

The Year in C-SPAN Archives Research

Volume 9 *Power and Politics in the Media: The Year in C-SPAN Archives Research, Volume 9*

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Power and Politics in the Media: The Year in C-SPAN Archives Research, Volume 9

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Power and Politics in the Media: The Year in C-SPAN Archives Research, Volume 9

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POWER AND POLITICS IN THE MEDIA

THE YEAR IN **C-SPAN**
ARCHIVES RESEARCH

Volume 9

edited by
ROBERT X. BROWNING



***POWER AND POLITICS
IN THE MEDIA***

THE YEAR IN C-SPAN ARCHIVES RESEARCH

The C-SPAN Archives houses the online C-SPAN Video Library, which has recorded all of C-SPAN's television content since 1987. Extensive indexing, captioning, and other enhanced online features provide an unparalleled chronological and internally cross-referenced record for deeper study. The Year in C-SPAN Archives Research series presents the finest interdisciplinary research utilizing tools of the C-SPAN Video Library. Developed in partnership with the Center for C-SPAN Scholarship & Engagement (CCSE) in the Brian Lamb School of Communication and with support from the C-SPAN Education Foundation, this series is guided by the ideal that all experimental outcomes, including those from our American experiment, can be best improved by directed study driving richer engagement and better understanding.

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POWER AND POLITICS IN THE MEDIA

THE YEAR IN C-SPAN
ARCHIVES RESEARCH

Volume 9

edited by
ROBERT X. BROWNING

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To my sisters and brothers

Diane, William, Barbara, John, Elizabeth, Christine

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FOREWORD

THERE ARE MANY WORDS TO DESCRIBE C-SPAN, BUT PERHAPS THE MOST APPROPRIATE IS THIS: *UNFILTERED*. I AM reminded of this whenever I appear on C-SPAN's *Washington Journal* and hear from the show's famous callers. Whether in the form of a question—or a comment disguised as a question—these callers express the wide range of political opinions held by the electorate. Some of these opinions are acceptable in polite company, some of them are not, but hearing them reminds us that they exist. No one who listens to these callers, and the responses from guests, is going to agree with everything that is said, just like no one is going to agree with every opinion expressed in Congress. But C-SPAN provides a forum for a wide spectrum of opinions to be expressed—and the C-SPAN Archives provides the means for them to be studied.

C-SPAN's long-standing mission is to make the federal government accessible to the American public, providing a running account of the trials and tribulations of representative government. The invaluable C-SPAN Archives collects this history as it happens and makes it readily available for study, providing an ever-updating documentation of the daily workings of government. Such an authoritative archive is more important than ever in a time when we are flooded with content, some of which is, unfortunately, bogus.

Some of the many academic fruits of the Archives are described in this volume, the ninth in the series. Early essays focus on a governmental arena in which C-SPAN's cameras—or any cameras, for that matter—are not allowed: the United States Supreme Court. The transparency of the Court, or lack thereof, is explored in Chapter 4. But while sitting Supreme Court justices do not have to concern themselves with the cameras when they are hearing oral arguments, would-be justices do need to confront them—and often-hostile senators—during confirmation hearings, which C-SPAN covers.

These confirmation hearings provide a contentious preview of what have become increasingly and consistently contentious confirmation votes in the Senate, as the level of partisan crossover in confirmations has faded. None of the last four nominees, three by President Trump and one by President Biden, secured even 55 votes for confirmation in closely divided Senates. Those four confirmations were preceded by President Obama's nomination of Merrick Garland in early 2016, a nomination for which there is no hearing footage because no hearings were held: The Republican Senate majority refused to consider him, holding open a vacancy that Trump would fill with now justice Neil Gorsuch. Other fascinating research, including on the spectacle of congressional hearings as well as Trump's COVID-19 briefings, follows the chapters concerning the Supreme Court.

The history of C-SPAN, which dates back to 1979, coincides with my own career as a professor at the University of Virginia. I can think of few better resources for students to learn about the plain realities of government than C-SPAN, and C-SPAN programs have found their way onto my course syllabi and in-class presentations over the decades. For this I am deeply grateful to those who established and maintain the high quality of C-SPAN.

One other note: I have encountered many hundreds of citizens who complain bitterly about bias on the well-known news shows and networks. Bias is in the eye of the beholder, of course, but my simple suggestion to them is that they should switch to C-SPAN's coverage whenever possible. No commentary, no pundits, no razzle-dazzle, just the events themselves to be watched and interpreted by each viewer. Surely, C-SPAN is Heaven's only channel.

Larry J. Sabato

Director of the Center for Politics at the University of Virginia

PREFACE

NO COMMITTEE HEARINGS ARE AS CONTROVERSIAL THESE DAYS AS SENATE CONFIRMATIONS OF SUPREME COURT nominees. In this volume of *The Year in C-SPAN Archives Research*, several authors examine the most recent nomination of Ketanji Brown Jackson to the Supreme Court. One looks at the rhetoric in the nomination. Another examines Amy Coney Barrett and Ketanji Brown Jackson references to motherhood. This issue was raised during their confirmation hearings.

The C-SPAN Archives was first created during the Judge Robert Bork nomination, which is widely seen as the first controversial Senate confirmation hearing. Senator, now President Biden, presided over that hearing, which can be found in the C-SPAN Video Library. Others reference the Ginsburg rule where she said, in contrast to Bork, that she would not answer any questions about cases that might come before the Supreme Court. This has become the principle that subsequent nominees have followed.

This volume begins with four essays on Supreme Court confirmation hearings. The first addresses critical race theory (CRT) as it arises in the Ketanji Brown Jackson hearings. The essay traces the origin and how senators raise the question to the justice nominee. The second essay examines minority justices' hearings and provides valuable comparisons. We can certainly see how these hearings have become more controversial over time. However, race was an issue to southern senators during the Thurgood Marshall confirmation hearing.

It is only recently that we have seen younger women nominated to the highest court. In both the Amy Coney Barrett hearing and the Ketanji Brown Jackson hearings, we see the topic of their raising children as a line of questioning. This is the subject of the third essay in this volume.

Finally in these opening essays, Houston and Johnson examine the audience for Supreme Court oral arguments. It was only during the COVID pandemic, when the Court was closed, that it permitted oral arguments to be heard in real

time. These authors analyze the number of views these hearings received on the C-SPAN website as well as on YouTube. Their data show that there is an audience for oral arguments that have continued live following the pandemic.

While these introductory four essays show the popularity and richness of Supreme Court confirmations for C-SPAN research, they are just the beginning of the topics in this volume. The remaining essays cover women's dress, congressional hearings, COVID-19, and economic perceptions. "Petty in Pink" is a path-breaking, experimental work that examines perceptions of power in the dress of female politicians. By varying the outfits, the authors are able to measure how the color pink affects how female politicians are perceived.

The January 6 Select Committee hearing dominated media coverage in its 10 public hearings. The essay on committees looks at celebrity witnesses and other phenomena that bring attention to congressional hearings—referred to as spectacles. This is an insightful way of looking at the many congressional hearings that are held every day, and especially very visible ones.

The remaining four essays address disaster readiness, COVID-19 rhetoric, storytelling, and the resulting perceptions of economic rhetoric. They all use textual analysis of C-SPAN video to analyze executive action on disasters, on COVID response, and on economic responses.

The range of essays in this ninth volume shows the variety of ways that the C-SPAN Video Library can be used to study communication, political science, and other social science questions. A number of the essays utilize the Archives' API to extract and analyze data. *Variety of techniques* is the watchword as the authors employ different techniques in their analyses.

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NO BOOK LIKE THIS COMES TOGETHER WITHOUT A GREAT DEAL OF HELP FROM MANY PEOPLE AT PURDUE AND AT C-SPAN. First, Andrea Langrish, managing director of the Center for C-SPAN Scholarship & Engagement (CCSE) was instrumental in organizing the research conference. Madia Bickett, CCSE program manager, ably assisted her, as did CCSE interns Christina Galiatsatos, Elise Elder, Ivan Porras, and Zach Nahorski, as well as Nathan Miller, who helped create clips for the text.

Marifran Mattson, head of the Brian Lamb School of Communication, which sponsors the CCSE, provides leadership throughout the year, and especially for the conference. Cherie Drake Maestas, head of Purdue's Political Science Department, is also a supporter of the CCSE activities. David Reingold, Justin S. Morrill Dean of Purdue's College of Liberal Arts, provides resources and support throughout the year. The Liberal Arts Business Office and the staffs of political science and communication, especially Donna Wireman, provide valuable help with the conference.

The leadership at C-SPAN, Brian Lamb, Susan Swain, and Robert Kennedy, support the activities of the CCSE and provide financial support from the C-SPAN Education Foundation. Vice Presidents Richard Weinstein and Peter Kiley could always be counted on for help also.

Alan Cloutier, technical manager of the C-SPAN Archives and Matt Long, computer specialist, helped with the API and technical support. Bryce Dietrich, Purdue political science associate professor and research scholar at the CCSE, is making important contributions to our research program.

In January 2023, we announced our inaugural editorial board for this book series. Each of these scholars assisted in reviewing the manuscripts and providing constructive feedback, making for a stronger publication. The editorial board members are:

Matthew Bergbower, PhD, department chair and professor, Department of Political Science at Indiana State University

Porismita Borah, PhD, professor, Edward R. Murrow College of Communication at Washington State University, and editor-in-chief, *International Journal of Public Opinion Research*

Nadia Brown, PhD, professor of government and director of the Women's and Gender Studies program and affiliate in the African American Studies program at Georgetown University, and lead editor of *Politics, Groups, and Identities*

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Terri Towner, PhD, professor, Political Science Department at Oakland University, and co-editor-in-chief at the *Journal of Information Technology and Politics*

Finally, this book would not be possible without the support and leadership of the Purdue University Press, led by Justin Race and assisted by Katherine Purple, Bryan Shaffer, Christopher Brannan, and Andrea Gapsch. They all work together to help this editor produce the best work. Kelley Kimm provided skillful editorial assistance throughout the process.

1

THE SUDDEN RISE OF CRITICAL RACE THEORY AS A LINE OF INQUIRY IN SUPREME COURT CONFIRMATION HEARINGS

An Exploration of Changing Rhetoric on Race in the Televised Era

Laurie L. Rice and Steven Brien

INTRODUCTION

Supreme Court nominations may start with a presumption of success (Krutz et al., 1998), but that does not stop confirmation hearings from being contentious affairs, especially in recent years (Caldeira & Smith, 1996; Maltese, 1995). With potentially long time horizons on the Court ahead of the nominees, senators grill them about their approach to jurisprudence and their stances on the most controversial issues of the day. Since C-SPAN coverage of these hearings began in 1981, they also offer senators the opportunity to score political points with their base (Farganis & Wedeking, 2014), potentially positioning themselves for reelection success or television coverage.

During Justice Ketanji Brown Jackson's confirmation hearing, the topic of critical race theory (CRT) was a prominent theme in senators' lines of inquiry, particularly among Republicans. This focus began on the first day of the hearing when in her opening statement, Senator Marsha Blackburn (R-TN) asked Judge Jackson, "Is it your personal hidden agenda to incorporate critical race theory into our legal system?" (C-SPAN, 2022a, 3:27:41). Others, like Senator Ted Cruz (R-TX), instead asked later in the hearing about CRT in schools and in children's books (C-SPAN, 2022b, 1:16:31). While the intent behind these questions deserves further scrutiny, on the surface, the legal theory itself, with roots in law review articles by Derrick Bell (1976, 1980), should be an appropriate line

of questioning for a Supreme Court nominee. After all, questions about jurisprudence feature prominently in senators' questions to nominees during Senate Judiciary Committee hearings. This theory, like other lenses for legal interpretation, might provide fodder for meaningful discussions about legal doctrine and a prospective justice's judicial philosophy.

Neither Jackson nor any of those nominated to the Supreme Court before her had explicitly identified CRT as part of their judicial philosophy.¹ Yet, nominees are routinely questioned about both their own judicial philosophies and those employed by others. For example, in addition to questions about incrementalism and pragmatism, Justice Ruth Bader Ginsburg was questioned repeatedly about originalism, especially with respect to the 14th amendment (*Nomination of Ruth Bader Ginsburg*, 1994). Questions were directed to Justice Neil Gorsuch about judicial activism, as well as originalism and textualism (*Confirmation Hearing*, 2018). If hearings regularly provide a forum for discussion of judicial philosophy, why did CRT, with roots going back more than four decades, not serve as a subject of discussion in confirmation hearings until 2022? While there are likely many contributing factors, we focus in this essay on the role of television and the incentive it provides senators to tailor their statements and questions with an eye toward enhanced media coverage.

To fully understand the sudden emergence of CRT in confirmation hearings, though, it is important to also examine how and how often race is discussed during confirmation hearings in the televised era. We apply several textual analysis tools to confirmation hearings obtained through the C-SPAN Video Library. After a brief overview of the literature on confirmation hearings, we use the C-SPAN Video Library to investigate the frequency and content of discussions about race in Supreme Court confirmation hearings between 1986 and 2022. As our analysis demonstrates, Justice Ketanji Brown Jackson's confirmation hearing stands out, not for its number of mentions of race, but for a distinct difference in the content of those mentions—an emphasis on CRT. Then, to better understand the potential causes of this emergence, in the sections that follow, we provide a brief history of CRT's appearance in major law journals over time. We contrast this with what viewers of two television networks—C-SPAN and Fox News Channel—heard about CRT over time and its emergence. This has much more similarity to how Fox talks about CRT than how law journals (or C-SPAN) cover it. We conclude with a discussion of how these findings fit with the broader literature on confirmation hearings and what they suggest for calls for reform to the process, made by pundits and legal scholars alike.

THE HISTORY AND PURPOSES OF SUPREME COURT CONFIRMATION HEARINGS

Open hearings for Supreme Court nominees where nominees testify did not become routine until relatively recently, and issues involving race were at the center of many of these moves toward increased transparency. While the Senate Judiciary Committee was formed in 1816, the first hearing for a Supreme Court nominee did not occur until 1873, and only three occurred through 1922, amounting to hearings for only about 8% of those nominated to the nation's highest Court during this time frame (Collins & Ringhand, 2016; Rutkus & Bearden, 2009). In this period, deliberations about confirmations occurred largely behind closed doors.²

In 1939, open public hearings became the norm, a move driven by public outcry and American Bar Association calls for increased transparency after senators' confirmation of Justice Hugo Black, who journalists revealed once held a lifetime membership in the KKK (Collins & Ringhand, 2016). Making hearings public made conversations about nominee qualifications, background, and jurisprudence a matter of public record. Then, in 1955, nominee testimony at these hearings became the norm (Collins & Ringhand, 2016). Farganis and Wedeking (2014, pp. 12–13) argue that *Brown v. Board of Education* (decided in 1954) helped usher in the hearings era, where nominee testimony before the Senate Judiciary Committee became the expectation rather than the exception, and where nominees could expect to face substantive questions about their views. Yet these public hearings revealed to journalists and the public not just nominees' views on questions of race in society, but senators' views as well. In the first post-*Brown* public hearings, pro-segregation senators used their chance to ask questions to advertise their opposition to *Brown v. Board of Education* (Collins & Ringhand, 2016; Stone, 2011).

Further transparency in Supreme Court confirmation hearings was ushered in during Sandra Day O'Connor's 1981 confirmation hearing, when television cameras were first welcomed, and hearings aired on C-SPAN and several PBS affiliates (Farganis & Wedeking, 2011). Public television nationwide joined C-SPAN in airing William Rehnquist's full hearing as chief justice in 1986, and CNN and the broadcast networks joined in for Robert Bork's unsuccessful 1987 hearing (Farganis & Wedeking, 2011, 2014). Since then, the number of media outlets covering Supreme Court confirmation hearings has expanded dramatically. Yet, not all coverage is the same. Some media outlets, like C-SPAN, routinely offer their viewers the chance to watch the complete hearings while others offer

more limited coverage. For example, for the four hearings between 2005 and 2010, C-SPAN and PBS offered complete live coverage of the hearings while the three major cable news networks—CNN, Fox News, and MSNBC—showed a mix of live and mediated coverage (Farganis & Wedeking, 2014).

One purpose of confirmation hearings is to help senators determine a nominee's qualifications before they cast their vote for or against confirmation. To gauge this, senators may ask questions about a nominee's background and legal experience, their familiarity with constitutional issues, prior court rulings, and how they would apply their judicial philosophy in specific situations (Entin, 1993). Yet perceived qualifications alone do not determine how senators vote. Senators' confirmation votes are shaped by their partisanship (Farganis & Wedeking, 2014), the views of their constituents (Hutchings, 2001; Segal et al., 1992), lobbying by interest groups (Caldeira & Wright, 1998; Segal et al., 1992), and their perceptions of the nominee's views, character, and qualifications (Farganis & Wedeking, 2014).

Senators' opportunities to ask nominees questions in written questionnaires, during courtesy calls, and in confirmation hearings can help them ascertain nominees' views and form assessments of their character and qualifications (Farganis & Wedeking, 2014). Yet, senators' line of questioning is not solely influenced by their need to decide whether to vote to confirm. They also seek to influence other senators' votes through the way they attempt to portray the nominee. While supporters often emphasize a nominee's qualifications and temperament, opponents take a markedly different approach. Opponents to a nomination attempt to link the nominee to controversy and use both committee hearings and the mass media to spread this controversy beyond the Senate chambers (Kurtz et al., 1998). According to Gibson and Caldeira (2009, p. 140), frequent opposition contentions include "the nominee is prejudiced, has associated with biased or extremist groups (e.g., memberships in discriminatory clubs), is dogmatic, and/or is outside the broad ideological consensus in the country."³

Confirmation hearings also offer senators a platform to ask questions designed to appeal to their constituents (Farganis & Wedeking, 2011).⁴ Collins and Ringhand (2016) argue that televised hearings offer senators on the Judiciary Committee ample opportunities to engage in the core electoral-minded behaviors identified by Mayhew (1974): advertising, position taking, and credit claiming. Most relevant here, they argue that committee members use the hearings to engage in position taking on both the nominee and on salient issues of the day (Collins & Ringhand, 2016). Evidence suggests senators on the Judiciary Committee have adapted well to these new opportunities provided by televised

hearings. After Justice Sandra Day O'Connor became the first justice to have their confirmation hearing televised, senators began making markedly more comments at hearings. Collins and Ringhand (2016) report that statements at hearings increased from an average of 664 in the decade before O'Connor's hearing, to 868 during O'Connor's hearing, to an average of 1,779 between Rehnquist's 1986 hearing and Kagan's 2010 hearing.⁵

The presence of television cameras, while offering increased transparency, also introduces incentives to perform for the cameras. Further, the choices of media outlets to offer full live coverage of confirmation hearings, fully mediated coverage, where viewers see only carefully curated clips of the hearings paired with summaries and interpretations of them by anchors or pundits, or partial live coverage and partial mediated coverage influences the incentive structure for senators. When hearings are aired live, in their entirety, senators can be assured that they will be seen by those who watch the hearings. Senators may compete with each other for who provides the memorable moments in the hearings, but all who elect to make statements or ask questions have guaranteed airtime when the full hearing is televised live. Meanwhile, when coverage is fully mediated, and viewers only see brief sound bites from the hearings, then senators must compete to receive one of the few coveted sound bites available. This creates strong incentives to pander to the cameras. With common criteria for newsworthiness including conflict and controversy (Parks, 2019), senators who seize on these will heighten their chances of being selected. This may favor opposition voices over those supporting the nominee, and lead media-hungry senators to compete over who can launch the most effective and extreme made-for-TV attacks. This incentive structure reduces the prospects for meaningful discussions of legal doctrine and judicial philosophy.

RACE IN CONFIRMATION HEARINGS IN THE PUBLIC, PRE-TELEvised ERA

Before investigating discussions of race in confirmation hearings during the televised era, a brief review of the literature on discussions of race during the period between 1955, when hearings both contained nominee testimony and were open to the public, and 1981, when they were opened to television cameras, provides useful context. Justice John Harlan, the first post-*Brown* nominee, was opposed by Southern senators, who wanted to delay a pending decision on the implementation of *Brown* (Farganis & Wedeking, 2014, p. 13). While they questioned

him on multiple fronts, some, like Senator Ervin (D-NC), used the public hearing to engage in explicit position taking against the *Brown* decision (Collins & Ringhand, 2016).

Twelve years later, President Lyndon B. Johnson nominated Thurgood Marshall, who had argued *Brown* and 31 other cases before the Supreme Court. Once again, Southern senators, including Ervin, John L. McClellan (D-AR), and Strom Thurmond (R-SC), went on the offensive, this time attacking the first Black nominee to the Supreme Court, while claiming their opposition was on grounds other than race (Overby et al., 1994). While the first two focused their questioning on the rights of those accused of crimes, Thurmond aggressively sought to undermine Marshall through a series of increasingly obscure questions to which Marshall did not know the answers (Heath, 2015; Overby et al., 1994). Other senators saw through Thurmond's charade. Senator Edward Kennedy (D-MA) interjected, "Could we just have some further clarification so all of us can benefit? I really don't understand the question myself" (Heath, 2015). This did not stop Thurmond. To those questions Marshall did answer, Thurmond asked if he wished to add anything to his reply, and to those Marshall did not answer, he sometimes stopped to ask Marshall if he understood the question (Heath, 2015). Afterward, senators such as Philip Hart (D-MI) made public statements affirming that they did not know the answers either (Heath, 2015). Thurmond's merciless attempts to make Marshall appear incompetent before his fellow senators and an audience of newspaper reporters and photographers failed. After all, a lawyer who had argued 32 cases before the Supreme Court with a 90.6% success rate was hardly incompetent. After being subjected to a gauntlet of hostile questioning, Justice Thurgood Marshall was confirmed by the Senate with a 69–11 vote (Overby et al., 1994).

Yet, the next few years saw nominees to the Supreme Court who questioned *Brown*. As part of his Southern strategy, President Richard Nixon nominated two men to the Court with troubling views on race: Clement Haynsworth in 1969 and G. Harrold Carswell in 1970. While Haynsworth was seen by some as taking positions that were seen as too cautious in dismantling segregation and by others as supporting segregation, Carswell had explicitly expressed support for the idea of white supremacy (Entin, 1993; Stone, 2011). With ethical issues also raised for Haynsworth and competence issues raised for Carswell (Stone, 2011), both nominees were defeated, Haynsworth 45–55 and Carswell 45–51 (U.S. Senate, n.d.). Yet, these were not resounding defeats—for the time period in which they occurred, both were relatively close votes. During the same period in which the Senate

confirmed the nation's first Black Supreme Court justice, there were 45 senators willing to vote to accept nominees with troubling records on race. This backdrop of the Senate's track record on issues of race in Supreme Court confirmation hearings during the civil rights movement, before hearings were televised, still potentially has echoes in more recent televised Supreme Court confirmation hearings.

STUDYING RACE IN CONFIRMATION HEARINGS IN THE TELEVISED ERA

To better understand how race has been discussed in Supreme Court confirmation hearings in the televised era, we conducted a search using the C-SPAN API for mentions of race in Supreme Court confirmation hearings. Using the mentions endpoint, we collected transcripts for all mentions of the term “race” from 1980 through July of 2022. Once all mentions of race were collected, we limited the data to mentions occurring during confirmation hearings using the program title metadata returned from the API. Mentions were grouped by hearing according to Supreme Court nominee name and then counted.⁶ The data show the subject has been raised 749 times overall, with significant variation in its level of mentions across hearings. As seen in Figure 1.1, Justice Clarence Thomas, who was nominated to fill Justice Thurgood Marshall's vacancy, had the most mentions of race during his confirmation hearing. The second highest number of mentions came during the failed nomination of Judge Robert Bork, who had once written an article arguing that while racial discrimination is abhorrent, it should not be outlawed by Congress because doing so would result in “a loss in a vital area of personal liberty” (Bork, 1963). The high number of mentions of race during the Bork hearing suggests the Senate subjected these views to intense scrutiny.

Meanwhile, there were more than twice as many mentions of race during the Bork hearing as there were during Justice Ruth Bader Ginsburg's hearing, which had the third most mentions. Justice John Roberts was the only other justice with more than 50 mentions of race during his confirmation hearing. Some confirmation hearings paid very little attention to race, as measured by number of mentions, with the Rehnquist, Scalia, Kennedy, Kagan, and Gorsuch hearings having the fewest numbers of mentions. In contrast, the number of mentions of race during the confirmation of Justice Ketanji Brown Jackson, the first Black woman named to the Supreme Court, is not far from the median number of mentions during the televised era, and just behind the number of mentions of race during

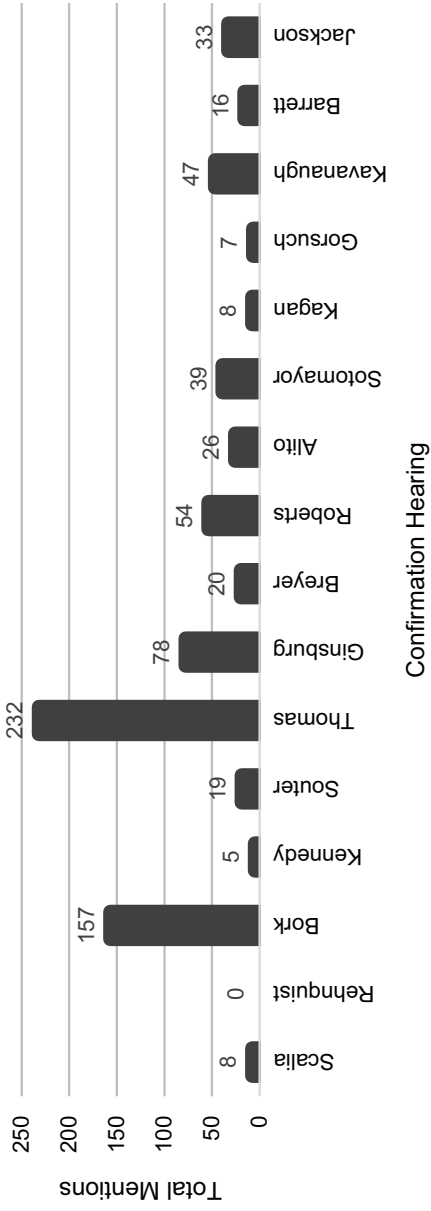


FIGURE 1.1 C-SPAN mentions of race during confirmation hearings.

the confirmation hearing for Justice Sonia Sotomayor, the first Hispanic woman named to the Court. Meanwhile, if we compare mentions of race during the confirmation hearings of the two Black justices on the Supreme Court, nearly 31%, or 232 total mentions, occur during the confirmation of Justice Clarence Thomas, while only 4%, or 33 total mentions, occur during Justice Jackson's confirmation.

To gain insight into how race was discussed in confirmation hearings between 1986 and 2022, we considered the most common three-word phrases, or trigrams, used in those hearings. Trigrams are a tool of natural language processing that can be used to identify common themes in textual data. We use them to identify the words and topics most commonly used in conjunction with race or critical race theory. To do so we removed stop words, found all possible combinations of three consecutive words, counted their frequency, and ranked them from those that occur most to those that occur least. We then plotted the 25 most frequent trigrams and the number of times they occur as an indicator of the context and meaning of mentions of race and critical race theory.

Figures 1.2 and 1.3 compare the trigrams for mentions of race in the confirmation hearings available on C-SPAN prior to Ketanji Brown Jackson's hearing (Figure 1.2) to those during her confirmation hearing (Figure 1.3). They reveal distinct differences. As Figure 1.2 shows, before Justice Jackson's hearing, race is most commonly mentioned in conjunction with the Constitution's equal protection clause, the Civil Rights Act, *Brown v. Board of Education*, the Voting Rights Act, discrimination on the basis of race and gender, and constitutional and civil rights. These trigrams suggest Senate interest in civil rights cases and how prospective justices will rule on issues involving the interplay between race, discrimination, and the law. In contrast, as Figure 1.3 shows, the vast majority of references to race during Justice Jackson's confirmation hearing involved critical race theory, with references to Justice Jackson as the first Black woman on the Court a distant second. The Voting Rights Act was mentioned in conjunction with race a scant three times during Jackson's hearing, and none of the other topics most commonly referenced with race in confirmation hearings from Rehnquist to Barrett appear in the most common trigrams for Jackson. Given the frequency counts in the Jackson hearing trigrams, this indicates these topics were either mentioned only once or never when race was discussed during her confirmation hearing. This marks a significant departure from prior confirmation hearings.

To further assess the differences between discussions of race during Justice Jackson's confirmation compared to previous justices nominated during the televised era, we also examined trigram collocations, or sets of three words that



Most Common Trigrams

FIGURE 1.2 Common trigrams associated with mentions of race during all confirmation hearings except Jackson.



Most Common Trigrams

FIGURE 1.3 Common trigrams associated with mentions of race during Jackson confirmation hearing.

appear close to each other in the text, regardless of intervening words. To find collocations, we first combined all text from transcripts that mention race in the Jackson confirmation hearing into a single text corpus. We then programmatically examined the entire corpus, considering a moving window of 10 words at a time. Collocations were identified using a likelihood ratio, which is a comparison of the probability of words appearing near each other against the probability that those words appear independently. Words that are more likely to appear together have a higher likelihood ratio score. The same process for finding collocations was repeated using transcripts of all other hearings apart from Jackson's.

The collocations indicate, again, that race was discussed quite differently in Jackson's hearing than in prior hearings. Both the most common and most likely collocation appearing during the Jackson hearing was "critical race theory," occurring at a rate 21 times that of "equal protection clause." In contrast, the collocation with the highest likelihood score in all other hearings was "equal protection clause," and the most frequent was "race gender discrimination," while the trigram collocation "critical race theory" is not identified at all in prior hearings according to the likelihood measure. When comparing the rate of occurrence of collocations between the Jackson hearing and all prior hearings, collocations containing the words "race" and "theory" appear at a rate between 16 and 81 times their rate of appearance in all other hearings, as shown in Table 1.1. These ratios

TABLE 1.1 *Comparing Collocations in the Jackson Hearing to Prior Hearings*

Trigram collocation	Rate of use in Jackson hearing/ rate of use in all other hearings
race theory say	16.33
race theory opinion	16.33
race theory way	81.64
way race theory	16.33
one race theory	32.66
student race theory	48.99
race theory may	16.33
race theory personal	16.33
say race theory	32.66
race theory write	16.33

confirm the distinctiveness of Justice Jackson's confirmation hearing. The appearance of words in these collocations such as "say," "opinion," "way," and "personal" seem to indicate a strong interest in Justice Jackson's views on CRT and whether she would apply it on the bench. The one clear outlier in these collocations—"student"—may suggest significant interest in CRT in schools.

Meanwhile, if we compare trigrams for mentions of race in Jackson's confirmation hearing to those of Justice Clarence Thomas, some clear similarities and distinct differences emerge. The trigrams suggest that during both confirmation hearings, their potential contributions as Black justices received a lot of attention. In Jackson's hearing, common phrases in conjunction with race include "first black woman," "black woman serve," "black woman argue," and multiple references to judges and the justice system. In Thomas's hearing, the most common words used together with race were "Judge Clarence Thomas." Word combinations such as "Judge Thomas record" and "Judge Thomas say" also appeared frequently with race. We then filtered out these references to Clarence Thomas himself to see what common words and themes emerged. These are displayed in Figure 1.4. In comparison to the trigrams for Justice Jackson's confirmation hearing, these trigrams suggest senators devoted significant attention to how Justice Thomas might rule on issues related to race. There are 10 references to race and the Civil Rights Act, and a series of phrases indicating senators' interest in how he might rule on cases involving discrimination on the basis of race and gender and on affirmative action policies. The common phrases also suggest he was asked about specific legal tests he might use in such cases as well as his legal theory.

We also examined trigrams for words used most frequently in conjunction with race (not shown here) for each of the other nominees' confirmation hearings. Among the trigrams for the 15 confirmation hearings before Jackson's, 10 had equal protection, discrimination, or both appearing prominently. All but 2 of the remaining justices were still asked about related themes. Justice Sotomayor's confirmation hearing trigrams lacked references to equal protection or discrimination, but her most common trigrams included references to *Brown v. Board of Education* as well as references to gender in conjunction with race. Justice Kennedy's trigrams did not feature these words but did include multiple references to woman and to school boards. Justice Scalia's confirmation hearing trigrams also include multiple references to woman and racial justice. Justice Breyer's trigrams lack all of these references, but the trigrams make clear that he was asked how he might rule in a particular case involving race or whether he agreed with a past majority decision.⁷ In contrast, Justice Jackson's trigrams reveal that little



Most Common Trigrams

FIGURE 1.4 Common trigrams associated with mentions of race during Thomas's confirmation hearing.

attention was paid to her views on specific cases or how she would rule on legal issues related to race, aside from questions about CRT.

Past research suggests several reasons why Justice Ketanji Brown Jackson's confirmation hearing may have been an outlier. Female nominees to the nation's highest court are questioned more about their judicial philosophy than their male counterparts (Boyd et al., 2018). Table 1.1 shows mentions of "race" in conjunction with "theory" occurring between 16 and 81 times more often in Justice Jackson's confirmation hearing than in prior televised confirmation hearings, which certainly fits that pattern of heightened attention to judicial philosophy. Evidence also suggests that female members of racial minority groups may face even more enhanced scrutiny of their approach to interpreting the law, especially by senators of the opposite political party as the president (Boyd et al., 2018). For example, Bennett's (2018, pp. 266–267) analysis of rhetoric during Justice Sonia Sotomayor's confirmation hearing posits the presence of implicit and explicit racism in the comments and questioning advanced by senators from the opposing party. Yet, the differential treatment of female nominees and female nominees of color alone cannot explain why CRT suddenly became a focal point in Justice Jackson's hearing.

So where did this sudden emphasis on CRT come from? We explore several potential sources for this sudden shift in focus. First, we trace attention to CRT over time within the field of law. Then, we trace attention to CRT on television, contrasting coverage on C-SPAN and Fox News. We then compare the content of this attention to how CRT was talked about during Justice Ketanji Brown Jackson's confirmation hearing.

CRITICAL RACE THEORY AND THE FIELD OF LAW

While critical race theory first appeared by name in confirmation hearings in 2022, the theory itself is not new. CRT is used today in a variety of fields, including political science, education, and sociology. Yet, CRT began as a legal theory, emerging out of the field of critical legal studies (Crenshaw, 2011). While many of its ideas were grounded in the work of Derrick Bell (see, e.g., Bell, 1976, 1980), the first CRT workshop, a gathering of 24 scholars at the University of Wisconsin Law School, was not held until 1989 (Crenshaw, 2011; Delgado & Stefancic, 1998). Legal scholars in this developing field were met with a range of responses from law schools, ranging from hostile to welcoming (Crenshaw, 2011).

It takes time for new theories and subfields to gain influence over a discipline, such as the field of law. Thus, it is reasonable to expect some delay between the emergence of the theory and its discussion in Supreme Court confirmation hearings. If a shift in prominence of CRT in legal theory explains why CRT was mentioned so frequently during Justice Ketanji Brown Jackson's confirmation hearing and not before, then we would expect to see a growing amount of attention to CRT by those institutions that serve as the gatekeepers of legal interpretation. To assess this, we gathered the number of mentions over time of CRT in law journals available through JSTOR that are affiliated with some of the nation's most highly ranked law schools, from 1990, the year after the first CRT workshop was held (Crenshaw, 2011), to 2022. Using JSTOR's advanced search tool, we searched these select journals for articles containing the keywords "critical race theory." The resulting documents were downloaded as PDFs and programmatically converted to plain text data. Metadata, such as journal title and date of publication, were combined with the plain text and stored in a tabular dataset for analysis. The count of mentions of CRT is a sum of total journal articles that mention the topic per month between 1990 and 2022.

Figure 1.5 displays the number of mentions of CRT in prominent law journals over time. The law schools affiliated with these journals produce most of the nation's Supreme Court justices as well as a disproportionate share of their law clerks. They also count many U.S. senators among their alumni. As Figure 1.5 shows, while there was a growth in attention through the mid-1990s, attention to CRT has declined since then in these journals. This suggests that these gatekeepers in the field of law were not increasingly turning their attention to this legal theory. If anything, they had begun to turn their attention away from it.⁸ Thus, it seems unlikely that senators were taking cues from them in suddenly directing their attention to CRT. The trend displayed in Figure 1.5 instead suggests responding to law journal cues would have been more likely to occur in the late 1990s or early 2000s, when CRT seems to have made its most significant inroads into these law journals.

ATTENTION TO CRITICAL RACE THEORY ON TELEVISION

We also collected the number of mentions of critical race theory on C-SPAN using the C-SPAN API and on Fox News Channel using the GDELT Television Explorer API. Figure 1.6 displays the number of mentions of CRT on C-SPAN over a similar time period as the law journals and Figure 1.7 displays the number of

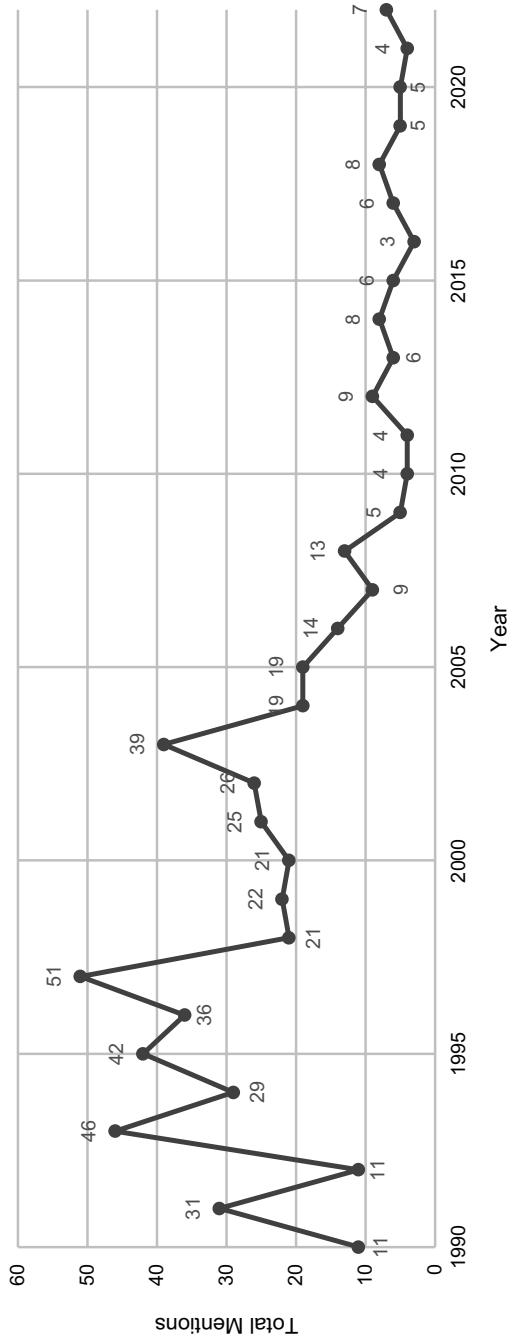


FIGURE 1.5 Mentions of CRT in low journals over time.

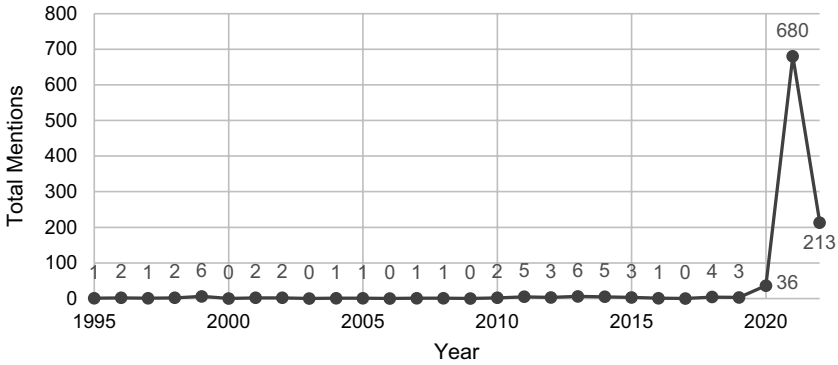


FIGURE 1.6 Mentions of CRT on C-SPAN over time.

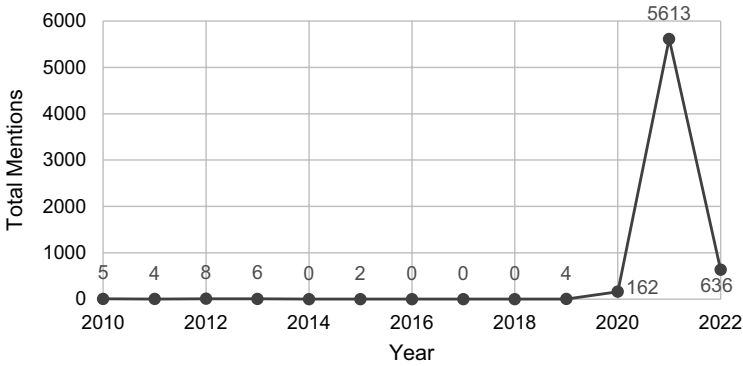


FIGURE 1.7 Fox News mentions of CRT over time.

mentions of CRT on Fox News from 2009 to the present.⁹ Through the C-SPAN API, we located mentions of CRT airing on C-SPAN as early as 1995. While sporadic mentions continued over the next two decades, over 90% of its mentions of CRT occurred after 2019. While data for Fox News is available for a much shorter time period, as Figure 1.7 shows, Fox News mentioned CRT only a handful of times prior to 2020, with nearly all mentions occurring in 2021 and 2022.

When we use GDELT data to normalize these mentions as percentage of airtime, as displayed in Figure 1.8, it is clear that attention to CRT on Fox News during the period of 2020 to 2022 far eclipses attention to the topic on C-SPAN. Between June 2009 and June 2022, the percentage of overall airtime Fox News devoted to CRT is 4.4 times higher than the percentage of overall airtime C-SPAN

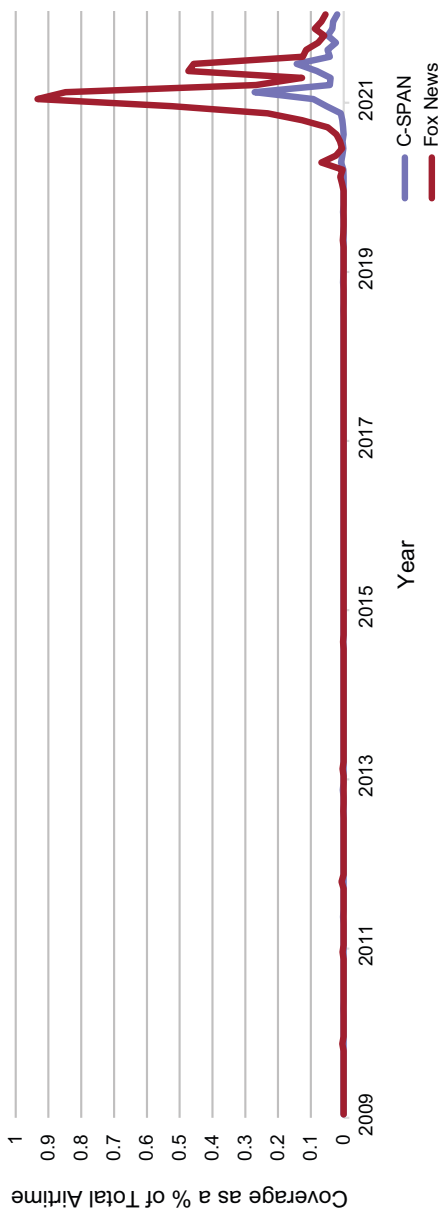


FIGURE 1.8 Coverage of CRT on Fox News and C-SPAN over time.

devoted to this topic. Thus, trends in levels of attention to CRT on television, and especially on Fox News, are far more consistent with senators' sudden attention to CRT in Justice Jackson's confirmation hearing than are attention levels in law journals.

EXPLORING THE SUBSTANCE OF MENTIONS OF CRITICAL RACE THEORY

While comparing the number of mentions of critical race theory over time suggests television, rather than the field of law, was driving the sudden emergence of CRT at Justice Jackson's confirmation hearing, the question remains, What was influencing the substance of these mentions? To further trace the sources of this emergence, we first explore the substance of mentions over time of CRT in law journals, comparing this both to discussions of race across confirmation hearings and to mentions of CRT at Justice Jackson's confirmation hearing. We then do the same for C-SPAN, followed by Fox News, for the time period for which data are available. Finally, by comparing the substance of mentions of CRT during Jackson's confirmation hearing to how each of these sources talk about CRT, we gain deeper insights into the causes of its emergence as a line of questioning.

Critical Race Theory in Law Journals

Critical race theory, like most lenses for analysis, has evolved, developed, and expanded over time. Thus, exploring whether evidence exists on how the journals of some of the nation's most prestigious law schools discuss CRT influences senators' lines of questioning about race during Supreme Court confirmation hearings requires first looking more closely at how these law journals address CRT over time. Using the results of the JSTOR advanced search for "critical race theory," we prepared the article text data for analysis by removing common stop words and domain-specific language that did not contribute to the meaning of the articles, such as JSTOR copyright notices. Within the cleaned text data, we programmatically found and counted all sets of three consecutive words appearing in the documents. Figures 1.9 to 1.12 display the most common trigrams associated with mentions of CRT in these law journals by decade from the 1990s to the 2020s.¹⁰ In the 1990s, CRT appeared most commonly with "equal protection clause," followed by "affirmative action program," "prima facie case," "gender



FIGURE 1.9 Common trigrams associated with mentions of CRT in law journals, 1990s.

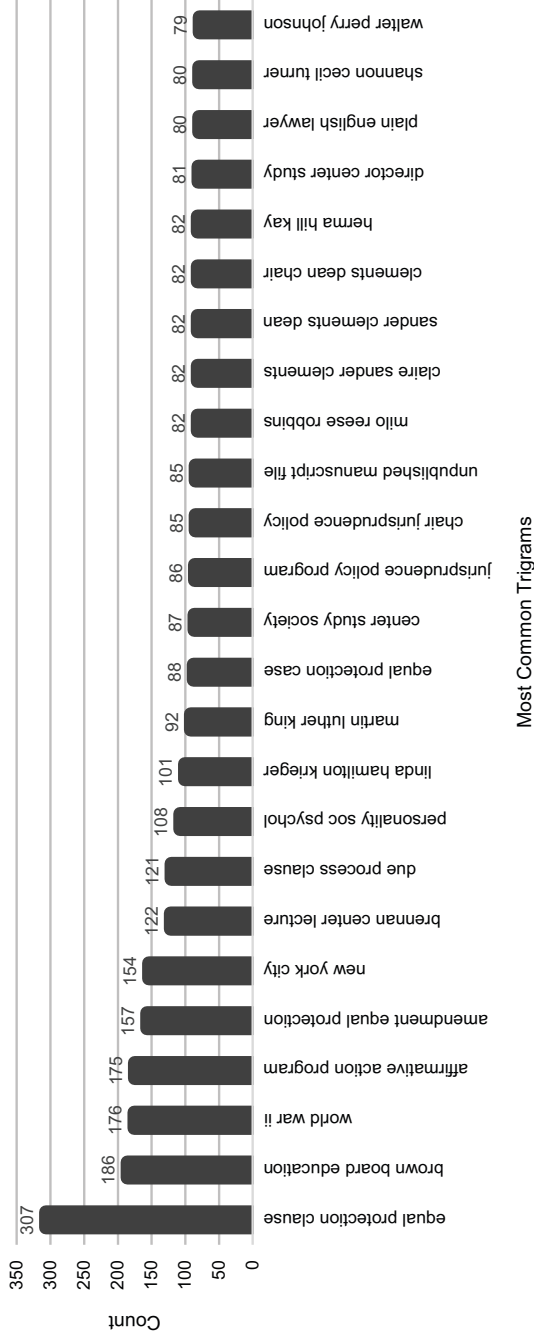


FIGURE 1.10 Common trigrams associated with mentions of CRT in law journals, 2000s.

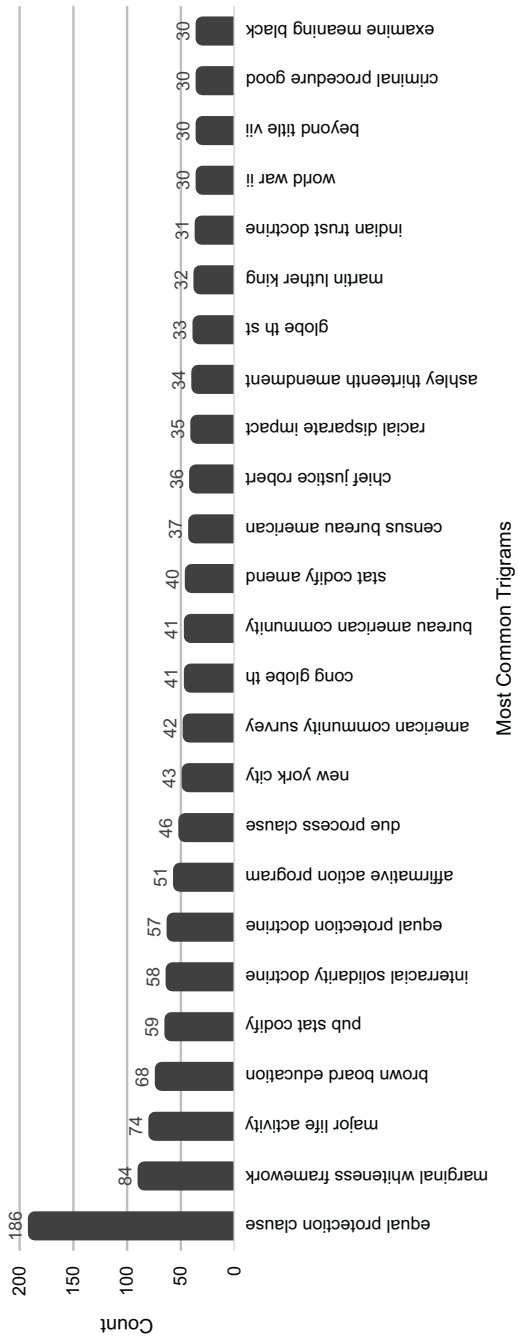


FIGURE 1.11 Common trigrams associated with mentions of CRT in law journals, 2010s.

