stream of processing establish the rudimentary meaning of the event, positive or negative affect, and motivational goals. The associations, rudimentary meanings, and goals activated by this stimulus then enter conscious processing and the operations of System 2 begin. Thus, only at the tail end of the decision stream does one become consciously aware of the associated thoughts and feelings unconsciously generated moments earlier in response to an external stimulus (Gibson, Lodge, and Woodson 2014, 842).

The argument is one that has seen interesting results in past studies. For instance, the Butz, Plant and Doer (2007) study cited by the authors makes a compelling argument that symbolism can have a significant effect on what could be potentially hostile attitudes. In their study, respondents exposed to the U.S. flag were actually less likely to show hostility toward Muslims, as respondents seemed to associate the flag itself with egalitarianism. Based on this reasoning, Gibson, Lodge, and Woodson (2014) posit that for many Americans, there is a prior association with the U.S. Supreme Court that can be activated through the use of positive imagery or symbolism. The authors admit that these effects are however conditional on other factors, including extensive exposure to the Court that would dampen any effect from a symbol, prior support of the Court, and the level of disappointment someone feels toward the Court's decisions.

The authors test this positivity theory through an experimental design measuring acquiescence to a disliked decision that exposes one treatment group to judicial symbols, while the other receives an abstract image. They find that the presence of a judicial symbol is essentially equal to the possession of high knowledge of the Court, one of the leading explanations of support (Gibson and Caldeira 2009) lending credence to the idea of positive symbolism's role in crafting positive evaluations of the institution for certain groups. Those without prior extensive knowledge of the Court, for instance, are most likely to be influenced by positive symbolism.

While the extant literature makes a strong case for positivity theory's power, there are reasons to believe that positive imagery alone cannot entirely negate the presence of more critical, language based coverage. Research focusing solely on critical or non-legalistic coverage of the judiciary shows that language selection in itself, or the presence of critical frames, can motivate more negative evaluations of the institution (Ramirez 2008; Zilis 2015). We also know that negative, critical and politicized coverage indeed exists. As evinced earlier, under certain circumstances, particularly those that suggest internal conflict and division on the Court, media outlets use more politicized or negative language (Denison, Wedeking and Zilis 2020; Johnson and Socker 2012; Zilis, Wedeking, and Denison 2017), and said coverage does lead to less institutional support overall (Zilis 2015). In this same vein, Bartels and Johnston (2012; Johnston and Bartels 2010) find that those individuals who receive the majority of their news from sensationalistic outlets that trend away from the niceties of civil discourse are less likely to express support for the Supreme Court. This would include television outlets that would, largely by necessity, still accompany their reports with the standard positive imagery discussed by Gibson, Lodge, and Woodson (2014). And while the

subconscious acceptance of positive symbols may indeed influence the attitudes of the less knowledgeable in their evaluations of the Court, it has been shown that negativity in news has the longer lasting impact than its positive or neutral counterparts (Soroka and McAdams 2015). Thus, it appears that the relationship between media coverage of the Supreme Court, through which we must assume Americans are receiving these positive symbols, and public opinion is one that may be complicated by competing frames.

4.1.2 Framing

It is important to note that one of the most important considerations of framing is that it runs counter to the notion of people being purely rational actors. In other words, a rational actor would likely have something in mind that could not be shaken simply by a new or different perspective, and yet, framing effects show time and again that attitudes must not be as stable as many think if they can be rattled by alternate frames (Druckman 2004). Looking to the literature on competing frames, Americans are not always receiving the same information about a topic at any given time (Chong and Druckman 2007; Sniderman and Theriault 2004).

Chong and Druckman (2007) argue that frames, particularly in the context of media presentation, take two specific forms equivalence and emphasis frames. Equivalence frames provide identical information, just phrased in different ways. Kahneman and Tversky (1981) show how equivalence frames can significantly affect how people perceive of a certain prompt or situation. For example, treatment groups were given two options that were entirely identical in terms of outcome, and yet groups would dramatically prefer one over the other. One program may offer that statement that of 600 people, 200 people will be saved from some dramatic situation. The second would say there's a 1/3 probability that no one will

be saved and a 2/3 probability that no one will be saved. Although they operate almost identically, the semantics of the prompt influenced far more people to pick that first option.

. Regarding emphasis frames, the information provided in different stimuli are indeed emphasizing different things. One example includes the news coverage of a Ku Klux Klan rally, and whether the individual gives greater psychological deference to a frame discussing the rally as a public safety issue as opposed to a free speech issue (Chong and Druckman 2007). The preference for a particular frame depends on a number of factors, including the strength of the frame and the motivation of the individual. This also falls in line with the idea of positive vs. negative frames. Again, both participants will receive information on the same topic, but in dramatically different ways. Of course, the Supreme Court is not immune to framing differences in media coverage. In one study of the topic, Clawson and Waltenburg (2003) found that coverage of a major affirmative action decision was markedly different between the traditional mainstream press and those that tend to target black audiences. And in a study closer to this one, Baird and Gangl (2006) find that when the media focus on the political operations of the Court, reactions are considerably more sour than when the frame is that of the Court's unwavering commitment to legal guidelines.

For the purposes of this research, we are more interested in this category of framing. In the scenario of Supreme Court reporting, I suggest that the positive symbolism discussed by Gibson et al. (2014) can be paired against politicized coverage, providing a cognitive competition. Is the instantaneous response associated with motivated reasoning a more powerful association than the politicized nature of a given story?

4.2 A Theory of Positive Symbolism Versus Politicization

As discussed, the primary argument posed by Gibson, Lodge, and Woodson (2014) in positivity theory is that positive symbols of the Supreme Court, supposedly absorbed by individuals throughout their lifetimes, are partially responsible for the Court's relatively high levels of support. Even when faced with an action from the Court that is unfavorable to the individual, these collected exposures to positive symbols will for many be enough to persuade acquiescence to the Court and its actions. However, there are a number of reasons to further analyze this argument. In their design, the authors utilize positive symbols against neutral, abstract imagery, as a way to show how the positive symbols had greater impact on the respondent than did the alternative. The respondents receive a prompt based on something they find important. Therefore, the vast majority of subjects had some kind of passionate response to the chosen issue. While this is by all means a novel approach, it is not really a change of frames, as I propose to accomplish here. The goal is to see if positive symbolism can temper their preconceived notions of an issue important to them, not whether the framing of the issue competes with their symbology.

Alternatively, it could be that competing emphasis frames – those on the same topic, but presented with different matters of import – could be more influential than what positive symbolism is able to overcome. Considering the mass proliferation of the news media in the last two decades, individuals are able to choose their preferred media outlets based on any number of criteria, such as purported accuracy or ideology. Iyengar and Hahn (2009) make the argument the latter, ideological selectivity, leads consumers with ideological preferences toward like-minded media outlets. Considering the popularity of cable news

channels like Fox News or MSNBC, or even within the realm of newspapers like the Washington Post and the Washington Times, Americans have greater choice than ever. Add in the internet and social media, which usually fail to be fact-checked, and Americans have a plurality of options that range anywhere from far left, neo-Marxist material to publications disseminated by the “Alt-Right.”

As Hitt and Searles (2018) find in a study on media coverage and public support of the Supreme Court, they find that the way the coverage of the U.S. Supreme Court has been covered over time has changed to a more “game-framed” narrative, as opposed to more principled coverage. Importantly, as this kind of coverage has changed, so have public attitudes toward the Court. In particular, as this shift increases, public support for the institution drops. So, while not all media cover the Court in this fashion, and television is more likely to do so than other media, this kind of difference in framing appears to have significant effects how the public views the Court.

In the context of this discussion, these choices matter. The framing of issues, as discussed earlier, can lead to dramatically different evaluations. When discussing something like institutional or specific support of the U.S. Court, just like any other political actor, its activities can be framed in ways that nearly run counter to each other. Assuming Gibson, Lodge and Woodson (2014) are correct, there is a great likelihood that at least some coverage, particularly via television, newspapers, the internet, and social media, is accompanied by the very positive symbolism. While the collected, subconscious association of the Court via these images may indeed exist, and we see support for their effects in a particular setting, we do not see this theory subjected to competing emphasis frames.