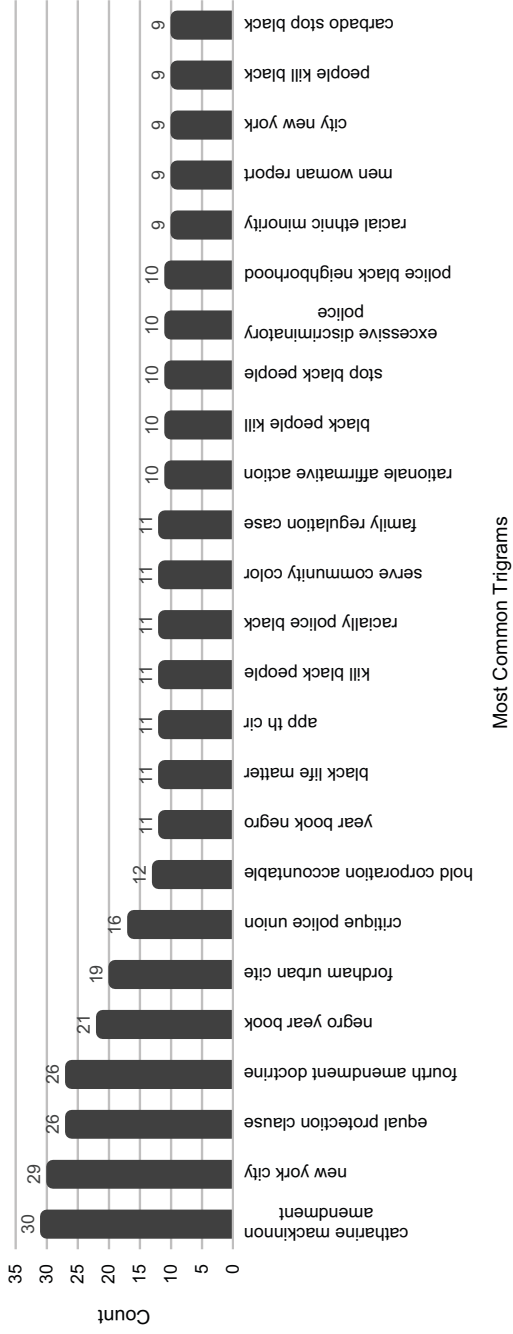


FIGURE 1.12 Common trigrams associated with mentions of CRT in law journals, 2020–2022.

sexual orientation,” and “brown board education.” All appeared more than 100 times in relation to CRT. As a whole, the trigrams from the 1990s suggest an emphasis on both common issues of race and the law and intersectionality. In the 2000s, the most common trigram once again is “equal protection clause,” followed this time by “brown board education.” These trigrams suggest that the work published in these gatekeeper journals in this decade focused more on specific people and historical events and addressed intersectionality between race, gender, and sexual orientation far less. In the 2010s, “equal protection clause” remains the most common trigram, appearing with CRT more than twice as often as the next most common trigram, “marginal whiteness framework,” which is closely followed by “major life activity” and “brown board education.” These trigrams suggest a shifting focus toward the construct of race. This is also the first decade where criminal procedure appears on the list of most common trigrams. The final set, which only covers 2020–2022, suggests a significant shift in 2020 that coincides with the resurgence of the Black Lives Matter movement after George Floyd was killed by police. Although the two most frequent trigrams are a scholar and a place, and “equal protection clause” remains one of the most common trigrams, “black life matter” is the tenth most frequent trigram, and for the first time there are multiple trigrams that reference the killing of Black people by police and discriminatory treatment by police.

Although CRT was not mentioned by name in prior confirmation hearings, a look at the topics commonly addressed in conjunction with CRT in law journals over time does share some commonalities with the most common words used in conjunction with race in Supreme Court confirmation hearings. They share an emphasis on the equal protection clause, the pivotal court case of *Brown v. Board of Education*, the policy of affirmative action, and, at least in the 1990s, an emphasis on the intersectionality of race, gender, and sexual orientation. Yet, the trigrams for mentions of race during Justice Jackson’s confirmation hearing have no overlaps with the trigrams for the law journals since 2020, nor any significant overlaps with the trigrams for law journals in the previous decades.

Critical Race Theory on C-SPAN

Beginning in the 1990s, C-SPAN offered its viewers occasional opportunities to learn about CRT. According to our search of the C-SPAN API, the first mention of critical race theory on C-SPAN was in a 1995 conference panel sponsored by American University Washington College of Law that offered viewers the chance

to learn insights from a recent article on CRT published in the *California Law Review* (C-SPAN, 1995, 1:25:18). Thus, just six years after the first CRT workshop in 1989, C-SPAN began offering its viewers opportunities to learn about CRT.

Figures 1.13 to 1.16 display trigrams by decade for mentions of CRT on C-SPAN. Most of the CRT mentions we found in the 1990s occurred at events held at law schools or hosted by legal organizations that C-SPAN chose to air. While the trigrams for this decade contain a lot of noise, the frequency of mentions of law journal, law school, law professors, and law school classroom suggest that C-SPAN viewers' opportunities to learn about CRT in this decade, as limited as they were, were heavily influenced by the field of law. Over the next decade, references to law school remain commonplace in the trigrams. Mentions of CRT typically occur during academic panels, during forums, or on book-focused programming. Between 2010 and 2020, the number of references to CRT increased but averaged less than three mentions per year. For the first time, a handful of these mentions occur outside academic contexts. Martin Luther King and the civil rights movement appear prominently. Much of the language is consistent with academic panels, and Harvard Law School appears on the list of most frequent trigrams. Yet, in this decade "supreme court justice" is also the 15th most common trigram used in conjunction with "critical race theory."

The vast majority of mentions of CRT on C-SPAN occur after 2019, with 929 mentions of CRT on C-SPAN between 2020 and 2022. CRT is talked about in academic panels, but also on the House and Senate floor, in presidential and gubernatorial debates, during campaign rallies, and on C-SPAN hosted shows and call-in programs. In this decade, the most frequent trigram appearing in conjunction with "critical race theory" is "equal right amendment," followed by "united state america," "best interest child," "would like see" and "difference men woman." The trigrams suggest that CRT was frequently discussed in conjunction with gender issues and discrimination on the basis of sex. This has similarities to the trigrams for discussions of race in Supreme Court confirmation hearings. In addition, "school board meeting" makes an appearance on the most common trigrams list, as does "supreme court justice." The latter references may be particularly significant. Supreme Court justice appearing in the trigrams for critical race theory on C-SPAN in both the period 2010–2019 and 2020–2022 suggests that the two are beginning to be discussed with some frequency in relation to each other. This provides some foundation for frequent C-SPAN viewers to expect CRT to be a subject for discussion in Supreme Court confirmation hearings.

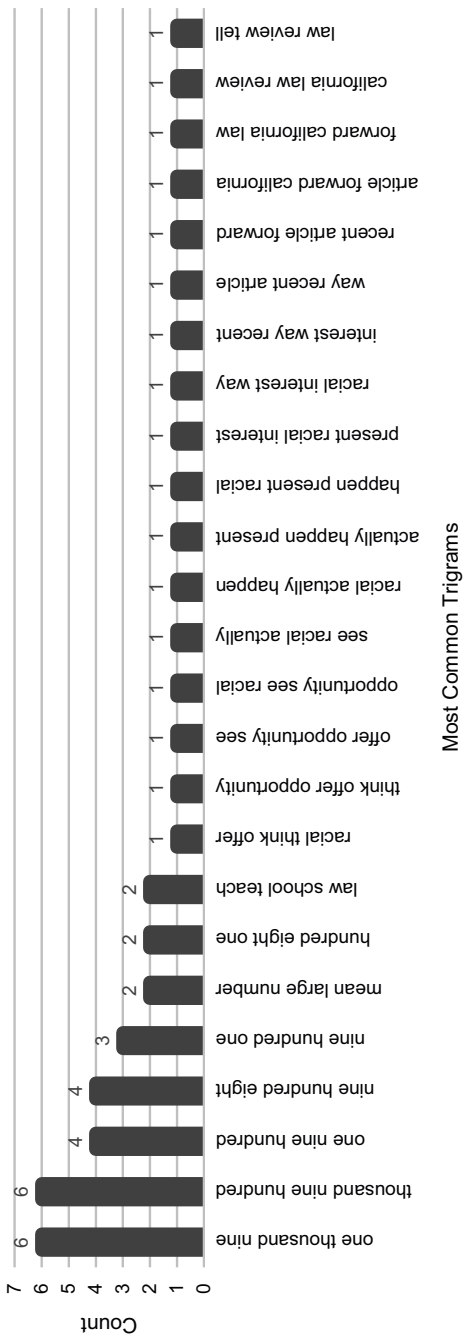


FIGURE 1.13 Common trigrams associated with mentions of CRT on C-SPAN, 1990s.



Most Common Trigrams

FIGURE 1.14 Common trigrams associated with mentions of CRT on C-SPAN, 2000s.

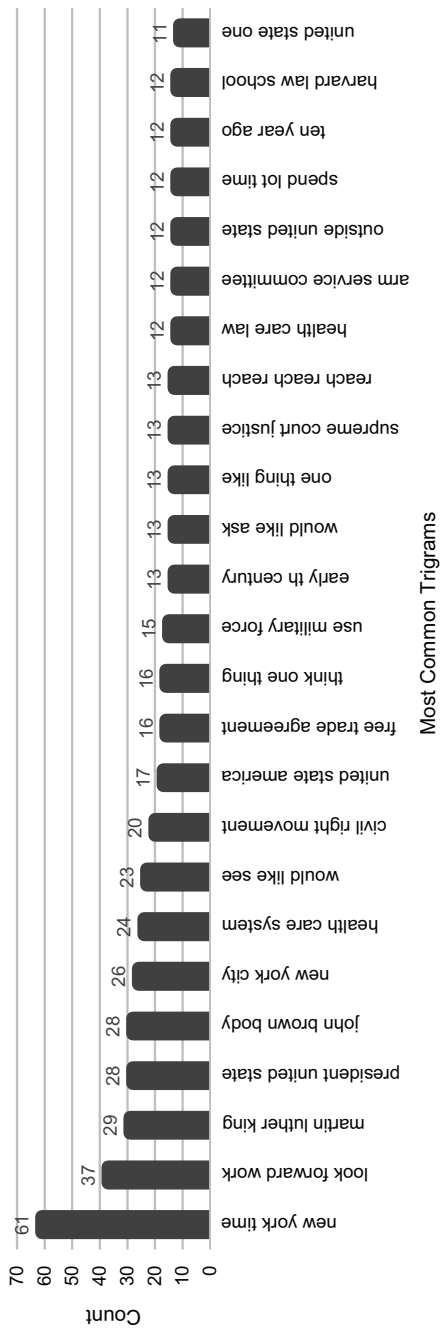


FIGURE 1.15 Common trigrams associated with mentions of CRT on C-SPAN, 2010s.



FIGURE 1.16 Common trigrams associated with mentions of CRT on C-SPAN, 2020–2022.

Critical Race Theory on Fox News

Using the GDELT Television Explorer API, we collected every clip appearing on the Fox News Channel that mentioned critical race theory.¹¹ Each clip's transcript and metadata, such as show name and original airtime, were downloaded, converted to tabular data, and prepared for analysis by removing stop words and irrelevant domain-specific terms. In the period of 2009–2022, we found that over 99.5% of Fox News's mentions of CRT occurred after 2019. Altogether, between 2009 and the end of 2019, we located less than 30 mentions of CRT on Fox News. The earliest mentions we found of CRT on Fox News through the GDELT database were on Glenn Beck's show in 2010 and 2011. One of these suggested a link between CRT at the University of Arizona and a local school district. In 2012 and 2013, the number of shows referencing CRT grew but mentions remained sparse. These mentions usually included references to Derek Bell or to liberation theology. In early 2013 there is a reference to CRT allegedly being taught in a high school and references to it allegedly being used by juries. In 2015 there are two references on *Fox and Friends* to CRT being taught in a university, and in 2019 there are references to CRT in a discussion of whether math can be racist. Much of the discussion is highly negative. For example, Derek Bell was mentioned in conjunction with CRT on three different Fox News shows airing in March 2012.¹² On one he is referred to as “a pretty radical guy” having “some far out theories” (*The O'Reilly Factor*, 2012), and another labels him “this leftist kook Derek Bell that embraced this critical race theory that has been described as anti-constitution, anti-American” (*America Live*, 2012).

References to CRT increased dramatically after 2019. Between January of 2020 and June of 2022, we located over 6,000 mentions of CRT on Fox News. Figure 1.17 displays the trigrams used most frequently in conjunction with “critical race theory.” Strikingly, all 25 of the most common trigrams used in conjunction with CRT relate to schools. The first three—“parent school board,” “school board parent,” and “parent push back”—all seemingly urge parents to go to school board meetings and push back against CRT in schools. Discussions of CRT as a legal doctrine were rare. In fact, there were only a few mentions of courts or the judicial system in conjunction with CRT until the nomination of Ketanji Brown Jackson to the Supreme Court. Given the Fox News coverage of CRT, regular Fox News viewers were likely to see CRT as a growing cause for concern, especially in the nation's public school system. Yet, they would have had very little reason to connect CRT with the Supreme Court prior to Justice Jackson's nomination.



FIGURE 1.17 Common trigrams associated with mentions of CRT on Fox News.

IDENTIFYING WHAT INFLUENCED MENTIONS OF CRT DURING JUSTICE JACKSON'S CONFIRMATION HEARING

Critical race theory was, by far, the most common topic referenced in conjunction with race during Justice Jackson's confirmation hearing. The evidence suggests that television coverage rather than developments within the field of law drove the sudden emergence of CRT as a topic of discussion during this hearing. Attention to CRT in law journals associated with prominent law schools had been declining since its peak in 1997.¹³ If senators were taking their cues from these journals, CRT should have appeared as a topic of discussion in confirmation hearings long before Justice Jackson's hearing, and it should have been less likely to emerge during her hearing than during the hearings for justices nominated during most of the 1990s and early 2000s. In contrast, an astronomical increase in attention to CRT on television occurred after 2019. Mentions of CRT on C-SPAN in 2020–2022 were roughly 17 times higher than the number of mentions between the start of C-SPAN coverage and 2019. Meanwhile, there were more than 200 times the mentions of CRT on Fox News in 2020–2022 as there had been on Fox News in the period of 2009–2019. Before 2020, most regular viewers of these networks would have heard no more than a handful of references to CRT, but by the time Judge Jackson was nominated, CRT was a fairly regular topic of discussion on Fox News.

Comparisons of content also suggest that it was television, and particularly Fox News, driving how CRT was discussed during Justice Jackson's confirmation hearing. The trigram for mentions of race during her confirmation hearing, discussed previously, already hints at that as 3 of the 12 most frequently mentioned trigrams in conjunction with race involved schools—private schools, public schools, and “school critical race.” Schools were not commonly mentioned in conjunction with CRT in “gatekeeper” law journals. *Brown v. Board of Education*, an important legal precedent that helped dismantle de jure segregation in public schools, was the only reference related to schools that appeared in the trigrams for critical race theory in law journals.

While there are very few overlaps between the trigrams for our law journal CRT mentions dataset and the C-SPAN CRT mentions dataset, it is clear both from the early C-SPAN trigrams and the programs within which CRT mentions occurred that C-SPAN coverage of CRT has been heavily influenced by the field of law. Yet, as mentions became more common, the content of these mentions begins to shift. The only references to schools appearing in the top 25 trigrams

for CRT on C-SPAN prior to 2020 are mentions of law schools. However, “school board meeting” does appear as the 13th most common trigram in conjunction with “critical race theory” on C-SPAN between 2020 and 2022.

Meanwhile, all 25 of the most common trigrams for CRT on Fox News involve schools. CRT was a growing focus of attention on Fox News, and its viewers were particularly likely to hear about this theory in relation to schools. This creates incentives for senators wishing to appear on Fox News to bring up CRT in relation to schools during Justice Jackson’s confirmation hearing. Multiple Republican senators did so, including Senator Marsha Blackburn (R-TN) and Senator Ted Cruz (R-TX). To assess how well these attempts succeed in gaining airtime, we used the GDELT Television Explorer tool to collect the percentage of airtime for each Republican senator on the Senate Judiciary Committee in the 17-day period prior to Justice Jackson’s confirmation hearing, and the 17-day period from the start of confirmation hearings through the confirmation vote, and calculated the percentage change between the two periods.¹⁴ These results are provided in Table 1.2.

Senator Chuck Grassley (R-IA), the ranking minority member of the committee, enjoyed a 630.3% increase, but his total coverage still lagged behind media savvy Senator Lindsey Graham (R-SC). Graham, while receiving more coverage than other senators, actually saw a decrease in coverage during the confirmation

TABLE 1.2 *Republican Senators’ Success at Attracting Fox News Coverage*

Republican members of the Senate Judiciary Committee	Mentions on Fox News prior to confirmation hearing (March 4–20, 2022)	Mentions on Fox News from confirmation hearing to confirmation vote (March 21–April 7, 2022)	% Change in mentions
Marsha Blackburn (R-TN)	0.0106	0.0327	308.5
John Cornyn (R-TX)	0.0079	0.0126	159.5
Tom Cotton (R-AR)	0.0463	0.0693	149.6
Ted Cruz (R-TX)	0.0317	0.0819	258.3
Lindsey Graham (R-SC)	0.1653	0.1272	-23.0
Chuck Grassley (R-IA)	0.0066	0.0416	630.3
Josh Hawley (R-MO)	0.0132	0.0504	381.8
John Kennedy (R-LA)	0.0225	0.0139	-38.0
Mike Lee (R-UT)	0.0079	0.0214	270.8
Ben Sasse (R-NE)	0.0093	0.0139	149.5
Thom Tillis (R-NC)	0.0040	0.0020	-50.0

hearing. Aside from Grassley, the four most successful of these senators in generating increases in attention were Josh Hawley (R-MO) at 381.8%, Marsha Blackburn (R-TN) at 308.5%, Mike Lee (R-UT) at 270.8%, and Ted Cruz (R-TX) at 258.3%. Meanwhile, in terms of overall mentions during the confirmation hearing, after Graham, Cruz drew the most attention, followed by Senators Cotton (R-AR), Hawley, Grassley, and Blackburn.

Aside from Graham and Grassley, there is substantial overlap between those senators that engaged in the most aggressive questioning and those that successfully generated the most media attention. Through a combination of emphasis on CRT, sentencing in child pornography cases, and other topics, these senators managed to attract substantial attention on Fox News. The frequent linking of these topics is apparent in the trigrams for critical race theory in Justice Jackson's confirmation hearing, displayed in Figure 1.18. The most common trigram, "law school note," refers to a law school note Jackson had written about sex offender registration laws. Several Republican senators attempted to use this in their claims that she was soft on child pornography offenders, and "assume child pornography," "child pornography offender," and "pornography offender pedophile" were the 8th through 10th most common trigrams used in close conjunction with "critical race theory" during her confirmation hearing. Senator Hawley led the initial charge on this issue, while Senators Blackburn, Cruz, and Lee, all made this a prominent part of their questioning. The second most common trigram, "georgetown day school," referenced the school Justice Jackson's children attended, which Senator Cruz used to try to link Justice Jackson to CRT. This provided an opening to make CRT in schools, a frequent focus of Fox News, a subject of discussion at the confirmation hearing. Meanwhile, the sixth most common trigram, "allow biological male," provides evidence that transgender issues, another topic often discussed on Fox News, were also frequently brought up in close conjunction with CRT. Senator Blackburn devoted significant attention to this in her statements and questions during the hearing.

The following clip from Senator Blackburn's opening statement provides an example of how she tied multiple salient issues together to successfully triple the amount of attention she received on Fox News during the hearing period compared to the period before it.

You once wrote that every judge has, and I quote, personal, hidden agendas, end quote, that influence how they decide cases. So I can only wonder, What's your hidden agenda? Is it to let violent criminals, cop killers, and child predators back to the streets? Is it to restrict parental rights and expand government's

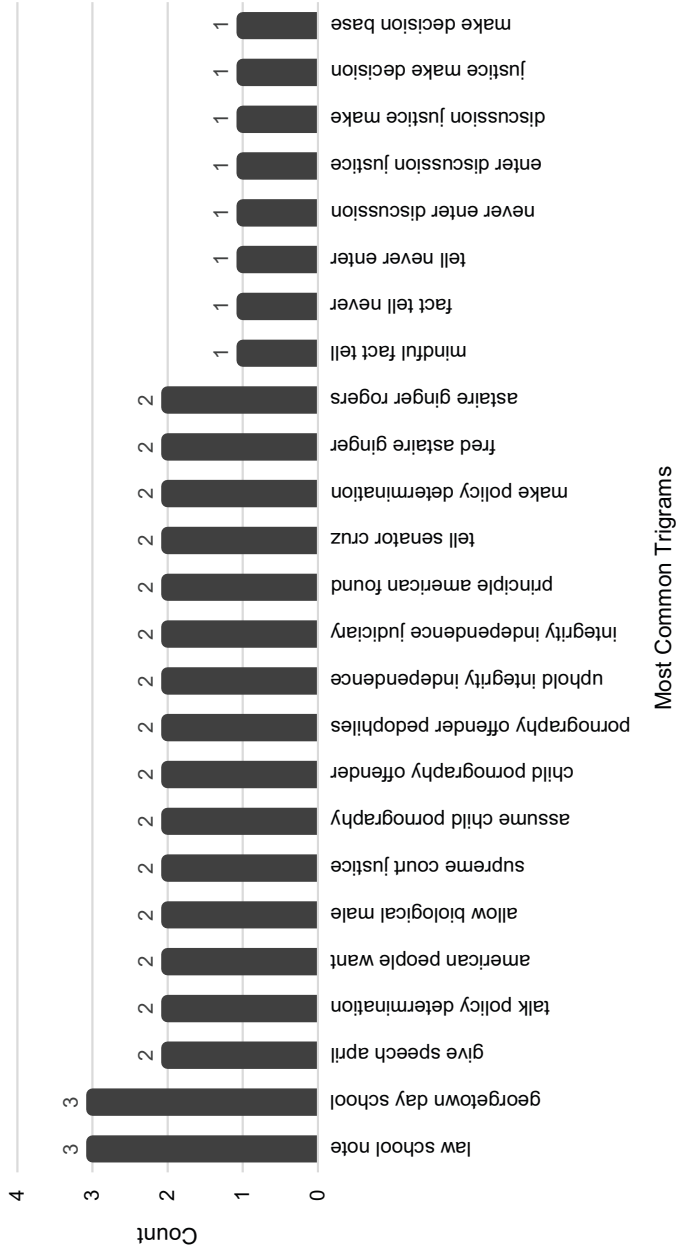


FIGURE 1.18 Common trigrams associated with mentions of CRT during Jackson hearing.

reach into our schools and our private family decisions? Is it to support the radical left's attempt to pack the Supreme Court? You have praised the 1619 project, which argues the U.S. is a fundamentally racist country, and you have made clear that you believe judges must consider critical race theory when deciding how to sentence criminal defendants. Is it your personal hidden agenda to incorporate critical race theory into our legal system? These are answers that the American people need to know. (C-SPAN User, 2023)



The programming decisions of Fox News offers senators different incentives than does C-SPAN. C-SPAN offers its viewers live, continuous coverage of Supreme Court confirmation hearings and little mediated programming related to it, aside from when viewers raise questions during open phone programming. Viewers' exposure to senators' comments and questions typically occurs live and unfiltered, with senators receiving the same proportion of airtime as the proportion of the hearings in which they hold the floor. Meanwhile, Fox News emphasizes mediated programming more, via its news shows and shows where hosts discuss current events. These shows package key moments from the hearings, showing brief clips and discussing what happened. This results in a much wider range in the amount of coverage senators asking questions receive. Figure 1.19 compares the amount of airtime senators received on C-SPAN during the confirmation period to the amount of airtime they received on Fox News.¹⁵ Senators Graham, Cruz, Cotton, Blackburn, and Grassley all managed to successfully attract a substantially greater share of coverage on Fox News than they did on C-SPAN. Among these senators, the proportion of Fox News to C-SPAN coverage for Cotton and Blackburn were exceptionally large. They joined Cruz and Hawley in launching targeted attacks involving issues of race, critical race theory, and child pornography sentencing, or some combination of these issues. Senator Cotton added extensive questioning on crime and law and order issues, while Senator Blackburn added transgender issues to her line of questioning. By using the hearing to broach frequent subjects of discussion on Fox News, they were disproportionately rewarded with airtime.

In addition to attracting media attention, these lines of questioning may have also been an attempt to make the nomination toxic for other Republican senators to support. Here, there is far less evidence of success. At the end, Justice Jackson was confirmed to the Supreme Court with a vote of 53–47 on April 7, 2022, with support from just three Republican senators (U.S. Senate, 2022). This matched the amount of support she had received the prior year when she was confirmed

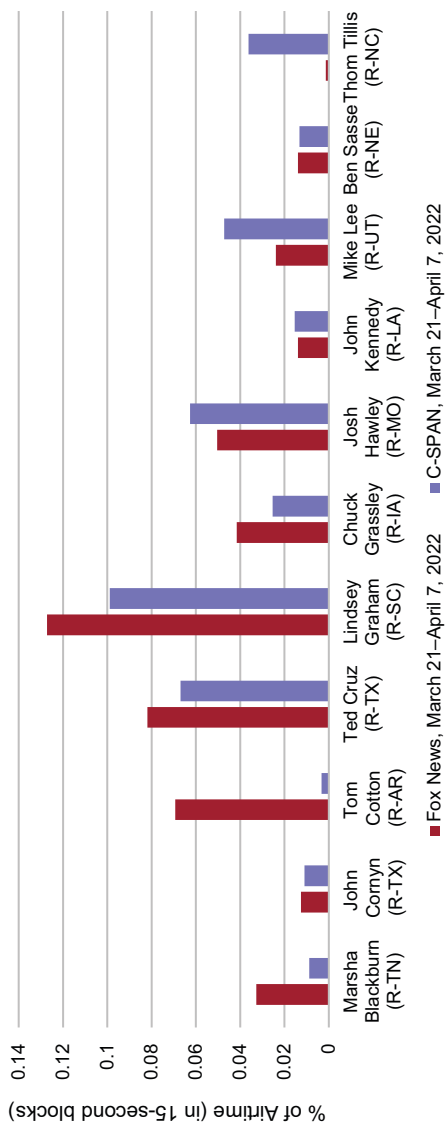


FIGURE 1.19 Republican senators' success in amplifying attention on Fox News over C-SPAN (March 21–April 7, 2022).

to be U.S. circuit judge for the District of Columbia Circuit, when there were not televised hearings and critical race theory and sentencing for child pornography went unmentioned. However, in 2021 there were also three Republicans that did not cast a vote, making that confirmation vote 53–44 (U.S. Senate, 2021). Senator Lindsey Graham (R-SC) switched his vote from yes for circuit court to no for the Supreme Court, Senator Mitt Romney (R-UT) switched his vote from no to yes, and Senators Susan Collins (R-ME) and Lisa Murkowski (R-AK) supported her in both votes. Meanwhile, Senators Blunt (R-MO), Rubio (R-FL), and Sasse (R-NE) did not cast a vote for the circuit court nomination but voted against her Supreme Court confirmation. Thus, while there were a few changes in individuals' votes, she had the same amount of support in both confirmation votes.

CONCLUSION

The discussions of race during Justice Jackson's confirmation hearing marked a significant departure from discussions of race during prior Supreme Court confirmation hearings. Analysis of trigrams in previous televised confirmation hearings suggests significant senator interest in learning how prospective justices might rule on cases involving discrimination on the basis of both race and gender. Questions often focus on the equal protection clause of the Constitution and landmark civil rights cases and legislation. Aside from a few mentions of the Voting Rights Act, when race came up explicitly in Ketanji Brown Jackson's confirmation hearing, it was almost always in the context of CRT, a topic she had mentioned only once in passing in a prior speech.

Critical race theory, like other lenses for judicial interpretation, may be a relevant topic for discussion in a Supreme Court confirmation hearing, but the way it emerged in Justice Jackson's confirmation hearing had little to do with its relevance to the law. We found scant evidence that senators' sudden interest in it was driven by a growing prominence within the law journals of the institutions that have commonly served as the proving grounds for Supreme Court justices, their law clerks, and the senators serving on the Judiciary Committee. Further, the way it was talked about, and the topics raised in conjunction with it, bore little resemblance to how CRT is talked about in these journals. Instead, the sudden emergence of it during Justice Jackson's confirmation process closely follows its sudden rise to prominence as a subject of discussion on television, and more particularly, on Fox News.

The attempts to link Ketanji Brown Jackson to lightning rod issues for conservatives follows the tactics opponents to a nomination typically use—trying to connect the nominee to controversial issues, accusing them of bias or extremism, and spreading that controversy outside the Senate chambers (Gibson & Caldeira, 2009; Kurtz et al., 1998). Yet, the topics opponents selected for these attacks seem made for television, and we found evidence that the senators who launched them received substantially higher attention on Fox News as a result. Rather than discussing CRT as a potential lens for legal interpretation, it was tied to how Fox News audiences were most accustomed to hearing about it—in schools. In addition, during the confirmation hearing CRT was often mentioned in the same breath as other frequent hot-button issues on Fox News, and the senators who did so were particularly successful in amplifying the amount of coverage they received on Fox News compared to the amount on C-SPAN. The competition for sound bites on limited coverage of hearings increases incentives for this behavior compared to networks like C-SPAN that provide complete coverage without mediation.

Justice Jackson survived these attacks and was successfully confirmed to the Supreme Court, yet these attacks carry potentially serious costs. Nominees to the Supreme Court have long been coached not to engage with the attacks launched against them, nor vigorously defend themselves from these attacks, lest they be seen as not possessing the proper temperament for a judge. This can be particularly damaging for both female nominees and for members of racial and ethnic minorities. It forces these nominees to experience what is sometimes thinly veiled, or even overt, sexism and racism from those who see them as somehow less qualified to serve on the bench because of these characteristics (Bennett, 2018; Boyd et al., 2018). Boyd et al (2018, p. 895) found that “as predicted by out-group theory and prior studies of gender bias in hiring, male senators grill female nominees on their judicial philosophies—questions representing the core professional skill expected of U.S. Supreme Court justices—more so than they press male nominees.” They warn that this

serves to perpetuate negative stereotypes that male judges are more believably prepared to serve in the judiciary and, specifically, as Supreme Court justices. As more and more female and minority nominees participate in the confirmation process, this differential treatment could cast the legitimacy of the process and the Court itself into doubt, particularly if there is not a corresponding increase in female and minority senators (another high-profile and strongly

white, male stereotyped profession) capable of reducing the out-group dynamics. (Boyd et al., 2018, pp. 895–896)

Of the 22 members of the Senate Judiciary Committee faced by Justice Jackson, only four are female—Senators Dianne Feinstein (D-CA), Amy Klobuchar (D-MN), Mazie Hirono (D-HI), and Marsha Blackburn (R-TN)—one is Black (Senator Cory Booker, D-NJ), and one is Hispanic (Alex Padilla, D-CA). The limited diversity of the Senate Judiciary Committee leaves ample room for such out-group dynamics, intentional or not, to operate.

When Thurgood Marshall's suitability for the Supreme Court was questioned, there were Democratic senators who used their hearing time to help come to his defense, but Marshall had to quietly endure these attacks first (Boyd et al., 2018; Heath, 2015). When Sonia Sotomayor was charged by senators from the opposition party with being too "temperamental" or "excitable," senators from the president's party emphasized her judicial restraint, yet she still had to maintain her cool in the midst of aggressive questioning, and exercise restraint while her identity was questioned, lest she give them an example of the behavior they deemed inappropriate for the Court (Bennett, 2018; Chinn, 2019). Similarly, Senators Booker and Klobuchar, along with Senate Judiciary Committee chair Dick Durbin (D-IL) were among those who most consistently supported Justice Jackson against attacks from their Republican colleagues, but she still had to sit through them rather than directly engage. In each instance, senators insisted these were about issues and substance rather than race. Senator Cruz, in his opening statement stated, "We will see Democrats in the media suggest that any senator skeptical of your nomination that questions you vigorously, or dares to vote against you, must somehow harbor racial animus" and argued that Democrats had done the same thing to minority nominees to the courts nominated by Republican presidents, including Justice Clarence Thomas (C-SPAN, 2022a, 1:34:48). While the interplay of motivations behind attacking a nominee's suitability for the bench can at times be difficult to entangle, it bears asking how television viewers, perhaps already predisposed to see these nominees as less qualified, react to these attacks. Future research should investigate how these attacks affect the public's confidence in Supreme Court justices, as well as how discussions of race in confirmation hearings shape viewers' understanding and opinions about race and the law.

Legal scholars, political scientists, and pundits alike have called for reforms to the Supreme Court confirmation process (see, e.g., Brust, 2009; Farganis & Wedeking, 2014; Fein & Reidinger, 1991; Stone, 2011; Strauss & Sunstein, 1992).

The question of who is to blame remains open for debate—the nominees sidestepping or refusing to answer questions or the senators trying to play “gotcha” to score political points. While many of the calls to reform the process focus on the problem of vague answers from Supreme Court nominees,¹⁶ others emphasize how senators’ apparent efforts to get attention on television (and social media) also pose serious issues. We found evidence that senators who connected their attacks to multiple lightning rod issues for conservatives during Justice Jackson’s confirmation hearing were particularly effective at gaining airtime on Fox News. As long as senators get rewarded with airtime for these, and can broadcast to similarly minded constituents that they are leading the charge in addressing these issues, this practice is unlikely to change. To limit senators from treating the hearings “as an opportunity to create a spectacle in which to wage political war” (Stone, 2011, p. 466), Stone suggested having professional counsel instead of senators asking questions. Yet, this would require senators being willing to give up their chance to win coveted airtime. Television network practices can also change incentives. When airtime is freely available, and the complete hearings are broadcast and viewed, senators have reduced enticement to use incendiary questioning to secure airtime. However, selective and highly mediated coverage of Supreme Court confirmation hearings not only encourages senators to compete for limited television time, but it also provides the audience a skewed view of the nominee.

APPENDIX: METHODOLOGY

Data collection, processing, and analysis for this project was done using the Python programming language and several scientific computing and natural language processing libraries, including Pandas, NLTK, Scikit-learn, and Gensim.

Data Collection

Four main datasets were used for the text analysis in this project: partial transcripts of C-SPAN broadcasts from 1980 to 2022 in which “race” was mentioned, including all Supreme Court confirmation hearings within that time frame, C-SPAN broadcasts over the same period in which “critical race theory” was mentioned, also including confirmation hearings; partial transcripts of Fox News broadcasts from 2009 to 2022 mentioning “critical race theory”; and full text of

articles, abstracts, and reviews from select law journals mentioning “critical race theory” between 1981 and 2022. These datasets were retrieved using both programmatic and manual methods.

The C-SPAN transcript datasets were retrieved programmatically from the C-SPAN Video Library API utilizing the “mentions” endpoint, which allows API consumers to search programming for keywords or phrases. The endpoint was queried for both “race” and “critical race theory” separately, each search returning partial transcripts in which these phrases appeared. To obtain all possible results for these searches efficiently, the entire period of study from 1980 to 2022 was split into smaller six-month time frames, and queries for each topic were made to the API for every six-month period. The results from the API were returned in paginated form, with 20 results per page. Each page was requested in succession until all possible results had been downloaded per six-month period. Finally, all results were formatted and combined into tabular data with one mention, or partial transcript, and its metadata per row. API requests were made using the Python requests module, and datasets were stored and examined in tabular form using Pandas.

We used the GDELT 2.0 Television API¹⁷ to obtain transcripts of Fox News broadcasts related to CRT. The GDELT API provides access to data from the Internet Archive’s Television News Archive. This archive stores television broadcasts as 15-second clips. Using the API, the clips can be searched for mentions of a specific keyword or phrase, with any clip containing those topics returned by the API. Using “critical race theory” as a search term, the API was programmatically queried for all 15-second clips originating in Fox News broadcasts. To obtain complete results efficiently for the time frame for which data are available (2009–2022), this was split into one-month segments and each segment was queried in succession until a complete set of results was downloaded. The results were then formatted and combined into tabular data with one 15-second clip transcript and its metadata per row.

Articles, abstracts, and reviews related to CRT in selected law journals published between 1981 and 2022 were obtained from JSTOR. The search term “critical race theory” was used in JSTOR’s advanced search interface, and results were limited to the following: *California Law Review*, *Columbia Law Review*, *Duke Law Journal*, *Harvard Law Review*, *Michigan Law Review*, *Stanford Law Review*, *The University of Chicago Law Review*, *University of Pennsylvania Law Review*, *Virginia Law Review*, and *The Yale Law Journal*. The search yielded 578 results,

with each result downloaded manually as a PDF document. The PDF files were then parsed into plain text programmatically, formatted, and combined into a single tabular dataset with one article and its metadata per row.

We also used GDELT and JSTOR to collect the volume of coverage devoted to critical race theory. These data were used to compare attention paid to the topic in Fox News coverage, C-SPAN coverage, and select legal journals. For a measure of attention paid by law journals, a simple count of the articles found using JSTOR's advanced search, grouped by date, was used. For measures of attention paid by Fox News and C-SPAN, the GDELT 2.0 Television API was queried for volume data. The API provides a measure of coverage devoted to a topic by calculating the number of 15-second clips that mention that topic and representing that count as a percentage of the total count of 15-second clips within a selected time frame. For the entire period of study, 2009 to 2022, the API returns this data in monthly resolution, or as a percentage of coverage devoted to a search term for each month within the overall time frame. The search term "critical race theory" was used to query the API for Fox News coverage volume, then C-SPAN coverage volume. The datasets were reformatted as tabular data with each month and its coverage volume percentage per row.

Finally, two additional datasets were created specifically containing transcripts from the C-SPAN Video Library of Supreme Court confirmation hearings. For each of the C-SPAN datasets—mentions of "race" as well as mentions of "critical race theory"—the entire set was queried by program title, a metadata property returned from the C-SPAN API referencing the name of the broadcast program from which the transcript originated. All transcripts associated with hearings were then isolated by their program titles and copied into new datasets: all mentions of "race" in Supreme Court confirmation hearings, and all mentions of "critical race theory" in confirmation hearings.

Data Cleaning and Preprocessing

After compiling the textual datasets, a series of preparatory steps were taken to enable analysis of the data. All text data, including transcripts from C-SPAN and Fox News broadcasts as well as journal article text, was prepared for natural language processing using standard methods. First, general stop words, or words that occur often in text but do not contribute to the text's meaning, were removed. We used NLTK's list of standard English-language stop words for this purpose. Punctuation, numerals, HTML, copyright notices, and malformed text

or other artifacts resulting from parsing PDF files were also removed, and common English-language contractions were converted into their full-word forms. Finally, remaining words in the textual data were lemmatized, or converted to their base dictionary form (e.g., “playing” becomes “play”), according to their part of speech. This process ensures that when performing operations such as counting word frequencies, different grammatical forms of a word are counted together. For example, “teaching,” “taught,” and “teach” all contribute to the same frequency count since they have been converted to their base form, “teach.” The resulting textual data was saved in a new column of the tabular data of each set.

In addition to the general list of stop words that were removed, extremely common words—those occurring in more than 95% of text documents in a dataset—were removed. This processing ensures that domain-specific language, such as that used to introduce a broadcast show, announce an ad break, or other frequently used terms that do not contribute substantive meaning to the texts do not influence analysis. Likewise, extremely uncommon words—those occurring in less than 5% of documents—were also removed to eliminate noise from the analysis. The resulting cleaned data was saved in a new column in the tabular datasets.

Analysis

To understand the frequency with which CRT was addressed in C-SPAN and Fox News coverage, we used the volume data returned by the GDELT API. A simple count of articles devoted to the topic of critical race theory over time was used to determine how often the subject was addressed in legal journals.

Several natural language processing techniques were used to understand the substance of CRT discussion in both media and journal articles. The first method used to understand how the subjects of race and critical race theory were discussed was to calculate the simple frequency of all three-word phrases, or trigrams, used in each dataset. Understanding which phrases are used most often in conjunction with the topics of study provides insight into the context and meaning of the discourse. In the analysis of each dataset, we programmatically counted all sets of three words appearing directly next to each other after the removal of stop words. Once the raw frequency counts were calculated, we ranked the trigrams from most occurrences to least and plotted the top 25 phrases with their counts in a bar chart. For this task, depending on the specific data being analyzed, removal of additional stop words was required to obtain meaningful trigrams. For example, when considering how the topic of race was discussed, we

isolated specific confirmation hearings and calculated trigram counts for each. It was clear from the trigrams that certain phrases were frequently used but did not contribute to the overall context and meaning of the discourse. Procedural phrases, such as those used to introduce a congressperson before they asked a question or that use the name of the nominee at the start of a question, showed up in the trigram count but gave no indication of question meaning or context. In the larger datasets, these types of phrases were filtered out due to their high frequency. For the smaller slices of data, however, we chose to examine the phrases that appeared to be noise using NLTK's concordance functionality, inspecting the larger context of their use within the data, and manually removing them from the dataset if they failed to contribute meaning to the examined text. For each tabular dataset we examined, we first converted individual transcripts into a single continuous corpus of text using NLTK's built-in Text class. Then, using the Text class's concordance function, we examined the use of each trigram within its broader context to understand its relevance. Any trigram that was clearly irrelevant to the meaning of the text was removed from the data. Trigram counts were calculated in this manner for several specific sets of data: all C-SPAN broadcasts in which race was mentioned, C-SPAN broadcasts in which critical race theory was mentioned, C-SPAN mentions of CRT by decade, mentions of race on C-SPAN during Supreme Court confirmation hearings, mentions of CRT on C-SPAN during hearings, Fox News broadcasts in which CRT was mentioned, Fox News mentions of CRT by decade, mentions of CRT in legal journals, and mentions of CRT in legal journals considered by decade.

Along with calculating the raw frequencies of trigrams within the data, we also found three-word collocations within each dataset using Python's NLTK library. Unlike the trigram frequency calculation, the words in these collocations do not necessarily occur directly next to each other within the text. Instead, the algorithm we used examined a moving window of ten consecutive words and found three-word sets that occur within those windows according to a measure of association, intervening words notwithstanding. NLTK's collocations module implements several measures of association for finding word collocations. The measure of association used in our analysis, a likelihood ratio test, is a measure of the probability that a set of words will occur together within a dataset against the probability that the words occur independently in the dataset (Dunning, 1993). The benefit of this measure of association is that it locates significant word collocations, even if those sets of words occur infrequently within a text corpus. Using the same process as was used in finding concordances of trigrams, we converted

the tabular data for each dataset into a single text corpus. NLTK's collocation module was used to find and score all trigram collocations according to the likelihood ratio association measure, with collocations containing repeated words filtered out. Trigram collocations were then stored in their own tabular dataset with each row corresponding to a single collocation, and columns corresponding to its likelihood ratio score, a raw count of its occurrence, and a ratio of its occurrence to the total count of occurrences of all collocations within the dataset. These trigram collocations served as an additional indicator of the substance of discussion within each examined dataset. Collocations for each data source, while not presented in the body of the essay, help support the conclusions reached from analysis of the trigrams. These results can be found in Tables 1.A.1–1.A.5.

Collocations also provide a mechanism for comparing how often particular topics are discussed between datasets. Using the trigram collocation data described above, we compared discussion of race in the Jackson confirmation hearing with the discussion of race in all other confirmation hearings. We used the trigram collocation data from each dataset to find common collocations that occurred in the pair of datasets being compared. For each collocation that occurred in both datasets, we used the frequency ratio of its use in the first dataset, then divided that number by the frequency ratio of its use in the second dataset, giving us a comparative score for each collocation's rate of use between datasets.

TABLE 1.A.1 Top Trigram Collocations Associated With Mentions of Race in Jackson Confirmation Hearing According to Likelihood Ratio

Collocation	Likelihood ratio
critical race theory	2,095.81
discriminate race theory	1,259.03
race theory critical	1,254.29
race theory talk	1,204.37
race theory never	1,199.44
race theory speech	1,191.87
race theory include	1,187.84
treat race theory	1,177.47
race critical theory	1,175.05
consider race theory	1,165.69

TABLE 1.A.2 Top Trigram Collocations Associated With Mentions of Race in All Confirmation Hearings Except Jackson According to Likelihood Ratio

Collocation	Likelihood ratio
equal protection clause	11,063.69
civil right act	8,510.20
thomas affirmative action	8,042.75
affirmative action remedy	7,931.26
affirmative action preference	7,895.11
affirmative action take	7,783.99
equal protection race	7,781.26
affirmative action gender	7,766.33
affirmative action practice	7,763.80
describe affirmative action	7,762.87

TABLE 1.A.3 Top Trigram Collocations Associated With Mentions of CRT on Fox News According to Likelihood Ratio

Collocation	Likelihood ratio
taught school board	5,422.38
parent school board	4,571.50
american school board	4,358.46
people school board	4,335.80
school board parent	4,335.46
white school board	4,241.59
school board American	4,237.35
teach school board	4,231.11
virginia school board	4,227.68
school board people	4,214.75

TABLE 1.A.4 Top Trigram Collocations Associated With Mentions of CRT in Jackson Confirmation Hearing According to Likelihood Ratio

Collocation	Likelihood ratio
georgetown day school	421.45
portion book baby	399.22
georgetown day magazine	380.97
antiracist portion book	376.21
georgetown day control	362.75
policy determination sentence	357.80
book baby portion	355.39
georgetown day curriculum	348.79
sentence policy determination	346.48
curriculum georgetown day	343.64

TABLE 1.A.5 Top Trigram Collocations Associated With Mentions of CRT in Legal Journals According to Likelihood Ratio

Collocation	Likelihood ratio
stigma affirmative action	37,4923.96
affirmative action admission	34,7487.45
rationale affirmative action	34,7193.83
diversity affirmative action	34,7026.88
affirmative action diversity	34,6896.19
affirmative action policy	34,6587.93
affirmative action debate	34,6583.55
opponent affirmative action	34,6569.51
debate affirmative action	34,6419.19
proposition affirmative action	34,6248.77

NOTES

1. As part of the Senate Judiciary Committee nominee questionnaire, nominees are asked to provide a copy of all published writings and public speeches. A search of the full text of her questionnaire, along with its 2,086 pages of attachments, yields only one mention of critical race theory (U.S. Senate Committee on the Judiciary, 2022a, 2022b). In a 2015 speech, Jackson had mentioned CRT as one of many academic disciplines that are relevant to studying sentencing policy.
2. The only open hearings that occurred during this period was for Justice Louis Brandeis in 1916 (Collins & Ringhand, 2016).
3. Note that these are some of the same issues that led to open public hearings after the confirmation of Justice Hugo Black.
4. Confirmation hearings are not the only venue through which senators seek to shape public opinion about nominees. One of the most influential sound bites against Robert Bork's nomination was uttered by Senator Edward Kennedy in a Senate floor speech the same day President Ronald Reagan nominated Bork, available at the C-SPAN Video Library (see Browning, 2016). In addition to floor speeches, senators may also use press conferences or take to social media to share their views on nominees. These communications are outside the scope of this research.
5. The number of statements and questions during the Bork hearing far exceeded this average (Farganis & Wedeking, 2014).
6. Additional methodological details describing the data collection and analysis processes used throughout this essay can be found in the essay appendix.
7. Meanwhile, our search of the C-SPAN transcripts suggests Rehnquist's hearing lacked attention to race.
8. Unfortunately, these law journals are not all available for the same time period via J-STOR. However, the drop apparent in Figure 1.5 cannot be solely attributed to the different end dates for which articles in these law journals were available via J-STOR, as the declining trend predates the drop-off in availability. That said, the figure likely undercounts mentions of CRT during the last six years. Thus, while it does not rule out some resurgence in the last few years, it does not reveal a trend consistent with growing attention from these gatekeepers.
9. The year 2009 is the first for which data are available through GDELT for Fox News.
10. The substance of mentions in these law journals may provide a limited picture of how CRT is talked about more broadly in the field of law. Journals specializing in issues of race and the law, such as *Columbia Journal of Race and Law*, or in critical

legal studies, such as *Law and Critique*, may well be a more welcoming home for CRT than those in our database and are likely to offer a more complete picture of CRT. Yet, we expect that those we identified as “gatekeeper” journals are those most likely to influence Supreme Court confirmation hearings, given the legal education of senators and those who serve on the court.

11. Data for Fox News content is not available through GDELT until 2009.
12. Rather than constituting a distinct mention, one of these three appears to simply play a clip from one of the other two shows.
13. Much of the growth and development of CRT within the field of law has instead happened outside these elite journals.
14. When a search for Thom Tillis yielded no results, we repeated a search for Senator Tillis and present those in Table 1.2. For all other senators we report the results of a search for their first and last name.
15. These data were collected using the GDELT Television Explorer. For all senators but Mike Lee, we report the results for a search of their first and last name. When Mike Lee came back with 0 for C-SPAN despite participating in the hearings, we searched again for Senator Lee and for Senator Tillis. Those results are presented in the figure. We do not expect similar changes in the searches for the other senators to significantly change the results presented in this figure as the differences for searches of Fox News for Mike Lee versus Senator Lee were minimal, as were those for Thom Tillis versus Senator Tillis.
16. Farganis and Wedeking (2014) find strong evidence that disputes the claim of growing evasiveness among nominees to the Supreme Court.
17. Access to the API is available at <https://api.gdeltproject.org/api/v2/summary/summary?d=iatv&t=summary>.

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2

EXAMINING THE KETANJI BROWN JACKSON HEARING IN THE CONTEXT OF RACIAL AND EMOTIONAL CUES

Julia C. Valdes

INTRODUCTION

President Biden nominated Judge Ketanji Brown Jackson in February of 2022 to the Supreme Court, the first Black woman ever nominated to the highest court in the United States. Judge Jackson was the first candidate to the Supreme Court to have considerable experience as a criminal defense attorney since Judge Thurgood Marshall's nomination in 1967 (Blanco & Tan, 2022). During the Senate judiciary hearing on Jackson's confirmation, Senators criticized Jackson's past sentencing decisions as sympathetic to perpetrators, specifically child abusers. These "soft-on-crime" accusations are consistent with a popular strategy used by politicians to connect racial diversity and crime by using familiar racially coded language (see Haney-López, 2014; Russell, 2022; Valentino et al., 2018). As Jackson's hearing was the first since Donald Trump left office, it is a crucial case study when documenting the evolution of racially coded language during judiciary hearings. By coding transcripts and videos of judiciary hearings available at the C-SPAN Video Library, I qualitatively demonstrate that questioning senators are increasingly accusatory at nomination hearings, relying more heavily on emotional cues, with racially coded language becoming more explicit and tonally intense.