It is possible that positivity theory, and the total weight given to positive symbolism, is indeed a remarkably important element in opinions toward the Court and the nominee after exposure to news stories. As stated, I propose that all respondents be given the same issue, and the framing of that issue be elemental to understanding how well positive symbolism affects support for the Court in the aftermath of reading either highly politicized articles that thrust the Court into the center of political controversy, versus those that merely present the basic facts of the same decision. Within a 2x2 framework that uses two different frames, neutral and politicized, and the use or absence of symbolic imagery, I propose a number of hypotheses regarding how I believe these elements operate and interact in relation to Court support. First, I argue that the element of positive symbolism may be enough to increase both specific and diffuse support, regardless of the article frame, in comparison to those who received no image whatsoever.

H1: Respondents receiving a neutral frame and positive symbolism will show less specific and institutional support than those receiving a neutral frame and no symbolism. .

H2: Respondents receiving a high politicization frame and positive symbolism will show less specific and institutional support than those receiving a high politicization frame and no symbolism.

Alternatively, it could be argued that the presence of a positive symbol cannot singularly outweigh the critical nature of a news frame. If individuals are more likely to latch on to negativity over positivity (Soroka and McAdams 2014), the presence of a positive symbol could make little difference when paired against a highly politicized frame. More importantly, it is likely that those who receive both a positive image and neutral frame will give more supportive evaluations than those given a positive image and a more politicized

frame. Finally, those who receive no image and receive a politicized frame are likely to be less supportive than any other treatment group. Thus:

H3: Respondents receiving a high politicization frame and positive symbolism will show less specific and institutional support than those receiving a low politicization frame and positive symbolism.

H4: Respondents receiving a high politicization frame and no image will show less specific and institutional support than those receiving a low politicization frame and no positive symbolism.

As this is a study largely centered around the potential impact of the media and its presentation of Supreme Court content, it is important to consider how some other media-centric factors may influence perceptions of Court support. In line with work from Bartels and Johnston (2012), there is strong evidence regarding media choice's ability to influence consumers' perceptions of political institutions. They find that individuals who consume media from non-traditional sources, which they call "sensational" sources, are less supportive of political institutions. The brashness and lack of civility found in many outlet types such as cable news and talk radio may impact how individuals feel about all branches of government, including the Supreme Court.

H5: Respondents who receive most of their news from sensational sources will show less specific and institutional support than those who prefer traditional sources.

Additionally, in line with much prior research on the topic from Gibson and others, I take into consideration a few elements of knowledge. First, in connection with media as well, I consider how much news media the respondent consumes on average in a given week. We should expect that those that consume more news information are likely more

exposed to information about the Supreme Court. In accordance the positivity bias argument that “to know the Court is to love the Court” (Gibson and Caldeira 2009), I also expect those that show greater specific knowledge of the Court and its activities will show greater support for the Court.

H6: Respondents who consume more news will show greater specific and institutional support.

H7: Respondents who show greater knowledge about the Court will show greater specific and institutional support.

The following sections detail the data collection process, the variables, and how I intend to address these hypotheses.

4.3 Data and Methods

I utilize a unique online survey experiment with 354 total participants to look at the impact of politicized language and positive symbolism. The survey was conducted through Amazon’s Mechanical Turk, or “mTurk,” which uses a pool of workers that may opt into surveys for monetary compensation. This has become a popular way to collect data in the social sciences for the last decade for several reasons. While there are some criticisms of mTurk, particularly the quality of the data being collected in recent years (Chmielewski and Kucker 2020), there are also a great many benefits. Not only does mTurk provide a fairly diverse sample for a relatively low cost to the researcher, there is evidence that mTurk workers are more attentive than those in more traditional subject pools (Hauser and Schwarz 2016), tend to share views similar to those of the mass public (Clifford, Jewell and Waggoner 2015), and may actually be more thoughtful participants in their answers than similar student

based pools (Anson 2018). Thus, it is a very useful tool for social science research with seemingly adequate external validity for the purposes of this study.

Taking into account some of the issues presented in recent years, I took some precautions in respondent selection. In order to collect as best a sample as possible under the circumstances, several qualifications were required for participation in the survey. First, respondents must be living in the United States. Secondly, per statistics collected by mTurk, the number of surveys, or HITS, completed by the respondent must be greater than 1,000. Finally, their HIT approval rate must be greater than 95%. By enacting these qualifications, I was able to move forward with some confidence that the participants were not only qualified to take the survey, but also that they had a substantive record of positive evaluations from those conducting research with them.

For the purposes of this study, the use of a survey experiment through mTurk had strong benefits. While more traditional “lab” experiments are valued for their internal validity, allowing the researcher to better address the idea of causality in relation to a given stimulus, they lack much external validity due to their relatively low sample size that often fails to address a larger population. Alternatively, many surveys are valued for their external validity through the use of large, more representative samples. However, these are limited in their ability to address causality. Thus, a survey experiment is able to somewhat bridge the gap between the two by utilizing a larger sample pool and treating them to some kind of randomly assigned stimulus, though there are admittedly potential problems with addressing news content through such a method (Barabas and Jerrit 2010).

4.3.1 The Sample

First, to address the sample, just looking at some of the demographic characteristics of the respondents, we can see there is significant diversity. Of the 354 respondents, a little more than 53% identified as male, and around 47% as female. Around 77% of respondents identified as white, 14% identified as black or African American, 6% as Asian, and a little less than 1% as American Indian or Alaska Native. An additional 22% identified as Hispanic or Latino. So, we can see that while the sample is slightly skewed toward whites, there is a strong amount of racial and ethnic diversity in the sample. The sample does skew toward a more educated crowd than the general American population. Around 6% finished at the high school level, 16% attended some college, 54% have a college degree, 8% attended some graduate study, and 16% have a graduate or professional degree. Finally, and importantly, we see strong variance in the age groups of the participants. 16% were less than 25, 39% were between 25 and 35, 27% between 36 and 45, 12% between 46 and 55, and around 6% indicated they were above the age of 55. While the higher end of these age groups is not as well represented in the study, that was to be somewhat expected.

Variation can also be observed in their political preferences. There is a nice split between the ideological positions of the participants. 43% identified as conservative and 43% liberal. Breaking that down further into the extremity of their ideologies, 10% considered themselves to be extremely liberal and 14% extremely conservative. Interestingly, party identification did not mirror the ideological balance. 53% of the respondents identify as Democrats and 29% as Republicans, with those calling themselves Independents or something else making up 18% of the sample. Nevertheless, this appears to demonstrate the sample is diverse in makeup and is not radically divergent from that of the U.S. population.

4.3.2 The Survey Experiment

Regarding the experimental design, the survey required participants to answer a series of questions about their personal characteristics, political preferences, and attitudes toward various American institutional actors. Most importantly for this study, the 344 participants were randomly assigned to five separate groups for a survey experiment regarding positive symbolism, politicized language, and their effects on attitudes toward the U.S. Supreme Court. Table 4.1 provides the basis for the 2x2 design. Each of the groups was assigned one of two articles written by me about the case of *Rucho v. Common Cause*, a 2019 Supreme Court case that ended with the conservative wing of the Court determining that political gerrymandering cases are political questions and not reviewable by the courts. All articles can be found in the appendix. The politicized article emphasized ideology, partisan politics, and potential negative consequences of the decisions proposed in a dissent. The more neutral article made no mention of ideology, the actors involved, or any mention of problems that may arise. Finally, a control article was written that had nothing to do with a decision, instead focusing on upcoming renovation to the Supreme Court building.

One group was assigned the article that was high in politicized language, accompanied by a symbolic image, the U.S. Supreme Court itself as per Gibson, Lodge and Woodson (2014). A second was assigned the same politicized article without the symbolic image. The third received the more neutral article accompanied by the symbolic image. The fourth received the same neutral article without the image. The fifth received the control story without image.