As the first Black woman to be nominated and confirmed to the Supreme Court, Justice Ketanji Brown Jackson has no direct analog for comparison. Throughout its history, the Supreme Court has had only 116 justices. Of those 116 justices, 108 of them have been white men. I focus in-depth on the nomination

hearing of Ketanji Brown Jackson, comparing the questions directed at her and those presented at the hearing of Thurgood Marshall (1967) and Sonia Sotomayor (2009). Thurgood Marshall was the first African American to be confirmed to the Supreme Court. Sonia Sotomayor was the first woman of color, a Latina, to be nominated and confirmed to the Supreme Court. She was nominated by Barack Obama, America's first Black president. By comparing these three historic nominations of judges of color, we can document changes in the language, tone, and rhetorical tactics used during nomination hearings. Using the C-SPAN Video Library's recordings, I created a transcript that includes audio and visual information for Sotomayor's and Jackson's nomination hearings. By documenting additional cues such as chuckling, furrowed brows, and scoffing, I was able to code and account for additional tone and nuance.

THEORY AND HYPOTHESES

While the format of Senate Judiciary Committee hearing has not changed since 1986, the first year available for viewing confirmation hearings on the C-SPAN Video Library, I argue that the tone during questioning is increasingly reliant on emotional cues influenced by popular rhetoric shared on cable and viral news outlets. These hearings provide a chance for members of the opposite party than the president who nominated the candidate to air their grievances. In the contemporary media climate, politicians increasingly use any recorded or broadcast time to voice controversial opinions. I hypothesize that when comparing the case studies from 1967, 2009, and 2022, I will document an increase in explicitly volatile language, more attempts to discredit the judge by eliciting emotional disgust, and more campaign-like performances that attempt to trigger emotions rather than uncover truths.

RACIAL EQUITY IN POLITICAL DISCOURSE

In many ways, public opinion regarding race and equity changed and progressed substantially between 1967, the year Thurgood Marshall was nominated to the Supreme Court, and 2022. In 1988, a majority of Americans believed that discrepancies between socioeconomic status among whites and Blacks was the result of a lack of motivation among African Americans; in 2018, only 36% of Americans expressed

that sentiment (*Changing Attitudes*, 2019). Despite similar progress in public opinion around racial diversity and equality, the Black Lives Matter movement and the 2020 murder of George Floyd again brought attention to systemic racism and the violence that Black Americans still face, showing us anything but a linear path to equity in America. For example, Black homeownership grew between 1900 and 1970, but then stagnated, and eventually began to decrease. The wealth gap between Black and white people has actually grown since 1970 (Putnam, 2020).

Moreover, these ideas around what role race plays in social and economic outcomes can be studied among Democrats and Republicans. Among Democrats, 61% say that differences in social and economic outcomes between Black and white people are due to discrimination, while only 26% of Republicans believe that race affects socioeconomic equality. Democrats are also more likely to attribute racial outcome differences to a lack of education, at 61%, than Republicans, at 39%. Republicans are more likely than Democrats to attribute the differences in racial income levels and career achievements to a lack of motivation in the Black community: 42% of Republicans agreed with that statement, compared to 29% of Democrats (*Changing Attitudes*, 2019).

RACIAL CUES IN POLITICAL RHETORIC

Extant work has debated the efficacy of implicit vs. explicit racial cues in political communications. From the time following the civil rights movement to Obama's presidency, the most common theory purported that candidates could not make overtly racist statements without facing electoral consequences (Mendelberg, 2001). So instead of explicitly tying certain policies (such as crime and welfare programs) to Black people, politicians would use language to make subtle but noticeable connections. An infamous example of this technically unspoken racially coded messaging was the Willie Horton ad used in George H. W. Bush's campaign against Michael Dukakis in 1988. In this ad, the race of Horton was not discussed, but his first name was shortened to its diminutive form, common among Black men, especially in the south, while a picture of him was displayed on-screen. After the election of Obama and later Trump, racial cues appeared to become less covert and more overt. During Obama's presidency, a now-famous photograph was taken of a Tea Party activist holding a sign on which Obama was photoshopped into an African witchdoctor. A debate emerged in the public sphere over whether political statements like these were racist or simply

criticizing the president's policies. While the George Floyd protests were in the news after Floyd's death while in police custody, then-president Trump tweeted that the protesters were "thugs" and seemed to suggest the protests should be countered with violence (Cathey & Keneally, 2020).

CULTURE WARS AND CONSPIRACY THEORIES

Several conservative commentators gained increased attention during Donald Trump's candidacy and presidency, and the issues they discussed seem to have influenced the questions posed by some Republican senators to Ketanji Brown Jackson. During the Sotomayor confirmation, Republican senators would ask about current political issues and major civil liberties issues that the Supreme Court might hear cases on, such as the second amendment and abortion. Past speeches of Sotomayor's were cited in what appeared to be attempts to understand her judicial philosophy and how she would make decisions on the bench. However, multiple senators in the Jackson hearing focused on topics often covered in right-wing news, such as critical race theory and child exploitation.

Alex Jones, owner of the website InfoWars, supported Trump during the 2016 campaign and had Trump confidant Roger Stone on his show. Jones claimed that Hillary Clinton was sexually abusing children as a part of a Satanic ritual. He claimed that leaked campaign emails, also known as the Podesta emails, were evidence to back up this claim, saying that references to pizza and pasta were referring to young boys and girls. After one of his armed listeners attacked a pizza parlor, believing Jones's claims, Jones issued an apology to the owner of the restaurant. However, the "Pizzagate" conspiracy lived on by becoming one of the main beliefs of the QAnon conspiracy theorists.

The QAnon conspiracy has been supported by Congresswoman Marjorie Taylor Greene (R-GA) and also played a prominent role in the January 6 insurrection. While the majority of people who have heard of the QAnon conspiracy think it negatively affects the country, its theories go beyond those who know about the specifics of QAnon. Pew Research Center found that 47% of U.S. adults had heard of QAnon, whereas 71% stated they had consumed news on child abuse and sex trafficking (Atske, 2020). It is difficult to know how many of those individuals listened to a legitimate story about child abuse and sex trafficking and how many were influenced by talking points influenced by the QAnon conspiracy. For example, certain news commentators have linked Jeffrey Epstein's crimes

to the QAnon conspiracy as validation of QAnon's claims, even though Epstein was convicted of child sex trafficking long before Pizzagate and did not practice Satanic rituals. News commentators and certain politicians spread innuendo that the Democratic party is responsible in some part for rampant sexual abuse of children. Much like racist and sexist remarks, these accusations must be made under the radar in order to avoid scrutiny.

Another conservative commentator, Christopher Rufo, influenced Trump while in office and continues to influence parts of the Republican party. Shortly after Rufo appeared on Fox News to discuss critical race theory, Trump issued an executive order on combating race and sex stereotyping and invited Rufo to the White House (Meckler & Dawsey, 2021). Now in his appearances on Fox News, Rufo more recently focuses on issues involving the LGBTQ community (Gabriel, 2022). These issues were brought up during the Ketanji Brown Jackson hearing, particularly by Senator Marsha Blackburn (R-TN) and also by Senator Ted Cruz (R-TX). During the hearing, Christopher Rufo tweeted, "Ted Cruz is bringing out the critical race theory books, including 'Antiracist Baby,' which teaches that babies are racist" (Rufo, 2022).

EMOTIONAL CUES IN POLITICAL RHETORIC

Senate Judiciary Committee hearings have changed over time—in large part due to the questions asked by senators (Farganis & Wedeking, 2011). I argue that, because of the media landscape changing from radio to television to cable news and the internet, senators and other elected officials use every opportunity to campaign in the hopes that their messaging will generate more publicity and potential support. I utilize the framework from Brader's (2006) seminal work on emotional campaign advertisements to analyze the Republican senators' questions. Brader (2006) finds that emotional cues work best on informed voters, and that negative emotions can help viewers be more conducive to persuasion. Extant work has applied Brader's theory beyond campaign advertisements to presidential primary campaign speeches (Scott, 2021). In turn, I apply this theory to Senate Judiciary Committee hearings.

By coding and analyzing visual information, such as a furrowed brow to signify consternation, from the C-SPAN Video Library recordings of the hearings, I add more nuance and contextual detail to our studies. One example of the crucial need to analyze visual texts from the hearings is the series of photographs of

Jackson's hearing in which Senator Ted Cruz (R-TX) checks his Twitter messages, suggesting that his line of questioning was at least somewhat performative and based on the responses he was immediately receiving (Sarkar, 2022). Additionally, I apply Brader's theories regarding emotional cues to assess intangible acts of aggression, accusation, exasperation, and other performative gestures that are currently underexplored.

DATA AND METHODS

I focus specifically on appeals to fear, anger, and logic. I coded for these appeals according to the emotion the speaker attempted to elicit in the audience watching them. Fear appeals endeavor to arouse anxiety and worry in viewers. The goal of these messages is to cause viewers to associate threat with the nominee, as well as to evoke feelings of disgust toward the nominee (Brader 2006, p. 6). A related negative emotion commonly evoked in political discourse is anger. Anger cues attempt to make the audience feel hatred, outrage, and disgust toward the target.

I coded appeals as logical if the speaker interpreted facts to construct a logical argument. Logical or rational arguments are often seen as counter to emotional appeals; however, often they are utilized together. I therefore coded for which appeal was dominant—logical or emotional appeals—as well as whether logical appeals were present. An example of a logical appeal was from Day 2 of the hearing, where Senator Grassley stated the following to Judge Jackson:

Senator Colburn asked you whether you believed in the theory that the Constitution is a living document whose meaning evolves over time. You said no. In 2021, however, during your circuit court nomination hearing, you declined to answer the same question. (Browning, 2023)



I coded this appeal as logical as it drew upon previous statements from the judge in order to make a point without relying on hyperbole or misinformation. Logical arguments attempt to discredit or rally viewers against the target without reliance on upsetting the audience emotionally.

First, I examine Thurgood Marshall's 1967 Senate judiciary hearing. One limitation in this analysis is the lack of a visual recording of Marshall's hearing, as these proceedings were not recorded before Sandra Day O'Connor's 1981 hearing. Without the video recordings, I cannot code for tones of voices, facial expressions, or other visual cues and indicators to compare to Sotomayor's and Jackson's

hearings. However, the transcript from Marshall's hearing does provide valuable insight into the topics senators asked of him, the technical language used, and how racial topics were generally being framed during the time period of their questions. Since I was unable to assess the tone of voice or observe any facial expressions in the Marshall hearing, I analyzed the hearing qualitatively as a comparative case study.

For the quantitative analysis of the Sotomayor and Jackson hearings, I adapted Brader's (2006) codebook from his analysis of campaign advertisements to the Judiciary Committee proceedings. The comparison of Sotomayor to Jackson provides the best direct comparison of judiciary proceedings since the election of Donald Trump. Since this was a judiciary proceeding and not a campaign, I adapted the measurements where appropriate. For example, Brader (2006) measured whether an advertisement focused on the candidate's ideology. I adapted this to measure whether the questions posed by the Senate Judiciary Committee focused on Jackson's judicial philosophy. From Brader, I adapted his measures for a focus on ideologies and personal qualities, citing sources with evidence, as well as his coding for the type of emotional appeal. In addition to adapting Brader's (2006) coding on emotional appeals, I furthermore coded for particular "culture war" or hot-button issues that were brought up during the hearing. In addition, I created new variables based on topics focused on during the hearings. I was able to assess whether the appeals were more emotional or logical in nature on the basis of the content of the questions and comments, facial expressions, and tone of voice.

For the Sotomayor and Jackson hearings, I utilized the C-SPAN Video Library. For Sotomayor's hearing, I used the official congressional transcript (*Confirmation Hearing*, 2009). For the Jackson hearing, I prepared a corrected transcript, beginning with the closed captions contained in the C-SPAN Video Library. I watched each segment and corrected any errors in the captioning, as well as provided additional context such as furrowed brows, sighs, and chuckles. This process requires a great deal of time and is labor intensive, but it works best for my method of analysis of the nuances of the hearings. For Sonia Sotomayor's hearing, I used the C-SPAN Video Library and the official prepared statements from the Senate Judiciary Committee website (C-SPAN, 2009).

Previous research has looked at the role of gender and race in Supreme Court judicial proceedings (Boyd et al., 2018; Ringhand & Collins, 2010) through quantitative methods. Evidence suggests that female nominees receive more scrutiny regarding their judicial philosophies, but that was not the case with race (Boyd et al., 2018). Given the extremely small sample sizes of both female and nonwhite

judicial nominees, as well as the changing political landscape after the election of Donald Trump, I focus more on the qualitative aspects of the Ketanji Brown Jackson hearing. I analyzed sections of the Jackson hearing through the qualitative analysis tool Atlas.ti. I aggregated certain terms through in vivo coding, allowing me to calculate the frequency of use of certain emotionally charged words.

To analyze these hearings quantitatively, I watched the four days of Sotomayor questioning and three days of Jackson questioning from the Senate Judiciary Committee (C-SPAN, 2009, 2022) and coded the Republicans according to emotional cues and which topics were discussed. I adapted various codes from Brader (2006), including the use of appeals to logic, appeals to anger, and appeals to fear, as well as whether logical or emotional cues were dominant. Moreover, I coded for discussions of judicial philosophy according to the research of Boyd, Ringhand, and Collins (2018). Brader (2006) has a code for dominant appeal, a categorical variable that describes a campaign advertisement as having either a dominant logical appeal, a dominant emotional appeal, or neither appeal dominant. Since the commentary and questioning continued for much longer than a campaign advertisement, I focus primarily on this measurement. Oftentimes a senator might make mostly logical arguments, drawing on past decisions and asking the nominee what they meant or how they might rule, but within the same speaking period also make a comment meant to elicit fear, such as saying that Americans are in danger of losing their Second Amendment rights or that Jackson is sympathetic to criminals. If the senator spent the majority of their time (for example, 25 minutes out of 30) using logical appeals, I coded that as logic dominant. If the senator spent 12 minutes on appeals to anger, then 18 minutes on appeals to logic, I coded that as neither logic nor emotion dominant. If roughly 60% or more of the time logical or emotional appeals were used, I coded that appeal as dominant.

PREDICTIONS

I hypothesize that all three of the hearings will see questions evoking emotional appeals, but we will see more logical appeals during Marshall's and Sotomayor's hearings. Some pundits and politicians have argued that a shift occurred in how Supreme Court nominees answered hearing questions after Robert Bork's 1987 hearing, at which his answers were poorly received (see Lemieux, 2011). A common argument is that nominees now typically follow Ruth Bader Ginsburg's

example when answering questions about unsettled legal debates and therefore avoid answering substantive questions (see Farganis & Wedeking, 2011, 2014). I posit that Judge Ketanji Brown Jackson and Judge Sonia Sotomayor will be less forthcoming in their responses than Judge Thurgood Marshall as a result of this “Ginsburg rule.” I predict that the appeals used by Republican senators will differ between the two nominations. During Sotomayor’s confirmation hearing, I expect senators to ask about then-current hot-button political issues such as abortion and the Second Amendment, and I predict that Sotomayor will not answer in an unequivocal fashion. However, those senators will use logical appeals and cite court cases. In Jackson’s hearing, I predict the political topics will not concentrate specifically on civil liberties or the judiciary, but instead on topics that will garner attention on social media or cable news. I predict that the topics will be extremely controversial. In both Sotomayor’s and Jackson’s hearings, the goal of asking these questions is not to receive a straightforward answer but instead an outlet for the senator to present his or her political views. However, in Jackson’s case, these views will be more extreme in order to garner attention and cater a following from the far right and Trump base.

COMPARING THE EVOLUTION OF RHETORIC OVER TIME: FROM THE NOMINATION OF THURGOOD MARSHALL TO SONIA SOTOMAYOR TO KETANJI BROWN JACKSON

Marshall Hearing

After analyzing and comparing the first days of hearings for Judges Marshall and Jackson, I can deduce that Marshall was overall more candid in his 1967 responses than was Jackson. Jackson was predictably more careful and guarded in 2022. Neither Marshall nor Jackson would comment on pending cases, and both were reluctant to comment specifically on settled cases. The senators in both hearings pressed on issues of race. In general, questions about race may occur in more implicit coded language or explicit language, and it often depends on the political party asking the questions, as well as the political party of the president who nominated the justice.

In Marshall’s proceedings, Democrats made up the majority of the committee. Race was brought up more explicitly by East Coast liberal Democrats during the hearing, whereas Southern conservative Democrats were more likely to discuss race implicitly. For example, Senator Edward (Ted) Kennedy (D-MA) said of Marshall:

Judge Marshall is before us today because he is an outstanding lawyer, judge, and Solicitor General, not because he is a Negro; but we cannot ignore the fact of his race. His reaching the very highest pinnacle of achievement in his profession is a symbol of the progress we as a nation have achieved in assuming all of our citizens equality of opportunity. Yet, at the same time, his success highlights how far we still have to go. (*Nomination of Thurgood Marshall*, 1967, p. 15)

Kennedy's comments are remarkably similar to the language used during the nomination of both Sotomayor and Jackson, especially from Democratic senators. In contrast, 1967 conservative Arkansas Democrat and segregationist John L. McClellan immediately focused on Marshall's position on crime, making an emotional appeal and implicit connection between race and crime. He questions Marshall, "First, I would ask you if you do not agree with me that the mounting incidence of crime in this Nation has reached a critical stage" (*Nomination of Thurgood Marshall*, 1967, p. 3). At the beginning of the hearing, McClellan asks Marshall if he would like to make a statement, and then immediately asks him several questions about the state of crime in the country. The late 1960s saw an increase in crime, and conservative politicians often used this to make to implicit connections to the Civil Rights Movement (Duvernay & Moran, 2016).

Strom Thurmond, a former Southern Democrat who three years before the hearing changed his political affiliation to Republican, mentioned race more explicitly—but in reference to past laws related to slavery. Thurmond asked Marshall about various laws from the 1800s, including the 13th Amendment, the Civil Rights Act of 1866, the Fugitive Slave Act of 1850, and the 14th Amendment. Thurmond brought up historical data to argue that the original intent of these laws and constitutional amendments was not specifically to remove anti-miscegenation laws, or laws that prevented races from intermarrying in relation to the court decision of *Loving v. Virginia*. While Thurmond's questions mention race itself explicitly, he used a more logical approach to his contention of Marshall, drawing on historical documents to make a legal argument about Marshall's political positions.

Sotomayor Hearing

Both Sotomayor and Jackson faced intense backlash in the political and cultural spheres as the first women of color Supreme Court nominees. However, the 2009 Republican senators were more likely to use logical appeals and ask about topics

related to the interpretation of civil liberties and civil rights when questioning Sotomayor than were the Republican senators at Jackson's 2022 hearing. Race was addressed more explicitly at both Sotomayor's and Jackson's hearings than Marshall's 1967 hearing. At Sotomayor's hearing, Republican senators criticized her "wise Latina" comment, as well as her the decision in the *Ricci v. DeStefano* case. Table 2.1 lists the schedule of the Republican speakers during the Sotomayor hearing. Note that on Day 4 of the hearing, senators were allowed 10 minutes to conduct additional questioning, allowing some to speak twice in the same session over different topics.

Sonia Sotomayor made a controversial statement regarding her race and gender, "I would hope that a wise Latina woman with the richness of her experiences would more often than not reach a better conclusion than a white male who hasn't lived that life," repeatedly in speeches to women and young Latino lawyers. Her quote referenced Sandra Day O'Connor's position comment on gender and legal ruling, which was, "I've always said that at the end of the day, on a legal issue, I think a wise old woman and a wise old man are going to reach the same conclusion." Sotomayor's quote received a great deal of negative attention on cable news and social media.

Sotomayor's quote was mentioned by Republican senators eight times in the four days of her hearing questioning, by Senators Grassley (R-IA), Kyl (R-AZ),

TABLE 2.1 *Hearing Schedule of Republican Senators in Sonia Sotomayor Hearing*

Day of hearing	Speakers	
Day 1, July 13, 2009	Hatch, Orrin	Graham, Lindsey
	Grassley, Chuck	Cornyn, John
	Kyl, Jon	Coburn, Tom
Day 2, July 14, 2009	Sessions, Jeff	Grassley, Chuck
	Hatch, Orrin	Kyl, Jon
Day 3, July 15, 2009	Cornyn, John	Hatch, Orrin
	Coburn, Tom	Grassley, Chuck
	Sessions, Jeff	
Day 4, July 16, 2009	Kyl, Jon	Sessions, Jeff
	Graham, Lindsey	Hatch, Orrin
	Cornyn, John	Grassley, Chuck
	Coburn, Tom	Kyl, Jon

Graham (R-SC), Sessions (R-AL, and Cornyn (R-TX). Senators Kyl (R-AZ), Sessions (R-AL), and Graham (R-SC) brought it up repeatedly on multiple days. All of these senators criticized Sotomayor for making the comment, and all of them stated that a judge should be neutral and set aside racial and gender considerations. Sotomayor repeatedly tried to explain her remarks, stating that she did not mean to insinuate that someone from a particular gender or racial group would come to a superior decision. In response to Sotomayor's defense, the senators reacted respectfully. Senator Jon Kyl (R-AZ) responded in one exchange, "So while I appreciate what you are saying, it still doesn't answer to me the question of whether you think that these—that ethnicity or gender—should be making a difference" (*Confirmation Hearing*, 2009). The Republican senators would repeatedly press Sotomayor on this statement even after she addressed it, but largely did not use emotional cues heavily.

The *Ricci v. DeStefano* court case ruled on the city of New Haven, Connecticut's, removal of an exam that was used to promote firefighters after none of New Haven's Black firefighters had scored high enough for promotion. White and Hispanic firefighters sued the city, claiming they were being racially discriminated against. Sotomayor ruled against the white and Hispanic firefighters, along with two other appellate judges in a brief ruling. The ruling was later overturned by the Supreme Court in a 5–4 decision. Republican senators called Ricci, one of the plaintiffs of the case, to testify and share his grievances. Ricci stated he was discriminated against because of the color of his skin. The case was discussed repeatedly throughout Sotomayor's hearing, most notably during Senator Jeff Sessions's (R-AL) July 14 questioning and during Senator Jon Kyl's (R-AZ) July 16 questioning.

While many senators used emotional cues when discussing certain topics like abortion or various perceived threats, the dominant tactic used during Sotomayor's hearing was appeal to logic. Figure 2.1 shows the percentages of logic-dominant, emotion-dominant, and neither-dominant appeals. I coded each senator's session separately. Therefore, a senator could theoretically have a logical appeal statement one day and have a dominant emotional appeal on another day. I coded by session rather than by senator because of how long each questioning session was, and because many observers are unlikely to view the confirmation hearing in its entirety. As Figure 2.1 illustrates, logical and emotional appeals were dominant at roughly equal levels. Senators gave roughly equal time to logical and emotional cues.

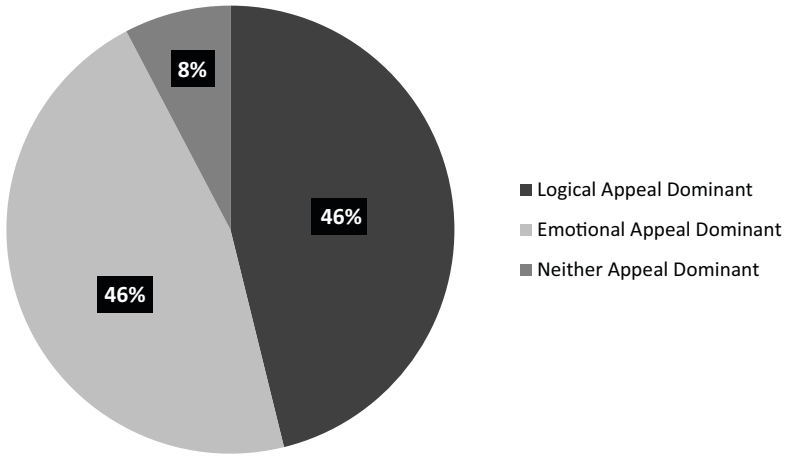


FIGURE 2.1 Frequency of dominant cues among 10- to 30-minute Republican senator statements in Sotomayor hearing.

Jackson Hearing

By comparing the confirmation hearings of Marshall, Sotomayor, and Jackson, we see that divisive rhetoric has escalated between 2009 and 2022, taking on an explicit language around race that is equally alarming as the rhetoric used prior to the Civil Rights Movement and Thurgood Marshall's nomination. Jackson's hearing took place before a Supreme Court split nearly evenly between Democrats and Republicans, with the parties taking turns asking questions of Jackson. Table 2.2 shows the dates that Republican senators spoke during the Jackson hearing. I

TABLE 2.2 *Hearing Schedule of Republican Senators in Ketanji Brown Jackson Hearing*

Day of hearing	Speakers	
Day 1, March 21, 2022	Hawley, Josh	Blackburn, Marsha
	Cruz, Ted	Blackburn, Marsha
Day 2, March 22, 2022	Hawley, Josh	Grassley, Chuck
	Cotton, Tom	
Day 3, March 23, 2022	Tillis, Thom	Cruz, Ted
	Graham, Lindsey	Hawley, Josh
	Lee, Mike	Blackburn, Marsha

coded each of the Republican senators on the Judiciary Committee for emotional cues, focusing specifically on anger/contempt/disgust cues and fear cues. Additionally, I coded for other measures included by Brader (2006) that were applicable to the hearing, including any focus on ideology, personal character, and citing sources for factual statements. I compiled the dominant appeal—emotional, logical, or neither—in a pie chart (see Figure 2.2).

The majority of Republican senators used emotional cues while questioning Jackson, most commonly attempting to elicit the emotion of anger/contempt/disgust. Often Republican senators also made appeals to logic, so I coded for which appeal took up the majority of the time and was therefore dominant. In 6 of the 30 questioning sessions analyzed, appeals to logic were dominant. Senators Grassley, Lee, Tillis, and Cornyn led the most logical-dominant sessions. The remaining 24 sessions either had emotional appeals dominant or neither appeal was dominant. Many of the sessions combined appeals to logic and emotions. A vast majority of the sessions, 28 out of the total 30, made a logical argument at some point. A majority of the sessions, 24 of the 30, also attempted to elicit anger, contempt, and/or disgust. The effort to use logical arguments while eliciting negative emotions such as anger, contempt, and disgust are evident in both the Ketanji Brown Jackson hearing and Thurgood Marshall hearing. As we saw in 1967, Strom Thurmond (R-SC) made many appeals to logic when criticizing the Supreme Court’s understanding of the 14th amendment; however, overall

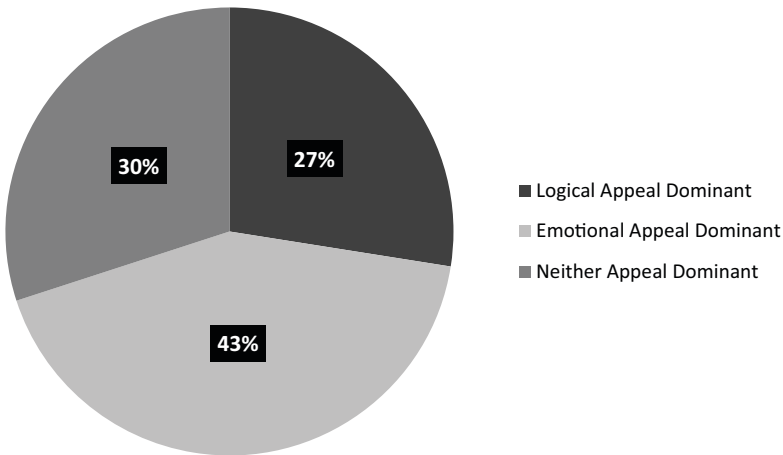


FIGURE 2.2 Frequency of dominant cues among 30-minute Republican senator statements in Jackson hearing.

his intention was to make Marshall appear unqualified for the Supreme Court (Boyd et al., 2018).

Jackson's hearing is unique in that Republican senators spent a considerable amount of their time questioning Jackson in great detail about particularly vile crimes against minors, seemingly to develop an association between Jackson and the QAnon-originated conspiracies regarding child abuse. During the second day of the Ketanji Brown Jackson hearing, the words "child pornography" or "child porn" were used 31 times by Republican senators. The topic came up once during Sotomayor's 2009 hearing, in a neutral manner by Democratic senator Amy Klobuchar, in which it was simply acknowledged that Judge Sotomayor had previously made decisions in child pornography cases. The topic of child pornography and pedophilia has more recently become salient politically for certain members of the Republican party. I argue the child abuse questions at Jackson's hearing were meant to elicit disgust with Ketanji Brown Jackson while implicitly referencing QAnon conspiracy theories.

Senator Josh Hawley (R-MO) never explicitly mentions QAnon or any similar conspiracy theories; however, he does use phrasing to make Jackson look sympathetic to pedophiles, despite her judicial decisions on child sexual abuse cases being typical of other judges (Qiu, 2022). He states in a level, unemotional tone:

I just want to ask you about that because I'm having a hard time wrapping my head around it. We are talking about 8-year-olds, 9-year-olds, 11-year-olds, and 12-year-olds. He's got images of these the government said added up to over 600 images. Gobs of video footage of these children that you say does not signal a heinous or egregious child pornography offense. Help me understand that. What word would you use if it's not heinous or egregious? How would you describe it? (C-SPAN User, 2023)



Accusing Ketanji Brown Jackson of being lenient on those who victimize children serves a dual purpose: it helps to paint Democrats, and those they support, as sympathetic toward child predators, while giving implicit credibility to false QAnon conspiracy theories. In addition, it reinforces the stereotype that Black people are sympathetic to criminals.

We see significant evidence of this stereotype in Marshall's hearing, as the word "crime" was used over 130 times on the first day of his hearing (including when Marshall uses the word himself). Senator McClellan (D-AR), who held segregationist views, posed the following question to Marshall at the beginning

of his confirmation proceedings: “First, I would ask you if you do not agree with me that the mounting incidence of crime in this Nation has reached a critical stage” (*Nomination of Thurgood Marshall*, 1967, p. 3). This line of questioning was asked overwhelmingly by senators supporting segregation and other systemic racist policies. The “soft on crime” stereotype assigned to Black politicians continues over the decades, with Republican senators asking Jackson a number of questions about the most vile and abhorrent crimes.

Senator Josh Hawley spent the entirety of his time, and some additional time, asking about Judge Jackson’s previous decisions in child pornography cases. Throughout 3 days and over 90 minutes, he continually pressed Jackson on why she gave supposedly lenient sentences to individuals who possessed child pornography. The sentencing guidelines have been criticized by members of both political parties, and a majority of judges believe the sentencing guidelines are too high (Kessler, 2022). Judge Jackson explained why the sentencing guidelines that Hawley mentioned are not often used; however, he continued to paint Judge Jackson as lenient toward sex offenders. I aggregated the number of times Senator Hawley discussed various terms. The terms I highlighted were terms that Brader (2006, p. 216) would call “anger appeals” and “fear appeals.” Throughout the 90 minutes that Hawley had to question Ketanji Brown Jackson, he mentioned the word “sex offender” or “sex criminal” 10 times. He used the word “prepubescent” 10 times. Hawley also used the words “heinous” and “egregious” to describe the nature of the crime, using them 11 times and 23 times respectively. Senator Hawley also frequently mentioned the ages of the victims in the photographs. I aggregated those mentions together utilizing Atlas.ti. So, for instance, Hawley stating, “Pornographic images that have small children, infants, seven, eight, nine years old,” counted as one mention of victim’s ages. While the senator certainly intended to paint Ketanji Brown Jackson’s record negatively, he most noticeably repeated how she differed from sentencing guidelines. Judge Jackson’s departure from sentencing guidelines was not unusual (Qiu, 2022), but Hawley chose to emphasize that point in order to reinforce that Jackson was both soft on crime, invoking an anti-Black stereotype, as well as lenient toward pedophiles, invoking the QAnon conspiracy theory.

Though Hawley discussed pedophilia in all of his 30-minute sessions, he was not the only senator to bring up child abuse cases. With the exception of Senator Grassley, who discussed child pornography only briefly in more abstract terms, 8 of the 11 Republicans on the committee discussed child pornography in the context of criticizing Jackson for her leniency on child abuse crimes. Marsha

Blackburn (R-TN) discussed Jackson's record in sentencing child pornography offenders in each of Blackburn's 30-minute sessions, as well as talking points popular with Christopher Rufo, such as critical race theory and arguing against transgender individuals competing in sports.

DISCUSSION

It is not surprising that Republicans would not speak in the same enthusiastic tones when talking about the nomination of Ketanji Brown Jackson, given the political nature of the Supreme Court nominees. If Republicans seemed too keen on a Biden nominee, it could disadvantage them electorally by providing evidence that Biden accomplished something praiseworthy. However, Republicans' criticism of Ketanji Brown Jackson goes beyond simple partisanship. Republican senators used fewer legal and document-based logical arguments at Jackson's hearing than at Marshall's or Sotomayor's hearing, while Republican senators in 2022 were more likely to connect Jackson emotionally and implicitly, in a historical pattern of linking Black judges to lenient criminal justice, to morally objectionable crimes.

Comparing Ketanji Brown Jackson's confirmation hearing to Sonia Sotomayor's in 2009 highlights how much the discourse around race has changed since the Obama presidency. Whereas Republicans always opposed overt discussions of race, including any discussions that could lead to tangible outcomes like Affirmative Action plans, contemporary Republicans, particularly those who are most affiliated with Trump, now go further into explicitly racist territory. During the Sotomayor confirmation hearing, Republicans discussed race but from a colorblind perspective. Republican senators criticized Sotomayor's decision in *Ricci v. DeStefano*, accusing her of committing a racial injustice by seemingly giving preferential treatment to Black people over white and Hispanic people. Likewise regarding her "wise Latina" comments, Republican senators grilled her on whether she was insinuating that her gender or ethnicity would make her a better judge, stating that race and gender should have no impact on a judge's decisions.

The comparison of the Jackson hearing to the Marshall hearing demonstrates how in many ways as a country our language surrounding race has not evolved. In 1967, the *Loving v. Virginia* case was still a controversial decision. In 1958, only 4% of Americans approved of interracial marriage, compared to 87% in 2013

(Newport, 2013). However, despite changing attitudes in public opinion on certain issues regarding race, certain stereotypes remain prevalent. Judges of color are scrutinized heavily on issues involving race, either directly or indirectly. As Senator Robert Kennedy (D-NY) stated, “[Marshall’s] success highlights how far we still have to go” (*Nomination of Thurgood Marshall*, 1967, p. 15). The same appears true for the success of Ketanji Brown Jackson.

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3

SUPREME COURT MOMINEES

Political Implications of Motherhood Rhetoric in Judicial Nominations

Michelle Irving

INTRODUCTION

In just over two years, the U.S. president has nominated and confirmed the first two working mothers to the Supreme Court: Amy Coney Barrett (2020) and Ketanji Brown Jackson (2022). Working mothers are defined as mothers of children in the household who are under 18. During the confirmation process of Amy Coney Barrett, Republican senators repeatedly praised her identity as a mother of seven, describing her mothering role as “tireless,” “remarkable,” and an asset for the Court. In fact, Senator Josh Hawley (R-MO) asked her for parenting advice; Senator Chuck Grassley (R-IA) conflated her identity as a mother with expertise on health care policy, and Senator Joni Ernst (R-IA) was upset that Democrats questioned Barrett’s nomination, claiming, “They’re attacking you as a mom!”

Ketanji Brown Jackson was nominated and confirmed to the Supreme Court two years later, and notably is the first Black woman and the second “working mother” on the bench. Yet the confirmation process engaged far less with Jackson’s motherhood as a potential asset to the Court; senators rarely praised or inquired about her role as a mother, except for an exchange with Senator Cory Booker (D-NJ), notably the only Black member on the Senate Judiciary Committee. Instead, most mentions of Jackson’s identity as a mother came in her own opening statement, where she briefly described her experience as a mother as an imperfect balancing act. Her career ambitions meant she was absent during her children’s formative moments, and she hoped that her ascent to the Supreme Court demonstrated a role-modeling effect for her children. Unlike in Barrett’s

hearings, senators notably did not inquire about the split of domestic chores in the household or ask for parenting advice.

Some might argue that the salience of motherhood during these two confirmations was a question of scale (Barrett has seven children under 18; while Jackson has two daughters, aged 17 and 21). Yet, as cultural and social norms around motherhood and politics shift, scholarship has identified how motherhood functions in a distinct way that can differentiate and help or hinder women in the political realm (Dittmar, 2021b). Scholarship on motherhood as a political identity also foregrounds the racial and gendered assumptions undergirding such exchanges (Sparks 2015; Williams, 2021). These shifting landscapes led to my research question, which considers how race and gender intersect with a nominee's motherhood identity and under what conditions the nominee's motherhood is celebrated or erased during the confirmation hearings.

"Motherhood" is often used as a credential for a certain *kind* of mother, intertwined with sexist and racist narratives linked to white supremacy (Killen, 2019; Nash, 2018). Wielded as a "universalizing" feature, motherhood perpetuates the "Republican motherhood" concept as an ideological apparatus to reinforce a racial order premised on whiteness (Williams, 2021). Scholarship has demonstrated that when motherhood is wielded as a universalizing experience, it erases the racialized hierarchy and experiences of Black mothers. Historically, Black mothers are often cast as being "bad" mothers, and their maternal identities are co-opted and reproduced as deficient, irrelevant, or criminal, which limits the identity claims they can make as mothers. Black mothers have historically been economically insecure, which has shaped their lives and parenthood as they had to balance both domestic care-giving and breadwinning roles.¹ This double duty has contributed to the myth of the "Black matriarch" and the racialized argument about Black mothers' "bad mothering" and perception of maternal deficiencies, as it conflicts with cultural tropes of (white) motherhood that are premised on moral claims about the virtuousness of mothering.

Thus, these two Supreme Court nomination processes, in close proximity to one another, provide an opportunity to examine how the discourse on motherhood within judicial politics becomes politicized and framed by political elites, especially along racial and partisan lines. The majority of the Senate Judiciary Committee (19 of 22 members) served on the committee for both nomination processes, thus ensuring actor consistency. As part of the Constitution and an important component of the separation of powers, the confirmation hearing process provides senators an opportunity to interrogate a nominated justice's background

and philosophy. Yet Ringhand and Collins (2010) find that women and minority nominees face significantly different confirmation hearing environments focused on their judicial philosophy compared to male nominees. Senators engage overall in more substantive questioning about legal issues and judicial philosophy with women and minority nominees compared to white male nominees. Women and minority nominees face significantly less informal conversations with senators overall, which includes discussion of their personal background. When noted, their background is often discussed in celebratory terms as a “first,” or in some form marking them as an “other” compared to white male nominees. Thus, developing an understanding of how motherhood is wielded during the judicial nomination process is important for two reasons. First, it helps illuminate how gender and race affects/shapes legislative oversight of the judiciary system itself. Second, senators’ rhetoric regarding nominees’ motherhood claims also show how motherhood can be used in electoral politics more broadly, because how senators speak about gender, race, and motherhood can be a salient issue for their reelection campaigns.

In this essay I introduce the following question: How is motherhood universalized, racialized, and/or made invisible in elite rhetoric during judicial nominations? I examine this question through a multimethod investigation. Using structural topic modeling (STM) and content analysis, I examine how the justices themselves frame their motherhood, as well as how the Senate committee members talk about each justice’s motherhood, and consider how partisanship affects these rhetorical framing patterns. I find that there are distinct differences in terms of how each justice speaks of and frames their motherhood that align with previous theories about race and motherhood. Jackson often relies on her motherhood to defend her qualifications in face of partisan attacks, and senators speak about her overcoming the “challenges” as a working mother and becoming a successful justice. An important exchange between Jackson and Booker, the only two Black members of the hearing, also demonstrates a pushback of the dominant and historical discourse that erases Black motherhood. By contrast, Barrett relies on her mothering as a distinct quality that readies her for the Supreme Court. Senators more often reference her motherhood and connect her caregiving duties as a mom as a distinct credential for the Court. Such different framings demonstrate how women can position their motherhood as a credential that brings in distinct motivations for service and provide opportunities and constraints that are both raced and gendered. The analysis of the two nominee hearings also demonstrates how the identity of motherhood can be weaponized to uphold the

race-gendered hierarchy that is often reflected in culture and lead to the perpetuation of racial stereotypes to uphold the idea of the “virtuous” (white) mother.

In the following sections I introduce three strands of literature that help to develop and support my argument: the concept of politicized motherhood and its increasing relevance in the political sphere; the intersection of motherhood and race; and finally, the patterns of divergent experiences in Congress when elites interact with “other” groups such as women, racialized groups, and parents. I then introduce the data and methodological tools used for the project and move into key findings of the project regarding how motherhood patterns diverge by justice and partisan senate members.

POLITICIZED MOTHERHOOD

As cultural and social norms around parenthood and politics shift, scholars in recent years have noted how motherhood functions as a distinct credential that can differentiate and help (or hinder) women in politics. Candidates and legislators rely on maternal frames to appeal to citizens and share key messages (Deason, 2011; Deckman, 2016; Smith, 2022); motherhood is positioned to the public differently according to a candidate’s ideology and partisanship (Deckman, 2016; Greenlee & Sharrow, 2020; Schreiber, 2008, Wineinger, 2019, 2021) and can signal the importance of specific policy issues or goals (Block & Haynes, 2015; Dittmar, 2021b; Greenlee, 2014). There is also evidence to suggest that a candidate’s and legislator’s motherhood identity changes over time and can be more salient during their time as “working mother” compared to moms with adult children (Bryant & Hellwege, 2019; Wineinger, 2021).

Motherhood and how it is deployed seems to hinge at the intersection of party identification and racial status (Burge et al., 2020; Greenlee & Sharrow, 2020; Williams, 2021). Republican women are more likely to use motherhood to signal traditional gender roles and have been increasingly reliant on these maternal identity claims over time (Dittmar, 2021b; Wineinger, 2021). Such an approach may be due to expectations from Republican voters, who typically have more traditional views on gender and family. Speaking directly as a mother may help Republican candidates assure voters that they have been successful in fulfilling traditional gender role expectations while simultaneously demonstrating the value of motherhood—and the skills and passion it brings—as another credential that should be considered in its translation to public office holding. In contrast, Democratic mothers, who also often feature young children in campaigns,

embrace single motherhood and tout motherhood as a policy motivation for distinctly different policies than their Republican counterparts. Democratic candidates use their credential as a mother to come across as less threatening, demonstrate leadership, and gain additional protections or enhance policies. For example, Democratic mothers display their family on the campaign trail to allow them to demand stronger protections on certain policy issues, such as health care, childcare, the environment, and gun rights (Deason et al., 2018). Black Democratic bereaved mothers who have first-hand experience with gun violence also speak directly to voters as mothers and galvanize their grief. Congressional candidates such as Lucy McBath lobby against gun violence and demonstrate Black maternal politics not as a deficiency but rather as an engine of their activism (Killen, 2019; Smith, 2022).

The concept of motherhood is also a cultural construction, and “the meaning of motherhood in America is molded on the basis of race and gender” (Roberts, 1993, pp. 5–6). A key piece missing from our understanding of motherhood as a political identity is the organizing principle and meaning of motherhood itself: *which* mothers are considered valuable in which contexts. This project aims to begin filling in that gap by considering how the racial and gendered organizing principles of motherhood shape how elites frame and talk about motherhood during a Supreme Court nominee hearing. I anticipate that frames of motherhood will generally be erased for Ketanji Brown Jackson by senators, given the racial incongruence with the cultural standards of what a “good” mother is (white and upper-class). I also expect, given the history of Black women and motherhood, that when Jackson talks about motherhood, she will talk about it in terms of challenges (such as achieving work–life balance) rather than how formative it is to her career. I anticipate that Amy Coney Barrett will have more freedom to engage in discussions of her motherhood, including how her motherhood practices apply to her legal life and make her “fit” for the appointment.

RACE AND MOTHERHOOD

Black women and mothers have long faced questions not only about their orientation toward mothering but also whether they are even a part of the category “women” (Davis, 1998; hooks, 1981). Hooks (1981) argues that historically, Black women have been erased out of existence, with the focus of race on the concerns of Black *men*, or the gender focus on concerns of *white women*. Black women have a distinct identity to both citizenship and motherhood that differentiates

them from their white counterparts due to historical factors and racist structures, including histories of slavery, Jim Crow, urban segregation, ongoing medical racism, and white-supremist patriarchal forces.

Normatively, motherhood is linked to “whiteness” and the notion of the “Republican mother” context (Williams, 2021). Historically the “Republican mother” served her country by raising morally virtuous sons who become morally virtuous citizens (Stavrianos, 2015), and this has been morphed into the public sphere where normative (white) mothers can use their motherhood as a signal for morally virtuous credentials as a candidate. The significant advantage of maternal rhetoric is its potential to introduce feminine values, such as warmth and caring characteristics, into public life that have previously been disqualified by the expectations of a masculine political realm (Deason, 2020). Mothers can use their identity as a credential to invoke moral authority/leaning into domestic roles and can argue that “moms get things done” in the domestic sphere and thus can be trusted in political roles. This may be more effective for Republican mothers compared to Democratic mothers, if they invoke “traditional normative” family values. Black mothers may also be able to use motherhood as a currency to push back against concerns of the “perpetual foreigner” stereotype by demonstrating normatively traditional American family values. Complying with hegemonic American norms through motherhood may also frame Black mothers as less of a threat and may give them access to moral authority rhetoric that their race and gender alone may not have afforded them.

Mothers may also face the binary of the good/bad mother that may structure both political opportunities and constraints. “Good” motherhood has been inextricably linked with whiteness and higher socioeconomic status (SES), arguing that there is a right way to be a mom in politics (Anzaldúa, 1987; Killen, 2019). Being a “good” mother can be particularly difficult for single mothers, lower SES mothers, and mothers of color to achieve given their incongruent features. “Good” mothering has been tied up with intensive and active mothering connected to cultural beliefs that (1) the mother is the irreplaceable, central caregiver for the children; (2) appropriate childrearing involves excessive time and devotion, putting the child’s needs above your own; and (3) children are outside the realm of market valuation—you can’t put a price tag on spending time with your child (Hays, 1996). However, these “good” mothering expectations are tied up with racial constructs as previously noted. The Black community has historically viewed and practiced mothering as a role that extends beyond just the biological mother, and community members can participate in “other-mothering,” helping to support and raise children within the community (Hill Collins, 1994).

This practice contradicts the ideas of “intensive/good” mothering and associates a stereotype of being a “bad mother” with Black women who do not adhere to the norms of “intensive/good” mothering.

The challenge of acting in line with “good” mother ideology demonstrates another double bind that women face when they attempt to achieve success at work and as a parent, as the expectations of a “good” mother are incongruent with demanding work. Additionally, Black mothers are at an inherent disadvantage in demonstrating their “good motherhood” due to historical conditions during and after slavery that reinforced economic insecurity among Black women. Black women often were the head of household by providing economic support by serving in white homes. This led to the notion that Black women were emasculating Black men economically and stepping outside the bounds of femininity by leaving their children in the care of other family networks, leading to “other-mothering” (hooks, 1981, p. 75). This reinforced the myth of the Black matriarch and maternal deficiencies among Black mothers. In contemporary times, this wedge that perpetuates good and bad mothers becomes cavernous when also considering Black mothers who may deviate from the normative good mother in any way: whether that is family makeup, child-rearing responsibilities, SES, or simply racial difference. The inherent racialized hierarchy of good and bad mothers has remained durable, and while Black mothers may try to fit the (white) norm to push back against these stereotypes, they may be more constrained and face distinct challenges to do so successfully.

Because of the long history of Black women’s distinct orientation to citizenship and motherhood, I expect that both the questioning from senators and Justice Ketanji Brown Jackson’s framing of motherhood will diverge significantly from that of Justice Amy Coney Barrett. I anticipate that Justice Jackson’s motherhood will be erased and not directly discussed by both senators (of either party) and herself; and when it is discussed it will be framed more in terms of work–life balance and how she did her best to be a “good mother” while meeting the demands of public service work.

CONGRESS AND HEARINGS AS A RACED–GENDERED INSTITUTION

Hawkesworth (2003) introduced the concept of “racing–gendering” institutions and argues that Congress as an institution and its processes, including hearings, actively practice racing–gendering in the political process. She argues that “racing–gendering” structures like Congress rely on hierarchies based on race and

gender, which leads to silencing, stereotyping, and invisibility of congresswomen of color and keep them “in their place” (p. 531). Formal and informal rules and networks of Congress favor cisgender white men, and as Duerst-Lahti (2002) notes, Congress as an institution rewards masculine behaviors, making it harder for minoritized legislators to have their voices heard and have their lived experiences legitimized in the policymaking process (Brown, 2014; Minta & Brown, 2014). Dittmar (2021a) argues that by studying the intersectional forces of race and gender among congressional staffers, scholars can note the concurrent privileging of masculinity and whiteness in congressional structures—from congressional committee hearings to speech patterns where women are more likely to be interrupted than men—has subsequent effects on policy creation, outputs, and distribution of power within its halls (Miller & Sutherland, 2022). Party identification is also an important dimension in how racing–gendering plays out in institutions, and Wineinger (2021) finds that Republican women in Congress are increasingly likely to invoke speech about themselves as traditional women and mothers in order to conform to cultural values of their party by pairing their gender identity with party values.

While there is a plethora of work that explores the racing–gendering aspects of Congress in terms of marginalized membership identities, floor speeches, sponsorship of bills, and so forth, there is little research that specifically considers the role of race and gender bias concerning the selection and evaluation of U.S. Supreme Court nominees. Some early research in the 1990s focused on raced–gendered aspects of the Thomas–Hill hearings (Fraser, 1992; Mansbridge & Tate, 1992). More recently, Ringhand and Collins (2010) offer some insights into the Supreme Court hearing process and how the process differs for women and minority nominees. Using an empirical dataset from 1939–2009, they find that women and minority nominees face a substantively different hearing environment and face different questions from senators than their white male counterparts. Women and minority candidates are asked more substantive questions overall and face more questions regarding their judicial philosophy, and minority nominees also face more questions about their orientation to criminal justice. Boyd and Ringhand (2018) argue that senators will ask these “othered” nominees more questions regarding their judicial philosophies to determine their competency, and this effect is likely exacerbated for nominees not sharing a senator’s partisanship. They find strong evidence that women face more questions on judicial philosophy and experience a substantively different confirmation process than male nominees, especially women of color.

Such theoretical frameworks about intersections of race and motherhood, the “racing–gendering” institution of Congress, and the additional evidence that women and minority candidates face substantially different questions during a nomination hearing raise questions about how Congress framed the two judges’ orientation as working mothers differently.

DATA AND METHODS

In order to analyze the data, I began by using the C-SPAN Video Library API to identify and download the closed captioning text of the Supreme Court nomination hearing process for Amy Coney Barrett (October 12–15, 2020) and Ketanji Brown Jackson (March 21–24, 2022). I excluded the final hearing days, as these days were reserved for outside supporters and did not include senator and justice interviews, unlike the first three days of each hearing. These two hearings were chosen for two key reasons. First, the hearings are a year and a half apart, and as Table 3.1 shows, each hearing includes nearly identical senators in the proceedings as part of the Senate Judiciary Committee members. This allows for both a within- and between-subjects comparison of how senators reference motherhood identities for candidates of different racial backgrounds. Second, these two hearings include the two first working mothers to be nominated to the Supreme Court.

I scraped and cleaned the text provided in the C-SPAN closed captioning section during the nomination period. I merged the datasets together and used structure topic modeling (STM), a text mining technique that allows the researcher to identify abstract “topics” that occur in a collection of documents and analyze the relationships in form of covariates (Roberts et al., 2014). The unit of analysis is each speaker’s statement. After running initial STM analysis to get a general sense of the topics discussed during the hearings, I then conducted a traditional content analysis to capture the gendered and racial nuance and political context (Tillery, 2019). The content analysis included reading the entire universe of the 3,616 statements during the two hearings. This includes the justices’ own opening statements, as well as senators’ questioning period and responses by the justices. I coded and counted the number of times each judicial nominee and senator referred to the nominee’s own motherhood, family, children, or husband, or asked for tips on parenting/domestic chores. If a senator (or nominee) used any of these terms, I then looked at the wider context of their statement to

TABLE 3.1 *Senate Judiciary Committee Members, 2020 and 2022*

Democrats	Republicans
Dick Durbin, IL (chairman, KBJ hearing)	Lindsey Graham, SC (chairman, ACB hearing)
Sheldon Whitehouse, RI	Chuck Grassley, IA
Chris Coons, DE	Mike Lee, UT
Patrick Leahy, VT	Marsha Blackburn, TN
Jon Ossof, GA*	John Neely Kennedy, LA
Cory Booker, NJ	Josh Hawley, MO
Richard Blumenthal, CT	Ted Cruz, TX
Amy Klobuchar, MN	John Cornyn, TX
Dianne Feinstein, CA	Thom Tillis, NC
Alex Padilla, CA*	Ben Sasse, NE
Mazie Hirono, HI	Tom Cotton, AR*
Kamala D. Harris, CA†	Mike Crapo, ID†
	Joni Ernst, IA†

*Senators participating only in Ketanji Brown Jackson (KBJ) hearing.

†Senators participating only in Amy Coney Barrett (ACB) hearing.

determine whether there were any gendered and racialized codes being used. The task at the center of the content analysis was to code and sort the statements into categories according to rhetorical frames and use of “motherhood.” The categories included direct and indirect references to justices’ motherhood, connecting motherhood to the role of judging, to policy, to domestic balance, to race and identity; references to a justice’s family, children, or husband; and references to motherhood not related to the justice. The content analysis will help to confirm if and in what ways motherhood and race are used to “otherize” or legitimize a nominee during the hearing process.

RESULTS

Within the text of each nominee’s hearing, motherhood does not make up the bulk of the conversation. In Barrett’s hearing, references to motherhood by the justice and senators comprise 4% of total hearing comments; and in Jackson’s, total references to motherhood make up 3% of hearing comments.² At its face, these are not significantly different in terms of total number of motherhood claims between the two hearings. However, it becomes clear digging further into the

patterns that while motherhood is not a main topic area of the nomination hearing, it is used in important ways to frame discussions and to anchor the qualifications and claims of each nominee.

JUSTICES' PATTERNS OF "MOTHERHOOD"

I began by running an automated descriptive analysis of how each justice frames her motherhood through a structured topic model on the justices' speech throughout the duration of each of their hearings. STM allows for the comparison between the justices of how their speech (the document) or specific words within the document relate to abstract topics, in the form of covariates. The topic groups that emerged from the automated analysis are based on substantive topics related to the courts, policy issue differences, and generic court language that are less informative. Figure 3.1 shows the top topic differences between the justices' hearing rhetoric (differences between Barrett and Jackson rhetoric). Nearly all 10 identified topics on either substantive court process or case discussion are significantly different between the two justices. This is not surprising given that these are two independent hearings that would be focused on different areas of the law that each justice worked on. However, family, work, and children come up as a related topic for the two hearings. Topic 10 (family/background) demonstrates significant differences ($p = 0.001$) between the justices and the clustered group of words, including how they framed their background and family life, with Jackson referring to family and domestic life less often than Barrett. This provides initial support that how each justice discussed their family life and motherhood significantly differed.

Figure 3.2 shows the plot estimate of words of topic 10 (family/background) and demonstrates that Jackson spoke significantly less about her family, background, and children compared to Barrett. Thus, at a high level, the structure topic model provides initial support that the justices frame their motherhood and family differently and that Jackson erases motherhood and family life as a qualification compared to Barrett, perhaps due to racial expectations and her incongruity with "white motherhood."

The figures provide initial context on how different the two justices spoke about their motherhood and the content analysis fills in the gaps. A few distinct patterns emerge through the content analysis that initially seem counterintuitive to the expectations. Table 3.2 shows a raw count of the rhetorical strategies

Top Topics

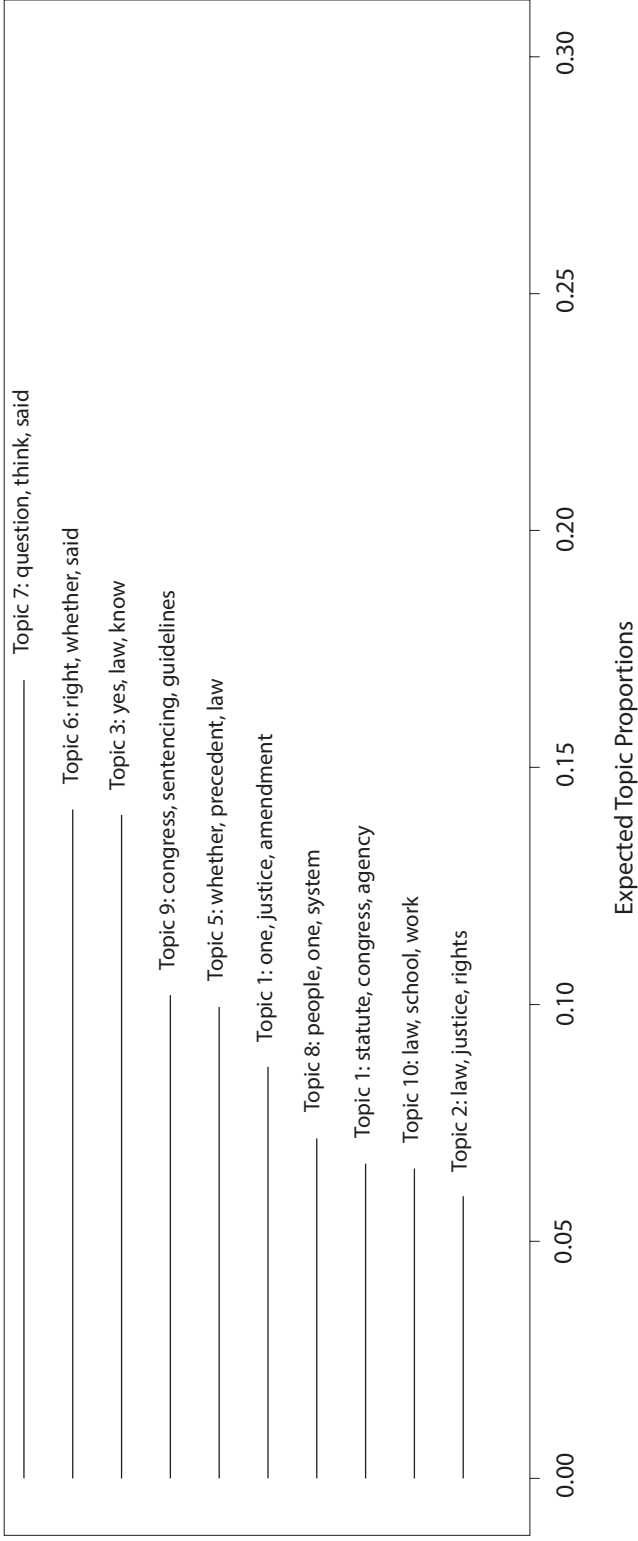


FIGURE 3.1 Justices' top topic differences in their hearing rhetoric.

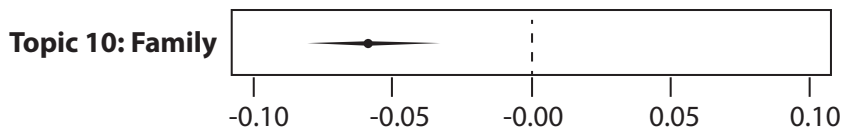


FIGURE 3.2 Differences between Amy Coney Barrett and Ketanji Brown Jackson topic words on family/background. The figure shows the coefficient of topic 10. Barrett is the baseline and the negative value indicates that Jackson referred less to this topic compared to the baseline (Barrett).

around “motherhood” that are employed by the justices during their hearing. Counter to the expectations, results show that Jackson refers to her motherhood *directly* more often compared to Barrett (i.e., “As a mother”). However, 75% of these direct references of Jackson’s motherhood were used in defense of her decision-making as a justice, in highly personal terms and to push back against the Republican senator narratives that she was too lenient against sex offenders. She was repeatedly asked by various Republican senators why and how she came to these sentencing decisions in child pornography cases, and her response often began by noting, “I take these cases very seriously as a mother” (C-SPAN User, 2023n), or “as a judge who is a mom and has been tasked with responsibility and actually reviewed the evidence,” she finds the case discussed harrowing (C-SPAN User, 2023o).



(C-SPAN User, 2023n)



(C-SPAN User, 2023o)

TABLE 3.2 *A Raw Count of the Rhetorical Strategies Used by the Justices Sorted by Motherhood Theme*

Motherhood theme	Amy Coney Barrett	Ketanji Brown Jackson	Total
Motherhood direct references	2	12	14
Motherhood indirect references	21	3	24
Husband	9	5	14
Children	48	8	56
Family	20	20	40
Connecting motherhood to judging	3	9	10
Motherhood to policy	3	0	3
Balance domestic	6	2	8

She uses this framing rooted in her motherhood to anchor her qualifications and defend her decision-making as a judge in these cases. By bringing in her motherhood, she reminds senators that she has the qualifications of a “good mother”—that she follows the hegemonic “traditional” family norms and demonstrates success in both work and domestic spheres. By extension, she makes the argument that her decision-making as a justice should be considered sound and legitimized because she fulfills these hegemonic maternal expectations. Furthermore, by bringing in her motherhood she can express empathy, morality, and emotion in dealing with these cases, which helps to frame her as a “virtuous” mother and push back against framing of her as having deficient maternal characteristics.

Barrett only refers to herself directly as a mother twice during her nomination, both times during her opening statement, and in reference to the historic nature of her nomination. For example, she states, “I would be the first mother of school-age children to serve on this Court” (C-SPAN User, 2023j).

Unlike Jackson, Barrett relies on more indirect references of her motherhood through her children and domestic duties to reinforce the credential that she is the “right” kind of mother for the job and does not have to use her motherhood in defense of her decision-making as a justice. Unlike Jackson, who repeatedly connects her motherhood to her role as a justice to legitimize herself, Barrett uses this technique sparingly. This runs counter to expectations that Barrett would embrace her identification as a mother more often. However, the next section, which looks at the senator use of motherhood rhetoric, helps to explain this contradictory result. Results show that Republican senators do much of the work in referencing Barrett’s motherhood status and relate how her “good mothering” and ability to “balance it all” makes her a justice worthy of the Supreme Court. As the senators do the bulk of the work here, Barrett does not have to rely on identifying herself directly “as a mom” nearly as often as Jackson and can use indirect cues like referencing her children and reminding us that she is the matriarch in her household. For example, in response to a question about teaching law students, Barrett says, “When I’m teaching this to my con law students, I tell them

that I can teach my kids at the dinner table the First Amendment doesn’t apply here. In my house it is the law of Amy” (C-SPAN User, 2023l). Here she subtly reminds us of her motherhood status, her role as a “good Republican mother,” and by extension the maternal qualities that make her qualified for the Supreme Court.

Justices also differ in how they refer to domestic work–life balance. Jackson’s discussions of the domestic sphere are both around the struggle of work–life balance for her family and having to make family sacrifices to succeed at her job. In her opening statement, she frames motherhood as “not always getting the balance right,” which aligns with the historical narrative of Black motherhood as “not virtuous” and deficient. But a significant exchange takes place with Cory Booker (D-NJ), notably the only Black member on the hearing committee. Booker relies on his own experience of having a Black mother managing the demands of both work and family life and helps Jackson reframe and expand on her initial statement of “failing” as a mother. Jackson responds, “I had struggled, like so many working moms, to juggle motherhood and career,” which often led to choices between work emergencies and missing birthdays. She ends the exchange saying that she hopes her daughters see that “you don’t have to be a perfect mom, but if you do your best and love your children, things will turn out okay” (C-SPAN User, 2023l).



This exchange gives voice to the historical patterns of Black women having to work outside of the home to maintain economic security at the expense of spending time with family. By highlighting these hard choices that Jackson reiterates many working moms must make, she strips away the notion of the universalized “virtuous” mother and brings the historical legacy of labor, and stereotypes of maternal deficiency, and Black motherhood onto center stage. She reclaims what a “good” mother can look like in contemporary U.S. society; that one can work, make sacrifices, and still be a good mother and role model to their children.

Barrett referred more often to the domestic sphere and in line with (white) maternal virtuous expectations. Her discussion of balance was often in response to questions about parenting tips and “how she did it all.” For example, John Neely Kennedy (R-LA) asked who does the laundry in her household, to which Barrett noted, “Increasingly we try to get the children to take responsibility, but it has not been successful. We run a lot of loads of laundry” (C-SPAN User, 2023i). Kennedy responded with, “Well, you’re very impressive Judge.”



Senator Ted Cruz (R-TX) asked Barrett about how she managed during lockdown with children, to which she replied, “It was a challenging time” for her family, like for other Americans (C-SPAN User, 2023h).



Unlike Jackson, Barrett never frames the domestic sphere balance in a way that admits to imperfection of parenthood, or having to make sacrifices. In an

exchange with Ben Sasse (R-NE) about how she sees balancing academic writing in addition to her other roles as a justice and mother, Barret notes, “I found frankly that it is hard to manage all the demands of family life and the job and writing any kind of scholarly article that I did in the past” (C-SPAN User, 2023j).



While she admits the balance can be hard, she never suggests that she may not be getting it right, missing out on important familial moments, or failing to balance it all.

The incongruity between how motherhood and the domestic sphere is framed in the two justices’ hearings is most telling in terms of how motherhood can be wielded in distinct ways. Jackson speaks about motherhood distinctly as a challenge, which aligns with the history of Black mothers facing prejudices and expectations of not being able to successfully fulfill traditional care expectations while securing an economic livelihood. By contrast, Barrett uses references to the domestic sphere to highlight how she conforms to the ideas of the “good mother” and aligns with expectations of whiteness and upper-class identities—never noting challenges that may lead to conflict between her motherhood and professional identities. While the frequency with which the two justices referred to motherhood was counter to expectations (in that Ketanji Brown Jackson referred more frequently to her motherhood identity directly than did Amy Coney Barrett), the content of their references conforms to theory around the intersection of motherhood and race. The counterintuitive findings regarding the frequency with which the justices referred to their motherhood may also be reflected in different patterns of how senators highlighted this identity, to which I now turn.

SENATOR PATTERNS

Patterns are more difficult to discern using the STM among the senators due to the vast differences of topics discussed in hearings. Content analysis provides more insights into how senators approach motherhood and highlight or hide it within each hearing, as shown in Table 3.3.

In terms of motherhood references and patterns among each of the nomination hearings, a few overall patterns emerged. The governing party for each of the hearings (Republicans during Barrett and Democrats during Jackson) was significantly more likely to include rhetoric about motherhood (both directly and

TABLE 3.3 *Senators Raw Count of the Rhetorical Strategies Used by the Senators Sorted by Motherhood Theme*

Motherhood theme	Democrats		Republicans	
	Amy Coney Barrett	Ketanji Brown Jackson	Amy Coney Barrett	Ketanji Brown Jackson
Motherhood direct references	0	14	17	3
Motherhood indirect references	4	6	24	10
Husband	0	9	14	3
Children	2	14	28	5
Family	21	42	33	21
Connecting motherhood to judging	0	1	5	1
Motherhood to policy	2	1	3	1
Balance domestic	2	5	10	0
Referring to mothers generally (i.e., broadly or identifying themselves as a mother)	26	21	5	15

indirectly) compared to their partisan counterparts. Republican senators were far more likely to include motherhood rhetoric (both directly and indirectly) compared to Democrats ($p = 0.013$) during Barrett's hearing, while Democrats were more likely to include motherhood rhetoric than Republicans ($p < 0$) during Jackson's hearing. This suggests that the governing party who nominates the justice relies on their motherhood identity as an asset to highlight during the nomination process regardless of candidate race/ethnicity.

Diving into rhetoric around domestic balance category by senators during each hearing shows that motherhood is not universalized and is wielded in different ways dependent on the party and race of the nominee. During the Jackson hearing, five Democrats and zero Republicans spoke about the justice's motherhood and domestic sphere duties. The Democrats who spoke often connected Jackson's working motherhood status to their own experience and struggles with managing their dual roles as a working parent and legislator. During the questioning period, Senator Amy Klobuchar (D-MN) says to Jackson, "As a lawyer who also balanced work with parenthood myself, I particularly enjoyed your story" (C-SPAN User, 2023f).





Senator Alex Padilla (D-CA) noted, “I share [your struggle] about being a working parent” (C-SPAN User, 2023g).

Democrats who are not parents still tapped into the theme of the challenges of being a working mother and noted that Jackson’s experience and struggles to get it right would resonate with the larger American public. Senator



Cory Booker (D-NJ) noted, “You are a mom that faces career challenges at your private law firm. How many women can relate to that?” (C-SPAN User, 2023e).

Once again, motherhood is discussed in terms of challenges rather than as an inherent qualification to the Court.

Booker’s exchange with Jackson also highlights how motherhood can be a connection not solely between gendered experiences but also race. As discussed above, an important exchange takes place between Booker and Jackson, the only two Black members in the hearing. During Booker’s questioning period, he connects his own experience with a Black mother having to make choices between work and taking care of him as a child and notes that he does not understand Jackson’s statement when she says she hasn’t been as good of a mom as she’d like to be. Booker, as the only Black member of the committee, pushes back against the erasure of Black motherhood during the hearing and provides additional context to and reframes the narrative of Black mothers as inherently “bad” for having to manage full-time labor as well as domestic duties and motherhood. His exchange disrupts the logic of Black maternal deficiency framing and interrupts the narrative of Black women as “bad” moms for being in the labor force and having to make tough choices between work and family to ensure financial security and success.

In the case of Barrett, 10 Republicans and 2 Democrats spoke to her motherhood and balance in the domestic sphere. The rhetoric and tone around the domestic sphere shifts from “challenges of balance and motherhood” with Jackson to “having it all” with Barrett. Notably, it’s the male senators who are more likely to bring up Barrett’s motherhood and deem her motherhood as a qualification for



the bench. Senator Thom Tillis (R-NC) notes of Barrett, “She is a remarkable mother, has seven beautiful children, and despite being busy, she makes time to be involved in her community” (C-SPAN User, 2023d).

Senator Josh Hawley (R-MO) reflects in his opening statement: “I have two boys at home. I can’t believe how calm your children have been sitting for a couple of hours. Maybe you can give me some tips when we are finished here” (C-SPAN User, 2023c).



These statements both nod to the notion of the “Republican mother” concept and the idea that mothers are serving their country by raising morally virtuous citizens, which has morphed into an inherent credential and in this case is used as a proxy for traditional and GOP-supported cultural values. “Struggling” as a mother is excluded from the image of a morally virtuous mom who is “doing it right” and inherently good.

Republicans also use this framing to attack the Democrats and question their claims to diversity on the Court. Senator Marsha Blackburn (R-TN) says, “You would think that my colleagues would jump at the opportunity to support a successful female legal superstar, who is highly regarded by both her Democratic and Republican colleagues, and who is a working mom. As today’s increasingly paternalistic and disrespectful arguments have shown, if they had their way, only certain kinds of women would be allowed into this hearing room” (C-SPAN User, 2023a).



Yet, it is notable in the case of Barrett that not only did the minority party speak to the nominee’s motherhood but they also framed their comments in a similar “Republican motherhood” notion as a credential. Senator Dianne Feinstein (D-CA) praises Barrett, saying, “You do not have a magic formula for how you do it and handle all the children, and your job and your work and your thought process, which is obviously excellent” (C-SPAN User, 2023b). Senator Feinstein does not make similar comments to Justice Jackson about her motherhood despite being the nominating party in her confirmation.



That the minority party also framed the nominee’s motherhood as an inherent credential and as a signal of qualification suggests that Barrett is able to rely on motherhood as a signifier of a good Supreme Court nominee, unlike Jackson. This is in part due to the racial and cultural constructions of motherhood. Thus the senators, both Republicans and Democrats, seem to do more of the work for Barrett to frame her as supermom who can uphold the example of a “good mother” who fits within the normative (white) framework of expectations for a traditional nuclear family and, by extension, uses her mothering style as a qualifying credential for the nomination.

CONCLUSION

In this essay I explored how motherhood rhetoric is wielded during Supreme Court nomination hearings, intertwined with race, and used to universalize or make invisible the justice’s motherhood as credential. This study fits within

an emerging line of social science research that explores the link between race, parenthood identity, and elite-level discourse. As noted in the introduction, Barrett and Jackson provide an excellent case study as the first two working mothers nominated to the Supreme Court and within a two-year period. Analyzing patterns of how both the justices themselves and the senators spoke about their motherhood and motherhood as an inherent credential for the nomination provides support for the theoretical expectations that there are clear racial and hegemonic maternal narratives deployed to uphold expectations about universalized (white) motherhood. Using a computer-assisted analysis of the content via structure topic modeling and a content analysis of the nomination hearings that was obtained from the C-SPAN Video Library, I gleaned distinct rhetorical patterns that support the theoretical expectations around race and motherhood and more broadly in electoral politics. Beyond providing support for the concept that motherhood identity can act as a credential but in distinct ways, I hope to open a space in the emerging scholarly conversations around parenthood as an identity and its intersections with race and gender in politics more broadly. I hope that future research on these and related topics will benefit from our efforts.

NOTES

1. During and after slavery, Black women emerged to hold a low economic status and were often unable to own property and subsequently unable to obtain wealth. Due to these conditions, after slavery Black women continued to work outside the home to provide economic support for their families and often served in wealthy white homes as maids, cooks, and nannies. Their work in service occupations allowed for white women's advancement in education and professional spheres possible (Threadcraft, 2016). Becoming the head of household by providing economic support and serving in white homes led to the idea that Black women were (1) emasculating Black men economically and (2) stepping outside the bounds of femininity by leaving their children in the care of Black men or other family networks, leading to "other-mothering" (hooks, 1981, p. 75).
2. Raw count of discussion of motherhood (indirect or direct) from either a senator or justice themselves occurs in 68 out of 1,814 comments during the Amy Coney Barrett hearing and 48 out of 1,712 comments during the Ketanji Brown Jackson hearing. These do not include indirect references to children, family, and so forth.

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4

WITH GREATER TRANSPARENCY COMES GREATER, BUT TEMPORARY, ENGAGEMENT

An Analysis of C-SPAN's Live Audio Broadcasts of Supreme Court Oral Argument

Rachael Houston and Timothy R. Johnson

INTRODUCTION

At 10 a.m. on May 4, 2020, Chief Justice John Roberts introduced Justice Department attorney Erica L. Ross, who represented the Patent and Trademark Office in *Patent & Trademark Office v. Booking.com B.V.* (2020). She was given a couple of minutes to introduce her argument, defending the government's decision to refuse to register a trademark for the travel website Booking.com because "booking" is the generic term for hotel reservation services. Moments later, the justices plunged into the details of the legal dispute—all while thousands of people listened live.

Responding to the COVID-19 pandemic, this opportunity for the public to tune in to the Supreme Court's oral argument in real time was unprecedented.¹ Media outlets and pundits alike called the move a remarkable breakthrough in public access to America's highest court. (See, e.g., Dwyer, 2020; and Wylie et al., 2022.) Historically, the U.S. Supreme Court released audio recordings of its oral argument on Fridays after they were heard in person on Mondays, Tuesdays, and (some) Wednesdays. This delay meant only the few hundred people in the courtroom experienced live argument sessions, while the rest of the public waited several days until they could access the argument audio.² With the move to live-streamed argument, however, the courtroom doors have opened for everyone. As a result, the justices have garnered a vastly larger audience during argument

than usual, given the limited seats in the courtroom and the cost of traveling to Washington for most would-be observers. An unlimited number of people can simultaneously listen to an argument when it is livestreamed, compared to the 50 to 100 members of the public who, normally, are allowed to attend an argument session.³ The Reporters Committee for Freedom of the Press estimated 100,000 people tuned in to listen during the first two weeks of argument in May 2020—which includes argument in *Patent & Trademark*—and over 2 million people listened to at least one livestreamed oral argument by November 2020.⁴

With this access and reach comes new opportunities for the public to *engage* with the U.S. Supreme Court. For our purposes, we examine engagement through the lens of online media, which we define as views, likes, shares, and comments on various online media platforms, including social media (Pancer et al., 2019; Swani & Labrecque, 2020). The research question we propose focuses on the extent to which the public relied on, and engaged with, C-SPAN through its website, Twitter, YouTube, and Facebook feeds as the Court streamed live argument. We focus on C-SPAN because the Court has provided direct audio to it during this period of live argument.⁵ C-SPAN has also been the strongest media advocate for increased transparency at the Court, which we discuss later in this essay. In so doing, we seek to determine *whether the public was more likely to listen to argument and engage through likes, shares, and comments as a result of livestreaming*. The answer may seem intuitive because access should intuitively meet C-SPAN's mission of increasing transparency.⁶ However, it is unclear whether greater transparency translates into greater public viewership and online engagement with the nation's high court.⁷

To make this assessment, this essay proceeds as follows. In this first section, we discuss the Court's reluctance to increase public access to its argument sessions. We then consider literature that speaks to why such access is important to the Court's legitimacy. From there we discuss C-SPAN and why it is important to examine the role it has played in helping increase access to the Court. Finally, we turn to data to determine the extent to which people took advantage of the newfound access to the opaque branch of the federal government.

WHY ARE THE JUSTICES SO SHY?

According to Chief Justice John Roberts, the U.S. Supreme Court is the “most transparent branch in government” when it comes to observing their work and providing explanations for their actions (C-SPAN, n.d.a). His view is, in

some respects, satirical because for decades the Court has ignored most of the technological and transparency advancements adopted by other branches of government. The Court does not allow cameras in the courtroom during oral argument, has not released audio of its oral argument until the Friday after each argument (until now!), and still does not provide audio recordings of opinion announcements until the fall after cases are decided.⁸ Even as lower federal and state courts have begun to make these advancements by offering livestreaming and broadcasting sessions for public consumption, the highest court in the land has remained largely secluded.⁹ Cameras in the court? “Over my dead body,” former associate justice David Souter once said (“On Cameras in Supreme Court,” 1996).

Supreme Court justices have given many reasons over the years for why they want to stay hidden to the public during argument. The two most common concerns are that (1) the public does not understand the function of oral argument and (2) if the courtroom doors open, the media will use embarrassing sound bites in news segments, ultimately portraying the Court negatively to the public. As to the former, some justices, both former and current, have expressed their opposition to increased access to the Court in the form of live broadcasting. Their main reason is the belief that the public does not understand oral argument and its role in the outcome of a case. As a result, people might not fully grasp the strategic nature of the justices’ questions, such as when they play the role of a devil’s advocate. They may also overestimate the impact of lawyers’ oral advocacy skills based on what they see during argument. In essence, there is a risk that the public may perceive the argument stage as the sole decisive factor in the Court’s decision-making process. Former justice Antonin Scalia once remarked that the complexity of the law “is why *The University of Chicago Law Review* is not sold at the 7-Eleven” (Ford, 2020). In terms of oral argument, Scalia’s perspective implies that providing the public with access to these arguments might expose them to complex legal discussions they do not comprehend fully. Justice Sonia Sotomayor told a reporter that argument should not be televised in part because most viewers “don’t take the time to appreciate what the Court is doing” (Egelko, 2020). Like Scalia, Sotomayor believes that the public does not understand oral argument and its significance in the Court’s overall decision-making process. The bottom line is that many of the justices do not want transparency in the form of broadcasting arguments because they believe the public does not have the knowledge to fully appreciate what transpires during the hour-long arguments. Scalia put it this way: “If I really thought the American people would get educated, I’d be all for it” (Biskupic, 2011).

However, what the justices do not seem to grasp is that the public *has a genuine desire* to be educated about the workings of the high court; there is a genuine interest in learning more about its decision-making process. As Ariane de Vogue, Supreme Court correspondent for ABC News, aptly points out: “There’s a real hunger out there from people to know more about the Supreme Court and the justices” (*Holding Out*, n.d.). If the justices continue to hold on to these concerns, however, the public will remain unappreciative of the Court’s work.

The second primary concern among justices is that journalists will take quotes from arguments out of context and use them as sound bites on the news. Kennedy once said he does not want the Court to become part of “the national entertainment network” (*Holding Out*, n.d.). Likewise, Scalia told the Senate Judiciary Committee, “For every ten people who sat through our proceedings gavel to gavel, there would be 10,000 who would see nothing but a thirty-second takeout from one of the proceedings, which I guarantee you would not be representative of what we do” (Biskupic, 2011). Yet, members of the press suggest this concern is baseless. Former NBC News correspondent Pete Williams said reporters already use short quotes from the justices because the transcripts of arguments are available the same day and that doing so has not confused the public or, thus far, stirred up controversy (*Holding Out*, n.d.).¹⁰

The justices’ concerns (and the public and media responses them) came to a halt in early 2020. Indeed, when the COVID-19 pandemic struck the United States in the early months of 2020, the Supreme Court was forced to delay its March and April argument sessions from the October 2019 term (Ringsmuth et al., 2022). As cases continued to pile up for arguments, however, the justices were forced to decide how they would proceed with the Court’s business.¹¹ On April 13, 2020, the Court announced it would hear select arguments in May to finish out the term. Since it would “violate health and safety” for the Court to meet in person, the justices announced they would hear arguments over the telephone (Supreme Court of the United States, 2020). And, instead of only providing select personnel with access to these phone calls, the Court gave access to everyone by providing live audio to C-SPAN, CNN, and the Associated Press (Totenberg, 2020).

The decision allowed people to listen to arguments live *for the first time* in the Court’s history and was the biggest step toward increasing its transparency—even if it was a compromise largely out of the justices’ control. In what follows, we provide a brief discussion of why such access, despite the justices’ concerns about it, is crucial for the Court to maintain its legitimacy as an institution.

WHY THE JUSTICES SHOULD NOT BE SO SHY

While the elected branches are held accountable to the public through elections, the U.S. Supreme Court is not subject to such accountability. Consequently, it becomes crucial for the public to demonstrate its support for the Court by recognizing it as a legitimate institution. In other words, the public's backing is essential; otherwise, there is a risk that the Court's decisions may be challenged, left unenforced, or simply disregarded. Scholars posit several factors that may influence public support for the Court, including exposure to it and gained knowledge about it (Gibson & Caldeira, 2009; Gibson et al., 2003).¹² Oral argument, and the livestreaming of it, can certainly influence people's support for the Court by exposing the public to the Court's decision-making process. Polling evidence further supports the notion that the public desires this exposure, particularly when it comes to oral argument. For instance, a poll conducted by Fix the Court and PBS finds that 83% of their sample agreed with the decision of the Court to provide live audio of its arguments during the pandemic, and 70% believed the Court should continue with live audio once things return to normal (Golde, 2020). These findings are reinforced by a nationally representative sample collected by Black et al. (2020). Many of their respondents (53%) agree that public access to the Court's work provides value to society, and 67% of respondents even support cameras in the courtroom. In addition, exposure to oral argument may lead people to develop more positive associations with the Court. The 2022 C-SPAN/Pierrepoint Supreme Court Survey finds that 46% of respondents in their sample knew the Court provided live audio of oral argument and, of those who had listened to the audio, 48% had a more positive view of the Court (C-SPAN, 2022a).

While these polling data examine public approval for increasing transparency at the Court and the positive feelings associated with such transparency, they do not directly reveal people's thoughts during the unfolding of arguments. The closest related study is Krewson (2019), who demonstrates that personal visits and speeches from the justices at law schools and community centers lead attendees to view the Court more favorably. This exposure to the justices prompts individuals to extend more support to the Court in the form of increased feelings of legitimacy (Gibson & Caldeira, 2009; Gibson et al., 2003). In our study, we seek to build upon Krewson's (2019) research by directly assessing people's responses to livestreamed oral argument through C-SPAN and its social media platforms. Before presenting these results, however, we first explore the role C-SPAN plays in advocating for increased transparency at the Court.

C-SPAN'S ROLE IN SUPREME COURT TRANSPARENCY

To understand efforts to increase the Court's transparency, it is important to isolate C-SPAN. Specifically, we focus on C-SPAN's role for several reasons. First, for decades C-SPAN has been a pioneer—and the leading media force—in the fight for increasing access to the Court in the same way it provides “gavel-to-gavel” coverage of the U.S. House of Representatives and the U.S. Senate (C-SPAN, n.d.c). C-SPAN already provides live coverage of confirmation hearings (it began doing so with Justice Sandra Day O'Connor's hearings) and launched a program called *America and the Courts* to educate the public about the Court. Most generally, C-SPAN believes that providing the same kind of coverage of the federal judiciary as it provides for Congress (and the executive branch) will help build stronger public trust in the institution (C-SPAN, 2022a). Second, C-SPAN does not have a partisan or ideological bent, which means it is more broadly appealing than partisan news outlets. Its reach is also extremely impressive, perhaps precisely because of its appeal. In its 2021 quadrennial survey, C-SPAN found that an estimated 85 million U.S. adults accessed its content across all platforms in the past six months, 73 million in the past month, and 60 million in the past week from the time the sample was collected.¹³ Third, C-SPAN is trusted by the U.S. Supreme Court and its justices. This is demonstrated by the many interactions between the Court and C-SPAN over the years.¹⁴ In 1987, the Court accepted a proposal from C-SPAN that allowed it to originate live programs from the press room inside the Supreme Court building. This groundbreaking decision marked the first time television cameras were permitted inside the building, offering the public a glimpse of its interior for the first time (assuming they had never visited in person). Toward the end of 1988, C-SPAN joined an informal consortium of other news organizations that put on a demonstration inside the Court's chamber to show exactly how televised coverage would work for oral argument. After a 25-minute oral presentation, three justices who attended (and sat at their usual places on the bench) watched a playback on tape and asked a few questions. However, nothing came from the demonstration.

C-SPAN has also filed written requests for the Court be more transparent during specific cases, and the Court has actually granted some of those requests.¹⁵ In 2000, C-SPAN made an emergency appeal to Chief Justice William Rehnquist to allow televised coverage of the Court's argument in *Bush v. Palm Beach County Canvassing Board* (2000). The justices demurred but they broke with tradition by offering, instead, to release audiotapes of the oral argument immediately upon their conclusion.¹⁶ A few days later, when *Bush v. Gore* (2000) was to be argued,

C-SPAN again asked for permission to provide live broadcast coverage but, realizing that televised coverage was unlikely to be approved, asked for live radio coverage instead (or, for the younger generation, old-school livestreaming). Again the Court consented, but since these occasions the Court has not altered its stance against televised coverage. However, the justices have significantly relaxed their stance on releasing audio recordings of many important cases on the day of argument.¹⁷

In 2020, however, C-SPAN was able to stop its letter-writing campaigns as the Supreme Court took an unprecedented step by providing real-time telephonic access to its oral argument without any request from C-SPAN. Perhaps the Court chose this method of delivery because it had provided audio the day of in many salient cases in the past. According to C-SPAN, “COVID-19 was able to do in two months what C-SPAN has been trying to get the [C]ourt to do for 35 years” (Collins, 2007).

THEORY AND EXPECTATIONS

Based on the confluence of literatures in the previous sections, we seek to answer two questions about public engagement with the Court’s arguments via C-SPAN. First, did viewership of the Court’s arguments increase as a result of livestreaming? We anticipate a surge in viewership of oral argument on C-SPAN when it initially offered livestreaming during May 2020. However, we also expect this increase to subside over time as the Court continues to livestream and the public, as well as the media, becomes accustomed to it as a regular practice. This expectation is grounded in the fact that media coverage in the 21st century is characterized by rapidly changing cycles with new stories and updates emerging every 24 hours or even sooner (Vasterman, 2005). Ritter (2020) further emphasizes that such advancements alter what people perceive as relevant and salient news. Consequently, people shift from one major news story to the next as they strive to keep up with relevant changes in the world.¹⁸ Therefore, empirically, *we should observe the number of views, likes, comments, and shares to spike during the May 2020 session but gradually decline as the Court moves away from this initial session of livestreaming.* Next, we seek to uncover whether users who tuned in to oral argument live were engaged through online comment sections and, for our purposes, comment sections on YouTube.¹⁹ Unlike the president and Congress, who the public holds accountable through elections, the Supreme Court does not have a direct line of communication with the public. This meant that,

historically, when citizens want to voice an opinion about the Court, they must do so through editorials in newspapers or magazines. However, online comment sections have created unprecedented opportunities for people to communicate with one another about the Court, playing an important role in shaping public discourse (Bennett, 2003). Through these sections, users are able to acquire information from one another about the Supreme Court and have different opportunities to participate in conversation. Thus, *we expect that many users will chime in with their thoughts about oral argument as it happens live*. To test these two expectations, we first turn to a discussion of the viewership data we collected from C-SPAN's website.

DATA AND RESULTS

Viewership on C-SPAN's Website

We are relying on engagement data (views, likes, shares, and comments) through C-SPAN's website and its Facebook, YouTube, and Twitter social media channels. The first data points that interest us are C-SPAN's website viewership data of oral argument (see, e.g., Dietrich & Yao, 2020). Unfortunately, C-SPAN's website does not capture likes, shares, or comments for its posts. Therefore, we turn exclusively to its website to examine viewership data. We chose to focus on C-SPAN's website data because (1) C-SPAN does not have television viewing data publicly available and (2) a majority (86%) of Americans obtain their news via online sources (Shearer, 2021).

To collect these data, we navigated to C-SPAN's website and selected the page "The U.S. Supreme Court on C-SPAN."²⁰ This page contains C-SPAN's coverage of oral argument, both livestreamed and posted recordings, with a drop-down menu extending back to the Court's oral argument during the 1960 term. In this essay, we are only interested in collecting oral argument viewership data from October 2019 to April 2022 (the 2019, 2020, and 2021 terms). This range provides us with 20 oral argument sessions and a total of 175 argued cases. It also provides us with a good set of cases heard before and after livestreaming began at the Court. For each of the 175 cases in our dataset, we determined whether C-SPAN provided coverage of the case on its website. Figure 4.1 displays an example of C-SPAN's audio for the case *Arizona v. City and County of San Francisco* (2022).

Once we identified that C-SPAN covered the oral argument for a case, we then used the main search bar on C-SPAN's website to locate the case by its title. We filtered the content to include only audio content and identified the same audio

FEBRUARY 23, 2022

Report Video Issi

Arizona v. San Francisco Oral Argument

The Supreme Court heard oral argument in *Arizona v. San Francisco*, a case on whether states can defend federal regulation in a court of law even if the... [read more](#) ▾

The screenshot shows a video player interface for a C-SPAN broadcast. The main video area displays the text "U.S. SUPREME COURT ORAL ARGUMENTS" in large white letters over a background image of the Supreme Court building. A white play button is centered on the video. In the bottom left of the video area, the C-SPAN logo is visible with the tagline "CREATED BY GALE BY FDU". In the bottom right, the C-SPAN logo is repeated with the website "c-span.org" and a timestamp of "1:21:54". Below the video area is a control bar with icons for "Clip", "Bookmark To MyC-SPAN", "Embed", "Clipping Guide", and "Share This Video". To the right of the share icons are social media icons for Twitter, Facebook, and YouTube. Below the control bar is a search and filter section with a "Text type" dropdown set to "Text", a "Filter by Speaker" dropdown set to "All Speakers", and a search box with a magnifying glass icon. To the right of this section is a "PEOPLE IN THIS VIDEO" list featuring "Samuel A. Alito, Jr., Associate Justice U.S. Supreme Court" and "Amy Coney Barrett". At the bottom left, a video progress bar shows a timestamp of "00:00:06" and a snippet of text: "the honorable the Chief Justice and the Associate Justices of the Supreme Court of the United States."

FIGURE 4.1 Example of oral argument audio on C-SPAN's website.

we had previously found using the page “The U.S. Supreme Court on C-SPAN.” This procedure allowed us to see how many people viewed each oral argument audio. As Figure 4.2 displays, *Arizona v. San Francisco* received 1,160 views.²¹

We followed this procedure for each of the cases in our dataset and found that, of these 175 cases, C-SPAN posted oral argument audio for 140. Figure 4.3 displays the results, with the dashed line indicating the split when the Court began livestreaming its argument sessions. This figure shows that C-SPAN was inconsistent with posting oral argument audio on its web page before the May 2020 session (October 2019–February 2020 sessions). Of the cases in these earlier sessions, it posted audio for fewer than half of the cases. This suggests C-SPAN was not going back to post the audio after the Court released it at the end of an argument week. However, this changed instantaneously with the introduction of livestreaming. Starting in May 2020, with *Patent & Trademark v. Booking.com*, C-SPAN provided audio coverage for every single case, and it has not stopped to date.²²

But our first phenomenon of interest, the extent to which viewership of oral argument increased because of livestreaming, is to where we now turn. Figure 4.4 provides the average number of views for each of our sessions of interest. The

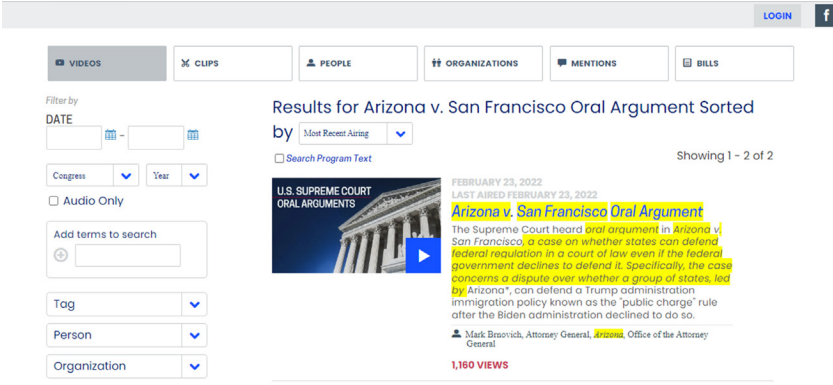


FIGURE 4.2 Example of viewership data on C-SPAN’s website.

dashed line indicates the split between the non-livestreamed and livestreamed arguments. Before livestreaming, the arguments C-SPAN posted averaged roughly 3,466 views. This average increased to about 4,121 views during May 2020 and the Court’s first arguments in *Patent & Trademark v. Booking.com* receiving 42,356 views on C-SPAN’s website. In comparison, however, if we remove the viewership data from the May 2020 session, the average drops to 3,408, which is quite

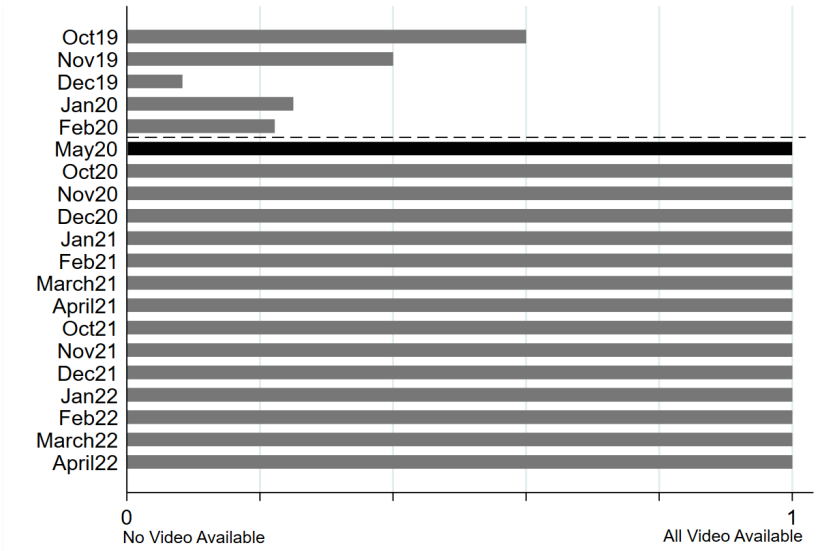


FIGURE 4.3 Audio availability on C-SPAN’s website by oral argument session. Dashed line indicates the split when the Court began livestreaming its argument sessions.

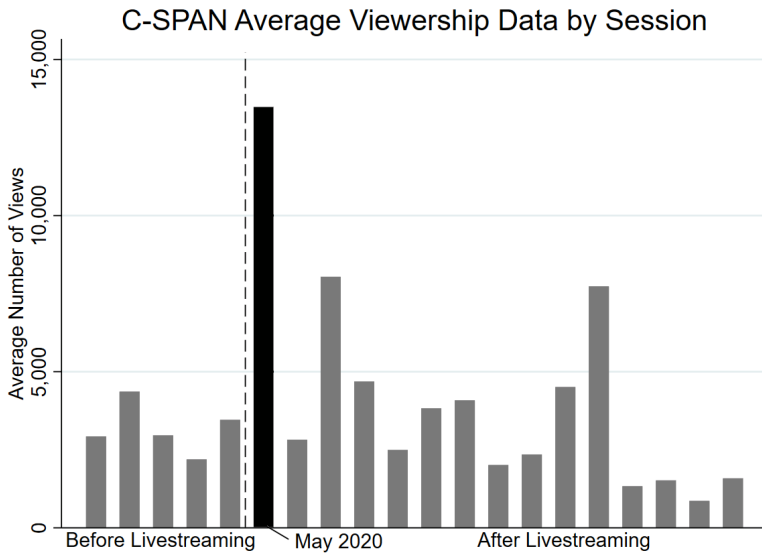


FIGURE 4.4 C-SPAN average viewership data by oral argument session. Dashed line indicates the split between the non-livestreamed and livestreamed arguments.

comparable to cases posted before the pandemic ($p < 0.05$ for both comparisons—before livestreaming and May 2020, and after livestreaming and May 2020).

What is interesting as well is that the first arguments in *Patent & Trademark* had many more views even compared to arguments heard in the days shortly after. Table 4.1 displays case-level viewership data for the May 2020 session.

TABLE 4.1 *Viewership of May 2020 Cases on C-SPAN's Website*

Case name	Views
<i>Patent & Trademark v. Booking.com B.V.</i>	42,356
<i>Usaid v. Alliance for Open Society International, Inc.</i>	8,157
<i>Little Sisters of the Poor v. Pennsylvania</i>	14,837
<i>Barr, Atty. Gen. v. American Assn. of Political Consultants, Inc.</i>	6,367
<i>McGirt v. Oklahoma</i>	15,760
<i>Our Lady of Guadalupe v. Morrissey-Berru</i>	5,138
<i>Trump v. Mazars / Trump v. Vance</i>	2,690
<i>Chiafalo v. Washington</i>	14,909
<i>Colorado Dept. of State v. BACA</i>	11,102

Perhaps, then, the availability of livestreaming initially caused argument viewership to increase, but then the “newness” of livestreaming seems to have dissipated—even in the May 2020 session. Collectively, the data in Figure 4.4 and Table 4.1 support our first expectation that there was an initial increase in viewership when the Court began livestreaming, but this increase did not last very long.

Engagement on C-SPAN’s Social Media

Beyond the viewership data on C-SPAN’s website, recall that we are also interested in the extent to which C-SPAN provides audio of the Supreme Court’s oral argument through its social media channels, and how engagement data (views, likes, shares, and comments) may have changed because of livestreaming. Specifically, we examine how many people engage with live arguments on three platforms: Facebook, YouTube, and Twitter. We analyze these platforms for oral argument coverage because C-SPAN encourages visitors to follow it on these three platforms.²³ C-SPAN’s reach is also considerable; combined it has a total of 4.7 million followers or subscribers.

Consider, first, Facebook. We navigated to C-SPAN’s page and, once there, used the search bar and typed two search terms separately, “oral argument supreme court” and “oral argument,” and set the range for our dates of interest (October 2019–April 2022).²⁴ For each term we scrolled through the posts that appeared and coded when an oral argument audio of interest appeared. Interestingly, C-SPAN only cross-posted oral argument audio to Facebook three times in this time frame—*Dobbs v. Jackson Women’s Health Org.* (2022), *California v. Texas* (2021), and *Patent & Trademark v. Booking.com*—the latter of which was the Court’s first livestreamed argument. It goes without saying that the former two are highly salient cases. While Facebook does not provide viewership data, we did obtain the number of reactions, comments, and shares for each post. Table 4.2 displays these data.

TABLE 4.2 *Number of Reactions, Comments, and Shares on Facebook Posts*

Case name	Reactions	Comments	Shares
<i>Patent & Trademark v. Booking.com</i>	1,200	434	524
<i>California v. Texas</i>	1,500	4,000	1,300
<i>Dobbs v. Jackson Women’s Health</i>	304	1,300	416

The data are clear: *California* and *Dobbs* received more comments than *Patent & Trademark*, perhaps because these are more salient to the public than the patent case *Patent & Trademark*. From these data, it is not clear whether *Patent & Trademark* received more views than the other posts, but the reactions, comments, and shares do not seem to point to this conclusion. But it is clear that C-SPAN did not start posting arguments to Facebook until livestreaming. However, because of C-SPAN's limited presence on Facebook when it comes to oral argument, we cannot say anything about our first expectation with these data.