Table 4.1 Politicization and Positive Imagery

1. High politicization/No Image	2. High Politicization/Image
3. Low Politicization/No Image	4. Low Politicization/Image

Following the treatment, respondents were then given a series of questions. First, I asked about their perceptions of the language used in the respective articles as a manipulation check. Of those who received the politicized article, 72% said it contained politicized language compared to 59% who did not receive that article. This suggests at least some validity regarding the tones of the articles. Then respondents were asked questions about their support for Supreme Court decisions and their support for the institution itself.

4.3.3 Dependent Variables

The primary dependent variables deal with Court support, both specific and diffuse, treated as continuous variables, compatible with use of ordinary least squares regression analysis. These measurements are based on several questions regarding support for the Supreme Court's decisions and their attitudes toward the Court in general. These responses were then transformed into additive indices representing Legitimacy and Specific support.

I consider diffuse support, or what I will call legitimacy, as defined by Easton (1965): "A reservoir of favorable attitudes or good will that helps members to accept or tolerate outputs to which they are opposed or the effects of which they see as damaging to their wants" (273). This is a matter of understanding whether or not the American public will accept or acquiesce to a Court that may in fact be ruling in ways that run counter to their own preferences. After recoding the responses for the index, the Legitimacy measure ranges from 0-12, with 12 being the most supportive of the Court and most likely to believe in their legitimacy. The mean of the Legitimacy measure is 7.10 with a standard deviation of 3.12. 28 of the 353 respondents (7.93%) showed maximum support for the institution, while 11 of

the 353 respondents (3.12%) who answered the survey reached the, indicated a total lack of belief in the Supreme Court's legitimacy.

In keeping with the literature's understanding of specific support, my conceptualization of specific support is "a set of attitudes toward an institution based upon the fulfillment of demands for particular policies or actions" (Caldeira and Gibson 1992). Again, utilizing a series of questions that fall in line with traditional measurements of specific support, I construct another continuous variable in the form of an additive index. Participants could again choose among the options of strongly disagree; disagree; neither agree nor disagree; agree; and strongly agree. After compiling and recoding the responses, the additive index ranged from 0-10, with 0 indicating the lowest level of specific support and 10 indicating the highest level of specific support. This index yielded a mean response of 6.45 and a standard deviation of 2.50. Similar to that of the diffuse support index, 9.04% of respondents expressed maximum levels of specific support, while only 3.67% indicated a complete lack of specific support.

4.3.4 Independent Variables

The primary independent variable is the treatment group of the respondent. As stated above, if positivity theory holds true, those respondents who received a symbolic image along with the article should show comparatively greater levels of support for the Court, with those receiving the more neutral article being even more positive toward the Court and its decisions than those who received the politicized article. Alternatively, those who receive a politicized article without the symbolic image should show greater levels of animosity toward the Court. This variable is treated as categorical, with the control group serving as the baseline category.

I am also interested in the political preferences of the respondents. First, a three-category ideology variable is employed, with 1 representing those who identified as liberal, 2 as those who claimed to be independent or middle of the road, and 3 for those who identified as conservative. Similarly, a party identification variable is included, separated into Democrats (1), Independents (2), and Republicans (3). For both variables, the second category will serve as the baseline category in the model. I have also included a measure of where the respondent believes the Court stands ideologically.

I also take into consideration where the individuals receive their information from and how much of it they consume. Data was collected on where respondents claim to get most of their information from, whether it be traditional outlets like newspapers or network news, or other less traditional places like Facebook, talk radio, or cable news. As mentioned earlier, Bartels and Johnston (2012) argue that individuals who receive their information from more “sensational” outlets, like cable and talk radio, tend to be less supportive of political institutions. Based on this, I’ve created a dichotomous variable based on whether or not the respondent prefers their news from more sensational outlets, including social media and podcasts, a consideration admittedly not made in Bartels and Johnston’s work. 60% of respondents in the survey said they got most of their news from a designated sensational source, with 35% claiming they get most of their news from social media, the highest percentage of any media type.

Another media aspect is the amount of news consumed. While the measures used do not specifically ask about how much news they receive about the Supreme Court, the long held argument of Gibson and others (see Gibson and Caldeira 2009) is that knowledge of the Court is primary factor in its support. So, while it cannot be guaranteed that these

individuals are receiving much news about the Court, considering it is not a well-covered institution, people who consume more news will likely know more about it. The survey included questions about where the respondent received most of their information from: newspapers; social media; cable news; online newsmagazines; talk radio; more traditional news radio; or podcasts. In the analysis provided, social media serves as the baseline. I additionally use a 3-question, correct/incorrect index of Supreme Court knowledge, asking respondents to identify the Chief Justice from a list of options, how long justices serve, and how many votes it traditionally takes for the Court to grant certiorari for a petition. The measure ranges from 0-3, depending on how many questions are answered correctly. This measure yielded a mean of 1.92, with nearly 27% receiving perfect scores.

I also take into consideration the nature of the MTurk process and the possibility that respondents may simply be clicking through without paying attention to the questions being asked. Most importantly, I was concerned with whether or not the respondents had correctly identified whether or not they received an image, and whether or not they could correctly identify what the image was that accompanied the article. While by no means perfect, 74% of respondents were able to correctly identify whether or not they received an image and what the image was if they did receive one. This provides some confidence for our analyses and is included as a control in the analysis. The three models provided in both Table 4.2 and 4.3 use two different assessments as to whether respondents took enough time (5 seconds) to read the prompt, or if they did not. The first, labeled “Good Control,” includes a dummy variable for those who took enough time (1) and those who did not (0). The second model only includes those who took enough time. The third includes everyone, without a control.

Finally, I include a number of basic demographic variables that may influence support for the Court. Lastly, I include a variable for education level treated as continuous, from high school education to graduate or professional degree.

4.4 Results

Table 4.2 Legitimacy by Frame (Continued on next page)

VARIABLES	Good Control	Only Good	All
Politicized w/ Image	0.20 (0.49)	0.43 (0.68)	0.17 (0.49)
Politicized w/o Image	0.76 (0.52)	1.44* (0.73)	0.74 (0.52)
Neutral w/ Image	0.65 (0.50)	0.67 (0.67)	0.66 (0.51)
Neutral w/o Image	-0.32 (0.53)	-0.30 (0.71)	-0.31 (0.53)
Perceived Court Ideology	-0.13 (0.12)	-0.10 (0.16)	-0.13 (0.12)
Sensational Media Preference	-1.80*** (0.47)	-1.68** (0.65)	-1.80*** (0.47)
Prefer Newspapers	-1.45* (0.87)	-1.87 (1.14)	-1.43 (0.88)
Prefer Online Newsmagazine	0.01 (0.52)	-0.01 (0.70)	0.03 (0.53)
Prefer Online News	1.76** (0.54)	1.39* (0.79)	1.74*** (0.54)
Prefer Cable News	2.16** (0.60)	1.73** (0.79)	2.18*** (0.60)
Prefer Talk Radio	1.13 (1.22)	0.87 (1.78)	1.10 (1.23)
Prefer Traditional Radio	1.87 (1.17)	2.91* (1.58)	1.86 (1.17)
Prefer Podcasts	1.50 (1.13)	1.82 (2.18)	1.47 (1.35)
Education	-0.17 (0.15)	-0.24 (0.20)	-0.17 (0.15)
White	0.32 (0.38)	-0.32 (0.50)	0.30 (0.38)
Independent	0.71 (0.47)	0.35 (0.69)	0.64 (0.47)
Republican	0.38 (0.42)	0.20 (0.55)	0.34 (0.43)
Liberal	-1.22* (0.42)	-1.86** (0.55)	-1.21** (0.43)

(Table 4.2 Continued)