We followed a similar set of procedures to collect oral argument audio engagement data on YouTube. We used the search bar on C-SPAN's YouTube page to separately run the two search terms "oral argument supreme court" and "oral argument."²⁵ We scrolled through the search results to identify oral argument audio for our 175 cases of interest. Like with Facebook, C-SPAN does not often post oral argument audio on YouTube. However, it did post live audio for *California v. Texas*, *Whole Women's Health v. Jackson* (2021), and *Dobbs v. Jackson Women's Health Org.*—all cases the Court heard after the transition to livestreaming. Of interest is that C-SPAN livestreamed these cases directly on YouTube and, possibly as a result, across all C-SPAN's platforms, these cases garnered the most viewership. Perhaps this is because people stumbled across these arguments on YouTube while they were on the platform for other reasons (e.g., entertainment), whereas an individual must want to engage with politics when navigating to C-SPAN's website (Prior, 2007).

As with Facebook, we do not have viewership data to compare pre-livestreaming cases to post-livestreaming cases on YouTube. What these viewership data can tell us in Table 4.3, however, is that, combined, the videos garnered a total of 953,329 views, which suggests, potentially, that almost a million users were exposed to the Court's arguments who otherwise may not have been exposed to them. Again, like with Facebook, this viewership data cannot speak to our first expectation since C-SPAN only posted three cases.

TABLE 4.3 *Number of Views on YouTube Videos*

Case name	Views
<i>California v. Texas</i>	544,420
<i>Whole Women's Health v. Jackson</i>	39,225
<i>Dobbs v. Jackson Women's Health</i>	369,684

In addition to views, YouTube is the only social media platform of interest that allows researchers to scrape its webpages for content. Thus, using a web scraper tool, we collected all comments for these three cases and compiled them while filtering out replies. We did this because research suggests direct comments on a YouTube video (called threads) are more about the content of the video than are replies. In contrast, replies to comments are typically responses to a user thinking a comment is either positive or negative (Nawaz et al., 2019). With that caveat, we turn to the data.

California v. Texas is a case that dealt with the constitutionality of the 2010 Affordable Care Act, colloquially known as Obamacare. It was the third challenge to the ACA heard by the Court since its enactment. On C-SPAN's video of the live oral argument coverage of this case, there are 465 threads produced (i.e., 465 comments on the video). Of these comments, the most frequently used words in the discussion of these arguments are "people" (141), "insurance" (98), "law" (82), "care" (79), and "health" (69). Table 4.4 provides the list of the top 10 words from this argument.

These words were typically used when users were expressing their own opinions about the ACA. One said, "Think about those with little income, students from another country, people with medical conditions those who needs to intake medicine each day." Others made comments about the individual justices and their behavior: "Why is Justice Kagan interrupting Solicitor General Kyle Hawkins so much?" In the heat of arguments, another said, "Justice Barrett sounds awfully smart to me and fair-minded to me, now that all the shouting is over. :)" What is interesting about these comments is that users were chiming in as the proceedings were happening in real time.

The next two cases dealt with abortion—*Whole Woman's Health v. Jackson* and *Dobbs v. Jackson*. Both involved challenges to state laws that ban abortions after a certain period in Texas and Mississippi, respectively. *Whole Woman's Health* had

TABLE 4.4 *Top 10 Words Used to Discuss California v. Texas*

Term	Count	Term	Count
People	141	Court	66
Insurance	98	ACA	63
Law	82	Pay	57
Care	79	Like	57
Health	69	Just	55

218 threads, and the two most popular words used in the comments were “royal” (102) and “family” (74). A closer examination of the individual comments suggests many people were discussing a speech made that day (November 1, 2021) by Chancellor Angela Merkel at the World Leaders’ Summit. Once we filtered these comments, the next most popular words were “law” (60), “court” (60), “life” (59), and “abortion” (48). Similar to *California*, users staked out their charged positions about abortion: “Look, I don’t care if abortion stays or goes. Don’t really care, but it’s getting really annoying hearing people as well as JUSTICES say abortion is a constitutional right. It is not. It is a made up right.”

Of the three cases, *Dobbs* had 1,792 threads, the most of all three arguments. The most popular words were “abortion” (335), “court” (290), “life” (247), “people” (239), and “right” (231). A table of the top 10 words used across the comments for this argument appears in Table 4.5.

Users discussed their views on abortion generally, but also in direct response to the justices’ comments and questions during argument. One user quoted Justice Sotomayor in real time saying, “In response to Justice Sotomayor talking about the religious view of when life begins (circa 27:30), you began life as just one cell, and about 40 weeks later you were born . . .” Then, the user proceeded to support their claim with textbook evidence: “From *Psychology in Your Life* (Third Edition), 2019, p.132. A college psychology textbook that affirms LGBTQIA and same-sex marriage states that life begins at conception. This is not a religious idea.” Other users simply commented on the justices’ questions and behaviors: “How many times can Justice Thomas ask the same question, ‘What right grounds abortion? Privacy?’ Rikelman answered ‘liberty’ twice and then he asked Prelogar the same question. LOL.” Another user said, “Justice Sotomayor, shredding Stewart’s feeble argument!!!!” These comments show that users were, again, engaged while listening to the proceedings.

TABLE 4.5 *Top 10 Words Used to Discuss Dobbs v. Jackson*

Term	Count	Term	Count
Abortion	335	Right	231
Court	290	Law	211
Life	247	Would	185
People	239	One	184
Women	234	Like	173

Beyond the content of the arguments, users commented on the livestreaming component: “I think being able to listen to arguments in real time (or near real time) is a great way for the public to at least get a sense of those arguments” and praised C-SPAN. “Love cspan just the facts not opinion.” In particular, a user even pointed out that C-SPAN keeps its comments open during the livestreaming: “Also—props to Cspan for keeping the comments section open!” By C-SPAN keeping the comment section open for livestreaming, it is continuing to embrace its mission of transparency.

Collectively, these discussions highlight one main point: thousands of people watched oral argument live via C-SPAN’s YouTube channel, and as they watched, many craved more engagement with the cases. To fulfill this interest, users turned to the comment section on YouTube to contribute their thoughts about the arguments, their opinions of the justices, and everything in-between. This satisfies our second expectation that people contributed their thoughts about the proceedings as they took place. In other words, C-SPAN has given thousands of people the ability to engage with the Court through discussion.

Finally, we turn to C-SPAN’s Twitter account. We observe that C-SPAN appears to prioritize Twitter for posting livestream oral argument coverage, at least in comparison to YouTube and Facebook. We used Twitter’s advanced search tool to narrow tweets from C-SPAN that included the terms “oral argument supreme court” and “oral argument” for our dates of interest.²⁶

Of the 175 cases in our dataset, C-SPAN provided live audio tweets for 126.²⁷ What is important is that these 126 arguments all occurred *after* the Court began offering livestreaming. Before livestreaming, C-SPAN did not post audio for the Court’s arguments at all, except when highlighting older salient cases like *Roe v. Wade* (see C-SPAN, 2022b). Now, however, C-SPAN tweets as soon as live arguments begin.

Across all 126 arguments, the C-SPAN Twitter feed provides the case name, a quick description of the case, and a link to listen to the live arguments. For each case C-SPAN tweeted, we collected the number of retweets and likes for each post. Specifically, Figure 4.5 depicts these quantities for our sessions of interest. These Twitter data can speak more about our first expectation than can Facebook and YouTube.

It is clear that Twitter posts from May 2020 received the most engagement in the form of likes and retweets across all sessions in our dataset. On average, in May 2020, C-SPAN’s Twitter posts about oral argument received 102 likes and

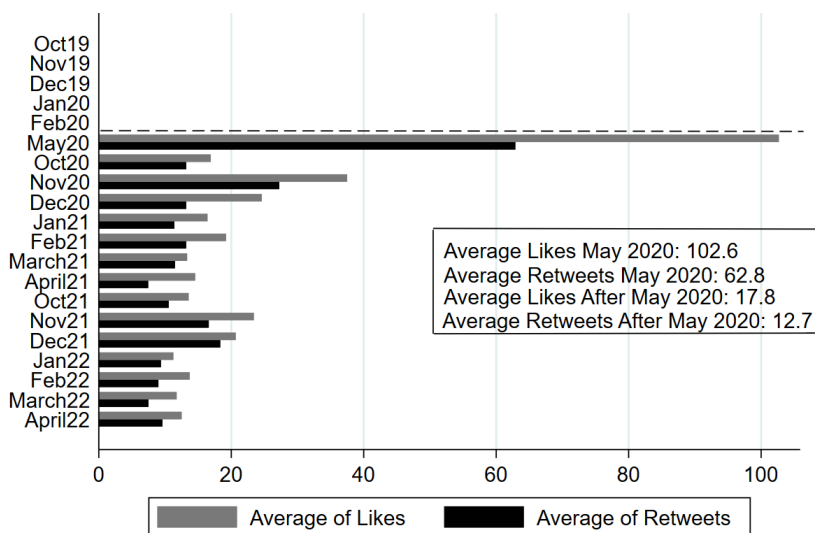


FIGURE 4.5 Average likes and retweets on Twitter by oral argument session.

62 retweets. The main case driving these data is *Patent & Trademark v. Booking.com*, which received 539 likes and 298 retweets. As with the viewership data on C-SPAN, perhaps users were more willing to engage with the arguments in this case because it was the first argument the justices heard with livestreamed public access. Across the other sessions in our dataset, the average number of retweets and likes never eclipsed 40. In fact, the average likes on livestreamed cases after the initial May 2020 session was 17.8 and the average number of retweets was 12.7.

From these data across C-SPAN's website and social media pages, we find support for both of our expectations. Our first expectation is that the number of views, likes, comments, and shares should spike during the May 2020 session. Through the viewership data on C-SPAN's website, we find that views for oral argument audio during the May 2020 session (the first session the Court heard livestreamed arguments) were at a record high, but viewership numbers quickly declined after this session—returning to previous levels of viewership prior to livestreaming. Facebook and YouTube data can't provide evidence for this expectation because, to our surprise, C-SPAN did not typically post the Court's oral argument to these two accounts before livestreaming. Through the Twitter data, however, we were able to see that the number of likes and retweets quickly declined after the initial May 2020 session of livestreaming.

Our second expectation is that many users will chime in with their thoughts about oral argument as they happen live. We were able to capture highlights of conversations that took place over the three arguments that C-SPAN broadcasted live on its YouTube page. C-SPAN offered an unprecedented opportunity by keeping its comment sections open, allowing the public to actively engage with one another as the proceedings took place. Moving forward, C-SPAN should broadcast all arguments on its YouTube page to continue fostering public discussion about the Court and its decision-making process.

CONCLUSION

C-SPAN has tried for years to open up the nation's highest court. Its success was minimal and relegated to cases deemed important by the justices themselves (e.g., *Bush v. Gore* [2000]). But the 2020 pandemic forced the justices' hands. They had to close the Supreme Court, but they also had to ensure that their most important cases were heard and decided in a timely manner. Thus, to ensure the public would still have access to the arguments, the justices took the major step (especially for an institution that moves at a turtle's pace) of allowing immediate, live-streamed access to the argument sessions. This was a huge win for C-SPAN, as it could help U.S. citizens better understand the least known branch of federal government through live arguments at the Court.

With this transition to livestreaming, C-SPAN was able to telecast arguments live through its website and social media platforms, allowing the public to interact with the Court in a new way. The data we provide here show a remarkably interested public—at least in the short term. But, as with other phenomena surrounding the Court's decision to livestream (see e.g., Houston et al., 2023; Ringsmuth et al., 2022; Sag et al., 2021), viewership and engagements leveled off even as the Court made the decision to continue livestreaming during the 2021 and 2022 terms. What this tells us is that institutions can adapt to major world events but that, when things settle down, dissipate, or normalize, people do so as well. C-SPAN provides an amazing service so that the public may understand the nation's highest court, and while we do not expect to see May 2020 levels of viewership anytime soon, it is certain that a good number of citizens, media members, academics, and Supreme Court watchers will continue to use this service as long as it is provided. And that, at its core, is good for democracy!

NOTES

1. For a history of the Supreme Court's oral argument, see Mauro (2022).
2. Beginning with the October 2006 term, the Supreme Court has made the transcripts of oral argument available free to the public on its website, <https://www.supremecourt.gov/>, on the same day an argument is heard by the Court. The delays come with the audio of these arguments.
3. "All oral arguments are open to the public, but seating is limited and on a first-come, first-seated basis. Before a session begins, two lines form on the plaza in front of the building. One is for those who wish to attend an entire argument, and the other, a three-minute line, is for those who wish to observe the Court in session only briefly." For more information, see "Visitor's Guide to Oral Argument" at <https://www.supremecourt.gov/visiting/visitorsguidetooralargument.aspx>.
4. To access these viewership data, see Wasser (n.d.).
5. The Supreme Court only gave livestream access to CNN, the Associated Press, and C-SPAN (Supreme Court of the United States, 2021).
6. For more information about C-SPAN's mission see <https://www.c-span.org/about/history/>.
7. In late August 2022, Justice Kagan supported keeping livestreaming even after the pandemic: "The livestreaming was a consequence of closing the courtroom to the public. There might be arguments that once we open the courtroom to the public, we should get rid of the livestreaming, so go back to the old system. I personally would prefer to keep the livestreaming. I think that livestreaming has worked very well and we've seen no problems with it. But I only get one vote of nine" (C-SPAN, 2022d). Ultimately, her colleagues agreed with her. On September 28, 2022, the Court issued a press release making clear it would continue the livestreaming experiment (Supreme Court of the United States, 2022). Therefore, livestreaming is now continuing through the new October 2022 term.
8. Before 2010, the Court only provided audio from a given term's hearings at the start of the next term. When a case is particularly high profile, however, the Court has historically released audio of the proceedings the same day as the arguments. See, for example, *Bush v. Gore* (2000), *Citizens United v. FEC* (2010), and *NFIB v. Sebelius* (2012). Audio recordings of opinion announcements are still not available until the fall after cases are decided. This policy has led to misreporting in the media. A notable example is with the health care rulings in 2012. Although the court upheld the Affordable Care Act, it was hard to know that as the news broke on that Thursday morning. (See Farhi, 2012.)

9. Every state supreme court allows cameras, and so do the highest courts in Canada, the United Kingdom, and Australia. The U.S. Court of Appeals for the Ninth Circuit began livestreaming oral argument in the last several years.
10. Several members of the press have real-time access to the Court's oral argument and can cite quotes in their news stories pulled from the live argument (see e.g., "Courtroom Seating" at https://www.supremecourt.gov/oral_arguments/courtroomseating.aspx). However, reporters are prohibited from using electronic devices of any kind, such as cameras, cell phones, and laptops, to record the proceeding (Carter, 2012; Schubert et al., 1992; Wasby et al., 1976).
11. It is important to note that beyond tradition and precedent, nothing precluded the justices from deciding those cases on the briefs alone without oral argument from the involved parties.
12. Unfortunately, the Court's own lack of transparency has meant the public is generally less knowledgeable about it compared to the elected branches as well (Davis, 1994; Davis & Strickler, 2000; Haltom & Cadwallader, 1998; Slotnick & Segal, 1998).
13. Of these viewers, television remains the most popular device for accessing content, but a sizable number of viewers—more than two in five—use a smartphone, and roughly a third use a laptop/PC. (See C-SPAN, n.d.b.) While C-SPAN has traditionally been known as a television broadcast network, its online presence now reaches millions.
14. For a full review of these interactions, see Collins (2007).
15. From December 2000 to 2007, the Court granted just more than half (56%) of C-SPAN's requests for same-day release of the taped oral argument. See Collins (2007).
16. As a reminder, the Court's usual policy is to release audio recordings of oral argument at the end of the week on which they are heard.
17. The Supreme Court released same-day audio in 27 cases before the transition to livestreaming oral argument, most recently in 2018 with the "travel ban" case, *Trump v. Hawaii* (2018). The court has also released same-day audio in the LGBTQ cases of *Hollingsworth v. Perry* (2013) and *United States v. Windsor* (2013), along with the 2015 marriage equality case *Obergefell v. Hodges* (2015).
18. It is difficult to measure the life span of news stories because it is largely dependent on the topic area (politics and elections, social issues, environment, etc.) and how life span is measured (readership, distribution, etc.). Additionally, news stories can have multiple life spans. However, The Lifespan of News Stories offers a unique approach by depicting this concept using Google Trends API (see <https://www>

- .newslifespan.com/). It quantifies the evolution of search interest across a 60-day window surrounding each event. According to The Lifespan of News Stories' calculations, most politic and election stories have a lifespan of 0–1 days.
19. Here, we focus on YouTube comments exclusively. C-SPAN does not have a comment section on its website.
 20. See <https://www.c-span.org/supremeCourt/calendar/>.
 21. Viewership data was collected on September 7, 2022.
 22. And there is no reason to see it going back given that the Court announced it will continue to livestream even though the courtroom will be open to visitors beginning in October 2022 (Supreme Court of the United States, 2022).
 23. At the bottom of C-SPAN's home page, there is a section that says, "Follow C-SPAN," and provides links to its Twitter, Facebook, and YouTube pages. C-SPAN also includes its Instagram handle. We decide not to include Instagram in our analysis because unlike the other platforms, there is not a search tool available on Instagram. In other words, to track oral argument coverage we would have to manually scroll through C-SPAN's feed. Additionally, compared to the other platforms, Instagram is not as influential in its reach. As of September 9, 2022, C-SPAN's Instagram account has 127k followers. Its Twitter has 2.1 million followers, its Facebook has 1.5 million followers, and its YouTube account has 1.1 million subscribers. Therefore, while Instagram is important, we feel that it is not consequential to understanding C-SPAN's posting behavior and its viewership data of oral argument.
 24. See <https://www.facebook.com/CSPAN>. We used these search terms because of our findings on C-SPAN's website. For each oral argument, C-SPAN captured its post as "[INSERT CASE NAME] Oral Argument." By using the phrase "oral argument" on Facebook, we can capture all the cases that C-SPAN cross-posted to its Facebook account. We follow this same procedure for Twitter and YouTube.
 25. See <https://www.youtube.com/c/C-SPAN>.
 26. See <https://twitter.com/search-advanced>.
 27. For some cases, C-SPAN tweeted multiple times about the oral argument. For example, C-SPAN tweeted that arguments were happening live for *Kennedy v. Bremerton School District* (2022) on April 25, 2022, but then it also tweeted the audio for this argument on June 27, 2022, after the Court handed down its decision in this case. (See C-SPAN, 2022c.) In this essay, we are only interested in the tweets that advertise that the arguments are happening live. Future research, however, should explore these other tweets.

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5

PEOPLE EVALUATE A FEMALE POLITICIAN'S USE OF VERBAL AGGRESSION DIFFERENTLY BASED ON HER CLOTHING COLOR

A Further Test of the "Petty in Pink" Effect

Adam S. Richards and Patrick Rice

Dress is, without question, an important part of a politician's tool kit.

VANESSA FRIEDMAN, *THE NEW YORK TIMES*, JANUARY 10, 2019

INTRODUCTION

Jamieson (1995) famously observed that female political leaders experience a double bind whereby they are expected to conform to both feminine and masculine stereotypes. That is, the public believes they should personify seemingly mutually exclusive characteristics by being both compassionate and caring as well as assertive and aggressive. We seek to further understand this dynamic by studying how audiences evaluate verbal and nonverbal cues to femininity and masculinity that are communicated by female politicians. In particular, we theorize that female politicians' wearing of pink clothing, as a cue to femininity, alters the degree to which their verbally aggressive attacks, as a marker of masculinity, are credible and persuasive.

In a previous study (Richards et al., 2022), we began to investigate these relationships. Using language expectancy theory (LET; Burgoon, 1995; Burgoon et al., 2002) and other gender theoretic explanations (Eagly & Johannesen-Schmidt, 2001), we predicted that pink clothing would serve as a nonverbal cue to prime

notions of femininity within the public, thereby leading to increased expectations for feminine speech. LET proposes that audiences' expectations for a persuasive source's speech conform to stereotypical gender norms, whereby women are expected to be more nurturant and less aggressive than men (Eagly & Johannesen-Schmidt, 2001). Accordingly, female persuaders are more influential when using unaggressive language compared to aggressive language, whereas male persuaders are more influential when using aggressive language compared to unaggressive language. This proposition aligns with other research about gender stereotyping and persuasion, which shows that female speakers exert less influence than males (Carli, 2004), especially when they use verbal aggression (Carli, 2001; Smith et al., 2013). Such stereotypes have been shown to reduce support for female candidates (Huddy & Capelos, 2002; Lawless, 2004), especially when stereotypes are activated within the political context (Bauer, 2015). These perspectives led us to argue that pink increases audiences' expectations for feminine behavior, which cause them to evaluate aggressive speech more negatively when female politicians wore this color. Thus, in the absence of the femininity cue (i.e., while wearing nonpink clothing), more masculine speech would be more effective than less masculine speech, but in the presence of the femininity cue (i.e., while wearing pink clothing), more masculine speech would be less effective than less masculine speech. Simply, clothing color would moderate the degree to which verbal aggression persuades.

In the week prior to the 2020 general election, we (Richards et al., 2022) conducted a between-subjects experiment in which we showed participants one of four alleged screen captures from CNN of vice presidential candidate Kamala Harris during a debate. The screen captures were identical except for the color of her clothing and the verbal aggression of a written quote attributed to her at the bottom of the screen. Adobe Photoshop was used to manipulate the image so that her jacket color appeared either pink or gray, and a fabricated quote was embedded to create an alleged political attack characterized by low verbal aggression (i.e., "Trump is president. It's time for a new leader.") or high verbal aggression (i.e., "Trump is president, but he is a crooked, dishonest, hateful moron. It's time for a new leader."). After viewing one of these four randomly assigned images, participants rated their attitudes toward Kamala Harris, Donald Trump, and Joseph Biden. Results of that study showed that voters reported fewer message-consistent attitudes when Harris used high verbal aggression while wearing pink (relative to gray)—we deemed this the "petty in pink" effect—but reported more message-consistent attitudes when Harris used low

verbal aggression while wearing pink (relative to gray). These data supported the notion that color primes expectations for whether verbal aggression is perceived as appropriate or not. Female politicians appear to benefit from verbal aggression if they do not wear pink while speaking, and they appear to benefit from *not* using verbal aggression if they wear pink while speaking. Pink clothing reduces the degree to which female politicians can utilize masculine speech successfully.

This finding is important to interpret in light of today's phenomenon in which female politicians wear pink clothing for symbolic purposes. Female politicians' wearing of pink is thought to represent power and feminist agency (Friedman, 2020). Nancy Pelosi, the former Speaker of the House, is one politician identified by fashion journalists to use such a strategy during her speakership:

I don't think there's any question Ms. Pelosi picked a hot pink dress for her swearing-in both because she knew it would make her stand out in what was still a room full of dark suits, and because of the symbolic nature of the occasion: a color traditionally associated with delicate femininity had become a color associated with a seat of power. (Friedman, 2019)

As with many female leaders, Pelosi rarely entertains questions about her style choices. But there is little doubt that the House speaker appreciates—and regularly harnesses—the power of clothing. . . . There was the hot pink suit she wore on “The Late Show with Stephen Colbert,” the one she sported (with pink pumps) for the House committee chairs' latest official photo and the fuchsia dress she chose for the 116th Congress' swearing-in, which featured a record-breaking 127 women. She can even be seen wearing a pink blazer in her official Twitter profile picture. In each case, the shade exuded feminine power. (Holland, 2022)

But does Pelosi's choice of pink actually elicit attributions of power by the public? Our research (Richards et al., 2022) suggests that dressing in the color can undermine the ability of female politicians to otherwise use stereotypically powerful (i.e., aggressive) language.

The goal of the current study is to replicate this finding in relation to female politicians' clothing color and aggressive speech in a more ecologically valid context using video clips from the C-SPAN Video Library. Several key differences in this study allow us to further extend the claims we can make regarding female politicians' use of clothing color and verbal aggression. First, we focus on a different

politician, which will allow us to generalize beyond Kamala Harris. We selected another high-profile female politician, Nancy Pelosi, a Californian House member who served as Speaker of the House and House minority leader between the years of 2007 and 2022. As mentioned, her choice of wearing pink—among other colors (e.g., Hess, 2020; Wise, 2019)—has received public attention. Second, unlike the previous study in which we fabricated manipulations of clothing color and verbal aggression to provide experimental control in a single message iteration, we now employ a within-subjects design that uses multiple real C-SPAN videos of Pelosi speaking during House minority/majority weekly briefings between the years of 2016 and 2021. These recordings serve as appropriate stimuli to test the color by aggression interaction, as (1) the camera shots feature close-up images of Pelosi, who wears a variety of vivid clothing colors during these public appearances, and (2) Pelosi naturally varies the degree to which she uses verbal aggression while speaking during these briefings. Thus, we are able to compare (multiple shades of) pink with a variety of other colors (i.e., not just gray) and compare a variety of actual speech acts that vary in verbal aggression (i.e., not just one particular attack on Donald Trump). Finally, because the former study was conducted the week prior to the general election, we seek to show that these effects replicate even outside of an election cycle when tensions are high and the effects of political speech may be particularly salient.

Under these conditions, we predict that evaluations of Pelosi's credibility, likability, and persuasiveness are responsive to the combination of clothing color and verbal aggression. Thus, we expect:

- H: (a) People evaluate Pelosi more negatively while wearing pink compared to other colors when she uses high verbal aggression, but (b) people evaluate Pelosi more positively while wearing pink compared to other colors when she uses low verbal aggression.

METHOD

Clip Selection

Video stimuli came from the C-SPAN Video Library. These consisted of Nancy Pelosi's speeches during House majority/minority briefings between the years of 2016 and 2021. The videos feature Pelosi speaking to the press behind a

podium in the House Radio-Television Gallery studio. This context was chosen because it featured close-up shots of Pelosi, which would make salient her clothing color, and uninterrupted speech, which would allow for variations in verbal aggression to be selected. Regarding the former, we sought clips in which Pelosi wore various shades of pink as well as a variety of other colors. Regarding the latter, we attempted to choose clips that differed in the degree to which they were overtly verbally aggressive. We employed the user-generated clip feature on c-span.org to create a video playlist of a series clips of Pelosi speaking, initially collecting a total of 36 clips ranging between 15 and 45 seconds. This list was shortened to 16 clips after selecting the videos that seemed to provide face-valid manipulations of low vs. high verbal aggression, with 8 clips in either intended condition. Verbal aggression was likewise crossed with clothing color, with 8 clips featuring pink clothing and 8 clips featuring nonpink clothing (i.e., blue, gray, white, and yellow). Information about the selected clips is presented in Table 5.1.

Pilot Testing

In order to assess whether the selected clips were perceived in accordance with the intended verbal aggression manipulation in the absence of color, we conducted a pilot study whereby we presented written transcripts of each clip to participants. Using a within-subjects design, participants were instructed to read transcripts of a politician's speech (the transcripts were not attributed to Pelosi) and rate the degree to which they found the passage "combative" on a 7-point Likert-type scale, a measure of verbal aggression (Nau & Stewart, 2018). The 16 passages were presented in a random order that varied by participant.

The pilot study was completed by 26 undergraduate students at a southern university in the U.S., who averaged 21 ($SD = 0.74$) years of age, were mostly female (70%), and were mostly white (80%) and non-Hispanic (80%). Participants' combativeness ratings were averaged across the four clips in each condition, creating four separate composite measures representing the various combinations of clothing color and verbal aggression. Data were subjected to a repeated measures analysis of variance using clothing color (pink vs. nonpink) and verbal aggression (low vs. high) as within-subjects factors. We expected that the verbal aggression factor would significantly predict perceived combativeness, but that because the transcripts did not possess associated color cues, that clothing

TABLE 5.1 Information About Video Clip Stimuli

Clip no.	Date of briefing	Clothing color	Verbal aggression	Clip length (sec.)	Video clip text
1	May 23, 2019	Pink	Low	30	As we go into Memorial Day weekend, which is such a beautiful time for us to remember, respect, and honor, we honor the service and sacrifice of our heroes in uniform and reaffirm our sacred duty to never forget those who made the ultimate sacrifice for our country. The service of our veterans reminds us of our mission to build a future worthy of their sacrifice. https://www.c-span.org/video/standalone/?c4944719
2	Mar. 5, 2021	Pink	Low	36	Sadly, the COVID-19 crisis has laid bare many vulnerabilities and disparities in our nation in terms of health care, financial security, housing, transportation, and more, which we will combat with this legislation. Democrats' plan will protect families' health, create jobs, grow the economy, invest in clean energy and climate resilience, and ensure that America's infrastructure is the envy of the world. https://www.c-span.org/video/standalone/?c4945235
3	Sept. 28, 2019	Pink	Low	29	This morning, we had a wonderful, joyous occasion on the floor of the house, which I am sure you all have seen with the return of our colleague, the majority whip, Steve Scalise. What was so exciting for us is that he walked onto the floor. He walked onto the floor with all the challenges that he has had, so thank God that our prayers are answered. We thank Jennifer, Harrison, and Madison, his family, for the support that they gave him, the capitol police, the physicians, his staff. https://www.c-span.org/video/standalone/?c4946262
4	June 18, 2020	Pink	Low	20	Good morning. And a good morning it is. The Supreme Court decision upholding President Obama's wonderful action to support our Dreamers. The DACA decision is something that supports our values as a country. https://www.c-span.org/video/standalone/?c4945236

5	Sept. 12, 2019	Pink	High	22	<p>There is an investigation of federal dollars being spent at Trump-owned properties. This is beyond appalling. But how can anyone be appalled? We've seen it all before. In terms of integrity, the administration is having a limbo contest with itself to see how low it can go.</p> <p>https://www.c-span.org/video/standalone/?c4951443</p>
6	Sept. 28, 2017	Pink	High	39	<p>The president is the "Deflector in Chief." Any time he is going to lose a health care bill, or an election in Alabama, whatever it is, he has got something else he going to try to divert attention to, and he succeeds with it because everyone is paying attention to it. The fact is that our constitution guarantees people the right to express themselves freely. This president has a different view.</p> <p>https://www.c-span.org/video/standalone/?c4946263</p>
7	Sept. 28, 2017	Pink	High	36	<p>This president has a different view, I guess, of what we salute when we salute the flag, that we salute that freedom. And the kinds of comments that he has made are beneath the dignity of his office, of our flag, and of our constitution.</p> <p>https://www.c-span.org/video/standalone/?c4946258</p>
8	Sept. 27, 2018	Pink	High	43	<p>Well I don't think he should be in there in the first place, because what did the president do? The president appointed somebody to Health and Human Services who doesn't believe in health care for all Americans. He appointed somebody to the EPA who doesn't believe in clean air and clean water. He appointed somebody to the Department of Education who doesn't believe in public education, to Labor who doesn't believe in workers' rights. So I don't think he should be there in the first place, and it is unfortunate that he is. For these and other reasons, I would rather somebody else be there, but who could it be? It would probably be somebody who agrees with the president on these scores.</p> <p>https://www.c-span.org/video/standalone/?c4946261</p>
9	June 11, 2020	Yellow	Low	27	<p>Good morning, everyone. As we gather here in the visitors' center, our Congressional Black Caucus is holding a forum, listening to people discussing our legislation, following up on yesterday's hearing.</p> <p>https://www.c-span.org/video/standalone/?c4945166</p>

Continued

TABLE 5.1 *Continued*

Clip no.	Date of briefing	Clothing color	Verbal aggression	Clip length (sec.)	Video clip text
10	June 23, 2016	Gray	Low	24	I would say good morning. I know it's not morning, but I haven't been to sleep yet since Tuesday night so beware. As you all know, because you've been there, when we get sworn in to Congress, we take an oath of office to support and defend the Constitution and the American people. https://www.c-span.org/video/standalone/?c4946047
11	July 17, 2019	White	Low	16	Yesterday our country lost a giant of the court, a clarion voice for justice, equality, and the rule of law: Justice John Paul Stevens. https://www.c-span.org/video/standalone/?c4944096
12	Feb. 13, 2020	Blue	Low	32	I think every candidate in the race has had a positive influence on the race. They bring their ideas, they bring their "why," why they are running, what they know about as their priority issues. Their strategic thinking about how they want to accomplish those goals and give people confidence that they can, in as much a bipartisan way as possible, and how they connect with the American people—each of them in their own way. https://www.c-span.org/video/standalone/?c4944533
13	April 27, 2017	White/ blue	High	22	But always, when he's saying something, he's saying, "This is what I would do." He's projecting his owns bad intentions on to other people, but he doesn't know what our commitment is to the American people, and we would not resort to his standard of performance. https://www.c-span.org/video/standalone/?c4944119
14	Feb. 20, 2022	Blue	High	27	But I would hope that Republicans who respect the rule of law, and I assume most of them do—except for the aberration in the White House and his henchmen—that they would speak out on this too because it cannot stand. https://www.c-span.org/video/standalone/?c4944708

15	June 20, 2020	Yellow	High	33	We can have this discussion here all we want while the president is calling an attack on our democracy a hoax, while the administration is shutting down the protections of clean air for our families. The list goes on and on. So I am not going to go to that place. I have said what I am going to say about it, and let them all debate it. We will see that two nights next week, and I'm very excited about it because I think any one of them would be a better president than the current occupant of the White House. https://www.c-span.org/video/standalone/?c4945644
16	May 20, 2020	Yellow	High	31	You are asking me about the appropriateness of the actions of this president of the United States? So completely inappropriate in so many ways that it's almost a given. It's like a child who comes in with mud on their pants or something. That's the way it is, they're outside playing. He comes in with doggy doo on his shoes and everybody who works with him has that on their shoes too, for a very long time to come. https://www.c-span.org/video/standalone/?c4945178

color and its interaction with verbal aggression would not. This expectation was confirmed. The low vs. high verbal aggression comparison explained 79% of the variance in perceived combativeness, $F(1, 25) = 92.97, p < .001$. Transcripts of the clips classified as having low verbal aggression ($M = 2.44, SE = 0.19$) were rated as significantly less combative than transcripts of the clips classified as having high verbal aggression ($M = 5.33, SE = 0.18$). Color did not predict perceived combativeness, $F(1, 25) = 1.97, p > .05$, nor did its interaction with verbal aggression, $F(1, 25) = 0.08, p > .05$. Thus, the clips adequately represented low and high verbal aggression as desired, and in the absence of color cues, the two levels of verbal aggression were equivalent across color conditions. These results empirically validate the face validity and subsequent use of these manipulations, which were employed in the following study.

Participants

Data were collected during March and April of 2021, while Pelosi was serving as Speaker of the House. Eighty-six undergraduate students at the same university, different from those in the pilot study, were recruited from a participant pool to complete the study for a small amount of course credit. Participants were mostly female (66%), white (84%), and non-Hispanic (92%). Participants reported party identification as Republican (27%), Democrat (43%), and Independent (30%).

Design and Procedures

A 2 (clothing color: pink vs. nonpink) \times 2 (verbal aggression: low vs. high) within-subjects experimental design was used. All procedures occurred online via the Qualtrics survey platform. Participants provided informed consent, completed a pretest survey consisting of questions about demographic information and political party identification, and viewed the 16 clips of Pelosi embedded on separate pages, the order of which was randomized for each participant. After viewing each clip, participants completed a series of items about their various perceptions of Pelosi's speech, which appeared on each page below the video frame. Once this task was completed, participants were asked about what they suspected the purpose of the study was—responses related to the evaluation of political speech, but no one mentioned color. Finally, they were asked if they were color blind, with no one reported being so.

Measures

Measures were modeled after Nau and Stewart (2018). After each video clip, participants were asked to rate their level of agreement on a 7-point Likert-type scale with the statement “In this clip, I found the speaker to be . . .,” with six adjectives assessing qualities of Pelosi. These included “combative” (used to assess verbal aggression); “compassionate,” “trustworthy,” and “knowledgeable” (used to assess the three source credibility dimensions of goodwill, trustworthiness, and expertise [McCroskey & Teven, 1999]); “likable” (used to assess source likability); and “persuasive” (used to assess perceived persuasiveness). Chronbach's α s were calculated for each adjective separately within each experimental condition by using the measures for each foursome of clips that represented the same condition. For example, measures for whether the speaker was perceived as trustworthy in the clips representing the pink/low verbal aggression (VA) condition (clips 1–4, see Table 5.1) were subjected to a 4-item reliability analysis, as were the “trustworthy” items for the pink/high VA clips (clips 5–8), the nonpink/low VA clips (clips 9–12), and the nonpink/high VA clips (clips 13–16). The same procedure was used for all dependent measures. The variables were reliable, with the average α among the measures being .80 ($SD = 0.08$, $range = .69-.89$), and were therefore used to create composite measures for each dependent variable within each experimental condition. Thus, for each dependent variable, participants had four repeated measures representing the composite of their perceptions of the four clips within each of the four experimental conditions.

RESULTS

In order to test the prediction that (a) people evaluate Pelosi more negatively while wearing pink compared to other colors when she uses high verbal aggression, but (b) people evaluate Pelosi more positively while wearing pink compared to other colors when she uses low verbal aggression, data were subjected to a series of repeated measures analysis of variance using clothing color (pink vs. nonpink) and verbal aggression (low vs. high) as within-subjects factors. Consistent with Richards et al. (2022), political party identification (Republican, Democrat, Independent) was entered as a between-subjects factor. In the following, the results are organized according to the significant effects that predicted each

dependent variable. Estimated marginal means are reported, and post hoc results reflect tests of least significant difference.

Verbal Aggression

The degree to which Pelosi was perceived as combative differed according to the verbal aggression (VA) condition, $F(1, 83) = 228.08, p < .001, \eta^2 = .73$. People perceived the low VA clips ($M = 2.49, SE = 0.12$) as less aggressive compared to the high VA clips ($M = 5.18, SE = 0.12$). Perceived verbal aggression also differed according to the color condition, $F(1, 83) = 4.59, p = .035, \eta^2 = .05$. People perceived clips with pink clothing ($M = 3.77, SE = 0.09$) as less aggressive compared to clips with nonpink clothing ($M = 3.89, SE = 0.08$). Finally, party identification also significantly predicted perceived verbal aggression, $F(2, 83) = 4.02, p = .022, \eta^2 = .09$. Democrats ($M = 3.53, SE = 0.12$) perceived less verbal aggression than Republicans ($M = 3.96, SE = 0.15, p = .030$) and Independents ($M = 4.00, SE = 0.14, p = .014$), but the latter two groups did not differ ($p = .85$). These results further serve to validate the VA manipulation, but also show that clothing color and party identification have modest influence over perceived combativeness.

Source Evaluations

Compassion

The degree to which Pelosi was perceived as compassionate differed according to the verbal aggression condition, $F(1, 83) = 85.52, p < .001, \eta^2 = .51$. People perceived the low VA clips ($M = 4.94, SE = 0.08$) as more compassionate compared to the high VA clips ($M = 3.72, SE = 0.12$). Perceived compassion also differed according to the color condition, $F(1, 83) = 38.09, p < .001, \eta^2 = .32$. People perceived clips with pink clothing ($M = 4.53, SE = 0.08$) as more compassionate compared to clips with nonpink clothing ($M = 4.13, SE = 0.08$). Further, the interaction between VA and clothing color was significant, $F(1, 83) = 9.88, p = .002, \eta^2 = .11$. While wearing pink, Pelosi was perceived as significantly more compassionate when using low VA ($M = 5.24$) compared to high VA ($M = 3.82, p < .001$), and although a similar pattern emerged in nonpink conditions ($M_{lowVA} = 4.65, M_{highVA} = 3.61, p < .001$), pink clothing amplified the difference between VA

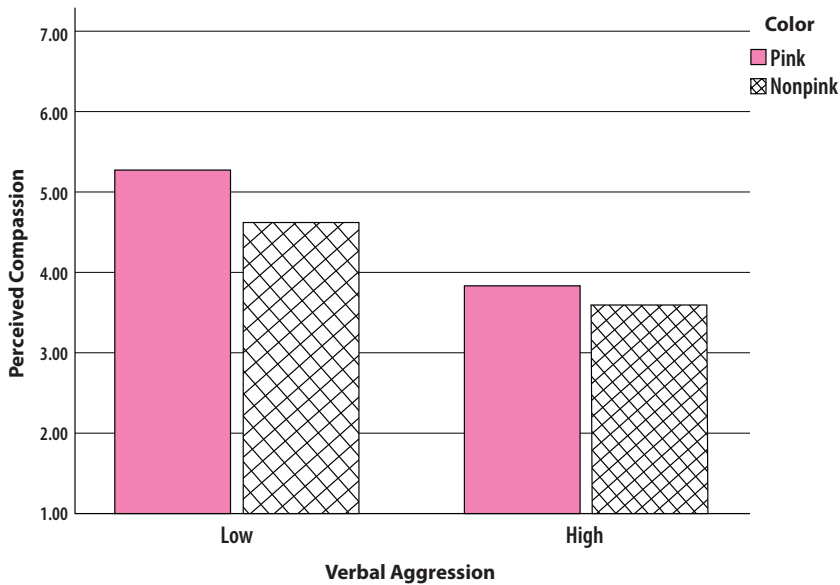


FIGURE 5.1 Color and verbal aggression predicting perceived compassion.

conditions (see Figure 5.1). Put another way, low verbal aggression was perceived as more compassionate when Pelosi was in pink than in nonpink colors, and this pattern also occurred to a lesser extent at high verbal aggression. This result supports *Hb* but not *Ha*. Finally, party identification also significantly predicted perceived compassion, $F(2, 83) = 4.62, p = .012, \eta^2 = .10$. Democrats ($M = 4.63, SE = 0.11$) perceived more compassion than Republicans ($M = 4.14, SE = 0.13, p = .009$) and Independents ($M = 4.22, SE = 0.13, p = .020$), but the latter two groups did not differ ($p = .71$).

Trustworthiness

The degree to which Pelosi was perceived as trustworthy differed according to the verbal aggression condition, $F(1, 83) = 57.90, p < .001, \eta^2 = .41$. People perceived the low VA clips ($M = 4.57, SE = 0.10$) as more trustworthy compared to the high VA clips ($M = 3.98, SE = 0.10$). Perceived trustworthiness also differed according to the color condition, $F(1, 83) = 11.23, p = .001, \eta^2 = .12$. People perceived clips with pink clothing ($M = 4.35, SE = 0.10$) as more trustworthy compared to clips with nonpink clothing ($M = 4.20, SE = 0.10$). The interaction predicted by the hypothesis was not supported. Party identification also significantly predicted perceived

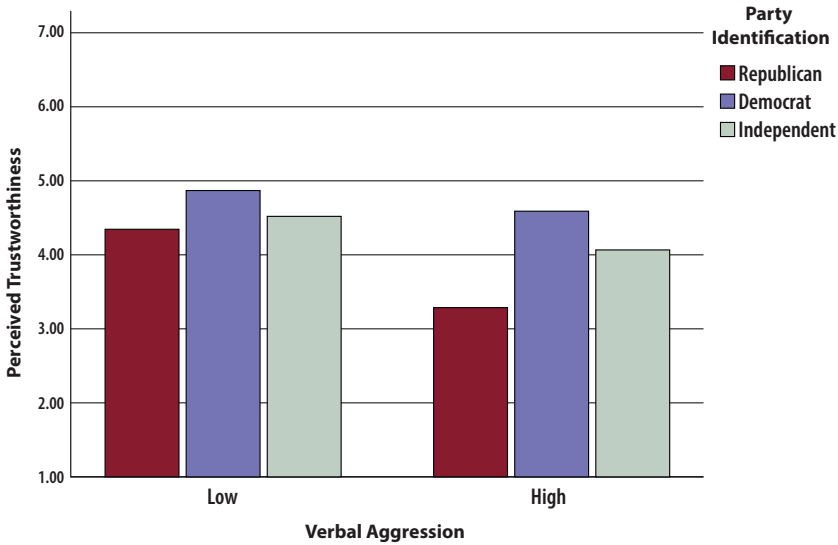


FIGURE 5.2 Verbal aggression and party ID predicting perceived trustworthiness.

trustworthiness, $F(2, 83) = 4.62, p = .012, \eta^2 = .10$. Democrats ($M = 4.73, SE = 0.13$) perceived more trustworthiness than Republicans ($M = 3.83, SE = 0.17, p < .001$) and Independents ($M = 4.28, SE = 0.16, p = .031$), but the latter two groups did not differ ($p = .051$). However, the interaction between VA and party identification was significant, $F(2, 83) = 10.20, p < .001, \eta^2 = .20$. Although Democrats perceived low VA ($M = 4.86$) as more trustworthy than high VA ($M = 4.59, p = .023$), as did Independents ($M_{lowVA} = 4.49, M_{highVA} = 4.07, p = .004$), this similar pattern was markedly greater for Republicans ($M_{lowVA} = 4.38, M_{highVA} = 3.28, p < .001$). That is, higher VA reduced perceptions of trustworthiness more so for Republicans relative to Democrats and Independents (see Figure 5.2).

Knowledge

The degree to which Pelosi was perceived as knowledgeable differed according to the verbal aggression condition, $F(1, 83) = 35.50, p < .001, \eta^2 = .30$. People perceived the low VA clips ($M = 4.74, SE = 0.09$) as more knowledgeable compared to the high VA clips ($M = 4.27, SE = 0.10$). Perceived knowledge also differed according to the color condition, $F(1, 83) = 24.10, p < .001, \eta^2 = .23$. People perceived clips with pink clothing ($M = 4.62, SE = 0.09$) as more knowledgeable compared to clips with nonpink clothing ($M = 4.39, SE = 0.09$). Further, the interaction between VA and clothing color was significant, $F(1, 83) = 5.12, p = .026, \eta^2 = .06$.

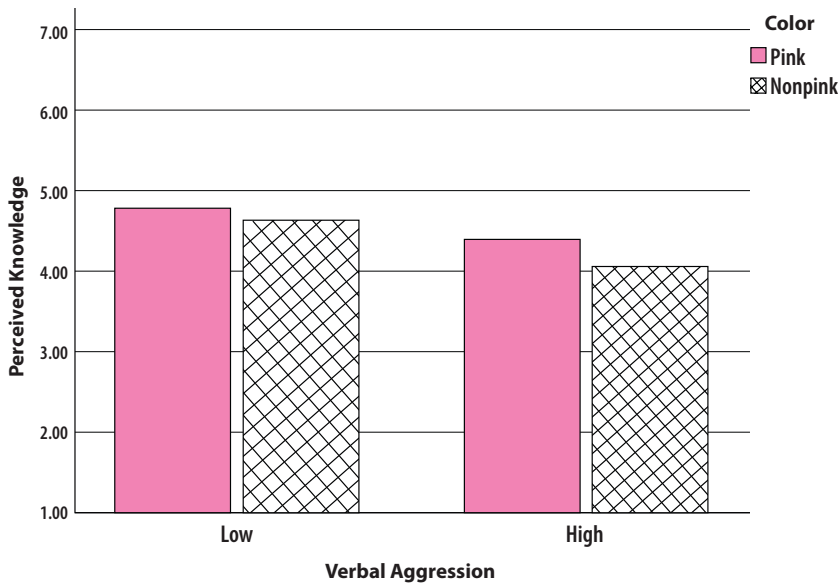


FIGURE 5.3 Color and verbal aggression predicting perceived knowledge.

While wearing pink, Pelosi was perceived as significantly more knowledgeable when using low VA ($M = 4.80$) compared to high VA ($M = 4.44$, $p < .001$), and a similar pattern emerged in nonpink conditions ($M_{lowVA} = 4.67$, $M_{highVA} = 4.10$, $p < .001$), with nonpink clothing amplifying the difference between VA conditions (see Figure 5.3). Put another way, low verbal aggression was perceived as more knowledgeable when Pelosi was in pink than in nonpink colors, and this pattern also occurred to a greater extent at high verbal aggression. This result supports *Hb* but not *Ha*. Finally, party identification also significantly predicted perceived knowledge, $F(2, 83) = 9.32$, $p < .001$, $\eta^2 = .18$. Democrats ($M = 4.97$, $SE = 0.13$) perceived more knowledge than Republicans ($M = 4.07$, $SE = 0.17$, $p < .001$) and Independents ($M = 4.47$, $SE = 0.16$, $p = .018$), but the latter two groups did not differ ($p = .080$). However, the interaction between VA and party identification was significant, $F(2, 83) = 9.80$, $p < .001$, $\eta^2 = .19$. Although Democrats perceived no differences in knowledge between low VA ($M = 5.04$) and high VA ($M = 4.90$, $p = .223$), low VA elicited significantly more perceived knowledge than high VA for Independents ($M_{lowVA} = 4.62$, $M_{highVA} = 4.33$, $p = .038$), and even more so for Republicans ($M_{lowVA} = 4.54$, $M_{highVA} = 3.59$, $p < .001$). That is, relative to Democrats, higher VA reduced perceptions of knowledge for Republicans and, to a lesser extent, Independents (see Figure 5.4).

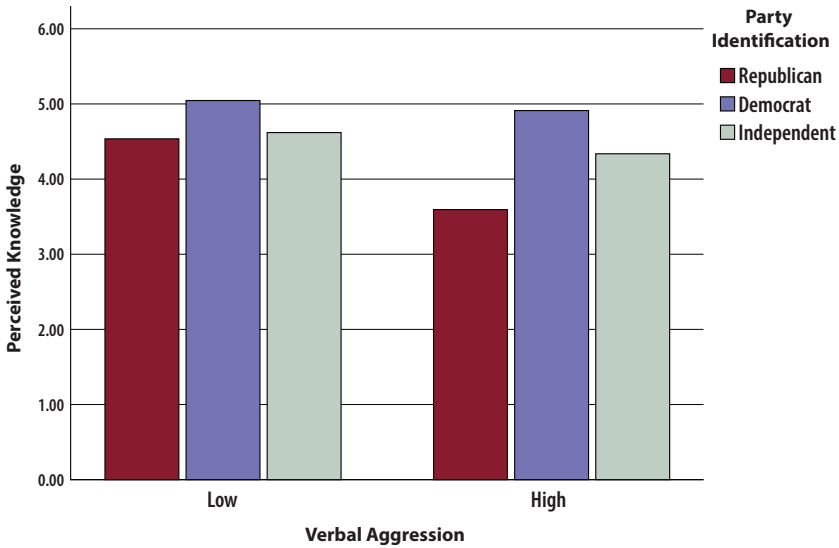


FIGURE 5.4 Verbal aggression and party ID predicting perceived knowledge.

Likability

The degree to which Pelosi was perceived as likable differed according to the verbal aggression condition, $F(1, 83) = 79.92, p < .001, \eta^2 = .49$. People perceived the low VA clips ($M = 4.72, SE = 0.11$) as more likable compared to the high VA clips ($M = 3.85, SE = 0.10$). Perceived likability also differed according to the color condition, $F(1, 83) = 21.14, p < .001, \eta^2 = .20$. People perceived clips with pink clothing ($M = 4.39, SE = 0.10$) as more likable compared to clips with nonpink clothing ($M = 4.17, SE = 0.10$). Party identification also significantly predicted perceived likability, $F(2, 83) = 13.23, p < .002, \eta^2 = .24$. Democrats ($M = 4.85, SE = 0.14$) perceived more likability than Republicans ($M = 3.68, SE = 0.18, p < .001$) and Independents ($M = 4.32, SE = 0.17, p = .019$), with the latter two groups also differing ($p = .011$). Further, VA, color, and party identification displayed a significant three-way interaction, $F(2, 83) = 6.13, p = .003, \eta^2 = .13$. As seen in Figure 5.5, Republicans did not perceive Pelosi's likability significantly differently according to color at either low VA ($M_{pink} = 4.40, M_{nonpink} = 4.15, p = .074$) or high VA ($M_{pink} = 3.14, M_{nonpink} = 3.02, p = .31$). As seen in Figure 5.6, Democrats perceived Pelosi as more likable while wearing pink compared to nonpink, but only at low VA ($M_{pink} = 5.38, M_{nonpink} = 4.98, p < .001$) and not high VA ($M_{pink} = 4.53,$

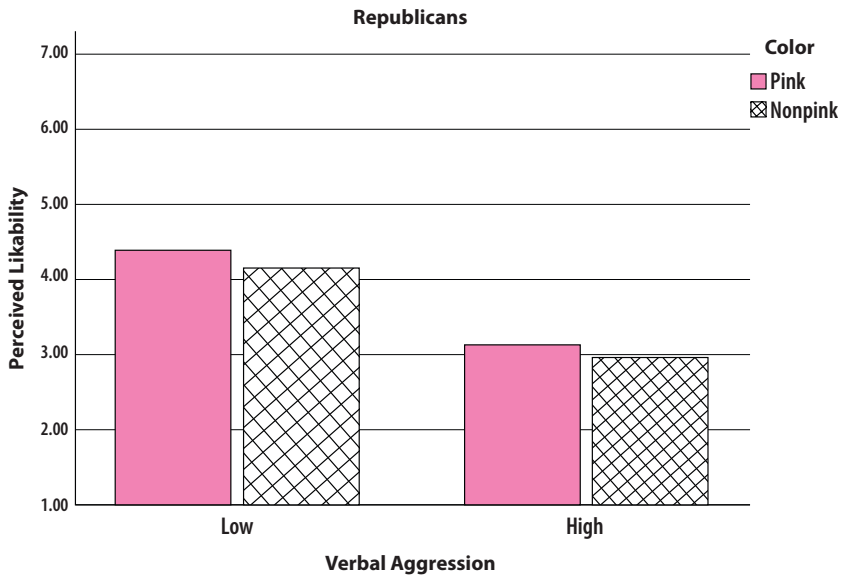


FIGURE 5.5 Color and verbal aggression predicting perceived likability for Republicans.

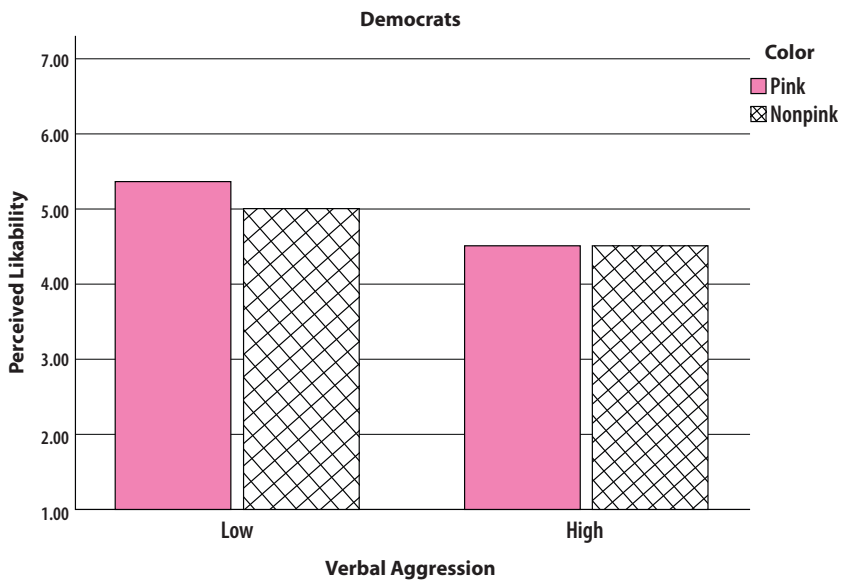


FIGURE 5.6 Color and verbal aggression predicting perceived likability for Democrats.

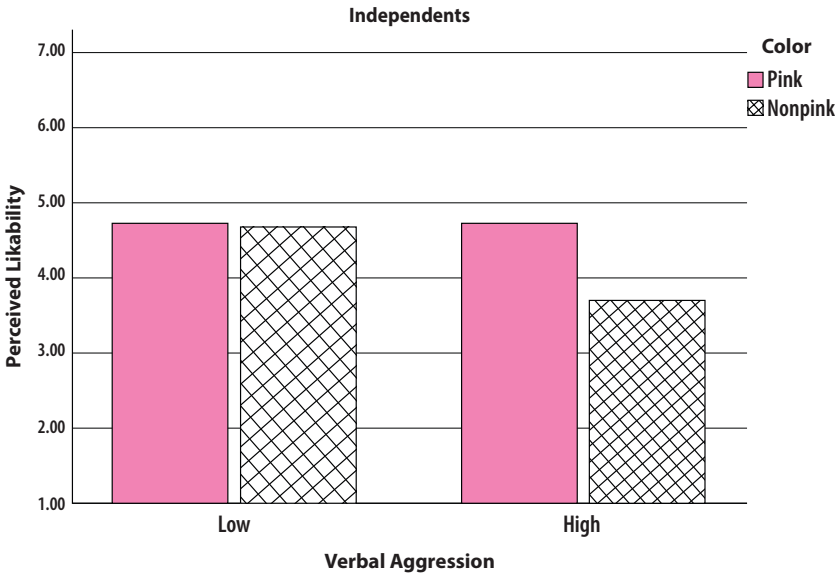


FIGURE 5.7 Color and verbal aggression predicting perceived likability for Independents.

$M_{nonpink} = 4.50, p = .77$). As seen in Figure 5.7, Independents perceived Pelosi as more likable while wearing pink compared to nonpink, but only at high VA ($M_{pink} = 4.17, M_{nonpink} = 3.71, p < .001$) and not low VA ($M_{pink} = 4.73, M_{nonpink} = 4.67, p = .66$). *Hb* was supported among Democrats, but not Republicans or Independents, and *Ha* was not supported.

Persuasiveness

The degree to which Pelosi was perceived as persuasive differed according to the color condition, $F(1, 83) = 19.87, p < .001, \eta^2 = .19$. People perceived clips with pink clothing ($M = 4.38, SE = 0.09$) as more persuasive compared to clips with nonpink clothing ($M = 4.11, SE = 0.09$). The interaction predicted by the hypothesis was not supported. Party identification also significantly predicted perceived persuasiveness, $F(2, 83) = 12.46, p < .001, \eta^2 = .23$. Democrats ($M = 4.73, SE = 0.13$) perceived more persuasiveness than Republicans ($M = 3.73, SE = 0.16, p < .001$) and Independents ($M = 4.23, SE = 0.15, p = .021$), with the latter two groups also differing ($p = .014$). However, the interaction between VA and party identification was significant, $F(2, 83) = 10.48, p < .001, \eta^2 = .20$. Although Republicans perceived low VA ($M = 4.04$) as more persuasive than high VA ($M = 3.42, p < .001$), Democrats perceived low VA ($M = 4.61$) as less persuasive than high VA ($M = 4.86,$

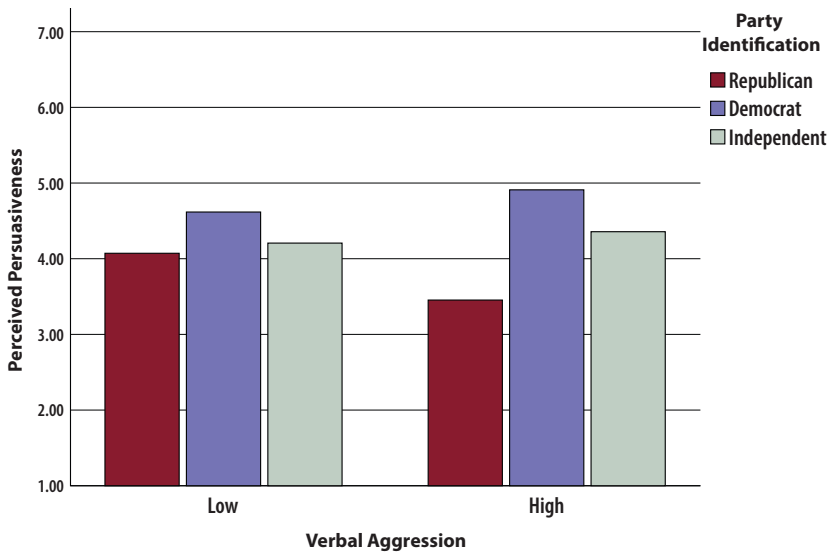


FIGURE 5.8 Verbal aggression and party ID predicting perceived persuasiveness.

$p = .046$), and Independents' perceptions of persuasiveness did not differ by VA condition ($M_{lowVA} = 4.21$, $M_{highVA} = 4.35$, $p = .346$; see Figure 5.8).

DISCUSSION

This research investigated how viewers of Nancy Pelosi's speeches during House briefings, archived by C-SPAN, evaluate her use of verbal aggression depending on the colors she wore while speaking. We expected that Pelosi's use of high verbal aggression would be evaluated more negatively when she wore pink compared to other colors, whereas her use of low verbal aggression would be evaluated more positively when she wore pink compared to other colors. We found evidence for the latter prediction, but not for the former.

On the whole, pink appeared to confer more source credibility and persuasiveness to Pelosi regardless of the aggressiveness of the language she employed. The recurrent main effect for color demonstrated that pink was evaluated more positively compared to other colors across all source characteristics on which Pelosi was rated. The color even softened the degree to which her speech was perceived as verbally aggressive (i.e., combative). However, color interacted with VA in some instances. Pink was perceived as more compassionate than nonpink when



Representative Nancy Pelosi wearing pink.

using low VA, with relatively little difference when using high VA. But pink was perceived as more knowledgeable than nonpink when using high VA, with relatively little difference when using low VA. This pattern is further complicated for perceptions of likability: Democrats liked Pelosi more in pink than nonpink when paired with low VA (but not with high VA), Independents liked her more in pink than nonpink when paired with high VA (but not with low VA), and Republicans did not show a significant preference to pink vs. nonpink regardless of VA. Obviously, these results add nuance to the notion that pink is beneficial under some linguistic constraints and less beneficial under others. But, on the whole, in contradiction to Richards et al. (2022), these results show that pink clothing benefited Pelosi (or at worst, made no difference) even when using aggressive language and not just when she used unaggressive language. That is, the “petty in pink” effect—the notion that wearing pink while being verbally aggressive carries a penalty—was not replicated here.

This study also informs how people perceived Pelosi’s verbal aggression differently according to their political party identification. Overall, high VA was perceived as less credible than low VA, a finding that replicates other research (Nau & Stewart, 2014). However, this effect was further qualified based on a person’s political party identification. We found that attributions of trustworthiness and knowledge diminished as VA increased, but this effect was notably stronger for Republicans compared to Democrats and Independents. In the case of perceived

persuasiveness, Republicans also perceived Pelosi to be less persuasive when she used high VA, but Democrats perceived her as more persuasive when she used high VA (VA made no difference for Independents). On the one hand, this finding appears to contradict evidence that citizens identifying as Republicans conform to more masculine stereotypes and citizens identifying as Democrats conform to more feminine stereotypes (Winter, 2010). Here, Republicans thought feminine speech more persuasive than masculine speech, whereas the opposite was found for Democrats. On the other hand, given Pelosi's position as a prominent Democrat and that the high VA clips feature attacks on Republicans, perhaps this is not surprising. Some evidence suggests that people deem a politician's verbal aggression more appropriate if they share party affiliation (Nau & Stewart, 2014).

This research has both theoretical and practical implications. Theoretically, we partially support language expectancy theory's (LET's; Burgoon et al., 2002) proposition that a feminine speaker's use of aggressive speech strategies negatively violates audiences' expectations and exerts less influence. We found that Pelosi's use of high VA was evaluated more negatively overall, which supports LET. Further, we found support for the theory by showing that, after making expectations for feminine behavior salient via a pink color cue, less aggressive speech was evaluated particularly more positively: Under conditions of low VA, pink (vs. nonpink) was perceived as notably more compassionate and, among Democrats, likable. But priming feminine expectations with pink did not always conform to LET's propositions, as more aggressive speech was perceived as relatively more knowledgeable and, for Independents, more likable when in pink. These results paint a complex picture of how gender expectations primed by the color pink interact with stereotypically gendered speech in the form of verbal aggression. Sometimes, verbally aggressive attacks appear to serve as a positive expectancy violation even after priming femininity with pink. In the end, the feminized (i.e., pink) version of Nancy Pelosi was not evaluated negatively when using masculine speech, as our previous research showed for Kamala Harris (Richards et al., 2022). This contrast suggests that additional theoretical considerations are necessary. For example, the difference in these results implicates race as a source characteristic that may affect how aggressive speech is evaluated in combination with female politicians' clothing color. Perhaps this or another source characteristic influences whether pink clothing is interpreted as a cue that symbolizes a powerful or powerless female politician. Future research would do well to determine the conditions when pink, especially paired with high VA, is penalized or rewarded by the public.

Practically, the advice suggested by this research is clear. For Nancy Pelosi's House briefing speeches (and to the degree that these results generalize to other female politicians and to other speaking contexts), wearing pink is always beneficial. The color conferred more credibility and perceived persuasiveness at low and high levels of verbal aggression. This result supports the current notion in popular culture that pink clothing enhances the power of female politicians (Friedman, 2019, 2020; Holland, 2022). Further, Pelosi's credibility generally suffered when using verbal aggression. The one exception to this pattern was that Democrats perceived more aggressive speech as more persuasive. Republicans were particularly turned off by Pelosi's highly aggressive speech. This pattern suggests that Pelosi may be more persuasive when using less aggressive strategies, especially when trying to influence conservative audiences. When paired together, wearing pink and speaking without aggression brought about the most positive evaluations of Pelosi.

As with all research, this study had limitations. This study utilized ecologically valid manipulations of verbal aggression and clothing color by employing clips from the C-SPAN Video Library. While participants were exposed to multiple messages of Pelosi's real language and wardrobe choices, this procedure comes at the expense of experimental control. It is possible that the clips we selected as manipulations of color and VA possess unintended confounds that reduce the degree to which we can attribute findings to these independent variables. For example, regarding color, Pelosi wore a necklace in two out of eight clips while wearing pink clothing, but six out of eight clips while wearing nonpink clothing. Although we doubt that this co-occurring variable serves as an alternative explanation to that theorized here, it is technically possible. Regarding VA, the high VA conditions all referenced Donald Trump or the Republican party, whereas the low VA conditions did not. Differences attributable to VA conditions may therefore be due to the features of the content of the speech that also differed between them. Nonetheless, this study is useful in the degree of realism it affords, and it serves as a necessary follow-up to Richards et al. (2022).

In addition, whether these results generalize to other politicians and speaking contexts is unknown. Nancy Pelosi, as the former Speaker of the House, is presumably well known to most Americans. It is possible that the effects of pink and verbal aggression operate differently for female politicians of lesser renown, or who possess different characteristics (e.g., race, political party). Further, we do not know the degree to which these results represent political speech in different contexts, such as to Congress, during a debate, while in a news interview,

or in a campaign advertisement. Finally, our sample consisted of college students at a university in the southern U.S. who mostly identified as white females. These characteristics are obviously not representative of the totality of American voters. It is possible that results could differ among a population with greater variation in age, race, education, and geographic region.

CONCLUSION

This research attempted to replicate the “petty in pink” effect, whereby female politicians who wear pink (vs. nonpink) clothing are evaluated more negatively when using aggressive language but more positively when using unaggressive language (see Richards et al., 2022). Here, we showed that pink clothing, when paired with unaggressive language, elicited greater attributions of credibility and persuasiveness compared to nonpink clothing. However, pink conferred this same benefit when paired with aggressive language. Overall, people evaluated Nancy Pelosi in pink more positively, especially when her speech lacked aggression.

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6

RESPONDENTS AND ACTIVISTS

Citizen Roles in Formulating Congressional Committee Hearings as Public Spectacle

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Samantha Urash, and Michael Perkins*

INTRODUCTION

Evidenced by the live, prime-time television broadcast of the first hearing of the U.S. House of Representatives Select Committee to Investigate the January 6th Attack on the United States Capitol (June 9, 2022), congressional committee hearings have achieved unprecedented public attention in recent years. Although monumental congressional committee hearings have existed since the founding of the U.S., public attention to congressional committee hearings has increased in audience and regularity in recent years. Invariably, this phenomenon is multifaceted, fostered by the proliferation of new media and the causticity of recent politics. Yet, we argue, the rhetorical appeals of the actors within these hearings maintain an integral part of the formula. Thus, we consider the study of congressional committee hearings, particularly those that elevate to public spectacle worth scholarly attention.

Congressional committee hearings operate as unique spaces within political discourse, particularly as they are one of the few formal government platforms where citizens and media are invited to participate. While these committee hearings can benefit participatory democracy, they have also increasingly cultivated public spectacle, which can deter constructive deliberation. In part, this phenomenon is due to a heightened media presence within these events that broadcasts

video and audio bites for public consumption. This media coverage informs the rhetorical actions and utterances of those present within hearings. Researchers and media pundits often discuss the rhetorical appeals of the congresspersons who serve on these committees. However, congressional committee hearings are unique places where citizens external to Congress can garner significant media attention as well. Despite a growing body of scholarship on congressional committee hearings, few studies focus on the rhetoric of the people who are present within the hearings but are external to the formal legislature. Oftentimes, these people are political or corporate elites, but we also analyze the rhetoric of citizens who attend these hearings in person. Through our research, we seek to better understand how persons within committee hearings who are not members of Congress help elevate congressional committee hearings to public spectacle.

In seeking to better understand the persuasive appeals of the agents within these hearings, Guitar et al. (2023) recently theorized that congressional committee hearings that elevate to public spectacle elicit rhetorical patterns when analyzed in the aggregate, thus establishing “congressional committee hearings as public spectacle” as a novel genre of public address. Whereas few congressional committee hearings elevate to the level of public spectacle, the proliferation of media has fostered a political environment conducive to public consumption. While we recognize that congressional committee hearings exist on a broad spectrum from the inconsequential to the melodramatic, we contend that categorizing hearings according to the elements that foster public spectacle serves important scholarly functions. Most notably, public hearings that elevate to public spectacle, despite the concurring benefits and detriments they serve to democracy, garner citizen investiture. As such, these hearings, in general, serve as signposts for the study of democratic processes. Augmented by the political tensions of recent years, congressional committee hearings have increasingly garnered media and public attention. Occasionally, committee hearings as public spectacle respond to unique situations, like the Select Committee to Investigate the January 6th Attack on the United States Capitol, which has investigated the potential of political corruption that informed the riots on the Capitol prior to the certification of the 2020 presidential election. Other spectacular hearings occur in irregular but nonetheless anticipated situations, like the recent confirmation hearings of U.S. Supreme Court justice Ketanji Brown Jackson. Yet, as the May 4, 2021, House of Representatives Oversight Committee hearing on organ transplants indicates, even seemingly routine meetings can unexpectedly elevate to the position of public spectacle (C-SPAN, 2021c).

The recent review of congressional committee hearings that have elevated to public spectacle demonstrates how particular rhetorical patterns have developed in these hearings. The research of Guitar et al. (2023) focuses particularly on the rhetoric of congresspersons who populate these committees. Guitar and colleagues demonstrate that congresspersons in these committees tend to achieve five rhetorical positions through their appeals. First, congresspersons foster public spectacle. In this, their rhetorical appeals range from subtly thanking media for attending the hearing to screaming political talking points at each other. Second, congresspersons labor to empower Congress. Especially noticeable in a time of increased executive power, the proliferation of congressional public spectacle affords the legislature a platform to validate its branch of government. Third, congresspersons reinforce broad cultural values. These appeals emphasize beliefs that endure across party lines and avoid partisan specificity. Even though these cultural values, like liberty and justice, may be approached differently according to political party, they nevertheless endure across party affiliation. Fourth, congresspersons labor to establish ethical primacy. These utterances operate to position the congressional rhetors and their partisan affiliates as ethically superior to other members of Congress, most notably those of different political parties. Finally, congresspersons attempt to advance their political agendas. In this, members of congressional committees work to advance their own political ideas or the political ideas of their party. While these five rhetorical characteristics that occur during congressional committee hearings assist us in better understanding the persuasive appeals of congresspersons, this theorization focuses only on congresspersons.

Using genre theory and genre criticism from a rhetorical perspective, we extend the postulation of Guitar et al. (2023) to outline the rhetorical appeals of citizen actors within congressional committee hearings that elevate to public spectacle. We argue that despite citizens lacking any formal decision-making power within the hearings, as key members of many congressional hearings that elevate to public spectacle, they nonetheless inform broader political processes in important ways. In reviewing the persuasive appeals of citizens within recent spectacular congressional committee hearings, we have identified two broad classifications of citizens within these hearings, each of which generate five general appeals that work to captivate media and public attention. As we proceed, we will further establish the context informing this study. Then, we broadly review genre as a scope of rhetorical research. Subsequently, we employ genre critique within the C-SPAN Video Library to analyze the rhetorical appeals of citizens within

congressional committee hearings that elevate to public spectacle. We conclude with a discussion on broader implications of our research, especially as it pertains to citizen investiture in the discursive processes of the legislature.

CONTEXT

Congressional hearings, which have garnered the attention of the citizenry since the First Continental Congress, have always permeated the public forum. For example, the disputes between Esek Hopkins, first commodore of the Continental Navy, and his former sailors escalated beyond the Marine Committee hearing of 1777 and into the public eye (Guitar, 2023). Documentation of these proceedings demonstrates the undeniably historical spectacle of congressional hearings, which have become increasingly salient with technological advancements. Long favoring newsprint as its primary form of mediation, Congress gradually allowed coverage through other avenues in the 20th century, such as live radio broadcasts, which were only formally accepted in congressional hearings in 1970. Still, while neither radio nor television were initially embraced by Congress, special event broadcasts eventually increased in frequency and scope (Office of the Historian, n.d.).

Television's potential to foster the spectacle of congressional hearings was truly harnessed in the 1950s, during which two prominent hearings captivated public attention. The first occurred in 1951 with the Special Committee on Organized Crime in Interstate Commerce led by Senator Estes Kefauver (D-TN), when "gangsters that looked straight out of central casting were called to testify—and the nation couldn't get enough" (Manksy, 2017). The second happened in 1954 when the Army–McCarthy hearings unfolded, as a flailing Senator Joseph McCarthy (R-WI) claimed that communists were infiltrating the U.S. federal government. In the end, McCarthy was largely deemed a "vindictive bully" by a national audience (Troy, 2015). As the theatrics of Congress were broadcast on television and to the greater public for the first time, a new form of spectacle emerged. Over time, regular access to congressional hearings fostered public engagement with other landmark spectacles like the Senate Select Committee on Presidential Campaign Activities hearings, or "Watergate hearings," in 1973.

With the creation of C-SPAN in 1979, television access to congressional hearings became not only feasible, but expected. Soon after, major networks like CNN integrated and elevated congressional hearings within the contemporary 24-hour

news cycle, weaving together political and popular interests. As such, congressional committee hearings drew public attention more regularly and around pertinent societal concerns. For instance, the public debated topics like partisanship, race, sex, and gender during the Senate confirmation hearing of U.S. Supreme Court justice Clarence Thomas in 1991. The entertainment value of President Bill Clinton's impeachment hearings later that decade informed the pervasive development of congressional hearings across multiple media platforms. Other congressional hearings, like Attorney John Ashcroft's plea to the Senate Judiciary Committee for stricter anti-terrorism laws, received close media attention in the reverberations of September 11, 2001.

Over the last couple of decades, the rise of social media and persistent integration of news into broader platforms has equipped citizens with the ability to consume congressional hearings whenever they choose. With new media developments, while the general public becomes attuned to the increased mediation of congressional hearings, the speakers themselves recognize the broader implications of audience scrutiny and support, modifying their rhetorical appeals for live broadcasts and the potential for persistent consumption. For example, the repeal of "Don't Ask, Don't Tell" in 2010 invited prolific media coverage and captivated a national audience (Condon, 2010). Similarly dominating popular discourse, the Benghazi hearings were thoroughly documented, with CNN publishing updates on the hour (Bradner et al., 2015). As new media mitigates the distinctions between the political and public spheres, the citizenry is presented with opportunities to be engaged and outraged in hearings like the Flint, Michigan, Water Contamination Hearings in 2016 (Phillips, 2016).

Public attention is also significantly enhanced by prominent witness and celebrity moments. For example, actor Ashton Kutcher's appearance and advocacy during the Human Trafficking and Slavery hearing in 2017 drew significant public attention (Klein, 2017). As a recent regular on Capitol Hill, Meta (Facebook) CEO Mark Zuckerberg also draws a national audience, like he did during the Senate Commerce, Science, and Transportation Committee's hearing on social media data privacy (April 10, 2018).

Rhetorical forms develop over time in response to similar exigencies. As such, while each congressional committee hearing is unique with a new slate of citizens in the room, patterns emerge from reviewing the utterances successively and in the aggregate. Our task here is not to prescribe infallible rhetorical recommendations for citizen rhetors or argue that the identified patterns occur unilaterally. Yet, when analyzed in the aggregate, the rhetorical appeals within congressional



Ashton Kutcher testifying before Congress.

committee hearings reveal patterns. Genre analysis, as a mode of identifying and unpacking these patterns, helps us develop a deeper understanding of these rhetorical situations, but also of U.S. political discourse overall.

GENRE ANALYSIS

In general, our scholarship develops the understanding of political communication and the rhetoric thereof, analyzing the interactions of media agents, government officials, and members of the citizenry within the venues of congressional hearings. However, we are by no means the first to study congressional court hearings. For instance, Lipari's (1994) analysis of the media coverage of Anita Hill's testimony during Clarence Thomas's confirmation hearing engages genre theory while demonstrating how media pundits relied on narratives outside of the committee hearings, rather than the speakers within the hearings themselves. Through a rhetorical analysis of the same hearing, Regan (1994) displays the efficacy of the rhetorical criticism of congressional hearings, yet does not employ the lens of genre proper. Gring-Pemble's (2001) evaluation of a congressional hearing on welfare acknowledges genre theory, but primarily uses narrative to analyze public discourse rather than dissect the details of the hearings themselves.

Most closely connected to our research, Giglioni (2020) responds to questions similar to ours concerning both congressional hearings and overall genre.

Yet, Giglioni's (2020) analysis of genre is based in linguistics and employs post-positivist methods focal to discourse studies. While Giglioni's (2020) findings inform our analysis and increase our broader understanding of congressional hearings as political communication performance, the ontological foundations of the study prevent substantive rhetorical inquiry. As well, like the work of Guitar et al. (2023), Giglioni (2020) primarily assesses the appeals of congresspersons.

Engaging contemporary reflections on classic theories of rhetoric, our research focuses on developing a theoretical perspective unique to rhetorical scholarship within the humanistic tradition. While many scholars have examined congressional hearings, none have theorized the aggregate of congressional hearings to directly rely on and advance genre theory from the rhetorical perspective. Discourse analysts (Bhatia, 1993; Giglioni, 2020; Swales, 1990) examine many of the same texts as rhetoricians through genre critique, but differ in perspective. We aspire to augment existing scholarship on congressional committee hearings through rhetorical analysis.

Genre analysis is as ancient as the field of rhetoric itself. Aristotle's (1991) original treatise on rhetoric outlines three genres of public oratory: deliberative, forensic, and epideictic. The deliberative genre, which comprises citizen speeches performed in legislative contexts, involves discussions of potential responses to specific situations. While deliberative rhetoric looks to create legislation, forensic rhetoric evaluates and submits previous events within established legalistic codes. Often called judicial rhetoric, public addresses within the forensic category necessitate decisive action based on previous or contextual precedents. Outside the realm of legality, epideictic rhetoric concerns the speeches of celebratory events. Often referred to as ceremonial rhetoric, epideictic speeches are performed at public gatherings such as weddings, funerals, and presidential inaugurations.

Although theories of rhetoric developed slowly in the centuries after Aristotle, rhetoric as a field of study experienced rapid advancement in the 20th century, evidenced by scholars such as Black (1965), Burke (1966), and Campbell and Jamieson (1978). With increased attention to rhetorical studies, and thus genre, categories of rhetoric have evolved to focus on the nuances of political rhetoric, speech genres, and speech events. To illustrate, Campbell and Jamieson (1990), Sigelman (1996), and Guitar (2020) have added to the understanding of inaugural presidential addresses. Presidential concession speeches have also been assessed and identified as a genre of political speech (e.g., Corcoran, 1994; Neville-Shepard, 2014). A wide range of political speeches have been theorized by rhetorical scholars, including presidential apologetics (Carcasson, 1998), victory speeches (Irimiea,

2010; Sheckels, 2010), and candidate acceptance addresses (Neville-Shepard, 2016). Despite its history, genre analysis maintains a complex history.

In one sense, genre is one of the most well-documented and informative rhetorical concepts. As rhetorical exigencies often share kindred situational elements, patterns form within rhetorical responses (Bitzer, 1968) and groups of recurrent speech acts create oratorical themes (Campbell & Jamieson, 1978). These genres aid in historicizing and comprehending cultural patterns, which grants us the ability to understand and evaluate rhetors and their exigencies (Miller, 1984). Oratorical genres also preserve public standards within civic discourse (Corcoran, 1994). Genre analysis particularly assists in the evaluation and categorization of rhetorical events (Neville-Shepard, 2014). While each iteration of a specific exigency varies to a degree, these elements of rhetorical situations inform unique categories of rhetoric (Campbell & Jamieson, 1985).

Despite its prominence within rhetorical studies, criticism of genre analysis persists. Indeed, scholars have observed that genre forms are not as formulaic as originally positioned (Sheckels, 2010). Formative theories on genre imply that the boundaries of rhetorical situations can limit the rhetor's potential (Black, 1965). Some scholars also maintain that the scope of genre analysis inhibits evaluative depth (Rowland, 1991) and the potential influence of the rhetorical agent (Benoit, 2000). Additionally, when applied arbitrarily, genre analysis neglects modulation of the rhetor (Patton, 1976), disregards significant political context (Joslyn, 1986), and oversimplifies intricate rhetorical events (Conley, 1986). As speech genres develop with each utterance, their restrictive boundaries are challenged (Sigelman, 1996).

However, scholarship conducted without the overextension of genre criticism can yield worthwhile analyses. Attention to contextual nuance and speaker individuality (Willyard & Ritter, 2005) with the recognition of variation within oratorical situations (Neville-Shepard, 2016) allows scholars to take an informative, rather than restrictive, approach to genre (Dudash, 2007). In this way, genre critique elucidates the persuasive functions of subtleties across single categories of speech (Rowland, 1991). Such productive approaches advance the evolution of genre theory (Vigil, 2013) through the continuous development of generic features (Roderick, 2021). Provided genre critics discern the situational characteristics of an address (Rowland & Jerome, 2004) as well as its rhetorical action, they can avoid fallacious assumptions (Miller, 1984). In this, genre criticism identifies and provides meaningful analysis of rhetorical situations over time.

Despite criticisms of genre analysis, we contend that genre analysis can provide valuable insights in the study of public address. As such, we advance the study of Guitar et al. (2023), which theorizes the rhetorical genre of congressional committee hearings as public spectacle. Whereas congressional hearings as public spectacle “respond to the expectations and constraints of an occasion, make use of traditional topoi, and are linked in content” (Duffy, 1993, p. 284), they signify a genre of public oratory. Despite the rhetorical lens of our approach, our research echoes Giglioni (2019) in its recognition that congressional hearings retain “a long history and specific procedural requirements and have other communicative purposes alongside their formal role as records of committees’ activity” (p. 110). Additionally, our present social media environment allows for each congressional committee hearing to inform the next, particularly those that elevate to public spectacle.

Building on the recent analysis of congresspersons’ rhetorical patterns (Guitar et al., 2023), our research here contends that citizen witnesses, despite holding no formal authority, inform the public spectacle of congressional hearings through their own rhetorical appeals. While established research pertains to the rhetoric of public deliberation, few scholars have engaged the rhetorical strategies of citizen-orators on nationally recognized stages. Tonn (2011) recognizes citizen navigation of the political arena, both verbally and visually, as sufficiently powerful to generate spectacle. Similarly, Brouwer (2004) identifies the persuasive potential of citizen testimony, which our research engages in order to postulate the components of efficacious citizen rhetoric within congressional hearings.

In essence, our research cultivates the understanding of political rhetoric and its role within democracy in two fundamental ways. First, our analysis advances rhetorical scholarship by further theorizing the genres of speech within congressional hearings. In this, we establish footing for the future evaluation of specific iterations and broad developments of congressional hearings, especially those that elevate to public spectacle. Second, our analysis provides valuable insight into successful persuasive appeals within the sphere of congressional hearings. While this research may inform citizen orators in their participation in congressional hearings, it also enhances critical awareness for the spectators of congressional hearings. As the mediated forum fosters the increased salience of congressional hearings, our academic reifications stimulate democratic advancement by establishing theoretical concepts that prime citizens to engage in political deliberations.

Interrogating the phenomenon of congressional committee hearings as they elevate to public spectacle, we utilize the C-SPAN Video Library to aggregate and analyze the most prominent congressional committee hearings over the past two decades. In particular, we identified 50 of the best-known hearings wherein citizens significantly contributed to the hearing's elevation to public spectacle. We selected our list through a survey of view counts in the C-SPAN Video Library in conjunction with news headlines. Although we cannot state that the selected hearings exist as the most watched congressional committee hearings over the past two decades where citizens play active rhetorical roles, they do provide a purposive sample for our study. A complete list of our artifacts can be found as an appendix to this essay.

ANALYSIS

Through our review of our artifacts, we first developed a primary categorization schema. We recognized that citizens who play significant roles within congressional committee hearings tend to fulfill one of two roles. The first we identify as citizen respondents, who are summoned to congressional committee hearings to be interrogated by congressional committees. Citizen respondents are those members of the citizenry who are called to hearings to respond to questioning by Congress on matters of serious public concern.

Citizen respondents generally utilize five broad persuasive appeals, thus informing the genre of congressional hearing as public spectacle. Like congresspersons (Guitar et al., 2023), citizen respondents foster spectacle, empower Congress, and advance cultural values. However, citizen respondents tend to advance two unique persuasive appeals as they appeal to apologia and commit to cooperation. In appealing to apologia, citizen respondents humanize themselves and appear, at times, vulnerable within the political context. This is particularly salient in hearings where the citizen respondent is perceived as contributing to the problem being discussed. Consequently, citizen respondents commit to cooperating with Congress to help foster solutions to present crises.

The second we identify as citizen advocates, who appear in congressional committee hearings for different reasons than citizen respondents. Most often, citizen advocates have been called before a congressional committee to serve as panelists for a particular topic. Often citizen advocates are experts or activists related to the matter at hand. Unlike citizen respondents, citizen advocates are

called to Congress to promote legislative action. Thus, they are not typically interrogated as harshly by members of Congress as citizen respondents, but rather, questioned in a manner that seeks to understand the topic of engagement. Citizen activists tend to be afforded monologues through which they advocate their position on the pertinent topic. Recent citizen activists include celebrities like Jon Stewart, who advocated for stricter human trafficking laws and stronger benefits for September 11, 2001, first responders. Citizen advocates also appear in congressional committee hearings as audience members. While concerns during the COVID-19 pandemic have made citizen attendance difficult in recent years, previously, citizen advocate presence within congressional hearings occurred regularly when matters were not of national security.

Like congresspersons (Guitar et al., 2023) and citizen respondents, citizen advocates also foster spectacle, empower Congress, and affirm cultural values. In addition, citizen activists tend to advance two unique rhetorical appeals as they establish exigency and demonstrate transcendence. In appearing before a congressional hearing with an agenda, citizen activists first demonstrate that their position is deserving of congressional attention. As well, citizen activists demonstrate that the concern extends beyond the immediate context, thus arguing for enduring congressional intervention. We will now explain these rhetorical positions and their generic appeals in turn.

Citizen Respondents

In general, when citizen respondents are present, congressional committee hearings that elevate to public spectacle achieve five rhetorical acts. First, citizen respondents foster spectacle. Although this may seem tautological, few congressional committee hearings allure significant media and public attention. Identifying the rhetorical acts that assist in elevating hearings to public spectacle helps us recognize and understand the characteristics that draw attention. Once spectacle is fostered, citizen respondents often affirm cultural values. This assists the respondent in appearing credible and engaged in the engrained mythos of the U.S. Additionally, citizen respondents empower Congress. Empowering Congress is especially important for citizen respondents as they attend hearings from precarious positions. Fourth, citizen respondents appeal to apologia. Whereas the interrogation they face can easily diminish their personal and public image, appeals to apologia operate as attempts to save face for themselves and their affiliated organizations. Finally, citizen respondents commit to cooperation. Given

that citizen respondents almost always face accusations of creating public harm, they often readily avail themselves to help address the identified problem.

Foster Spectacle

Only some congressional committee hearings elevate to public spectacle, and only some of these hearings have citizens in attendance. As such, in this project we are only theorizing the genre of “congressional committee hearings as public spectacle” where citizens are present. Citizen respondents, in particular, foster public spectacle in two primary ways: invoking celebrity and creating audio/video bites.

Public spectacle can often be fostered within congressional committee hearings simply by celebrity presence. Indeed, some of the most watched congressional committee hearings in the C-SPAN Video Library contain celebrity presences, like former Major League Baseball players Mark McGwire and Sammy Sosa, prominent business figures like Facebook’s Mark Zuckerberg, Amazon’s Jeff Bezos, and Twitter’s Jack Dorsey, and public officials turned celebrities like Anthony Fauci, former director of the National Institute of Allergy and Infectious Diseases. In these cases, the presence of a celebrity alone is enough to allure public attention.

Within congressional committee hearings, citizen respondents also foster public spectacle through audio bites and video bites. For instance, former ad-



Mark Zuckerberg testifying before Congress.

ministrator of the Environmental Protection Agency Scott Pruitt engaged in a heated exchange with Representative Paul Tonko (D-NY) while Pruitt was being interrogated for improprieties in his role. When Pruitt felt interrupted by Tonko, he stated in a stern, annoyed fashion, “May I finish?” Upon being accused of not answering questions, Pruitt similarly snarked, “I am” (C-SPAN, 2017c). When called to explain the business practices of then-president Donald Trump, Trump’s former personal attorney Michael Cohen explained: “Mr. Trump is a racist. The country has seen Mr. Trump court white supremacists and bigots. . . . In private he is even worse. He once asked me if I could name a country run by a Black person that wasn’t a shithole. This was when Barack Obama was president of the United States” (C-SPAN, 2019b). Whereas race relations served as one of the primary topics of public discourse through the Trump presidency, Cohen’s usage of terms like “racist” and “shithole” attracted public attention. Cohen further stated: “When Mr. Trump said during the campaign, ‘I can shoot somebody on 5th Avenue and get away with it,’ I want to be very clear he’s not joking. He’s telling you the truth” (C-SPAN, 2019b). As a profound statement, Cohen’s direct, concise delivery makes for easy cable news commentary.

Spectacle can also be fostered in moments when respondents lightly scoff at congressional questions. Bezos exemplified this when he laughed off Representative Mary Gay Scanlon’s (D-PA) loaded question about Amazon preying upon business partners “the way a cheetah would pursue a sickly gazelle” (C-SPAN, 2020b). Bezos smirked as he remarked, “I cannot comment on that because I don’t remember it,” as he launched into a defense of Amazon’s business practices. Of course, interactions with congresspersons during hearings need not be contentious to foster spectacle, as evidenced by former Fox News politics editor Chris Stirewalt when he, in concurrence with the Select Committee to Investigate the January 6th Attack on the United States Capitol, stated, “None,” when asked about Trump’s chances of overturning the 2020 presidential election (C-SPAN, 2022a).

Importantly, this first generic component does more than simply foster spectacle; it attracts a much wider public audience. In a new media environment saturated with hyperactivity, it is difficult for any public figure to accrue and maintain media attention. Whereas congressional committee hearings are not historically known to attract much public interest, the fostering of spectacle directs public attention to the U.S. legislature, which in turn affords rhetors the platform to influence public discourse. Thus, as spectacle is fostered, citizen respondents afford themselves a platform to advance their agendas.

Affirm Cultural Values

In order to gain public trust, especially given the precarity they face, citizen respondents labor to affirm cultural values within their speech acts. Although congresspersons and citizen activists tend to affirm cultural values within their speeches in hearings, this generic component is particularly important for citizen respondents. In essence, as citizen respondents affirm cultural values in the face of public scrutiny, they work to assert their value to the American public.

As rhetorical practice, congressional committee attendees affirm cultural values largely through evoking deeply rooted ideals that drive U.S. political discourse. For instance, Zuckerberg contended that Facebook is in the cultural fight against “crimes, fraud, terrorism,” and antagonistic actors like China (C-SPAN, 2019f). When called to testify on Major League Baseball’s steroid crisis, McGwire worked to demonstrate his American values by stating that he “had the privilege to represent [his] country in the 1984 Olympics” and that he has an impassioned “love and respect for our national pastime” (C-SPAN, 2005). When he was questioned about the financial crisis in the late 2000s, chair and chief executive officer of Goldman Sachs Lloyd C. Blankfein expressed similar but career-specific sentiments as he defended Wall Street’s contributions to “economic growth and job creation” (C-SPAN, 2010b). When questioned about Twitter’s role in the Russian disinformation campaign during the 2016 election, Twitter general counsel member Sean Edgett contended that “free speech and free expression is at the core of the Twitter mission” (C-SPAN, 2017b). In a similar hearing, Dorsey went so far as to demonstrate how the regulation of content on Twitter typifies one of the longstanding debates in democracy in attempting to navigate the tensions between freedom of expression, privacy, and security (C-SPAN, 2018b). Typifying how citizen respondents affirm cultural values, Cassidy Hutchinson, former aide to White House chief of staff Mark Meadows, recalled that Trump’s attempts to overturn the 2020 election were met with strong resistance by many, like director of National Intelligence John Ratcliffe who “felt that there could be dangerous repercussions in terms of precedent set for elections, for democracy” (C-SPAN, 2022d). Akin to affirming cultural values, citizen respondents also tend to show favor to Congress through empowering rhetoric.

Empower Congress

Citizen respondents who find themselves in particularly precarious positions often adamantly offer respect for Congress. Regularly, this is done through reverent utterances of formal titles like “chairwoman,” “chairman,” “congresswoman,” and “congressman” and by offering gratitude for their questions and insights.

However, citizen respondents also labor to venerate Congress through their speeches. During questioning in a hearing on how social media companies regulate content, Dorsey articulated, “Thank you to the members of the judiciary committee for the opportunity to speak with the American people about Twitter and your concerns about censorship and suppression” (C-SPAN, 2020b).

In a 2010 hearing on the repeal of the U.S. military’s “Don’t Ask, Don’t Tell” policy barring openly LGBTQ individuals from serving, the Department of Defense’s general counsel member Jeh Johnson consistently showed reverence to Congress. Refraining from making formal recommendations, Johnson ensured that Congress knew the legislation was under their control in stating “should the Congress decide that that is the course of action it should take” (C-SPAN, 2010a). Furthermore, he contended, “I would think that our review might inform what this Congress wants to do.” Johnson even went so far as to comment that “Congress, on its own, in its wisdom, could choose to undertake legislative action in this area irrespective of what we do.”

Importantly, citizens respondents empower Congress both within their traditional capacities and beyond. In acknowledging Congress’s role in national elections, former attorney general William Barr, when questioned by the House Select Committee to Investigate the January 6th Attack on the United States Capitol, indicated that “December 14 was the day that the states certified their votes and sent them to Congress, and in my opinion, that was the end of the matter. I thought this would lead inexorably to a new administration” (C-SPAN, 2022e). Cohen, on the other hand, offered gratitude to the House Oversight Committee in admitting, “I have asked this committee to ensure that my family be protected from presidential threats,” which reads as a rather extraordinary request under normal political circumstances (C-SPAN, 2019b). These attempts to empower Congress directly relate to the fourth generic component of citizen respondents: appeals to apologia.

Appeal to Apologia

Although the precarity of the situations vary, citizen respondents appear before congressional committees with their reputations, and the reputations of their affiliated organizations, in tenuous positions. In concert with utterances that show reverence for Congress, citizen respondents labor to mend, preserve, and advance their public image. Whereas the rhetoric of empowering Congress helps augment respondents and their ethos in front of the committees, appeals to apologia help with the public image of respondents beyond the formal hearings.

Appeals to apologia may indeed appear as public apologies. When questioned about his role in upending stock market norms, Robinhood CEO Vlad Tenev stated, “For our customers, I am sorry and I apologize. Please know we are doing everything we can to make sure this won’t happen again” (C-SPAN, 2021a). In a hearing on data protection and privacy, Zuckerberg admitted that “Facebook made a mistake, a big mistake, and that was my mistake. I am sorry” (C-SPAN, 2018a). Cohen’s testimony to the House Oversight Committee contained similar admissions of regret:

Over the past year or so, I have done some real soul searching and I see now that my ambition and the intoxication of Trump power had much to do with the bad decisions that in part I made. . . . I am sorry for my lies and for lying to Congress. And to our nation I am sorry for actively working to hide from you the truth about Mr. Trump when you needed it the most. (Perkins, 2022d)



Citizen respondents are not always in positions that require apologies, however. Although respondents are generally being interrogated on matters pertinent to the public sphere, they may shape for themselves a better public image. In this, although the genre of apologia includes public apologies, apologia extends beyond this. Apologia rhetoric includes speeches of self-defense, primarily when the orator is in a precarious position.

As such, appeals to apologia were especially noticeable by former associates of Trump during the hearings of the U.S. House of Representatives Select Committee to Investigate the January 6th Attack on the United States Capitol. We read these rhetorical actions by citizen respondents who were once Trump supporters as attempts to distance themselves from him after the January 6 insurrection. Former acting deputy attorney general Richard Donoghue stated, “I told the president myself that several times in several conversations these allegations about ballots being smuggled in, in suitcases, and run through the machine several times was not true” (C-SPAN, 2022a). In another hearing, Speaker of the Arizona House of Representatives Russell Bowers (R) discussed fielding a phone call from Trump after the 2020 election. Allegedly, Trump asked Bowers to find ways to overturn the election. In his hearing testimony, Bowers recalled his response to Trump as:

You’re asking me to do something that is counter to my oath when I swore to the Constitution to uphold it, and I also swore to the Constitution, to the laws,

and the state of Arizona. . . . I would never do anything of such magnitude without deep consultation with qualified attorneys. . . . You're asking me to do something against my oath and I will not break my oath. (Perkins, 2022f)



In another hearing about the insurrection, Donoghue defended his character by assuming the onus of delivering information Trump deemed unfavorable:

I felt in that conversation that it was incumbent on me to make it very clear to the president what our investigation had revealed and that we had concluded based on actual investigations, actual witness interviews, actual reviews, actual reviews of documents that these allegations simply had no merit. (Perkins, 2022e)



Former White House legal counsel Pat Cipollone, who advised Trump through much of the election cycle, emphatically distanced himself from Trump as he worked to restore his public image. Remembering a late-night meeting with Trump, he stated: “I opened the door and I walked in. I saw General Flynn. I saw Sidney Powell sitting there. I was not happy to see the people who were sitting there” (C-SPAN, 2022e). Those familiar with Trump’s company at the time recognize that even some of the strongest Trump supporters were repulsed by characters like Flynn and Powell. Cipollone contended, “Did I believe that he should concede the election at a point in time? Yes, I did” (C-SPAN, 2022e). Appeals to apology, like the ones above, rhetorically position citizen respondents as invested in the progress of America. As such, they tend to advance a fifth generic position in that they commit to helping address the issue at hand.

Commit to Cooperation

Fulfilling the previous four generic components ensures that the citizen respondent as rhetor has positioned themselves to commit to cooperating with Congress regarding the concern driving the hearing. Oftentimes, such commitments are communicated by the presence of the respondent alone. This is best exemplified by the live testimonies given during the hearings on the January 6 insurrection, like that of Bowers (C-SPAN, 2022b), Hutchinson (C-SPAN, 2022c), and former White House deputy press secretary Sarah Matthews (C-SPAN, 2022e). Contextually, stark division had manifested between current and former supporters of Trump. By their willingness to testify against Trump, citizen respondents in these hearings categorically reject Trump’s efforts to overturn the election,

and consequently the insurrection. Whereas the House Select Committee to Investigate the January 6th Attack on the United States Capitol by its order rejects Trump's election claims, testifying against Trump is a rhetorical demonstration of cooperation. These demonstrations reify the trajectory of congressional committee hearings. Indeed, they operate as a product, or at the very least an indicator, of the ascension of congressional committee hearings to public spectacle. Of course, the January 6 insurrection hearings hold historic significance that few, if any other, hearings can match.