	(0.52)	(0.76)	(0.53)
Conservative	-1.47**	-2.21***	-1.42**
	(0.55)	(0.80)	(0.55)
Knowledge of Court	0.48*	0.47*	0.51**
	(0.19)	(0.28)	(0.20)
Image Wrong	0.85**	1.28**	0.84**
	(0.39)		
Brief Viewer	0.42		
	(0.32)	(0.55)	(0.39)
Constant	7.46***	8.72***	7.67***
	(1.09)	(1.56)	(1.08)
Observations	353	205	353
R-squared	0.19	0.24	0.19

Standard errors in parentheses
 *** p<0.01, ** p<0.05, * p<0.1

Table 4.2 provides the results of OLS regressions on our first dependent key dependent variable diffuse support, or legitimacy. There is minimal support for the hypotheses proposed regarding the tempering effect of politicized language on the impact of positive symbolism. With the control group (no image, no politicized language) operating as the baseline, the results are somewhat surprising. Those who received the more politicized article without any accompanying imagery tended to give the Court higher legitimacy evaluations. Alternatively, those who received a neutral language treatment with an image also displayed comparatively higher legitimacy evaluations than the control group. These would appear to be conflicting results to a certain degree. A politicized article without an image should theoretically yield the least broad support for the institution. The finding of a neutral article with an image is in line with expectations of positivity theory, as the image could be triggering deep-harbored support, while the tone of the article itself does not

complicate that psychological connection. When rotating the base category, I find no statistical difference among the treatments.

There are, however, some other interesting findings that support prior work in the literature on Supreme Court legitimacy. I do find, in line with work from Bartels and Johnston (2012), that a preference for sensationalistic media results in lower legitimacy evaluations. This again ties into the idea of sensational media’s preference for coverage that is often critical of political institutions. I also find it somewhat interesting that in comparison with those respondents who found themselves to be moderates ideologically, both liberals and conservatives were less supportive of the Court’s legitimacy. While it is unclear as to why this would be, it does not appear to be connected to their perceptions of the Court’s ideology. When including an interactive term between the respondent’s ideology and their perception of the Court’s ideological leaning, no significant relationship unfolds. I also find support for the idea of Court knowledge bolstering legitimacy for the institution, as those who scored higher on objective Supreme Court knowledge questions were significantly more likely to ascribe greater legitimacy to the institution.

Turning to specific support in Table 4.3, I find no significant relationship between any of the treatments and this type of support for the institution with the control category as the baseline. There are however some significant relationships to be found elsewhere.

Table 4.3 Specific Support by Frame (Continued on next page)

VARIABLES	(2) Good Control	(3) Only Good	(4) All
Politicized w/ Image	-0.54 (0.36)	-0.22 (0.54)	-0.54 (0.38)
Politicized w/o Image	-0.41 (0.49)	-0.60 (0.50)	-0.40 (0.37)
Neutral w/Image	0.49	0.57	0.51

(Table 4.3 Continued)

	(0.37)	(0.51)	(0.38)
Neutral w/o Image	0.06	0.68	0.08
	(0.39)	(0.53)	(0.39)
Perceived Court Ideology	-0.12	-0.03	-0.11
	(0.09)	(0.12)	(0.09)
Sensational Media Preference	-0.44	-0.21	-0.44
	(0.36)	(0.49)	(0.37)
Prefer Newspapers	0.63	1.22	0.65
	(0.67)	(0.86)	(0.68)
Prefer Online Newsmagazine	-1.48*	-1.02*	-0.47
	(0.40)	(0.53)	(0.41)
Prefer Online News	-0.62	-1.83***	-0.63
	(0.60)	(0.60)	(0.42)
Prefer Cable News	-0.81*	-1.22**	-0.81*
	(0.46)	(0.59)	(0.46)
Prefer Talk Radio	0.70	-0.75	0.69
	(0.94)	(1.34)	(0.94)
Prefer Traditional Radio	0.70	-0.66	0.70
	(.90)	(1.19)	(0.90)
Prefer Podcasts	-2.03*	-2.60	-2.05**
	(1.03)	(1.64)	(1.04)
Education	0.28**	0.24	0.29**
	(0.12)	(0.16)	(0.12)
White	-0.27	-0.34	-0.28
	(0.29)	(0.38)	(0.29)
Independent	-1.84***	-1.78***	-1.88***
	(0.37)	(0.52)	(0.36)
Republican	-0.12	-0.09	-0.14
	(0.33)	(0.41)	(0.33)
Liberal	-0.74*	-0.40	-0.73*
	(0.40)	(0.56)	(0.40)
Conservative	0.48	0.60	0.51
	(0.42)	(0.59)	(0.42)
Knowledge of Court	-0.38**	-0.30	-0.37**
	(0.15)	(0.21)	(0.15)
Image Wrong	-0.30	-0.40	-0.31
	(0.30)	(0.42)	(0.30)
Brief Viewer	0.19		
	(0.24)		
Constant	7.79***	7.67***	8.00***
	(0.96)	(1.35)	(0.95)
Observations	354	206	354

R-squared	0.26	0.28	0.26
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Standard errors in parentheses
 *** p<0.01, ** p<0.05, * p<0.1

Many results from the specific support models differ from that of the legitimacy model. Here, we do see a relationship between higher education levels and higher levels of specific support, perhaps suggesting that greater knowledge leads to greater evaluations. Nevertheless, a perplexing finding regarding the specific Court knowledge measure appears to complicate some of this story. Also interestingly, when it comes to specific support, political Independents are least supportive, as are ideological liberals. The latter may hint at the Court’s recent track record in decisions, though the survey was conducted before the *Dobbs* or *Bruen* decisions were handed down.

Overall, there is little support for the hypotheses proposed regarding either legitimacy or specific support. While disappointing, there are some possible reasons for this. Perhaps most importantly, the sample size in this study is relatively small (n=354). Splitting that sample into five separate treatments, with about 70 respondents per treatment, likely does not provide the statistical leverage necessary to see a complete understanding as to how these treatments were received and subsequently how they affected attitudes toward the Court.

4.5 Discussion

While the results of this study do not necessarily support the hypotheses proposed statistically, there remains reason to believe that positivity theory in relation to the Supreme Court is not as universally applicable as its proponents suggest. Positivity theory suggests that the American public is consistently provided symbolism surrounding Court coverage

that bolsters the public's support of the institution. However, this theory never addressed the idea of whether or not that positive symbolism is accompanied by less positive coverage. In other words, there may in fact be a positive effect from seeing imagery of the courthouse, or the scales of justice, or the justices in their robes. But whether or not those positive symbols can outweigh the effect of critical coverage of the institution is yet to be fully understood.

In this era of heightened awareness of judicial activity, in which Americans are being exposed to more information of the nominees and their work than perhaps ever before, it is critical to understand how the media influence attitudes toward the institution (Peffley, Denison and Taylor 2020). Americans seem more in tune to the fact that the Court has ideological factions, and with the Trump administration's fortune of three nominees and confirmations to the bench, more Americans seem to recognize what those factions truly seem to be. Meanwhile, the Supreme Court also seems to recognize this and its members appear to doing their best to assuage fears that the institution has become just another politicized branch of government tantamount to the office of the presidency or that of Congress. In what could be viewed as something of a plea to the public, justices are increasingly giving interviews and media appearances in an effort to maintain their institutional legitimacy. Recent work from Strother and Glennon (2021) suggests that these efforts are beneficial to the members of the Court. By abandoning some of their tradition of secrecy and appealing to the media and the public at large, the justices of the Supreme Court may be able to temper some of the negativity associated with their recent decisions, perceptions of their ideological bias, and feelings of procedural unfairness. Thus, we may be

entering an era where the Supreme Court becomes more reliant on the media to help bolster their reputation as opposed to ignoring, or even hiding, from its possible influence.