Thus, while agreeing to testify can be read as a commitment to cooperation, respondents often make known their commitments more overtly. Although McGwire would not formally admit to steroid use during his playing career until 2010 (well after he had retired), his testimony in 2005 gestured toward an admission. Regardless, McGwire knew the swirling suspicions and committed to cooperation: "I will do everything in my power to help the game, its players, and fans" (C-SPAN, 2005). In reviewing the investigations into the conditions that led to the Flint water crisis, acting deputy assistant administrator of the Environmental Protection Agency's (EPA) Office of Water Joel Beauvais asserted, "EPA looks forward to receiving and acting promptly upon the recommendations of that review" (C-SPAN, 2016). Regarding data privacy concerns, Zuckerberg contended that Facebook was working on addressing the problem and that it should be considered an optimistic and idealistic company (C-SPAN, 2018a). Weaving together apologia and a commitment to cooperation, Tenev stated:

I'm sorry for what happened. I apologize and I'm not going to try to say that Robinhood did everything perfect and that we haven't made mistakes in the past. But what I commit to is making sure that we improve from this. Learn from it and do not make the same mistakes in the future. Robinhood as an organization will learn from this and improve to make sure it does not happen again. I will make sure of that. (C-SPAN User, 2023)



Only some congressional committee hearings with citizen respondents accrue significant public attention. Within those that do, citizen respondents tend to exhibit five prominent rhetorical strategies: foster spectacle, affirm cultural values, empower Congress, appeal to apologia, and commit to cooperation. The first three of these overlap with the rhetorical tendencies of citizen activists, while the last two are unique to citizen respondents. Importantly, these rhetorical characteristics are not necessarily intentionally employed or present in all iterations.

Like all speech genres, anomalies exist and habits shift over time. Our model identifies and explains the general rhetorical patterns within these hearings, which allows us to better understand these speech acts in aggregate.

Citizen Activists

Unlike citizen respondents, who are called to hearings to respond to congressional concerns, citizen activists visit congressional committees with an intent to persuade Congress to act on a particular cause. Citizen activists are typically invited to speak within a forum, much like respondents. However, within that forum they are not being interrogated with the potentiality of guilt. Similar to citizen respondents, citizen activists foster spectacle, affirm cultural values, and empower Congress. However, in attracting significant public attention, citizen activists tend to exhibit two rhetorical strategies unique to their positionality: establish exigence and demonstrate transcendence. While the first three of these rhetorical appeals maintain definitional congruence across these two roles, establishing exigence describes how activists attempt to convince their audience that a concern deserves greater congressional and public attention. Upon establishing the exigence, citizen activists often demonstrate transcendence, or rather, demonstrate how the identified crisis will endure if not addressed.

Foster Spectacle, Affirm Cultural Values, Empower Congress

Although the rhetorical appeals for citizen respondents and citizen activists correspond across the generic categories of fostering spectacle, affirming cultural values, and empowering Congress, we recognize two additional points that are unique to citizen activists, both within the category of fostering spectacle. First, it is important to note that audience attendees of congressional hearings can function as citizen activists to foster spectacle, even when the formal panel is comprised of citizen respondents. Consider, for instance, the audience protesters during the House Foreign Affairs Committee February 13, 2019, hearing on the political situation in Venezuela. A group of activists, many of whom fostered spectacle en masse by wearing bright pink shirts, sat behind Elliott Abrams, the U.S. special envoy to Venezuela, to catch the camera's attention. When Abrams began to speak, two citizen attendees stood behind Abrams with protest signs, one of which read "Hands off Venezuela." The C-SPAN video footage switches camera angles to capture the spectacle as security officers attempt to remove the protesters. Regarding Abrams, other attendees shouted things like, "Don't

listen to this war criminal,” and accused Abrams of causing a genocide in Guatemala and El Salvador (C-SPAN, 2019a). Second, although spectacle from citizen activists can serve a variety of interests, some events seem to distract from the intended activism. For instance, it seems no one on the House Judiciary Subcommittee on Immigration, Citizenship, and Border Security knew how to handle Comedy Central’s satire celebrity Stephen Colbert when he appeared on



behalf of migrant workers (Perkins, 2022a). In this instance, Representative John Conyers (D-MI) noted that they had not seen so many cameras in the room in a long time. He then proceeded to request that Colbert leave the room and submit a statement instead of reading his prepared speech. Confusion ensued. Eventually, Colbert was permitted to perform his satirical oration, but since the congressional stage does not regularly host satire, it seems the spectacle created more confusion than clarity. Outside of these situations that are unique to citizen activists, the first three generic components are shared among citizen respondents and citizen activists. Thus, for citizen activists, we will focus our attention on their unique appeals, which we have categorized as establishing exigence and demonstrating transcendence.

Establish Exigence

In many ways, citizen activists are invited to congressional committee hearings to help the congressional body better understand a social concern. Whereas congresspersons consider a wide range of topics for legislation across their tenure, citizen activists inform and persuade congressional bodies on topics important to them. Although holding a hearing on a topic indicates that congressional committees generally agree the concern warrants discussion, citizen activists tend to use the opportunity to advocate the importance of the issue.

To establish exigence for their cause, citizen activists emphasize their claims and command a recognition for their social concerns. For instance, board chair of the Gwich’in Steering Committee, Sarah James, advocated for the protection of the Arctic National Wildlife Refuge through her connection to the land and the plight of her culture. Referencing discussions with other leaders in her Indigenous culture, she recognized that “the only way the world will know about Gwich’in” would be to work with world leaders to pass a resolution to protect their ecosystem. In this, they could “teach the world in a good way why we say no to oil and gas development” (C-SPAN, 2011). Actor and anti-human trafficking activist Ashton Kutcher established exigence by leaning into the American value of

pursuing happiness. He stated, “The right to pursue happiness, for so many, is stripped away” (C-SPAN, 2017a). Kutcher then proceeded to describe the plight of victims of human trafficking. Oftentimes, citizen activists discuss how the highlighted social concerns affect them personally. Anesta Henry, a widow of a 9/11 first responder, pleaded for extended benefits by stating, “Oh God, not only do I have to make up for his missing presence, but I have to be worried about if we will have enough money for our son’s college and living expenses” (C-SPAN, 2019c). Philonise Floyd, brother of the late George Floyd, who was disturbingly killed by police, cried simply, “I’m tired of the pain,” as he asked America to “stop hiring corrupted police officers” (C-SPAN, 2020a). Affordable Insulin NOW and T1 International member Sa’Ra Skipper went so far as to say, “Price gouging is killing people. Pharmaceutical companies are committing murder and getting away with it,” as she outlined the problems facing persons in need of insulin (C-SPAN, 2019d). These often spontaneous, and thereby even more urgently compelling, rhetorical efforts raise critical awareness of the topic of discussion, ensuring that the congressional committee and the general public are aware that the issue exists.

Demonstrate Transcendence

Once the gravity of the social dilemma is established, citizen activists then tend to explain how congressional action is required. As citizen activists demonstrate transcendence for the topic at hand, they discuss how the problem will endure and likely worsen if it is not immediately addressed. Skipper recognized that the fight to lower insulin costs “will not be a sprint; the marathon continues” (C-SPAN, 2019d). Climate activist Greta Thunberg argued before the House Climate Crisis Committee and a House Foreign Affairs Subcommittee that the climate crisis “will only get worse the longer we delay action” (C-SPAN, 2019e).

Former president of Human Rights Campaign, Alphonso David, spoke of the enduring problems facing the LGBTQ community, stating, “As a gay man, I came to understand that living my truth would cost me greatly, from acceptance in my own family to opportunities for pursuing my dreams” (C-SPAN, 2021b). Jennifer Podkul, vice president of Kids in Need of Defense, pleaded with Congress to address migrant detention and immigration policies “to make sure children do not have to wait years for the resolution of their applications for humanitarian relief” (Perkins, 2022c). Thus, once rhetors have established the presence of the social concern, they labor to demonstrate transcendence, or rather that the concern will endure unless congressional action is taken.



DISCUSSION

As a public, our attention to the political sphere tends to focus rather heavily upon elected public officials in the federal government. Too often we forget the rhetorical situations created when citizens and congresspersons converge. Dedicated to its mission of publicly broadcasting the happenings of the political sphere, C-SPAN affords both the public and its scholars unprecedented access to these rhetorical events. Through this access, our research addresses this significantly understudied intersection of political rhetoric where citizens and Congress converge.

Importantly, our findings, through genre analysis, do more than simply identify rhetorical appeals for the sake of identifying them. In other words, defining and explaining these rhetorical choices achieves more than just theorizing the genre of congressional committee hearings as public spectacle. Our analysis helps scholars of political rhetoric identify patterns within the discourse, which in turn helps us better understand past, present, and future utterances within the public forum. From our data, we conclude with three primary implications.

First, we read the January 6 insurrection hearings as a consequence of a confluence of political and rhetorical occurrences. Certainly, the causticity of Trump and contemporary politics makes for “must see TV,” particularly as it manifests as a violent insurrection that now gets repeatedly replayed across media. Yet, despite the recent recognition of congressional committee hearings as public spectacle, our research demonstrates how this phenomenon is decades in the making. Thus, this phenomenon is, at best, only partially a result of Trumpism. Indeed, Trump is more of a byproduct than a catalyst. Of much greater import here is the technological advancement of media.

Although not without initial resistance from Congress, C-SPAN has normalized media presence within formal congressional proceedings over the past four decades. Certainly, the advent of cable news, the Internet, and social media have all assisted significantly in the evolution of our present new media environment. We realize that while major media organizations continue to maintain significant influence, citizen investiture is consequential and continues to offer more than ever before.

Indeed, the progression of personal media technology has fostered a parallel propensity for public spectacle. In part, the public’s appetite for spectacle grows from the increased capacities for citizens to create, record, and publicize it. Citizens are no longer entirely reliant upon major media institutions for news

and entertainment. Yet, we have demonstrated how congressional committee hearings can elevate to public spectacle despite the inability of citizens to create it with their smartphones. While we are not the first to say this, our rhetorical processes are adapting to the progression of new media technologies. So, although congressional committee hearings on C-SPAN are far from the first place people look for public spectacle, public spectacle is nonetheless being regularly created within congressional committee hearings. We contend that this is a direct result of the expectations of our new media ecosystem.

We evidence this claim by demonstrating how the propensity for spectacle increases alongside the progression of smartphone technology. Although congressional committee hearings have fostered some public spectacle throughout history, like the McCarthy hearings and Watergate, it is undeniable that this phenomenon is much more common now. We start to see an uptick in hearings as public spectacle through the 2000s, with special attention to, for instance, the 2005 hearing regarding steroid use in baseball and the financial crisis hearings in 2009. Corresponding with rapidly progressing new media technologies, the 2010s saw a steady increase in congressional committee hearings as public spectacle well before Trump, with examples including the WikiLeaks hearings in 2010, the health care hearings in 2014, and the Flint water crisis hearings in 2016. Thus, while the majority of our artifacts span the last six years, Trumpism only exacerbated what was already becoming normalized.

Moreover, we note much more than the simple increase in regularity of congressional committee hearings as public spectacle; we highlight a corresponding shift in citizen rhetoric across this trajectory. Historically, citizen respondents tend to obey the guidelines set forth for given hearings out of an ambient respect for the rhetorical situation. Traditionally, and conversely, citizen activists tend to be offered much more rhetorical latitude and are able to make rhetorical choices that they believe will best support their communication efforts. Although the situations that dictate a differentiation between citizen activists and citizen respondents remain, we have noticed that across time, citizen respondents have begun to adopt the rhetorical strategies of citizen activists, likely as a way to reduce the precarity that citizen respondents face.

Such rhetorical maneuvering is perhaps best articulated by juxtaposing two of Zuckerberg's opening statements. Although Zuckerberg has testified before a congressional body multiple times, we call attention to his testimonies from April 15, 2018, and October 23, 2019. In both instances, Zuckerberg is called to Congress as a citizen respondent. In the 2018 rendition, Zuckerberg rhetorizes within a

traditionally respondent positionality. He opens his speech apologetically and his nonverbal communication reflects a tenuous, disempowered position. In the 2019 hearing, however, despite being interrogated as a respondent, Zuckerberg postures as a citizen activist; he delivers his remarks with much more confidence and advocates for the Facebook initiatives in question before the committee has a chance to interrogate him. Although he is not an activist as herein defined, his rhetoric of advocacy affords him some rhetorical power that most respondents do not actualize. More specifically, prior to the full committee interrogation in 2019, Zuckerberg establishes the exigency of his campaign and demonstrates transcendence throughout his opening remarks. While advancing the expected complement of generic components appropriate to his role as respondent, Zuckerberg, with his pseudo-activist rhetoric, demonstrates how citizens appearing before Congress have begun to adapt to our media environment's growing appetite for spectacle. Guitar (2020) theorizes that deviations from established genres indicate an unspoken ideological undercurrent that can best be understood through critical genre analysis. We implore scholars to investigate this further.

For our purposes here, we return our focus back to the overarching trajectory of congressional committee hearings as public spectacle. The U.S. House of Representatives Select Committee to Investigate the January 6th Attack on the United States Capitol hearings should not be read as anomalous. They are the result of decades of increasing spectacle within the legislative branch. Uniquely, congressional committee hearings are places where the Congress and the public come together, albeit in an epideictic, rather than deliberative, capacity. As the exemplar of congressional hearings as public spectacle, the televised January 6 hearings did not produce any new information for the committee. In fact, the citizen respondents and questions were heavily vetted and the hearings constructed with a calculated arrangement. We are left to question the value of such spectacle, considering that the congressional body in charge was extending beyond its traditional legislative duties.

Although they may seem imprudent, we contend that congressional hearings that elevate to public spectacle can, and often do, perform certain vital functions for a democratic public. First, they inform the populace regarding pertinent societal concerns. Although we refrain from postulating how effective the informative functions of these hearings are, they nonetheless command public attention, which in turn, at the very least, provide the public with information. Second, and as Guitar et al. (2023) have argued, congressional committee hearings as public spectacle direct public attention toward the legislature. This serves

important democratic functions as it counters the expanding powers of the executive branch over the past few decades (Peterson, 2019). This is particularly important as we consider the presence of citizens within the hearings.

Although it is difficult to always demonstrate efficacy of citizens within congressional committee hearings considering the epideictic tendencies of events, it is evident that influence is possible. Based upon our review of the rhetoric of these congressional committee hearings, for instance, Jon Stewart and his brigade of first responders, as citizen activists, seem to have directly influenced the extension of federal benefits to 9/11 first responders. We can also ascertain that citizen activists successfully urged Congress to repeal “Don’t Ask, Don’t Tell.” Although citizen respondents have a smaller platform for creating change than their citizen activist counterparts, we can conclude that the influence of citizen respondents is greater than zero. For example, although the January 6 hearings did not convince overzealous subscribers of Trumpism to detach from Trump, the hearings prompted the U.S. Department of Justice’s investigation into Trump’s actions surrounding January 6, 2021, which in turn led to its 2023 indictment of Trump on four charges for attempting to overturn the 2020 election. As well, the hearings seem to have urged some originally uncooperative Trump loyalists, like Trump’s chief of staff Mark Meadows, to cooperate. We contend that the public spectacle, although aided by the legal powers related to congressional subpoenas, creates exigencies for political actors like Meadows, which applies the pressure to respond. Similarly, some citizen respondents who stormed the Capitol or who worked alongside Trump on January 6, 2021, when interrogated, expressed remorse and defected from Trumpism. We contend that these public rebukes of Trump by former loyalists achieve a much higher significance, and thus potential influence, as a result of the January 6 committee hearings.

Of course, this commentary requires some important qualifications. Few congressional committee hearings achieve public spectacle. Thus, despite our attention to congressional hearings, we cannot comment on the hearings that fail to attract significant public and media attention. As well, not all congressional committee hearings that achieve public spectacle have the capacity to create change. Relatedly, not all speeches within the “congressional committee hearings as public spectacle” genre conform to the generic components we have outlined here. Some orators, in fact, deviate significantly from these norms.

Yet, the increasing salience of congressional committee hearings should not be taken lightly, particularly as it relates to citizen investiture. Even if citizen voice is muffled in a heavily populated representative democracy, especially in

our presently hyper(re)active new media environment, congressional committee hearings provide a platform where the general public can directly connect to the legislature. This recognition brings us to a crucial point as it pertains to new media technologies. Although Congress rightfully responded to the COVID-19 pandemic by moving congressional committee hearings online, restricting citizen access to hearings is detrimental to democracy. While we recognize that hearings with highly sensitive information should not be broadcast publicly, and that new media increase accessibility for citizens who are unable to attend congressional committee hearings in person, the physical spaces of committee hearings should remain open for citizen investiture.

Considering the adaptations made during the past few years, Congress could easily move to holding committee hearings strictly virtually; we read this as incredibly damaging for democracy as it reduces the rhetorical possibilities for citizens, particularly activists who command the attention of the camera. Our research demonstrates how a new political genre of speech has manifested. Understanding this genre not only assists citizen rhetors within committee hearings, it also helps the attentive citizenry make sense of contemporary issues and actualize change. In recognizing this, proponents of democracy should advocate for the continued, if not increased, presence of citizens within congressional committee hearings and importantly, the continued coverage of the entirety of congressional committee hearings by C-SPAN and other media outlets. Although the spectacle can feel exhausting, it nonetheless directs our attention to a unique democratic forum where the citizenry and its legislature come together to talk about contemporary concerns. In fact, spectacle rather succinctly typifies democracy, in all its messy, painstaking ways.

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APPENDIX: ARTIFACTS

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7

DISASTER MANAGEMENT IN TRANSITION

Exploring the Communicative Discourse of Disaster-Related Initiatives, Policies, and Consequences as Captured in the C-SPAN Video Library

Brett W. Robertson

INTRODUCTION

This project captures, analyzes, and critiques popular and governmental notions about disaster management as represented in the C-SPAN Video Library. Specifically, it analyzes how disaster response initiatives are constructed discursively by government representatives and others featured in the C-SPAN Archives. Learning how policymakers constitute disaster response through an unfiltered record of talk through the Video Library can aid us in understanding the overarching cultural, political, and scientific understandings of natural disasters. In turn, we can hopefully gain a better understanding of why Americans are not preparing for future disasters by studying how policymakers engage in disaster preparedness and their response initiatives (or lack thereof). Recent estimates suggest that less than a quarter (25%) of Americans have gathered supplies and created an emergency supply kit in their home (Bader et al., 2020). Motivating disaster preparedness in the U.S. has been difficult over the last several decades despite diverse initiatives, funding, interventions, and policy changes.

Specifically, over the years, there have been multiple calls by the White House, the Federal Emergency Management Agency (FEMA), the National Weather Service (NWS), and other organizations and associations to learn better how to inspire disaster preparedness—and incorporate preparedness initiatives into

disaster management plans. In turn, these initiatives can advise disaster relief and recovery efforts when they are well thought out beforehand. Such calls and associated funding initiatives make sense given the national and global estimates that the number of natural disasters is likely to increase for years to come. Disasters also create grand challenges to infrastructure, including considerations related to climate change, access to clean water, environmental preservation, food (in)security, energy, and global cultural competencies, among other issues. Exploring the discursive framing of disaster management in the C-SPAN Video Library allows us to situate how disaster response is prioritized, and how current talk around disasters can highlight these transitional gaps in the relationship between preparedness (or lack thereof) and response.

Concurrent with these calls for an increased understanding of disaster management has been interest in understanding how the general population conceptualizes the severity and susceptibility of potential disaster threats. While FEMA has provided \$8.3 million in grants to disaster survivors so far in 2022, many Americans do not realize they are at risk for a disaster. For example, homeowners are often unaware of just how susceptible their property may be to flooding. When a disaster strikes and causes property damage, residents are often confused about how to receive federal relief aid and essential services. More complex understandings of disaster-related discourse can enable researchers and practitioners to ascertain how disasters create a politicized discourse and how assumptions about, and positioning of, disaster management operate in specific ways—sometimes not including vulnerable and underserved communities, which may lack disaster literacy, in the process. The increase in frequency and severity of natural disasters is putting strain on emergency response agencies, who are tasked to communicate with the public before, during, and after disasters. Many government agencies (including FEMA) are struggling to understand how they can better serve affected communities, representing the transition between organizational practices that have been done—and what needs to be done to better assist disaster victims and survivors.

This essay contributes pragmatically to the U.S. national agenda of a more inspiring culture of disaster preparedness, and theoretically to the intersections of everyday talk and the cultural formations invoked to make such talk sensible to diverse audiences. As such, this research provides an understanding of how disaster management is discursively and materially constituted in the C-SPAN Video Library. The everyday talk enhances and limits the participation in disaster preparedness and response is of importance, but also how the political power

of a constitutive approach to communication research has much pragmatic import. This is important given that geographic environment (e.g., rural, urban, coastline) affects local hazard intensity—and consequently affects the amount of disaster relief given to different communities. Thus, this chapter provides an understanding of how disaster relief is communicated to the public, as well as policymakers and corporate leaders who express concern about the lack of preparedness in the U.S.—all while trying to manage the next hazard. It is often just because it is only a matter of time until the next disaster strikes.

BACKGROUND AND LITERATURE OVERVIEW

We as individuals need to get back to the “be prepared” mentality that served the nation through periods of both war and peace in the past, through periods of economic prosperity and during times of personal and national austerity. No matter how challenging the time, America has always been and will always be strongest when we ensure that our people are strong.

Embracing this culture of preparedness starts not in Washington, D.C., but at home. We need to work to encourage everybody to question how prepared they are, and to act. Do you have CPR training? Do you know how to shut off the water valves and the gas valves in your home? Do you know what to do when a disaster strikes?

This journey does not begin and end at home, but moves out to spawn a culture where neighbor helping neighbor is not just a phrase or an idea—it is the reality. Citizens are the true first responders, so you need to be the help until help arrives (FEMA, 2021).

Improving levels of preparedness for crises and disasters is an urgent health priority. Nonetheless, creating a lasting culture of preparedness remains challenging (FEMA, 2021). Despite numerous nonroutine catastrophic events that cause physical impacts and social disruptions, as well as sizable communicative health campaigns, levels of preparedness for disasters in the U.S. have not improved over the last two decades, and many individuals face barriers to properly preparing for looming disasters (Wood & Bourque, 2018). In the crisis communication literature, preparedness often gets overlooked in favor of disaster response and recovery (Witte et al., 2001). As a preventative measure and potentially life-saving behavior, preparedness is a communicative construct that should be detailed and explained.

As a temporal stage of the disaster life cycle, disaster preparedness is described as actions taken in advance by individuals and organizations to deal with real or anticipated problems of emergency response and disaster recovery. Broadly speaking, the objective of preparedness is to enhance the ability of individuals, communities, organizations, and government stakeholders to respond when a disaster occurs. An analysis of vulnerability, which involves stakeholders in an effort to predict problems on the basis of degrees of vulnerability and then propose solutions to those problems, typically kicks off the preparedness process (Tierney et al., 2001). The development of effective response plans by people, groups, and governmental institutions is the main objective of emergency preparedness.

For us to respond actively when a disaster does strike, we must perform specific steps to prepare ourselves in order to prevent an even greater impact (Tierney et al., 2001). Disaster readiness on an organizational level frequently entails creating emergency response plans, instructing workers and emergency responders on what to do in an event, purchasing necessary supplies, resources, and equipment, and holding drills and exercises (Barbour & Manly, 2016). On an individual and household level, preparedness activities include developing an emergency plan for the household, storing food and water, making sure there is a battery-powered radio on hand, and taking other steps to anticipate whatever problems a disaster might create (Burke et al., 2010). These activities are inherently communicative, but they are often challenging for the general public to participate in and follow through with, even with local government advice (Spence & Lachlan, 2010). According to FEMA's (2017) preparedness report, there are still ongoing challenges to the disaster preparedness stage. This includes "inspiring individuals to prepare for emergencies" and "improving responder capacity and coordination" in disaster events (p. iii). Myriad research has attempted to address these challenges. Yet, despite concerted efforts in scholarship and by policymakers, we still see that the impact of disasters, unfortunately, is not leading to a lasting culture of preparedness in the U.S.

RESEARCH GOAL

Examining both how disaster response is prioritized and how current discourse on disasters can draw attention to these transitional gaps in the relationship between preparedness (or lack thereof) and response can be done by looking at how disaster management is discursively framed by policymakers through the

C-SPAN Video Library. This research aims to explore policy-related conversations that can illustrate how disaster management is prioritized by U.S. government leaders. The goal is to determine whether and why there may be gaps in the preparedness process and how disaster response may be more strongly prioritized. The following research questions are provided:

RQ1: Do policymakers prioritize disaster preparedness or response?

RQ2: How do policymakers instill a “culture of preparedness” in anticipation of future disasters?

METHOD

Using the C-SPAN API, I conducted a keyword search using the terms “disaster preparedness” *or* “disaster response” *or* “disaster management” from January 1, 2013, to October 1, 2022. The year 2013 was selected because that is when Congress passed the Sandy Recovery Improvement Act, a landmark piece of legislation for disaster management. Massive human suffering and property loss were brought on by Hurricane Sandy. Congress discussed measures for giving additional funding for federal disaster assistance programs in reaction to this tragic tragedy. Therefore, 2013 to the present is included for selection.

This initial text corpus contained 2,193 mentions of the key terms. From there, all unidentified speakers were removed from the mentions in order to focus strictly on policymakers. For this study, I broadly define policymaker as “a member of a government department, legislature, or other organization who is responsible for making new rules, laws, etc.” (Cambridge Dictionary, n.d.). The resulting corpus included 564 mentions of the key terms with only policymakers. This resulted in 165 pages of text and nearly 62,500 words. To then examine the discursive constructions of disaster management priorities by policymakers, I utilized a constant comparative qualitative analysis (Corbin & Strauss, 2015).

I began to open-code the data to develop overarching themes to answer the aforementioned research questions. After an initial round of open-coding, I categorized the data into specific subthemes that illustrated the potential answers to the posed questions. Certain excerpts were picked to answer the questions. While I include specific examples in the results, it is important to note that disaster management is often intertwined with other policy-related issues (e.g., climate change, insurance, infrastructure, and telecommunications). I often found

it difficult to untangle how disaster management may be posed as its own policy concern. Part of this is mentioned in the following section.

RESULTS AND DISCUSSION

RQ1: Do policymakers prioritize disaster preparedness or response?

On the surface, it seems that policymakers want to prioritize preparedness, but talk about that often occurs after a disaster strikes. After a disaster, policymakers often want to highlight damage to their local community. In most cases, the devastation is showcased through the use of striking visuals. These policymakers discuss how devastating these disasters can be, while also noting that little has changed over the years, even with high severity, to prioritize preparedness. For example:

Speaker, I rise for two reasons. One, to talk about what it is to be in the eye of a hurricane and be without basic necessities for over 10 days because of a hurricane, and what it is that our government should do when those situations occur, both at the federal, state, and local level. So my comments, we'll talk a little bit about what happened in August of 2005. And in fact how so many people were impacted, what we have done as a government, what we didn't do, and what we should do going forward. For the most part, as the gentleman from Louisiana has said, both hurricanes Rita and Katrina ravaged Texas, Louisiana, Mississippi, and Alabama, and a little bit of Florida. But I'll limit my comments to Katrina. Hurricane Katrina—there were over 1,800 people from Florida to Texas who died. And in my home state of Mississippi, 238 individuals died. And basically what we had after that, we had over 1.2 million housing units damaged. And in my home state, almost 80,000 were completely destroyed. In southern Mississippi, that meant that over 60% of the single-family dwellings were either destroyed or rendered uninhabitable, and the statistics were worst for rental units. (Bennie Thompson, U.S. Representative; C-SPAN User, 2023e)



In this instance, the focus of preparedness was prioritized by highlighting death tolls in several states from striking, noteworthy disasters, like Hurricanes Rita and Katrina. We find that preparedness may be a *normative* process on a macro level, although this process may be constrained by the need to constantly

justify preparedness as an integral part of organizing due to past disasters and high death tolls. Whereas in many cases, preparedness is not viewed as a priority and is simply seen as an afterthought (Boin & 't Hart, 2003).

It is noteworthy that preparedness is viewed as a means to discuss other policy issues, like environmental justice, climate change, contaminated water, or issues of race and class. For example:

In Flint, Michigan, the NAACP filed suit because of the gross negligence of officials that failed to detect a water problem. When that water crisis was known to harm Black people, the public was told to continue drinking water despite understanding it was contaminated. In Baltimore another predominantly Black city, *e. Coli* was found in the water as recently as a few weeks ago. Because these issues are systemic, there is a long history of incrementally poor decisions that leaves Black cities debilitated. Congress has the ability to actualize the legacy Black communities hope for. The full recommendations are in my written testimony. First, I encourage Congress to pass the Environmental Justice For All Act and for this committee to assess the effectiveness of state oversight in historically disadvantaged communities for disaster preparedness. There needs to be more granular and disaggregated data for accountability as well as diversification of funding streams that are not loans. The lack of the private right of action of Title VI, and meaningful technical assistance, also remain concerns. Additionally, coordination and collaboration are needed at a federal level. We will continue to highlight the egregious conditions of Jackson's water system and how the actions of state leaders have caused discriminatory impact. (Abre' Conner, director of the NAACP Center for Environmental and Climate Justice; C-SPAN User, 2023a)



While the disaster preparedness process seems to be embedded in Conner's speech above, especially as it relates to issues like the Flint, Michigan, and Jackson, Mississippi, water crises, it is intertwined with other equally important societal issues. Thus, this potentially highlights how preparedness may not be solely focused on where it may need priority.

RQ2: How do policymakers instill a "culture of preparedness" in anticipation of future disasters?

Policymakers attempt to instill preparedness efforts by highlighting lessons learned from previous disasters (not just death tolls and percentages, as

mentioned in the discussion of RQ1). For example, previous hurricane seasons often serve as a catalyst to promote future needs:

And my written testimony submitted to this subcommittee outlined some of the lessons learned during Hurricane Harvey experiences. I want to highlight some of those critical points for your consideration. First, information-sharing challenges were an issue yet again. Simply, emergency managers cannot adequately communicate with the public and coordinate an effective recovery if we do not have access to key information that the nonprofit and federal partners that we invite in to assist have. The right to know must specifically include emergency managers through federal policy. Secondly, the lack of available personnel resources sufficiently trained in recovery and mitigation processes [caused] challenges to jurisdictions greatly. Thirdly, we lack adequate shelter capacity to meet the needs. Revising the Stafford Act to allow utilization of space does not consider congregate shelters would have a tremendous impact. Allowing locals to partner and utilize free disaster mitigation funds to build shelters closer to communities, even though the cost-benefit analysis may not meet the current threshold, that builds resiliency. . . . Lastly, I urge Congress to show its commitment to disaster readiness and resiliency by authorizing more pre-disaster mitigation funding. To compare, in 2017, pre-disaster mitigation for the entire nation was \$90 million. But for Harvey alone, the state of Texas has been allocated \$1 billion. Doesn't it make more sense to invest in more pre-disaster mitigation efforts working to avoid such massive post-disaster expenses? On behalf of all local government emergency management professionals across the country, I sincerely appreciate this opportunity to share my Hurricane Harvey experiences. I hope my testimony fosters further discussion as we strive to improve how we as a nation frame disaster resiliency. Using the opportunities in 2017, those lessons



learned help us build a generation of Americans who anticipate needs and resolve to take actions—take action—before a disaster. (Mistie Gardner, emergency management coordinator, Richardson, Texas; C-SPAN User, 2023b)

In this instance, Gardner is using Hurricane Harvey in Texas as an example to urge Congress to show its commitment to disaster resilience and pre-mitigation efforts. Specifically, by explaining the connection between investing in federal pre-mitigation activities and individual resilience, this testimony illustrates the goal of Gardner and others that we as a nation have a culture of preparedness.

Preparedness isn't always thought of as a community effort, but it should be. Most of the discourse around preparing for disasters is centered on what an individual can do on their own. Brock Long, the former administrator of FEMA, repeatedly mentioned how preparedness can be better "instilled" by focusing on how we can help each other. Other policymakers followed suit in the discourse around the importance of community resilience. For example, after a briefing on the annual hurricane season at the National Hurricane Center in Florida, President Obama spoke to the media on climate change and recent flooding in Texas.

Responding to a hurricane is a team effort. From the federal to the local levels, we all have a role to play. So I encourage every American, no matter where you live, to check out Ready.gov—Ready.gov—where you will find information on making plans for your family, building an emergency supply kit, knowing what to do when disaster strikes. This is something that administrator Fugate has been like a broken record about every single year, but he's absolutely right that the best preparedness is the preparedness that's being taken by individual families, homeowners, business owners. If they have a plan, if they have ideas about how they will respond to warnings, and they're paying attention, then the collective effort obviously goes a lot more smoothly. (President Barack Obama; C-SPAN User, 2023d)



With the intertwined nature of other policy-related issues related to preparedness, it is often thought that we need to consider how disasters impact many aspects of society to ensure preparedness-related skills and practice can be easily implemented. For example, disasters need to include financial accountability, insurance concerns, and practical skills.

We have to have a unified approach going forward in disaster response and recovery. . . . We don't have a true culture of preparedness in this country. Our citizens are not prepared. We have to realistically design approaches to get them to be financially ready, and we have to teach them tangible skills like CPR again and go back to the old civil defense days of being ready. We also have to do more pre-disaster mitigation. We have to close the insurance gap. Far too many people are uninsured or underinsured. And that's not right. (Brock Long, FEMA administrator; C-SPAN User, 2023c)



CONCLUSION AND OVERALL THOUGHTS

Through these two research questions and overall exploration of how preparedness has been prioritized in the United States, we see that preparedness is often a mixed bag in terms of how it is singled out by policymakers. While this essay covered only a specific time frame in government and policy-related discourse around disaster management, additional opportunities exist for improvement. Although policymakers consider disaster preparedness an important process, it often appears to be an afterthought—only prioritized after a disaster strikes. It is also clear that disaster preparedness is inherently linked with other policy-related issues. We must ensure that preparedness continues to be part of the disaster-related discourse for the future, as there is no sign that disasters will stop anytime soon. While “instilling a culture of preparedness” remains crucial, inspiring policymakers to continue the discourse remains just as important.

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8

FACT OR FICTION?

The Discursive Framing of Narrative Resilience Using Trump's COVID-19 Presidential Talk

Sean M. Eddington

INTRODUCTION

In times of crisis, leaders often utilize a variety of crafted narratives that enable their followers to make sense of the world around them. The emergence and uncertainty caused by the COVID-19 pandemic stressed various social, economic, and political institutions. While political leaders attempted to craft their messages on a host of pandemic responses, the present study analyzes the messaging from former U.S. president Donald Trump around COVID-19.

As COVID-19 spread throughout the globe, society grappled with everyday life as the pandemic triggered a cascade of disruptions through work, home, and community experiences. A growing body of leadership scholarship has begun to examine the impact of leadership communication processes during the pandemic (e.g., the 2020 special issue of *Leadership*), citing the limitations of traditional theories in helping to understand and contextualize the crisis (Tourish, 2020). Because of the pandemic, scholars have surfaced new leadership questions that impact decision-making, ideological discourse, gendered practices, and innovative conceptualizations of leadership (e.g., unleading; Kars-Unluoglu et al., 2022). The present research builds upon these questions by exploring the role of resilience in presidential narratives. I argue that utilizing resilience scholarship can be an apt approach to understanding how Trump's talk contributed to the enactment of resilience during the early disruptions and transitions of the pandemic. As a communication process, resilience is organized vis-à-vis messages,

d/Discourse, and narratives that allow individuals, groups, communities, and societies to adapt and transform from a crisis (Buzzanell, 2018).

Using the C-SPAN Archives, I build upon research into narrative resilience to explore leadership communication during mass disruption. More specifically, I aim to explore how both Trump's messaging and speeches engage in the form of narrative resilience. Using the archival text and video from the C-SPAN Video Library, this project analyzes the presential leadership communication of Donald Trump by examining how he discursively constructed a specific type of narrative resilience—the restorative narrative—around COVID-19 through the early days of the Coronavirus Task Force.

The present study unfolds as follows. I begin by exploring resilience scholarship to provide the conceptual grounding of the study. I give particular attention to studies focused on both disaster and COVID-19 context. Then, I briefly discuss the role of leadership during a crisis, giving attention to discourses surrounding recovery, renewal, and restorations. From there, I describe the context of the study (e.g., Trump's Coronavirus Task Force). Next, I outline my data collection processes and analytical methods (e.g., text mining, semantic network analysis, and constant comparative methods). I then describe the findings from my study. In doing so, I illuminate one key tensional aspect of communication that Trump used in his briefings and highlight three themes that organized the tension to construct resilience narratively. Finally, I discuss my study's implications by shedding light on Trump's briefings as an interplay of fictional and factual narratives that work together to construct resilience.

RESILIENCE AND CRISIS

Resilience is a process of transformation and adaptation from disruptions (like pandemics), which can trigger instabilities related to economic, health, environmental, or social systems (Buzzanell, 2010, 2018). Although resilience is widely studied throughout academic contexts, I adopt a communicative perspective that views resilience as a product/process of communication. Resilience can be both relationally and narratively cultivated by/through communication (e.g., messages and interactions) and communicative acts (e.g., d/Discourses, storytelling, and logics; Buzzanell, 2010, 2018; Eddington, 2020; Eddington & Jarvis, 2022). Communicative perspectives on resilience are varied in context. For example, resilience has been explored in family contexts (Palmer, 2008), experiences of

job loss (Wieland, 2020), and the role of resilience in/around organizational and workplace training (Vanhove et al., 2016).

Of interest for the present study is the role of resilience in disaster contexts (Agarwal & Buzzanell, 2015; Doerfel et al., 2013; Eddington & Jarvis, 2022; Lee et al., 2020). In this vein of research, previous scholarship has examined the different temporal perspectives of resilience during disasters. For example, both Robertson and Stephens (2021) and Buzzanell (2018) explored anticipatory and reactionary responses to crises by invoking various temporal logics in preparation for and recovery after disasters. The present study explores the context of the COVID-19 pandemic that both triggered and shed light on preexisting instabilities globally. As governments worldwide attempted to stop the spread of COVID-19, stay-at-home orders, job losses, economic shutdowns, supply chain disruptions, and market volatility because of the pandemic cultivated a cascading effect of ongoing daily and systemic disruptions that surfaced and impacted citizens, industries, and social and political institutions. For example, Eddington and Jarvis (2022) explored how academics responded to the disruptions to higher education caused by the pandemic by illuminating the varied ways that academics enacted resilience through knowledge work.

Although much resilience scholarship is focused on positive adaptations and transformations, a growing body of scholarship has explored realistic and negative adaptations and transformations produced through irrationalities and alternative logics (Eddington, 2020; Okamoto, 2020). Whereas much has been written about Trump's unique presidential talk and style (Wang & Liu, 2018), the present study explores how his presidential talk during the early days of the COVID-19 pandemic constituted resilience through the narrative constructions of his ongoing work and relief efforts. To examine the role of narratives and storytelling, Okamoto's conceptualization of narrative resilience is apt:

Adopting a narrative view of resilience looks to not only “overcome,” or “bounce back” from adverse situations, but seeks to integrate tragedy as well as triumph, acknowledging the frailty and vulnerability of the human spirit as well as its strength. Narrative resilience is rooted in place, is heroic, and honors a pragmatic orientation. (Okamoto, 2020, p. 620)

That is, by expanding resilience theorizing toward a more realistic (and potentially tragic) end, how leaders frame and share narratives surrounding the pandemic offers insights into a better understanding of how resilience can be

constituted through an ongoing crisis. Thus, exploring the role of narratives in presidential talk matters. Trump's response to the pandemic can showcase how narrative resilience is leveraged in times of crisis. I argue that a specific type of narrative resilience is rooted in how leaders utilize restorative narratives.

FROM CRISIS TO RENEWAL, RECOVERY, AND RESTORATION

In considering the role of resilience in restoration, crisis communication scholars have a rich body of theorizing related to organizational and leadership contexts during times of crisis. As Pyle et al. (2020) noted, leaders during times of crisis must be "optimistic, virtuous, and ethical" (p. 345) through their talk. In short, in times of crisis, leaders have a responsibility to effectively and ethically frame their leadership communication to meet the needs of their stakeholders (Fairhurst, 2009); however, Seeger and Ulmer (2002) cautioned leaders to move beyond merely image repair to focus on how post-crisis communication should be leveraged to ensure long-term renewal and transformation over temporary change.

Moreover, Ulmer and Sellnow (2020) encouraged leaders to reframe crises as opportunities for resilience vis-à-vis learning, transformation, evolution, and ethical communication before, during, and after crises. In his discourse of renewal theory, Ulmer argued that a "core focus of the theory is to ensure that stakeholders are held in the highest regard, and that ethical communication and engagement remain at the forefront before, during, and after a crisis" (Pyle et al., 2020, op. 345). In short, the reliance on discourses of renewal can be valuable and vital opportunities for leadership communicators.

Within the study of journalism, an emerging area and application of renewal discourses are through the focus on restorative narratives. Restorative narratives are "stories that bring communities together, inspire hope, and reveal healing" by following "a person or community through a meaningful progression from despair to resilience" (Irby, 2015, para. 13). Tenore (2014) argued that restorative narratives do not downplay negative experiences in favor of false hope and convey human-centered experiences through the images and stories shared. Restorative narratives are also a valuable genre of resilience narrative in that they are frequently used to "provide examples of recovery and resilience to larger audiences" (Dahmen, 2016, p. 95). In contrast to other renewal and recovery narratives (e.g., Seeger & Sellnow, 2016), restorative narratives allow storytelling to be tragic, critical, and emancipatory. Thus, in considering the myriad ways that COVID-19 surfaced inequities throughout society, I argue that examining how

Trump's use of restorative narratives can shed light on how he leveraged storytelling to cultivate narrative resilience through his Coronavirus Task Force briefings.

THE CONTEXT OF THE STUDY: TRUMP'S CORONAVIRUS TASK FORCE BRIEFINGS

In response to the growing fears of the COVID-19 pandemic, the White House Coronavirus Task Force was created on January 29, 2020, to “monitor, contain, and mitigate the spread of the virus, while ensuring that the American people have the most accurate and up-to-date health and travel information” (Santucci, 2020, para. 6). Trump initially appointed the U.S. secretary of health and human services, Alex Azar, to chair the task force. On January 31, 2020, Trump's administration issued a public health emergency regarding COVID-19, which restricted travel and reentry from individuals from China (Aubrey, 2020).

Throughout early 2020, the Task Force was charged with containing the spread of the coronavirus. As COVID-19 spread globally, the Task Force worked with various government programs to prevent the spread of the virus nationally; however, after growing concerns about Azar's containment response, Trump replaced Azar in late February 2020 with Vice President Mike Pence (Cancryn et al., 2020). On March 16, 2020, the White House Task Force aired its first briefing to communicate emerging public health guidelines and discuss ongoing relief efforts to combat the virus, which Trump dubbed an “invisible enemy” (McCaskill et al., 2020).

METHOD

Data Collection

Using the C-SPAN API, I conducted a keyword search using “Trump,” and then a combination of “coronavirus” and “COVID-19” to identify instances of when Trump talked about the pandemic. Using these search terms, my initial search produced 197 instances of Trump referring to the COVID-19 pandemic. To focus my data analysis, given the large volume of data and transcripts, I gave attention to the transcripts from the Coronavirus Task Force briefings led by Trump between February 26 and April 27, 2020. Trump and the Task Force held briefings daily throughout March 2020; however, they began reducing the frequency of the daily briefings in late April 2020 due to fears that briefings were doing political damage to Trump's reelection efforts (Alba & Egan, 2020). The final data

set for the study included all 43 of his Task Force briefings spanning February 26 to April 27, 2020. I copied Trump's direct comments and follow-up conversations with the White House Press Corp in each transcript. The final text corpus contained 160 pages of text and nearly 68,000 words.

Data Analysis

To examine the discursive constructions of narrative resilience by Trump, I utilized a threefold process of (1) text mining, (2) semantic network analysis of Trump's Coronavirus Taskforce briefings, and (3) qualitative analyses to contextualize the network visualizations.

The first step of analysis is text mining. Jung and Lee (2020) noted that "text mining finds new information in human character-based data by extracting context and meaning using natural language and document processing techniques." Text mining helps showcase various semantic knowledge structures and conceptual meanings within text data (Eddington, 2020; Eddington & Jarvis, 2022; Jarvis & Eddington, 2021; Lambert, 2017). Text mining procedures recognize frequently occurring and co-occurring words and phrases within a text corpus and hierarchically arranges them to uncover the relational meanings embedded within text corpora. To identify the key concepts embedded within the 160-page text corpus, I used the text mining program AutoMap to begin identifying high-frequency words and phrases (Carley, 2001).

Before analysis, the text must be cleaned through a process called preprocessing. Preprocessing ensures that the text is uniform and free of grammatical and typographical errors and inconsistencies. For example, if transcripts contain extra spaces, symbols, or numbers, these can be omitted from the final data set. Preprocessing also ensures that metadata (e.g., hyperlinks or transcript information) is removed from the final data set. Finally, preprocessing is helpful in that it allows similar concepts to be merged into one concept. For example, "President Trump," "Trump," and "Donald Trump" all became "donald_trump" in the text corpus. Preprocessing occurred for several rounds until a consistent and cleaned text corpus was produced. Once the text was cleaned, AutoMap produced a co-occurrence list of concepts and words that appeared near each other, with a count of how many times words co-occurred. A fundamental assumption of this method is that words/concepts frequently appearing with one another are essential within the overall data set (Eddington & Jarvis, 2022). The co-occurrence list is the basis of the relational network of semantic content.

Using the co-occurrence list, I utilized the social network software NodeXL to construct semantic network visualizations (Smith et al., 2010). Semantic networks also exhibit similar structures to social networks (Doerfel, 1998; Eddington, 2018, 2020; Jarvis & Eddington, 2021, 2022) and can help identify central ideas and concepts embedded within text corpora. I used various graph metrics in NodeXL to help construct visualizations of the semantic networks. Using node-level network metrics (e.g., centrality measures), I identified central nodes within the text corpus by size. The larger the node, the more central (or highly connected) the concept. I also used graph-level metrics like clustering algorithms to identify conceptual topics and conversations within the text. Clustering algorithms can be leveraged to highlight nodes that are structurally like one another and can conceptually showcase structural themes within the text data. I paid attention to the top 10 clusters within the text to understand how Trump constructed narrative resilience in his briefing comments; however, to contextualize the networks, I returned to the original text to examine the meanings of the cluster themes *in situ*.

In interpreting the semantic networks, I utilized the qualitative analysis known as the constant comparative method (CCM; Corbin & Strauss, 2015). With CCM, I began by open coding the keywords-in-context of central phrases within the networks. Then, I compiled a list of open codes that became the basis for my second round of coding. During the second round, I began categorizing the open codes into broader, more abstract thematic families. For example, early codes like “oil industry,” “gas prices,” or “oil prices” were grouped into larger family categories like “big business.” As the analysis progressed, I identified three themes in the data coalesced around a central tension between Trump’s framing of the pandemic. Putnam et al. (2016) defined tensions as “feeling states, ones that often result from frustration, blockage, uncertainty, and even paralysis that individuals face in dealing with contradictions and paradoxes” (p. 4). Given the focus on narrative resilience, I examined the specific themes and the broader tension for how this tension served to (dis)order the enactment of resilience *vis-à-vis* Trump’s COVID-19 talk.

FINDINGS

In the exploration of presidential resilience narratives, I identified an organizing tension to Trump’s COVID talk. As Trump talked about ongoing relief efforts and the U.S. response to the pandemic, he appeared to downplay the impact of the pandemic by focusing on American economic success. At times, Trump

conveyed the severity and shock of the virus to U.S. systems but focused his efforts and optimism toward American economic strength and prosperity rhetoric. Thus, *the tension here is one of overplaying and underplaying the impact of the pandemic.*

In leveraging this tension, Trump's talk throughout the early Coronavirus Task Force meetings recognized ongoing disruptions to American life while outwardly sharing U.S. economic success and confidence. This tension shows up in three interrelated themes that weave together to construct a nuanced (and at times contradictory) enactment of narrative resilience vis-à-vis economic talk: (1) how Trump discussed the American people within the context of the broader U.S. economy; (2) how Trump framed his ongoing governmental and political networks to protect the economy; and (3) how Trump discussed American relief efforts to bolster small businesses. In response to COVID-19, Trump's leadership and discourse seemingly privileged economic rhetoric over stories of survival, grit, perseverance, and tragedy. This leads directly to the first thread of Trump's narrative resilience: economic narratives and people.

The Economic Toll Is Greater Than the Human Toll

Even though Trump referenced the pandemic's death toll, it was often in contrast to the immense economic impact of COVID-19. Ironically, Figure 8.1's central node, "people," could appear as if Trump was lamenting the human loss of COVID-19; however, Trump inverted this expectation to frequently referencing the pre-pandemic American economic progress, strength, and prosperity. By inverting the expectation to empathize with the human cost of the pandemic, Trump's talk appeared to use the economic conditions as a justification for the ongoing cost of life.

To illustrate this inversion, I focus on one of the largest node pairs, [people-dying]. In the following excerpt, Trump relies on references to America's economic progress during the pre-COVID era to contrast the United States' previous pandemic, the 1918 Spanish flu:

Four weeks ago, we had the greatest economy in the history of the world. We had the most jobs ever in the history of the United States. Almost 160 million jobs, right? And then, one day I get a call from Dr. Fauci, and he said, "We have a problem." I said, "What is the problem?" And they said, "We may have to close it up." They said, "Close up the country." . . . And we discussed today, and probably not since 1917, came to the conclusion [to shut down the economy]. . . . But

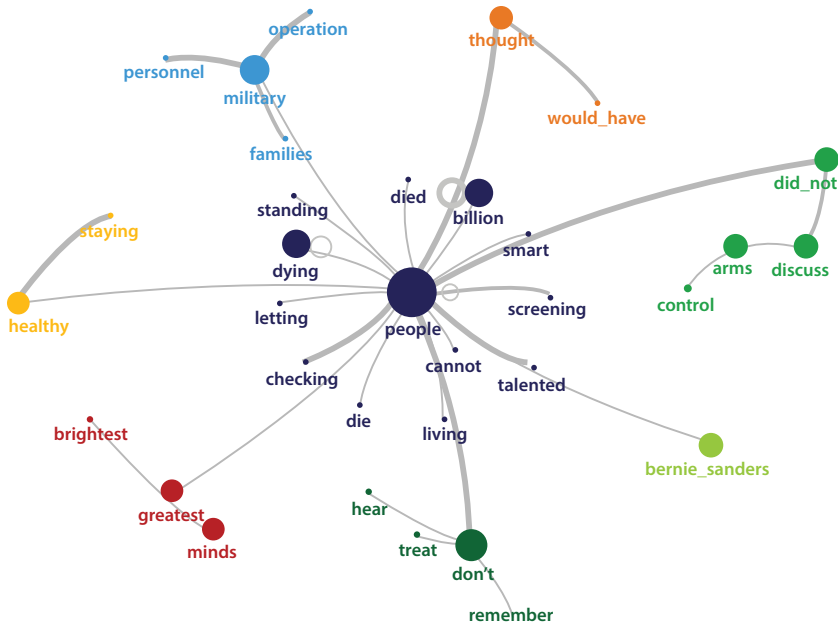


FIGURE 8.1 Trump's comments about people.

in 1917, they didn't have that option. They just noticed ["people" were "dying"] all over the place. A lot of people in this country died. . . . And I say, you know what that does to the fabric of this country, to people with great jobs, great families, no problems with money? Everything is perfect, then they go from that to having no job. And then you see 6 million people unemployed. . . . It was always go to work and make a lot of money, the American dream. Because of a hidden enemy, we are saying, don't go to work, and we are going to pay you. (C-SPAN User, 2023a)



Here, Trump's reliance on the American dream rhetoric demonstrates his belief that the pandemic harmed American workers. The loss of life is comparable and coincides with the economic impact of job loss. Other times, Trump references deaths worldwide to showcase the abundance of American ventilators:

We are making ventilators. We have thousands of them being delivered in the near future. We have countries calling us, "Can we have ventilators?" I would not know what to say; they have ["people-dying"], but we needed them for ourselves. We have plenty before the surge. (Browning, 2023)



In this excerpt, Trump's reliance on his America First rhetoric appears to be invoked despite the interconnected and globalized nature of the COVID-19 pandemic.