Furthermore, the Supreme Court in 2022 may *need* to start acknowledging the media's role in presentation of their activities in order to maintain authority as a judicial body. According to Pew Research (2022), public support for the Supreme Court plummeted 16 points between August of 2020 and January of 2022, from a relatively high approval rate of 70% to a tepid 54%. While this suggests Americans are beginning to recognize the ideological nature of the Court, against the wishes of the Court itself, this data does not even take into account recent events that may test the Supreme Court's ability to wield significant influence through their opinions. The May, 2022 leak of a major Supreme Court opinion draft to the online publication 'Politico' in the case of *Dobbs v. Jackson Women's Health Organization* offered a unprecedented look into the draft process that no doubt piqued the interest of many judicial scholars. But for the American public, it was a moment of clarity in understanding how the ideological makeup of the Supreme Court can affect their daily lives, perhaps in ways they had not before considered. It also presents more evidence as to how the media's reporting can muddy the waters in many ways as to what really happens on the Court, as even the original publisher of the draft, 'Politico,' presents its story in a way that may lead one to believe the draft to be the final word: "Supreme Court has voted to overturn abortion rights," their headline reads. And while at the moment of this writing, that appears to be true, this presentation also may lead individuals to believe the Alito draft on the *Dobbs* case is indeed new policy. It, of course, is not.

There should be no doubt that the presentation of Supreme Court news, regardless of the imagery that accompanies it, is of tremendous import. Even in considering the *Dobbs*

opinion, it is worth noting stark contrasts in coverage across the ideological spectrum, and in particular, what the major issue even is. Many left-leaning publications have focused on the impact of overturning well-established precedent of nearly 50 years, and the traditional battle of pro-choice and pro-life advocacy. Alternatively, some right-leaning publications focused on the leak of the draft itself, as opposed to the content of said draft, and framed that as the primary problem. These differing frames are providing starkly different information to its consumers – one focusing on the content of the controversial opinion itself and its potential implications, the other largely ignoring that to focus on the heretofore unseen nature of the highly protective Supreme Court failing to keep an unpublished draft from the public eye. It is hard to believe that either of these frames enhance public opinion of the Supreme Court, regardless of whether or not a picture of the Supreme Court is included in the story.

Thus, while this research does not disprove positivity theory, current events may hint at its limitations. This study relied on a relatively small sample, with only around 70 individuals assigned to each treatment. With a larger sample, I believe a statistically significant relationship could be found between negative coverage and public attitudes, regardless of positive symbolism. Further, it is quite possible that the stories used for this experiment are not ideal for this situation. The control story, detailing a renovation of the Supreme Court itself, could have potentially been more effective if it did not involve the Supreme Court at all. This would have been better for the manipulation check. There must be a greater consideration among judicial scholars as to how information about the Supreme Court, and the courts in general, is presented. As previously noted, the Supreme Court is becoming more and more of a politicized entity. With this increased politicization comes increased media coverage of its activities and the actions of its members. Americans are now,

more than ever, exposed to the process of nomination and confirmation. They are exposed, perhaps now more than ever, to the internal processes of the institution. And Americans may even be more exposed to the personal lives of its membership. Considering the contentious confirmations of the last four nominees of Trump and Biden, respectively, media coverage of these hearings undoubtedly opened the eyes of many as to how the confirmation process ultimately works, and how ideology impacts the success or failure of a nominee. The leak of the *Dobbs* draft, (and the later reveal that the final opinion would not depart much), presented accurately by the media, is an interesting peek into how the Supreme Court operates, and is something that the average American had largely never considered. And even the discussion of Clarence Thomas's personal life in 2022, between the revelation that his wife was in contact with President Trump's Chief of Staff during the January 6th incident at the capitol and his mysterious illness during said revelation, is somewhat new in terms of information typically provided about the Court's membership. If Gibson's proclamation "to know the Court is to love the Court" holds any weight, this would be an ideal time to test that hypothesis once more. Americans are being inundated with coverage of Court activities, and if recent polling is any indication, the response has not been a positive one for the institution.

CHAPTER 5 Concluding Thoughts on Media Language Use and the Supreme Court

The relationship between the Court and the media is a complicated one. The institution tends to avoid direct interactions with the media. Their proceedings are secretive and their desire to talk about their decisions or decision making is minimal. Meanwhile, the media often has a difficult time in covering the Court. Many reporters are not legal experts, much law is esoteric, and the ability to provide meaningful imagery from deliberations currently is not available to them. The most interactive most justices will be in a media laden environment comes during the nomination period, and even coverage is subject to scrutiny. Of the three branches of government, it is reasonable to suggest it is the most difficult to cover. A better understanding of how this coverage works, and whether different outlets approach Court coverage differently, provides potential concern for the effectiveness of Court and the Rule of Law.

5.1 Implications of This Work

While findings were mixed throughout, there are some key takeaways from this project. First, it is important to continue moving forward studies of the Supreme Court's treatment in the news media, particularly as the media environment continues to expand and the workload and nominations of the justices receive ever increasing scrutiny among the media, and consequently, the American public. Chapter 2 provides some evidence that disagreeability with ideological Supreme Court decisions may impact the way ideological news outlets cover the decisions, particularly among conservative outlets disagreeing with liberal decisions. While the data utilized in Chapter 2 is by no means archaic, coming from the 2015 term, more can be done to understand how coverage has changed over time. Since the 2015 term, we have had a number of controversial decisions handed down by the Court

that allow for disparate coverage among media outlets. Perhaps most notably as of late are the decisions to largely overturn the *Roe* precedent and to expand firearm protections beyond those established in *Heller* in 2010. These topics divide the nation sharply, and with a now decidedly conservative 6-3 Court, there may be dramatic shifts in terms of language selection in coverage among ideological outlets.

It is not just the decisions themselves that may receive disparate coverage. Considering the contentious battles over nominations under the Trump administration, further work into understanding how the media are covering judicial activities is paramount to understanding why the Court's popularity is waning. As Chapter 3 explains in detail, the Kavanaugh nominations serves as something of a microcosm of things to come. While certainly unique in terms of the complaints against the now-sitting justice, these hearings continue to become more polarized. Not to be outdone by the ire from Senate Democrats in confirmation hearings for Gorsuch, Kavanaugh, and Barrett, Republicans recently fired back against President Biden's nomination of Ketanji Brown Jackson, including suggesting that she had a soft spot for pedophiles as a lower court judge (Min Kim, Davis, and Kane 2022). This trend seems to have no end in sight as polarization continues to rise. Thus, the news outlets that tend to cater ideologically to the American public may indeed be pushing people further from supporting the actions surrounding the U.S. Supreme Court. The justices selected seem to have become more of a representative for the party of the president that selected them.

To this last point, the decision to take on such an ideological agenda and overturn longstanding and generally supported precedent like *Roe* may be very problematic for the institution itself. If you consider justices to sometimes be strategic actors, as suggested by

Epstein and Knight (1997) and many others, they have to take into consideration the reactions of other actors, which may include the media and public. If the American public reacts to the coverage they see in a negative light, the authority of the Court may begin to wane. As Chapter 4 details, the Supreme Court supposedly has maintained its legitimacy because of the positive symbolism that surrounds the institution. While the survey experiment did not yield significant results, nevertheless, it stands to reason that as the Court trends further one ideological direction, ideological outlets on the other end of the spectrum may be inclined to use more politicized or negative language in their coverage. Again, this may not bode well for the legitimacy of the Court and may affect their ability to maintain influence in the future.

The circle of influence shared by the Court, media, and public cannot be understated in its importance. Yes, the Supreme Court issues the decisions, and they use their own distinct rhetoric in crafting these opinions. The greater American public is unlikely to sit down and read the opinion, even if it something they care about, simply because of the way these opinions are written. Thus, the public relies on the media to interpret much of what happened. Depending on how the media present a decision, or a nomination for that matter, the American public may get vastly different stories about the same event. A victory for one side is a defeat for the other, and ideological outlets may exploit this. The public consumes the coverage and they evaluate the decisions based on the language used. Coming full circle, the American public evaluates the Court itself. If their evaluations of its performance, seen the lens of their preferred information provider, declines, then so does the power of the Court itself. In other words, the Court is relying on public support than may be heavily

influenced by the media that covers their actions. This makes projects like this one even more important moving forward with a very divided Court.

5.2 Future Avenues for Research

While scholars continue to look into media influence, and more specifically media influence on the Court, there are still many avenues for research in the area. In particular, there are constant advancements in rhetoric studies and different ways to measure some of the latent constructs attempted throughout this work. Beyond the language itself, it would be interesting to see whether vocal tone impacted the way coverage was presented. As an example from Chapter 3, Justice Kavanaugh's hearing regarding the Blasey Ford accusations produced a very loud defense. Arguably, you could make the case that it sounded unhinged at times, particularly as she shouted, "I like beer!" On the other hand, an outlet more sympathetic to the conservative cause may take his vocal tone as a passionate defense on behalf of his own integrity. The same could be said of justices on the bench and their vocal qualities, their tendency to interrupt, etc. Would Scalia cutting off a fellow justice, or even an attorney as most justices do from time to time, be portrayed as rude or simply direct. It would be valuable to understand more on how the personalities of these individuals come into play when presented in media.

I also believe greater scrutiny should be paid to "positivity theory" as an explanation of diffuse support of the institution. When considering positive symbols for the survey experiment in Chapter 4, I selected a benign image of the U.S. Supreme Court with the respondent either receiving that image or not. It would likely be more beneficial to provide a counter-frame image, like a protest in front of the Courthouse. Additionally, I do not think the article I wrote for the politicized condition went far enough. In the future, I would use

coverage from traditional sources against more eccentric websites, particularly because the internet is becoming the dominant force in news coverage. Those promoting positivity theory do not take into account how diverse the media landscape is. Finally, as the Supreme Court's support has fallen dramatically since the earliest publications on positivity theory, a new dive into that area is warranted.

Finally, if one were to ideally look into how ideologically disparate outlets may influence coverage, a look into actual television and talk radio coverage would be worthwhile. The stories featured through this project come from the websites of news outlets. The coverage seen on these sites may be dramatically different than what a television *viewer* is receiving in terms of coverage. In particular, regardless of whether it is considered hard news or not, many Americans receive their information from talking head punditry shows. Exposure to the incivility discussed earlier that often happens on these shows would likely show a far greater effect in terms of language divergence.

5.3 Final Thoughts on Media and the Supreme Court

Without the news media, the “average American” would know very little about the Supreme Court. Even with the news media, the average American knows little about the Supreme Court. However, what little they do know comes from the faucet of the press. Without a reasonable understanding as to how these relationships operate amongst one another, we miss a key part of the puzzle as to how effective the Court can truly be. If taken at face value as an authoritative but just institution, it's likely that many Americans would indeed acquiesce to it. If challenged in the press as a partisan and deceitful branch, it divides support for it across the country.

The media plays the “middle man” in this relationship. Just like when playing telephone game, some things may be lost in translation, manipulated, or simply ignored as it passes down the line. Since the Court is reticent to step into the spotlight to further explain their decisions, it allows of bevy of secondary actors to potential manipulate what they wrote. Through a better understanding of the language chosen by those reporting on the Court, we can better understand public attitudes toward the Court.

APPENDIX 1: Chapter 2 and 3 Politicized Words Dictionary

The list of politicized terms included in this analysis are intended to represent a presentation of the Supreme Court as a political, rather than legal actor. This means politicized language regarding the Court focuses on the ideological coalitions, disagreement and dissent and other political actors. The full list is provided below:

Biden, Bush, Carson, Challenged, Challengers, Christie, Clinton, Coalition, Congress, Congressional, Congressman, Congresswoman, Conservative, Conservative Wing, Contested, Controversial, Criticism, Criticized, Cruz, Democrat, Democratic, Democratic Party, Denounced, Dissent, Dissented, Fiorina, Fought, Gilmore, Governor, Graham, House Member, Huckabee, Interest Group, Jindal, Kasich, Left Wing, Liberal, Liberal Wing, Median Justice, Obama, Pataki, Praised, President Obama, Presidential, Rallied, Rand, Republican, Republican Party, Right Wing, Rubio, Sanders, Santorum, Senate, Senator, Swing Vote, Swing Voter, Trump, Walker.

APPENDIX 2: Chapter 3 Latent Legalistic Dictionary

List of legalistic words (Johnson and Socker 2012):

admissible affidavit, amicus curiae, amicus, amici, appellant, arraignment, bail, bench trial, brief, burden of proof, case load, case file, case law, cause of action, chambers, class action, clerk, damages, de facto, de jure, de novo, discharge, discovery, dismissal, due process, en banc, exculpatory, ex parte, felony, habeus corpus, hearsay, high bench, high court, injunction, in camera, inculpatory, jurisdiction, jurisprudence, marble temple, moot, motion, original intent, original meaning, per curiam, peremptory, precedent, probation, pro tem, pro se, remand, robes, statute, strict scrutiny, subpoena, tort, venue, warrant, writ.

APPENDIX 3: Chapter 3 Modeling Reference Rotations

Coverage Tone in Time Period 1: Liberal Reference

Variables	Politicized	Negative	Legal
Neutral Outlet	-0.0029*** (0.0009)	0.0005 (0.0009)	0.0002 (0.0003)
Conservative Outlet	-0.0020** (0.0009)	-0.0000 (0.0008)	0.0006** (0.0002)
Date	-0.0002*** (0.0001)	0.0001* (0.0001)	0.0000 (0.0000)
Date Squared	0.0000** (0.0000)	-0.0000 (0.0000)	-0.0000 (0.0000)
Sensational	0.0020** (0.0008)	0.0009 (0.0008)	-0.0007*** (0.0002)
Opinion	-0.0018* (0.0010)	0.0035*** (0.0009)	0.0000 (0.0003)
Tokens	-0.0000*** (0.0000)	0.0000*** (0.0000)	-0.0000 (0.0000)
Constant	0.0143*** (0.0008)	0.0092*** (0.0008)	0.0014*** (0.0002)
Observations	666	666	666
R-squared	0.0646	0.0506	0.0359

OLS regression results. Standard errors in parentheses

*** p<0.01, ** p<0.05, * p<0.1

Coverage Tone in Time Period 1: Conservative Reference (Continues on next page)

Variables	Politicized	Negative	Legal
Liberal Outlet	0.0020** (0.0009)	0.0000 (0.0008)	-0.0006** (0.0002)
Neutral Outlet	-0.0009 (0.0009)	0.0005 (0.0008)	-0.0004 (0.0002)
Date	-0.0002*** (0.0001)	0.0001* (0.0001)	0.0000 (0.0000)
Date Squared	0.0000** (0.0000)	-0.0000 (0.0000)	-0.0000 (0.0000)
(Coverage Tone in Time Period 1 Continued)			
Sensational	0.0020** (0.0008)	0.0009 (0.0008)	-0.0007*** (0.0002)

Opinion	-0.0018*	0.0035***	0.0000
	(0.0010)	(0.0009)	(0.0003)
Tokens	-0.0000***	0.0000***	-0.0000
	(0.0000)	(0.0000)	(0.0000)
Constant	0.0123***	0.0092***	0.0020***
	(0.0009)	(0.0008)	(0.0002)
Observations	666	666	666
R-squared	0.0646	0.0506	0.0359

OLS regression results. Standard errors in parentheses

*** p<0.01, ** p<0.05, * p<0.1

Coverage Tone in Time Period 2: Liberal Reference

Variables	Politicized	Negative	Legal
Neutral Outlet	-0.0013	-0.0016	0.0005
	(0.0014)	(0.0016)	(0.0006)
Conservative Outlet	-0.0002	0.0024	-0.0000
	(0.0014)	(0.0016)	(0.0006)
Date	-0.0087	0.0060	0.0103***
	(0.0078)	(0.0088)	(0.0032)
Date Squared	0.0001	-0.0001	-0.0001***
	(0.0001)	(0.0001)	(0.0000)
Sensational	-0.0009	0.0009	0.0000
	(0.0013)	(0.0015)	(0.0005)
Opinion	-0.0035**	0.0022	-0.0005
	(0.0014)	(0.0016)	(0.0006)
Tokens	-0.0000	0.0000	0.0000
	(0.0000)	(0.0000)	(0.0000)
Constant	0.2883	-0.1602	-0.3144***
	(0.2409)	(0.2725)	(0.1001)
Observations	147	147	147
R-squared	0.0760	0.0965	0.0804

OLS regression results. Standard errors in parentheses

*** p<0.01, ** p<0.05, * p<0.1

Coverage Tone in Time Period 2: Conservative Reference (Continues on next page)

Variables	Politicized	Negative	Legal
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Liberal Outlet	0.0002 (0.0014)	-0.0024 (0.0016)	0.0000 (0.0006)
Neutral Outlet	-0.0011 (0.0014)	-0.0040** (0.0016)	0.0005 (0.0006)
Date	-0.0087 (0.0078)	0.0060 (0.0088)	0.0103*** (0.0032)
Date Squared	0.0001 (0.0001)	-0.0001 (0.0001)	-0.0001*** (0.0000)
Sensational	-0.0009 (0.0013)	0.0009 (0.0015)	0.0000 (0.0005)
Opinion	-0.0035** (0.0014)	0.0022 (0.0016)	-0.0005 (0.0006)
Tokens	-0.0000 (0.0000)	0.0000 (0.0000)	0.0000 (0.0000)
Constant	0.2881 (0.2407)	-0.1577 (0.2722)	-0.3145*** (0.1000)
Observations	147	147	147
R-squared	0.0760	0.0965	0.0804

OLS regression results. Standard errors in parentheses

*** p<0.01, ** p<0.05, * p<0.1

Coverage Tone in Time Period 3: Liberal Reference

Variables	Politicized	Negative	Legal
Neutral Outlet	-0.0006 (0.0008)	0.0010 (0.0010)	0.0000 (0.0002)
Conservative Outlet	-0.0012 (0.0008)	0.0019** (0.0010)	-0.0001 (0.0002)
Date	-0.0001 (0.0016)	0.0028 (0.0020)	0.0000 (0.0004)
Date Squared	0.0000 (0.0000)	-0.0000 (0.0000)	0.0000 (0.0000)
Sensational	0.0002 (0.0008)	-0.0013 (0.0010)	-0.0003 (0.0002)
Opinion	-0.0025*** (0.0009)	0.0073*** (0.0011)	-0.0005* (0.0002)
Tokens	-0.0000* (0.0000)	0.0000*** (0.0000)	-0.0000 (0.0000)
Constant	0.0109 (0.0646)	-0.1034 (0.0816)	-0.0002 (0.0177)

(Coverage Tone in Time
Period Three Continued)

Observations	510	510	510
R-squared	0.0272	0.1046	0.0127

OLS regression results. Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Coverage Tone in Time Period 3: Conservative Reference

VARIABLES	Politicized	Negative	Legal
Liberal Outlet	0.0012 (0.0008)	-0.0019** (0.0010)	0.0001 (0.0002)
Neutral Outlet	0.0007 (0.0009)	-0.0009 (0.0011)	0.0001 (0.0002)
Date	-0.0001 (0.0016)	0.0028 (0.0020)	0.0000 (0.0004)
Date Squared	0.0000 (0.0000)	-0.0000 (0.0000)	0.0000 (0.0000)
Sensational	0.0002 (0.0008)	-0.0013 (0.0010)	-0.0003 (0.0002)
Opinion	-0.0025*** (0.0009)	0.0073*** (0.0011)	-0.0005* (0.0002)
Tokens	-0.0000* (0.0000)	0.0000*** (0.0000)	-0.0000 (0.0000)
Constant	0.0097 (0.0646)	-0.1015 (0.0817)	-0.0003 (0.0177)
Observations	510	510	510
R-squared	0.0272	0.1046	0.0127

OLS regression results. Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

APPENDIX 4: Survey Experiment Materials

Symbolic Image:



1 - Politicized Story:

Supreme Court Conservatives Rule Partisan Gerrymandering a Political Question

On Friday, a deeply divided Supreme Court ruled that partisan gerrymandering – the formation of voting districts based on the preferences of the controlling party in the state legislature – is a political question that cannot be reviewed by federal courts. The 5-4 ruling was split on ideological grounds, with the Court’s five conservative members making up the majority.

Writing for the majority, the Chief Justice said that while gerrymandering leads to outcomes that may seem “reasonably unjust,” adding that the legislature is better equipped to handle the matter. Liberals argue that partisan gerrymandering has led to unbreakable Republican strongholds in states like Wisconsin and North Carolina, where despite amassing more Democratic votes statewide, the majority of seats still go to Republicans.

In a scathing dissent on behalf of the liberal wing of the Court, one justice wrote, “Of all times to abandon the Court's duty to declare the law, this was not the one.”

2 - Neutral Story:

Supreme Court Rules Partisan Gerrymandering Not Reviewable by Federal Courts

On Friday, the Supreme Court ruled that partisan gerrymandering – the formation of voting districts based on the preferences of the controlling party in the state legislature – is not reviewable by federal courts. The ruling was 5-4.

Writing for the majority, the Chief Justice said partisan gerrymandering presents a “question beyond the reach of the federal courts,” adding that the legislature is better equipped to handle the matter. He added that the courts have no legal authority to manage or direct the political parties in their actions.

The ruling does not keep the federal courts from considering other cases of alleged gerrymandering in the future.

3 - Control Story:

Supreme Court Closes for Renovations

On Friday, the U.S. Supreme Court will close for a renovation of the building.

According to Supreme Court staff, the building will be undergoing a number of changes in the coming months, including new flooring and ceiling fixtures. A new raised Bench will also be installed, replacing the winged Bench installed in 1972.

In addition to the courtroom, the Supreme Court houses offices for justices and their staff, a dining room, and a library with more than 500,000 volumes.

The Court is expected to re-open in late September.

APPENDIX 5: IRB APPROVAL LETTER



Office of Research Integrity
IRB, RDRC

EXEMPTION CERTIFICATION

IRB Number: 67067

TO: Alexander Denison, M.A.
Political Science
PI phone #: 3196016278
PI email: alex.denison@uky.edu

FROM: Chairperson/Vice Chairperson
Nonmedical Institutional Review Board (IRB)

SUBJECT: Approval for Exemption Certification

DATE: 5/5/2021

On 5/5/2021, it was determined that your project entitled "*Language Tone and Positivity Theory in Media Coverage of the Supreme Court*" meets federal criteria to qualify as an exempt study.

Because the study has been certified as exempt, you will not be required to complete continuation or final review reports. However, it is your responsibility to notify the IRB prior to making any changes to the study. Please note that changes made to an exempt protocol may disqualify it from exempt status and may require an expedited or full review.

The Office of Research Integrity will hold your exemption application for six years. Before the end of the sixth year, you will be notified that your file will be closed and the application destroyed. If your project is still ongoing, you will need to contact the Office of Research Integrity upon receipt of that letter and follow the instructions for completing a new exemption application. It is, therefore, important that you keep your address current with the Office of Research Integrity.

For information describing investigator responsibilities after obtaining IRB approval, download and read the document "[PI Guidance to Responsibilities, Qualifications, Records and Documentation of Human Subjects Research](#)" available in the online Office of Research Integrity's [IRB Survival Handbook](#). Additional information regarding IRB review, federal regulations, and institutional policies may be found through [ORI's web site](#). If you have questions, need additional information, or would like a paper copy of the above mentioned document, contact the Office of Research Integrity at 859-257-9428.

seeblue.

405 Kinkead Hall | Lexington, KY 40506-0057 | P: 859-257-9428 | F: 859-257-8995 | www.research.uky.edu/iri/

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Michael A. Zilis. 2021. "All the News That's Fit for the Internet? Coverage and Sharing of SCOTUS News" Presented at the 2021 meeting of the American Political Science Association, Seattle, Sept. 29-Oct. 3.

ALEXANDER DENISON
CURRICULUM VITAE
AUGUST 2022

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EDUCATION

Ph.D. University of Kentucky: Political Science 2022

Major: American Politics (Judicial Politics)

Minor: Political Behavior

Dissertation: “News Treatment of the Supreme Court: Language Selection, Ideological Directions, and Public Impact”

Committee: Dr. Justin Wedeking (chair), Dr. James Hertog, Dr. Mark Peffley, Dr. Richard Waterman, Dr. Michael Zilis

MA Western Illinois University: Political Science 2014

Thesis: “New Elephants in the Room: The Lasting Impact of the Tea Party Movement”

Committee: Dr. Jongho Lee (chair), Dr. Casey LaFrance, Dr. Erin Taylor

BJ University of Missouri – Columbia: Broadcast Journalism 2012

Minor in Political Science

Capstone: Management and Organization in Broadcast Media

AWARDS AND HONORS

University of Kentucky Provost’s Award for Outstanding Teaching 2018

University-wide award intended to identify and recognize individuals who demonstrate special dedication to student achievement and evince meritorious success in their teaching.

Sidney Ulmer Award 2018

For outstanding graduate student in the area of Judicial Process or the American Political Process, University of Kentucky.

Coleman Research Award 2018

For ongoing projects on judicial behavior and media coverage, University of Kentucky.

College of Arts and Sciences Outstanding Teaching Award 2017

For excellence in undergraduate instruction within the College of Arts and Sciences, University of Kentucky.

Coleman Research Award 2017

For ongoing projects on judicial behavior and media coverage, University of Kentucky.

Sidney Ulmer Award 2016

For outstanding graduate student in the area of Judicial Process or the American Political Process, University of Kentucky.

PUBLICATIONS

“Negative Media Coverage of the Supreme Court: The Interactive Role of Opinion Language, Coalition Size, and Ideological Signals.” Forthcoming. *Social Science Quarterly*. With Justin Wedeking and Michael Zilis.

“The New (Mis)Information Environment of Advanced Democracies.” Forthcoming. *The Oxford Handbook of Political Representation in Liberal Democracies*. Eds. Robert Rohrschneider and Jacques Thomassen. Oxford University Press. With Mark Peffley and Travis N. Taylor.

“Using Text as Data to Measure Latent Legal Constructs: A Dictionary-Based Approach.” 2018. *Michigan State Law Review*. With Justin Wedeking.

“The Confirmation Legacy of Antonin Scalia.” 2018. *The Conservative Revolution of Antonin Scalia*. Eds. David A. Schultz and Howard Schweber. Lexington Books. With Justin Wedeking.

“Hitting the ‘Bullseye’ in Supreme Court Coverage: News Quality in the Court’s 2014 Term.” 2017. *Elon Law Review*. With Mike Zilis and Justin Wedeking.

“Elena Kagan.” 2017. *Encyclopedia of Civil Rights and Liberties*. Eds. John Scheb and Kara Stooksbury. Santa Barbara, CA: ABC-CLIO. With Justin Wedeking.

WORKING PAPERS

“Distorting the Court?: Decision Agreement and Language Selection in Media Portrayals of the Supreme Court.”

“Is News Coverage of the Supreme Court Ideological?” With Justin Wedeking and Michael

Zilis.

“Positivity, Public Signals and Support for the U.S. Supreme Court.” With Michael Zilis.

“Perceptions of Civil Liberties Among Blacks and Whites in the U.S.”

“Re-Examining Judicial Prestige Among State Courts of Last Resort.”

ONGOING RESEARCH PROJECTS

“Media Coverage of Supreme Court Confirmation Hearings.”

“Symbolic Imagery in News Coverage of the Supreme Court.” With Michael Zilis.

“Journalistic Norms and Presentations of the Judiciary.” With Michael Zilis.

CONFERENCE PRESENTATIONS

“Is News Coverage of the Supreme Court Ideological?” With Justin Wedeking. Presented at the 2017 Midwest Political Science Association Conference: Chicago, IL.

“Positive Symbolism in News Coverage of the U.S. Supreme Court.” With Michael Zilis. Presented at the 2017 Midwest Political Science Association Conference: Chicago, IL.

“Distorting the Court?: Decision Agreement and Language Selection in Media Portrayals of the Supreme Court.” Presented at the 2017 Southern Political Science Association Conference: New Orleans, LA.

“Negative Media Coverage of the Supreme Court: The Interactive Role of Opinion Language, Coalition Size, and Ideological Signals.” With Justin Wedeking and Michael Zilis. Presented at the 2017 Southern Political Science Association Conference: New Orleans, LA; Presented at the 2017 Annual Kentucky Political Science Association Conference: Danville, KY.

“Distorting the Court?: Decision Agreement and Language Selection in Media Portrayals of the Supreme Court.” Presented at the 2016 Annual Kentucky Political Science Association Conference: Somerset, KY.

New Elephants in the Room: The Impact of *Citizens United* on Intra-Party Conflict.” With Kimberly Rice. Presented at 2014 Annual Iowa Political Science Association Conference:

Pella, IA.

TEACHING EXPERIENCE

Head Teaching Assistant 2017-2018

Department of Political Science, University of Kentucky

Instructor: Politics and Film

Summer 2018, University of Kentucky

Instructor: Law and Courts

Spring 2016; Fall 2016; Spring 2017; Fall 2017; Spring 2018, University of Kentucky

Instructor: American Government

Fall 2015; Summer 2016; Summer 2017; Summer 2018, University of Kentucky

Teaching Assistant: American Government

Fall 2014; Spring 2015 (With Dr. Stephen Voss) University of Kentucky

RESEARCH POSITIONS

Research Assistant 2018-2019

Quantitative Initiative for Policy and Social Research, University of Kentucky

Research Assistant 2018; 2016; 2015

With Justin Wedeking, University of Kentucky

Research Assistant 2015; 2016

With Michael Zilis, University of Kentucky

Graduate Assistant 2012-2014

University Libraries, Western Illinois University

GRANTS AND TRAVEL AWARDS

University of Kentucky Political Science Department Summer Research Grant 2015

University of Kentucky

Graduate Student Research and Professional Development Award 2014

College of Arts and Sciences, Western Illinois University

RESEARCH AND TEACHING INTERESTS

Judicial Behavior; Law; Criminal Justice; Media and Politics; Language and Rhetoric; American Political Institutions; Public Opinion; Political Psychology; Separation of Powers; Civil Rights and Liberties; Elite Polarization; Text Analysis

WORKSHOPS AND GUEST LECTURES TAUGHT

“Avoiding Implicit Bias in the Classroom.” 2018. Department of Political Science, University of Kentucky.

“The Courts in American Politics.” 2017. Summer Student Congress, Department of Political Science, Transylvania University.

“Techniques in Teaching New or Unfamiliar Material in Undergraduate Courses.” 2017. Department of Political Science, University of Kentucky.

ADDITIONAL TRAINING IN METHODS AND TEACHING

Computer-Assisted Text Analysis. 2015. Department of Political Science, University of Kentucky.

“Cultural Competence.” 2017. Workshop. Department of Political Science, University of Kentucky.

“LINKS Center Summer Workshop of Social Network Analysis.” 2016. Statistics Program. Gatton School of Business and Economics, University of Kentucky.

“Implicit Bias in the Classroom.” 2016. Workshop. Department of Political Science, University of Kentucky

“Navigating Conflict and Building Bridges.” 2016. Workshop. Center for the Enhancement of Learning and Teaching, University of Kentucky.

“Designing Effective Multiple Choice Exams.” 2015. Workshop. Center for the Enhancement of Learning and Teaching, University of Kentucky.

“Paper Writing Teaching Techniques.” 2015. Workshop. Center for the Enhancement of Learning and Teaching, University of Kentucky.

SERVICE

Head Teaching Assistant for Department of Political Science. 2017-2018, University of Kentucky.

President of Graduate Student Government for the Department of Political Science. 2017-2018, University of Kentucky.

Advisor. Campus YMCA Congress. 2016-2018, University of Kentucky.