Moreover, Trump's lukewarm response to the loss of human life seemingly is highlighted in how he references COVID-19 precautions. For example, looking at another set of central nodes, [people-don't], demonstrates Trump's capricious feeling toward COVID restrictions like wearing masks:



We are coming out with regulations on that, and if people want to abide by them, it will not be mandatory because some ["people-don't"] want to do that. If people want to wear them, they can. (C-SPAN User, 2023c)

Another example of this ambivalence is the node pair [people-did_not]:



We closed up our borders from flights coming in from certain areas, areas that were hit by the coronavirus. . . . We did it very early. A lot of ["people-didn't"] think we should do it early and we did. (C-SPAN User, 2023b)

Trump's inclusion of his advisors' skepticism on actions foreshadowed his mistrust of COVID-19 precautions, given his ongoing promotion of America's economic strength.

Highlighting the Impact on Big Business

In characterizing the second thread of Trump's COVID communication, I give attention to how Trump characterized COVID's impact on big business. That is, I highlight how Trump leveraged communication with specific industries and political actors tied to those industries. Trump's optimistic promotion of his work and the U.S. economy is evidenced by the central node of the cluster, "great," in Figure 8.2.

For example, the node pair [great-conversation] showcases Trump's willingness to communicate with other political leaders in the U.S. and abroad. During several briefings, Trump mentions conversations with all the U.S. governors but specifically identifies conversations with Democratic governors Gavin Newsom and Gretchen Whitmer as politically and economically significant. Internationally, Trump notes his frequent calls with the presidents of Mexico and China and the Russian president, Vladimir Putin, as examples of his commitment

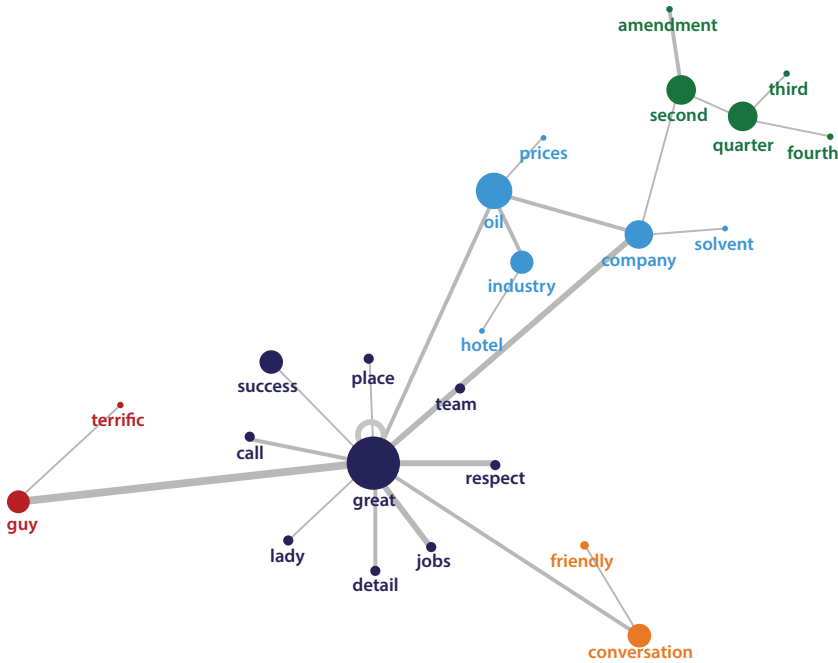


FIGURE 8.2 Trump's outward communication to different industries.

to providing economic aid and medical support throughout the globe—all to boost economic growth and American prosperity.

Although Trump's references to political networks are prevalent throughout the transcripts, Trump's connections to different business industries are also pronounced throughout his briefings. Figure 8.2 shows the node pair [great-oil], which highlights Trump's frequent references to the pandemic's impact on the oil industry. For example:

We have a ["great-oil"] industry, and the oil industry is being ravaged. . . . There was a lot of oil production to start off with. Then on top of it, it got hit with the virus, and business went down 35%, 40%. (C-SPAN User, 2023g)



In another example, Trump reiterates COVID-19's impact beyond the oil industry and describes the effect on energy, gas, and airline industries:

We are going to take care of our large businesses, the airplane industry, the airline industry, and a lot of great industries that we have that are in trouble

because of what took place over the last short period. These industries were doing better, for the most part, doing better than ever. The airlines were doing great. The [“oil-industry”] was doing great. Oil and gas. The energy industry was doing phenomenally well. It got hit like nobody has ever been hit before. Just about like no industry has ever been hit before. . . . There has never been anything like this. (C-SPAN User, 2023d)



Trump frequently relies upon hopeful rhetoric to assuage fears of economic downturns and market crashes. For example, he consistently flaunts his ongoing governmental work and connections within these industries. Trump goes as far as to share vague statements like the following:

I’m going to meet with the [“oil-industries”] on Friday. I’m going to meet with independent oil producers also on Friday or Saturday. Maybe Sunday. We’re having a lot of meetings on it. I think I know what to do to solve it, but if they were unable to solve it, then I think I know what to do to solve it. (C-SPAN User, 2023j)



Trump’s rhetoric and support for the oil industry (and big business overall) demonstrate his ongoing commitment to bolstering American economic strength.

Other times, Trump discusses various corporations working proactively to address the needs of the pandemic (e.g., personal protective equipment, face masks, technology platforms, and vaccines). In the node pair [great-company], Trump identifies companies like 3M, Abbott Laboratories, and Oracle as exemplars of American corporations stepping up to support pandemic relief efforts.

Relief Efforts to Bolster Small Businesses

The final thread aspect of Trump’s discourse illuminates his progress against COVID-19. In Figure 8.3, the central node, “tremendous,” frames Trump’s efforts as monumental and unprecedented in the fight against COVID-19. That is, Trump’s rhetoric is aspirational and focused on American potential. In examining the node pairs [tremendous-progress] and [tremendous-stimulus], we see that Trump describes the potential for the stimulus package to catalyze American economic growth:

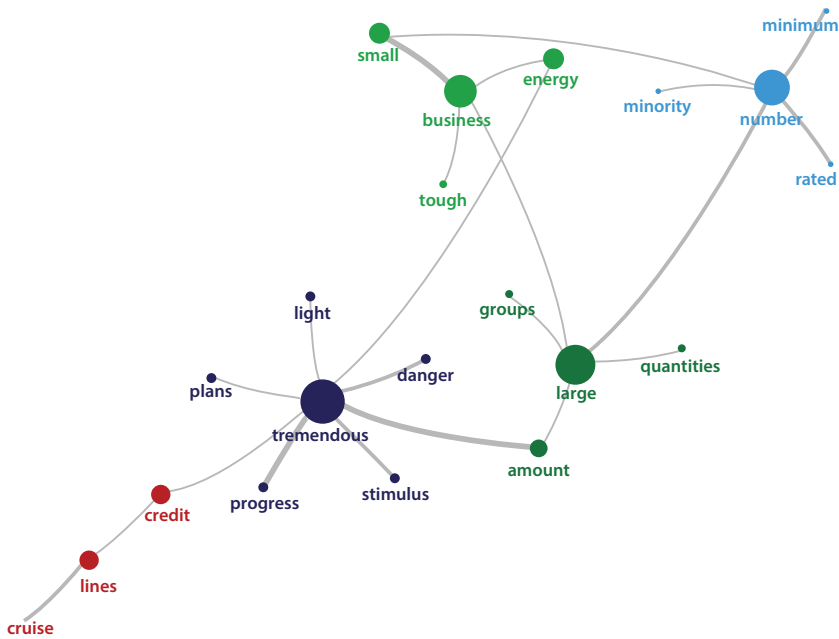


FIGURE 8.3 Trump's framing of progress.

We have a lot of exciting things taking place. We have [“tremendous-plans”], [“tremendous-stimulus”]. I think we have a chance to do really well. (C-SPAN User, 2023i)



Moreover, almost every node connected to “tremendous” is optimistic, is forward-looking, and demonstrates gratitude for the American pandemic relief efforts. In the node pair [tremendous-light], Trump’s admiration for the American people is pronounced as he characterized relief efforts as a “tremendous light at the end of the tunnel”:

I say that we are finding, because of the incredible job done by the American people, in conjunction with everybody—governors, the military, federal government, state government, and local government. . . . A lot of people are working hard. Everybody is working hard. A lot of people are doing a great job. I’ll tell you that. A lot of people are doing a great job. The goal is that all Americans have been sacrificing to achieve these last few weeks, things that a

lot of people thought were not possible to achieve. I think we have more than achieved. . . . We're going to have a rough week. We're going to have maybe rough little more than a week, but there is ["tremendous-light"] at the end of the tunnel. I said it last time, I said it last night. There is ["tremendous-light"] at the end of the tunnel. (C-SPAN User, 2023f)



Additionally, in focusing on economic issues, Figure 8.3 also contains the node pair [small-business]. In this pair, Trump frequently discusses the efforts of his administration to address small-business workers. For example, he touts his stimulus package as

[resulting] in nearly two million jobs being preserved, so we're taking care of our workers. ["Small-businesses"] and our workers. Nearly 3,000 lenders have already made loans under the program. (C-SPAN User, 2023h)



On one occasion, Trump notes that small businesses are a uniting point for Republicans and Democrats:

Despite what you're reading, you know this back and forth, we are getting along with Democrats. . . . We have to help our workers. We have to help our ["small-businesses"]. We have to help our restaurants. (C-SPAN User, 2023e)



A final aspect of Trump's discourse on progress against COVID is his frequent reference to a Johns Hopkins study that ranked countries on their overall preparedness for an epidemic. To Trump's delight, the United States was "rated number one." The node pair [rated-number] demonstrates how Trump talked about this study. Enthusiastically, Trump shared:

We have had very good luck. Johns Hopkins is highly respected, great place. They did a study, comprehensive, the countries best and worst prepared for an epidemic, and the United States is—we are ["rated-number"] one, ["rated-number"] one for being prepared. (C-SPAN User, 2023k)



These comments occurred in late February 2020 and showcased how Trump sought to bolster American optimism toward handling the oncoming pandemic. As *Washington Post* columnist Margaret Sullivan (2020) described, Trump's briefings frequently devolved into a series of self-aggrandizement, exaggerations, propaganda, and outright lies.

DISCUSSION

Trump's optimism and focus on framing his pandemic relief efforts to convey optimism are documented and critiqued throughout his time in office (for example, see Wang & Liu, 2018). Trump's reliance on economic talk to enact resilience through a tension of overplaying and underplaying the pandemic was a fundamental way to understand the beginnings of his leadership during the pandemic. Thus, throughout the interrelated themes organized around this tension, Trump attempted to lament the impact of COVID-19 in economic terms in his framing of the pandemic; however, he often reverted to discussions and concerns for the economy. Without fail, his adoption of economic rhetoric and narratives to ensure the soundness of American institutions was vital in his construction and enactment of narrative resilience while downplaying the human cost of the pandemic.

Considering Trump's use of economic talk to enact resilience, I extend Okamoto's theorizing on resilience narratives. As Okamoto (2020) has contended, "Narrative resilience takes tragedy as a common part of the human spirit and strives to incorporate these moments into everyday life" (p. 625). Thus, in addition to introducing tragedy in the resilience narrative, the present study's findings showcase the role of tensional communication in enacting narrative resilience. More specifically, I showcase how Trump's use of tensional communication to frame his leadership can constitute a form of narrative resilience organized through ordering/disordering dynamics to respond to the disruptions caused by the pandemic. According to Putnam et al. (2016), studies of organizational irrationalities and paradox reflect a bias for order or for focusing on how to resume equilibrium in managing tensions and contradictions. This bias presumes that contradictions need to be resolved or effectively managed to restore the status quo to a sense of predictability. When organizational actors ground this preference for order in rationality; disorder becomes a deviation or something that is "abnormal." Disorder, however, is not a deviation to be conquered by order, but rather it represents a point of disjuncture in which struggles over meaning become destabilized. In this view, disorder refers to the instability that surfaces in the presence of multiple, plausible, and often competing meanings (p. 73).

In other words, the irrationalities embedded within Trump's tensional communication may constitute various meanings and interpretations that can enact resilience. To that end, I introduce three characteristics of how these tensional dynamics constitute narrative resilience.

Toward a Conceptualization of Narrative Resilience Through Fiction

First, Trump's use of the tensional dynamics of overplaying and underplaying the pandemic throughout his press briefings showcases the *normality of irrationality* in organizational and leadership contexts that work together to create resilience through fictional projections of reality. As Trethewey and Ashcraft (2004) argued, irrationality is the "new normal" within organized contexts (p. 83). Thus, the tensions between overplaying the economic impact of COVID-19 while underplaying the pandemic's impact on the U.S. economy constitute a unique narrative interplay between fact and fiction, the real and the realistic, and the fictional and fantastical. As Trump sought to discuss the varied ways his administration was working to bolster U.S. efforts against the pandemic, he frequently returned to references to American strength.

Even throughout the semantic networks, the central nodes often characterized how Trump framed his efforts, work, and leadership. His use of the words "tremendous" and "great" helped him to construct an image of pride, strength, and renewal; however, these characterizations frequently would belie the reality of the U.S. efforts to contain the coronavirus. For instance, *Vogue* culture writer Emma Specter (2020) described his press briefings in late March 2020 as "dangerous," and *Politico* writer Adam Cancryn (2020) detailed Trump's use of an overly optimistic model of the coronavirus to forecast the pandemic's impact in the United States as problematic. Trump's early promotion of the Johns Hopkins study was seen as cherry-picking data and results to project strength and preparedness even though the report concludes, "No country is fully prepared for epidemics or pandemics, and every country has important gaps to address" (Cameron et al., 2019, p. 9). As Buzzanell (2018) described, these necessary fictions may not be the only interpretation or version of the story; instead, they are leveraged for a specific purpose. Trump's fictions become a necessary component and projection of how Trump's irrationalities through talk constitute his enactment of narrative resilience.

Second, Trump's use of various *alternative logics created the conditions for ordering and disordering* the ongoing restorative narratives about the pandemic (Putnam et al., 2016). Trump's reliance on tensions to constitute resilience showcases the transformational potential of these alternative logics to enact resilience narratives through contradictory ways of thinking, speaking, and doing (Buzzanell, 2010). Similarly, Eddington's (2020) study of men's rights organizers online demonstrated the potential for resilience to be constituted through

alternative and contradictory logics rooted in fictional accounts of manhood and masculinity. Even though evidence pointed to the contrary, Trump's focus on the U.S.'s economic strength and even self-aggrandizement of his accomplishments and resolve toward COVID-19 can be seen as a similar enactment of these logics that work together to construct resilience narratively. For example, Trump's references to his ideas on solving the issues within the oil industry can be seen as a projection of his keen intellect and willingness to assert his strength. In a late March 2020 briefing, Trump described his handling of the pandemic as exemplary (Specter, 2020); however, his messaging and handling of the pandemic were criticized, given the fantastical and exaggerated framing of his ongoing work.

Finally, in considering the rich body of scholarship on crisis communication and resilience, we see that Trump's use of tensions *inverts traditional forms of discourses of renewal* through his ongoing self-congratulatory talk and focus on (his and the nation's) image and reputation (Ulmer & Sellnow, 2020). Whereas a focus on strengthening one's reputation is a product of renewal discourses, Ulmer and Sellnow (2020) noted that organizational leaders' attention should be given to "establishing the groundwork for performing its function in a safer, more socially-responsible manner after a crisis" (p. 172). In other words, while renewal discourses and leadership are focused on postcrisis adaption and transformation, they ultimately are rooted in ongoing learning and transformational leadership working together to inspire change and resilience (Buzzanell, 2018; Seeger & Sellnow, 2016; Ulmer & Sellnow, 2020). In Trump's case, the focus is on promoting economic strength, relief, and support toward corporations and small businesses rather than centering and illuminating human stories and people-focused narratives. In doing so, this projection of strength hurt the American people, who look to their leaders in times of crisis for support and care. Trump's reliance on economic narratives over personal narratives can be seen as impersonal, ineffective, and ignoring the disruptions that plagued American citizens during the pandemic (see Carlsson-Szlezak et al., 2020). In considering the narrative enactment of resilience and its impact, Trump's focus on economics exposed how his omission of the personal and human elements in his briefings cultivated ongoing feelings of distrust and mismanagement of his efforts (Okamoto, 2020). Trump's ordering of economics as a priority seemingly disordered (or created instability in) his ability to enact transformational leadership during the COVID-19 pandemic. With his reliance on discourses of self-promotion, Trump appeared to limit the impact of the resilience narratively constructed and rooted in (necessary) fiction.

In sum, Trump sought to utilize storytelling vis-à-vis visions of economic strength to showcase his (and his administration's) ongoing efforts to address the disruptions caused by COVID-19. Trump's adoption of resilience narratives utilized irrationalities through tensions to constitute and enact resilience. However, Trump's enactment of resilience subverts Okamoto's (2020) conceptualization of resilience narratives rooted in reality. That is, Trump's normalization and legitimation of irrationality, his adoption of ordering and disordering communication through his contradictory messages, and his inversion of traditional forms of discourses of renewal demonstrate an alternative pathway for constituting and enacting resilience narratives through ongoing, fictionalized, and sensationalized forms of leadership communication.

Limitations and Future Directions

The present study is not without limitations. First, the dataset contained briefings from the initial two months of the pandemic. Future studies could look at the entirety of Trump's comments during the Coronavirus Task Force briefings to examine and explore how Trump's irrationalities were further leveraged and utilized, given the devolution of both American trust and Trump's coherence regarding COVID-19 policies and the global economic downturn (Carlsson-Szlezak et al., 2020). Second, future studies could explore how then presidential candidate Joseph Biden's talk and leadership compared to Trump's COVID-19 policies. Events like presidential debates would be a valuable opportunity to contrast policies and framing of issues surrounding COVID-19. Third, future studies could adopt a media-centric approach to examine how news outlets covered and framed Trump's briefings. As mentioned, Trump's handling of COVID-19 was not without controversy. As such, pairing the present study's findings with a study exploring how national and local media outlets covered the briefings would provide a more complex understanding of how Trump's handling of COVID-19 was received.

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9

ECONOMIC NARRATIVES DURING COVID-19

Exploring Congressional Stories About the Economy in the C-SPAN Video Library

Lauren Berkshire Hearit and Elsie Craig

INTRODUCTION

Scholars from economics, communication, and political science argue that economic markets are artifacts of language, where communication is used to shape economic expectations and decrease uncertainty and volatility in the market (Betts et al., 2022; Hearit, 2018a; Holmes, 2014a, 2014b; McCloskey, 1998). Whether the economic actor is the Federal Reserve (Hearit, 2018a; Holmes, 2014a, 2014b), the president (Wood, 2007), or even Wall Street banks (Hearit, 2018b; Holmes, 2014a), communication constitutes economies.

Communication constitutes economies because during times of crisis or economic uncertainty, consumers and businesspeople look to these economic actors to help frame and shape economic realities and expectations (Herzfeld, 1992). For example, as Wood (2007) asserts, what a president says about the economy affects consumer and business perceptions of current and future economic conditions:

Remarks that inspire confidence result in stronger economic confidence and perceptions that the economic news is good. Remarks that are pessimistic produce greater uncertainty and perceptions that the economic news is bad. (p. 157)

Despite this body of literature from communication and political science, the field of economics rarely examines the interplay of communication and

economics (for a notable historical exception, see McCloskey, 1998). Rather, much economic theory treats consumers and businesspeople as rational actors (for example, consider the rational expectations theory). Nobel laureate and economist Robert Shiller broke from modern economic thought to declare that human emotion shapes what economists traditionally view as “objective” evaluation of stocks, bonds, and buildings by consumers and businesspeople. The following section reviews the current work on narrative economics and examines its connection to the COVID-19 pandemic.

NARRATIVE ECONOMICS

Shiller’s 2019 book *Narrative Economics* seeks to frame the economy from a modern perspective, recognizing that humans are multifaceted and complex, specifically when making decisions. Defining narratives as “contagious stories,” Shiller identified five dominant narratives that shape modern economies, including “tech stocks can only go up,” “housing prices never fall,” and “some firms are too big to fail” (Shiller, 2019a). In a world with instant access to news, people can share and spread information that causes specific economic stories to become contagious and go viral. Shiller posits that by developing a deeper understanding of narratives, or viral stories, economists can be better forecasters of the economy because these stories affect economic outcomes (Shiller, 2019a; Holmes 2014a, 2014b). Specifically, he argues:

The probability that a recession will come soon—or be severe when it does—depends in part on the state of ever-changing popular narratives about the economy. These are stories that provide a framework for piecing together the seemingly random bits of information that one picks up from friends, the news, or social media. (Shiller, 2019b, para. 5)

Further, Shiller views decisions like saving versus spending, leaving a job versus remaining in one’s current position, hiring versus laying off employees, or beginning a new business as decisions that are filled with ambiguity and uncertainty. It is because of this ambiguity and uncertainty that consumers and businesspeople “allow [them]selves to be influenced by the emotions, theories, and scripts suggested in the stories [they] hear from others” (Shiller, 2019b, para. 7).

In other words, during times of uncertainty, we are apt to believe or buy into stories we hear about stocks, the economy, or financial performance as we seek to make sense of our uncertainty.

While this marks a break from historical economic theory that views consumers as rational actors, Shiller is not the only economist to begin to consider how fields like communication may be useful for economic theory. For example, Tuckett et al. (2020) advocate to expand macroeconomic theory by approaching ideas from the social and psychological sciences. Again recognizing the uncertainty in modern economics, Tuckett and colleagues argue that “a modern, inflation-targeting central bank faces ‘radical’ uncertainty both in understanding the economy and in knowing how best to communicate policy decisions to influence behavior” (Tuckett et al., 2020, p. 1) and that narratives help consumers and businesspeople “overcome uncertainty and to act despite [a] lack of reliable knowledge and the constant potential for loss—whether of reputation or profit” (p. 4).

The COVID-19 crisis serves as a clear example of the constitutive power of economic communication. As congressional representatives actively worked to organize social understanding of the complex and evolving pandemic, they relied upon and repeated specific narratives about economic conditions, the virus, and the long-term impact of the crisis. Specifically, Congress met multiple times in March 2020 to discuss, debate, and pass the CARES Act, or the Coronavirus Aid, Relief, and Economic Support Act. This law served as a way to ease Americans’ fear of the pandemic. The act was a \$2.2 trillion stimulus bill designed to bolster the U.S. economy and was largely viewed as an unprecedented piece of legislation (Snell, 2020). Due to the severity of the pandemic, the bill sought to provide fast relief for the country and thus the language discussing the CARES Act is critical with regard to the way Congress shaped economic narratives during the start of the COVID-19 pandemic.

Whereas economists work to explain how the narratives drove certain market behaviors or created panic and disregard for rational expectations, communication scholarship, driven by uncertainty management theory (Kramer, 2004) and the communicative constitution of organizing approach (Schoeneborn et al., 2019), can examine how these narratives, repeated on the floors of the House and Senate, made panic buying a subjectively rational choice for many people. Therefore, this essay will examine the literature on uncertainty management theory and the communicative constitution of organizing.

UNCERTAINTY MANAGEMENT THEORY

Organizational members manage uncertainty about their roles, their relationships, and organizational culture (Kramer, 2004). Derived from uncertainty reduction theory (URT; Berger & Calabrese, 1975), uncertainty management theory argues that individuals are motivated to seek information to reduce their uncertainty. As individuals gain behavior, their uncertainty decreases. There are multiple types of uncertainty (see Berger & Bradac, 1982) and multiple ways to seek information, and increasing information does not necessarily reduce uncertainty (Afifi & Weiner, 2004). Moreover, some individuals might seek to manage (i.e., maintain or increase) uncertainty, rather than reduce it (Brashers, 2001; Brashers et al., 2002).

Uncertainty management also has applications in the assimilation process (or, how people join, experience membership, and leave organizations; see Kramer, 2010). To manage uncertainty, organizational members will seek information from sources like their direct supervisors, co-workers, friends, or even their family through methods like asking indirect questions, testing, observation, and surveillance (Miller & Jablin, 1991).

Yet much of the existing work on uncertainty management theory is from the perspective of organizations communicating to organizational members (e.g., human service agencies communicating to volunteers; corporations communicating to employees) during times of explicit change, such as mergers and acquisitions, transfers and position transitions, or during the organizational assimilation process. These studies are focused on how organizational members manage their uncertainty, less so on how an organization can proactively address, manage, or respond to uncertainty during times of crisis or change.

Moreover, political institutions like the president, the Federal Reserve chairman, or legislators often respond to uncertainty among key constituencies. This essay seeks to extend uncertainty management theory in order to examine the implications of communication around the current and future performance of the economy during a time of economic uncertainty, like the COVID-19 pandemic. Uncertainty management theory finds that information can actually increase uncertainty and decrease liking, particularly when the information is negative (e.g., Afifi & Burgoon, 1998) or unexpected (e.g., Planalp & Honeycutt, 1985). This point, brought up repeatedly by Kramer (e.g., Kramer et al., 2004), suggests that while communication from congressional representatives about COVID-19 during the initial outbreak (e.g., Cormack & Meidlinger, 2022; Gardner & Russell, 2022) may increase transparency, there may be a point at which Congress and the government can actually communicate too much. Of note, there is a normative



Chairman Powell testifying before Congress.

element here, or a judgment about what Congress should do (or what a competent Congress would do, where competent means effective and appropriate). And, with complex financial and/or economic information, individuals may not be motivated to reduce that uncertainty.

In other words, while discussing the COVID-19 economic crisis has benefits (e.g., more information can decrease uncertainty; it can help maintain trust in the U.S. financial system), too much information can increase uncertainty, and can even have the unintended effect of causing an *immediate* market reaction as the market accounts for and “bakes” that new information into the financial markets. This highlights a tension between too much and too little information.

Because Congress is one of a handful of drivers of the U.S. and global economy, certainty in the face of an economic crisis can allay fears from the markets, the public, stockbrokers, and other financial and economic elites, who likely are exhibiting information-seeking behaviors themselves.

COMMUNICATIVE CONSTITUTION OF ORGANIZING

As mentioned earlier in this essay, an emerging body of literature argues that economies are communicatively constituted. Despite this acknowledgment that economies are the communicative creations of the people who operate within them, much of the economic research that engages communication concepts

disregards this ontological question of what constitutes markets in favor of the simplistic questions of narrative effects.

One of the first—and most seminal—works came from an economist, Deidre McCloskey. In her book *Rhetoric of Economics*, McCloskey lays an argument for economists to explore how rhetoric (defined as persuasion) plays a role in economics. McCloskey argues economists are not experts, but rather economists are “basically persuaders” (McCloskey, 1998, p. 167). At the crux of her argument is that economics has become too entrained into modernist traditions and is unable to see past its role as a social scientific field. Rather, economists need to “do both [think like a modernist, traditional economist and like a rhetorician]; to know what the passage says but also how it achieves its end, persuasion” (McCloskey, 1998, p. 4). McCloskey calls for economists to study persuasion (or rhetoric) within economics, potentially leading to a deeper and richer understanding of economics beyond just a game of facts and figures.

One example of economic rhetoric that is persuasive in economic discourse is the metaphor (McCloskey, 1998, p. 40). This echoes Shiller’s (2019a) more recent understanding of economics as storytelling, or narratives. McCloskey talks about how metaphors are used in economic communication, but she provides examples of how economists rarely recognize their language as both metaphorical *and* persuasive. Without taking into account the persuasive capabilities of stories, economists take the language used within the field of economics for granted. McCloskey argues that scholarly work should question how and why language and empirical support are derived, or how other realities are referenced within the framing; the resulting data leads to a more holistic understanding of economics. Otherwise, scholars are not examining how economics is communicatively constituted, or how one theory persuades more than others, but rather how economics is taken as reality.

Several other economists have begun to take up the issue of economics as communicatively constituted. For example, the Federal Reserve’s mere act of communication has been found to have an economic impact (Rosa, 2011a, 2011b, 2013), and there has been a documented increase in transparency and communication across central banks (e.g., Bligh & Hess, 2007; Fleming & Remolona, 1999; Kohn & Sack, 2004; Woodford, 2005). As referenced earlier in this essay, Shiller (2019a) broke from modern economic thought to declare human emotion as shaping what has historically been viewed as the “objective” evaluation of stocks, bonds, and buildings by consumers and businesspeople.

Of relevance, Kuhn (2008) problematized theories of the firm as seeing communication as “merely a carrier of information, not as something possessing constitutive force of its own” (p. 1227). Rather, his communicative theory of the firm highlights “the functions of, and relations between, ‘concrete’ and ‘figurative’ texts, paying particular attention to their participation in the construction of an authoritative (yet never monolithic) system for co-oriented and distributed action” (p. 1227).

Kuhn’s (2008) theory of the firm and his understanding of communication as constitutive of organizing provides an important theoretical frame for economists grappling with these questions of economic communication. If organizational scholars view communication as “constitutive” of organizations, where communication is not for the purpose of expression (i.e., a neutral conduit to transmit information) but instead is *productive*—or, that communication generates and transforms organizations and person—an organization is no longer seen as a mere container of communication, but rather communication is “the very process by which organizations are called into being” (Kuhn, 2008, p. 1232). This is a view that spans disciplines, including communication (Fairhurst & Putnam, 2004; Kuhn, 2008; McPhee & Zaug, 2001), economic geography (Schoenberger, 1997; Yeung, 2005), management (Child & Heavens, 2001; Smith, 2004), and sociology (Boden, 1994). According to Kuhn (2008), these studies, in sum, claim that communication processes “(re)shape organizations and situate them in locales” (p. 1232).

Of particular note to this argument is one that intersects the management, economics, and communication disciplines. Yeung (2005, as cited in Kuhn, 2008) writes:

It is no revelation that entrepreneurs create firms not merely to coordinate collective action, but *also to generate wealth for themselves, their families, and those who fund the firm’s expansion*, while insulating each other from liability. (Kuhn, p. 1241, emphasis added)

In other words, not only is communication creating economic realities, it can also be generative in terms of wealth accumulation.

In considering the role of communication in shaping economics, and an emerging understanding of economic communication as constitutive and generative, this study asks:

RQ: What narratives (or “viral stories”) about the U.S. economy are used by Congress during the COVID-19 pandemic?

The following section outlines the methodology for completing this study.

METHOD

Congressional proceedings are televised on C-SPAN, which since 1979 has provided coverage of speeches, debates, forums, and events (e.g., House and Senate sessions, committee proceedings) without editing or commentary (Browning & Buzzanell, 2014). This coverage has, for decades, been recognized as an invaluable source of unedited governmental proceedings. While the chair’s testimony is broadcast on C-SPAN, his or her testimony, in turn, may or may not be covered by the news media (e.g., mainstream news talk shows, major national newspapers).

This study collected congressional proceedings from March 2020 to December 2020 using the search terms “COVID-19,” “economy,” “economic,” and “stimulus.” Using the C-SPAN Video Library API key yielded 1,932 videos. Given the sheer volume of this data, we narrowed the scope of the data set to examine congressional discourse during March 2020. This yielded 9 videos, of which we excluded 2 as they did not fit into the scope of this project. These 2 videos focused on then-president Donald Trump, rather than on congressional proceedings or Trump’s comments during signing of relevant COVID-19 relief bills.

This time frame provided a temporal understanding of the economic narratives used by congressional actors during the beginning of the COVID-19 pandemic, and it specifically captured congressional communication around the initial passage of the CARES Act. Again, this \$2.2 trillion stimulus bill was intended to stem the economic damage caused by the COVID-19 shutdown as many economists, policymakers, and forecasters predicted the U.S. economy would experience a recession. Included in this bill were benefits for furloughed workers, families, small businesses, independent contractors/gig workers, corporations, and health care organizations. The bill was signed into law on March 27, 2020.

After relevant congressional videos during this time period were identified, the transcript of the testimony was downloaded and read to identify any narratives related to the economy used by Congress. These narratives were coded

by both authors using thematic analysis (Owen, 1984). After each author independently read and coded these videos, we met to discuss recurring language related to the performance of the economy, the future performance of the economy, or “viral” stories as identified by Shiller (2019a, 2019b). Ultimately, Owen’s criteria of recurrence, repetition, and forcefulness was followed in identifying relevant themes and stories in the congressional discourse (Owen, 1984). The following section outlines our key findings.

RESULTS

To address the research question *What narratives (or “viral stories”) about the U.S. economy are used on the floor of the U.S. House of Representatives and U.S. Senate during the COVID-19 pandemic?*, we identified several themes that emerged from the data. After identifying each theme, we provide several prototypical examples of the language and stories Congress was using to discuss the start of the COVID-19 pandemic and the passing of the CARES Act. The themes are (a) unity, (b) COVID-19 as the enemy, and (c) the CARES Act as imperfect. These three themes are exemplars of economic narratives at the start of the COVID-19 pandemic. While stories about Americans panic buying toilet paper and Lysol wipes filled news reports, congressional debate told a different story. Through hearings in the U.S. Senate and U.S. House, it is evident that key narratives shaped the way Americans viewed the pandemic. As Americans were forced to stay home, they turned to the news and government for guidance; these hearings framed a U.S. perspective on the COVID-19 pandemic. Thus, when Americans heard these themes and the extremity of the situation, they turned to crisis behaviors like panic buying toilet paper and hoarding hand sanitizer. The following sections describe these three themes in detail.

THEME 1: UNITY

One consistent theme as the COVID-19 pandemic was discussed by Congress was that this was a time for bipartisan unity in the United States. This was an aspect of the rationale for passing the CARES Act. For example, on March 22, 2020, Senator John Thune (R-SD) stated on the Senate floor:

It is time for us to come together again to deliver this legislation. The American people need help, and they need it now. This bill will provide them with relief. . . . We are going to get through this. There may be difficult days, but we will get through to the other side. . . . We are going to get through this together. (C-SPAN User, 2023g)



He states his hopes that both Republicans and Democrats would vote for the CARES Act to deliver relief to small businesses, workers, and everyday Americans. Senator Thune references families standing outside nursing homes with signs, health care workers are referred to by him as heroes Americans would never take for granted again, and he repeats the phrase, “We will get through this together,” more than three times (C-SPAN User, 2023g).

This theme of unity was echoed by President Trump as he signed the CARES Act into law. Before representatives from Congress and the media, Trump stated:

This will deliver urgently needed relief to our nation’s families, workers, and businesses. That’s what this is all about. It was 96 to nothing. . . . It’s pretty amazing. . . . I want to thank Republicans and Democrats for coming together, setting aside their differences, and putting Americans first. . . . This is unprecedented support to businesses. We’re going to keep our small businesses strong and our big businesses strong. And that’s keeping our country strong and our jobs strong. (C-SPAN User, 2023a)



Trump’s repeated language around the strength of the economy, the strength of businesses, and the support the CARES Act provided for many sectors of the economy illustrated a moment of unity. Referencing the bipartisan support in both the House and Senate, Trump says, “It’s pretty amazing” (C-SPAN User, 2023a). The strength of America through unity and the action of supporting business and the economy were echoed throughout Trump’s remarks.

Vice President Mike Pence made similar remarks at the CARES Act signing ceremony, stating:

I want to thank Leader McConnell for his work in really forging a bipartisan bill in the United States Senate. I want to thank Leader McCarthy for his great work. But as the president said, I also want to thank the Democrat and Republican leadership across the House and the Senate. This is an American accomplishment. And, Mr. President, it’s exactly what you asked the Congress to deliver for the American people. (C-SPAN User, 2023h)



Pence celebrates the bipartisan nature of this bill and heralds the passing of the CARES Act as an American accomplishment. By doing so, Pence reinforces a sense of unity in Congress and in the U.S. during his remarks around the passage of the CARES Act. Moreover, some of the patriotic language regularly evoked in these remarks serves as a further unifier of the American public during a time of deep uncertainty and stay-at-home orders.

THEME 2: COVID-19 AS THE ENEMY

A second theme to emerge in this dataset was COVID-19 as the enemy. This theme, or the metaphor that COVID-19 is the enemy, or evil, or to be fought against, was repeated by both Congress and President Trump.

For example, after President Trump signed the CARES Act into law, Representative Kevin McCarthy (R-CA) made a few remarks. He stated: “The virus is here, we didn’t ask for it, we didn’t invite it, we didn’t choose it, but we are going to defeat it together because we are going to work together. This [the CARES Act] is the first start to it” (C-SPAN, 2020c, 00:33:27).

At the CARES Act signing ceremony, President Trump made similar references to COVID-19 as an enemy to be defeated. For example, he said, “Then we got hit by the invisible enemy [COVID-19], and we got hit hard,” referencing the number of Americans who contracted COVID-19 in March 2020, and the severity of the virus (C-SPAN, 2020b, 00:14:51).

This language that COVID-19 was an enemy to be defeated, that the U.S. was hit hard, and that COVID-19 was an invisible enemy was not limited to the signing of the CARES Act. Indeed, it was echoed on the floor of the U.S. House of Representatives. For example, in the virtual meeting of the U.S. House of Representatives on March 27, 2020, Representative Josh Gottheimer (D-NJ) said:

In New Jersey’s fifth district, we have about 2,000 of the nearly 10,000 cases in the state of New Jersey that are presumed positive. Many hospitals in my district are suffering. We pray for all of them. Together as Democrats and Republicans and Americans, we join together to support them and let them know that we are thinking about them. . . . This legislation is critically important. First, it gets direct aid to our states, to help in this fight. (C-SPAN User, 2023c)



Language around COVID-19 as the enemy, or COVID-19 as a fight, was prevalent to the point in which it became a metaphor that shaped understanding of

the pandemic. These metaphors may go so far as to evoke war imagery in the American public and can serve as a further unifier during an unprecedented period in modern history.

THEME 3: THE CARES ACT AS IMPERFECT

Representative Gottheimer said on March 27, 2020, during a session of the U.S. House of Representatives:

While this legislation is far from perfect, it is a vital piece of legislation that has massive bipartisan support. Ninety-six members of the Senate and all members of Congress were behind it. That is so important to make sure America knows we are standing together to get behind everybody to make sure we keep doing everything we can. So please stay safe. We live in the greatest country in the world. We will get past this. Please hang tight. Hang together. We are working on a plan to get America back to work and we are doing that now. We will get back to work. (C-SPAN User, 2023b)



This sentiment—that the CARES Act was not perfect but was a vital piece of legislation in the fight against COVID-19—was echoed by other members of the U.S. House of Representatives. For example, during the same House session where representatives continued to discuss and highlight the benefits of the CARES Act, passed into law the week before, Representative Barbara Lee (D-CA) said:

I want to start by thanking our frontline health care workers, first responders, and other essential personnel who are putting their lives on the line to get us through this pandemic. The government can and must do all we can to support them and everyone facing the health and financial challenges confronting our nation today. I also want to thank Speaker Pelosi and Senate Democrats who delivered significant changes that helped put people over corporations. And while not perfect, this bill is an important step in our ongoing efforts to act decisively on behalf of the American people and ensure workers and families have the resources they need today and throughout this unprecedented crisis. (C-SPAN User, 2023d)



Lee, while referencing the novelty of this pandemic and praising the passage of the CARES Act, does point to what she views as deficiencies in earlier draft of the CARES Act that, in her estimation, focused on corporate America more so than on everyday Americans. She goes on to say:

This bill gives hundreds of millions in critical funding to our hospitals, state and local governments, workers, small businesses, and students through this pandemic. It is clear more help is urgently needed. Congress must start work on a package that includes relief missing from this bill. (C-SPAN User, 2023d)

As Representative Lee continues her remarks, she highlights the needs of hospitals and frontline health care workers and the aid they need to effectively fight this virus. She concludes by saying, “While the challenge is significant, we are truly all in this together and I will continue to fight tooth and nail for the resources needed to put families and workers first and protect America’s health, safety, and economic security” (C-SPAN, 2020a, 00:03:20). This language that she will fight “tooth and nail” is a slight iteration of the earlier war metaphor, but is an interesting crossover between themes 2 and 3.

Representative Mike Thompson (D-CA), in speaking after Representative Lee, makes very similar remarks:

The House just passed the third bill in a package of legislation addressing the coronavirus. I’m proud to support that bill. It is not perfect legislation, but it is important legislation. It addresses the needs of people who are out of work, to get money into their hands quickly. It addresses the needs of small businesses who are forced to close down their businesses because of coronavirus. And it addresses the needs of health care providers, hospitals, and our local governments. It is not a perfect bill, but it is a great first step. (C-SPAN User, 2023e)



In the Senate, Republicans echoed some of their Democratic House colleagues’ reservations about this legislation. For example, Senator Mitch McConnell (R-KY) in the U.S. Senate on March 22, 2020, said:

We are at the point where both sides have come a long way toward each other, and each side has to decide whether to continue elbowing and arguing over the last several inches and risk the whole thing, or whether to shake hands and

get it done. Thus far throughout the crisis, the Senate has risen to the occasion. It was just a few days ago when the Senate Republican majority moved expeditiously to pass the House Democrats' phase 2 legislation, even though many of my colleagues on this side of the aisle and I had serious reservations and would have written it very differently. We passed it anyway, basically written on the House side. Nevertheless, as I just said, I pushed the Speaker's legislation through the Senate because urgency and results matter during a national crisis. Because imperfections notwithstanding, it was the right thing to do for our country. (C-SPAN User, 2023f)



In sum, as the House and Senate worked to pass various stages of the CARES Act and COVID-19 relief legislation, there was bipartisan agreement that these bills were not perfect. Democrats critiqued their Republican colleagues for attempting to put corporations above everyday Americans. Republicans critiqued their Democratic colleagues over the size of stimulus checks, unemployment relief, and other measures in these bills. However, both sides agreed that while the legislation was certainly not perfect, it was desperately needed for small businesses to make payroll, to provide contract workers and gig employees with funds to make rent, utilities, and buy groceries, and to help hospitals and frontline health care workers secure the personal protective equipment needed to fight COVID-19. This story—that these bills, while not perfect, were the right thing to do for everyday Americans—shaped much of Congress's talk in March 2020.

DISCUSSION

Early on in the COVID-19 pandemic, panic buying of toilet paper, hand sanitizer, and Lysol wipes was rampant. Supermarket shelves were bare. Americans were leaving mail outside their homes, wiping down their groceries with sanitizer, and seeking to make sense of the world around them and protect themselves from the COVID-19 virus. Yet Congress's discourse did not reflect this same panic.

In examining congressional discourse around the COVID-19 pandemic and the early legislation meant to provide protections, relief, and support for workers, small businesses, corporations, and contract workers, we saw that these stories were focused on COVID-19 as an enemy that all Americans needed to come together to fight. Patriotic language like “this is the right thing to do for America,” or “we have the greatest economy in the world,” and “acting on behalf of the

American people” provided a sense of unity, direction, and encouragement. This unity transcended party lines as Republicans and Democrats supported the passage of major legislation like the CARES Act, which contained unprecedented economic relief funds and stimulus checks for many Americans. Yet at the same time it was acknowledged that the legislation Congress was passing was far from perfect, but that Congress had to act to provide desperately needed aid to Americans.

Despite these clear themes and metaphors referring to COVID-19 as the enemy, there was not much evidence that economic stories like those Shiller (2019a) proposed were circulating in Congress. As legislators sought to make sense of the new economic normal, there were repeated references to the American economy as “the strongest economy in the world” (e.g., C-SPAN User, 2023a, 2023f)—reassurance that the economy would remain strong, that we would get through this together, and that the U.S. would emerge stronger than before. However, stories explaining why consumers were panic buying toilet paper were not heard on the House or Senate floor.

The metaphor of COVID-19 as an enemy and some repeated references to the economy as strong does echo analyses from other economic crises. For example, the 2008 financial crisis in the U.S. led to a global economic downturn, and much of the discourse following September 2008 of major Wall Street banks focused on how the economy was strong (Hearit, 2018b). Analysis of the Federal Reserve’s discourse during the year after the 2008 financial crisis found evidence of similar language (Hearit & Lindman, 2019). Indeed, the Federal Reserve often referenced the health of the U.S. economy following 2008, attempting to reassure the public that the economy was strong. Ben Bernanke was heard often repeating phrases such as “the fundamentals of the economy are strong.” While language around the strength of the U.S. economy during times of economic crisis is certainly not a new finding, it bears repeating that this language may be an attempt by Congress to quell economic concerns or market volatility in the face of so much economic uncertainty.

While Shiller (2019a) proposes five narratives that shape modern economies, such as “tech stocks can only go up,” “housing prices never fail,” and “some firms are too big to fail,” perhaps one of the findings of this study—references to the strength of the economy emerged in discussion around the passage of the CARES Act and fighting COVID-19—suggests that a narrative around the economy as strong or immutable is appropriate. This may be especially relevant given that this narrative or story echoes findings about Wall Street banks, the

Federal Reserve, and other economic actors and their language following economic shocks or crises.

Congressional talk around narratives of the economy as strong or the economy as immovable provides reassurance to the American people that the economy will continue to perform. While this does not explain consumer panic-buying behavior, it does suggest that a grand narrative across economic actors may exist. Further analysis is needed in order to argue that this narrative transcends all economic actors during times of crisis and shapes much of these economic actors' crisis communication.

CONCLUSION

Using uncertainty management theory (Kramer, 2004, 2014) and the communicative constitution of organizing approach (Schoeneborn et al., 2019) as theoretical frames, this study examined how economic narratives, repeated on the floors of the U.S. House and Senate, did not normalize panic buying consumer goods like toilet paper, hand sanitizer, and Lysol wipes. Rather, this study shows how the everyday talk by Congress as captured by the C-SPAN Video Library enhanced or amplified economic narratives around COVID-19 as the enemy and the CARES Act as imperfect but necessary, and how the political power of a constitutive approach to economic communication has a material impact on everyday Americans. The repeating across the congressional and executive branches of the refrains that the economy is strong and that "we will get through this time of economic uncertainty together" points to the use of a meta-narrative by economic actors during times of economic uncertainty.

Future studies could examine media coverage of Congress's debates and discussion to see if this grand narrative of strength and stability emerges, or if it is confined to economic actors. Moreover, future studies may also seek to study the multiple waves of legislation and stimulus passed by the U.S. Congress to continue to develop an understanding of the narratives and stories told by legislators in advocating for policy action. Indeed, much of the policy and economic intervention by the Federal Reserve and U.S. Treasury was absolutely unprecedented. Understanding how the news media made sense of these actions and whether these narratives were echoed in the news media may provide additional meaning, nuance, and context to these findings.

In sum, economic actors use communication to constitute economies and economic normals. Especially during times of crisis like the COVID-19 pandemic, consumers and businesspeople look to economic actors to help frame and shape economic realities and expectations (Herzfeld, 1992). During March 2020, Congress and the president of the United States sought to respond to new economic normals and uncertainty about future economic performance in the face of a global pandemic. Using unifying, patriotic language and evoking metaphors of war by using language like “fighting COVID-19” and “COVID-19 is the enemy,” economic actors sought to calm Americans fears by reassuring them that we would get through this crisis together by doing the right thing, and by highlighting the strength of the U.S. economy.

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10

ECONOMICS IN TRANSLATION/TRANSITION

Sensemaking and Policymaking During the Great Recession

Timothy Betts

INTRODUCTION

On January 20, 2009, the day of Barack Obama's inauguration as president of the United States, the Dow Jones Industrial opened at 8,279.63 points, having slid nearly 1,400 points since its opening on November 5, 2008, the day after Obama's election (DataPlanet, 2021). Just one day earlier, C-SPAN televised discussions that took place on Martin Luther King Jr. Day at the campus of Howard University, presented by Spike Lee. As part of this Refresh the World Symposium, Melody Hobson, president of a multibillion-dollar investment firm, chaired a discussion on refreshing the economy and pushed various panelists to consider what positive actions the government might take to resolve or mitigate the potential harm of the ongoing disruption in the financial system. When panelist Michelle Singletary, then a *Washington Post* columnist, derogated the attitude of "we're okay with [welfare] when it's corporate welfare," Hobson interrupted again to push for a different answer: "What would you do right now to move the economy along? . . . Give me positives, not negatives." This exchange, and the proceeding discussion regarding the possibility of addressing systemic economic failures related to health care, higher education, and housing, epitomized the complexity and fragmentation of storytelling as people attempted to translate lived experiences into incompatible economic frameworks, as people attempted to find certainty and possibility amid political transition.

The co-occurrence of the Great Recession's onset and the election of Barack Obama as president of the United States represented a significant challenge to many political and economic orthodoxies and a series of overlapping, cascading

disruptions (Hintz et al., 2021) that challenged government officials, journalists, and the public to make sense of difficult challenges and emerging instability facing the nation and those recently elected to lead it. At the onset of the financial crisis and Great Recession, many people turned to those trained economists and government officials, like those in the Federal Reserve system (the Fed) and the Treasury, whose expertise and proposals were met with the alternative practicalities of politicking and electioneering (Bernanke et al., 2020). Alan Blinder (2013), former vice chair of the Fed, noted that these political battles were a stumbling block for necessary policies, like the American Recovery and Reinvestment Act (2009). In his account of the government response to the Great Recession, Blinder emphasized that, unlike the halls of Congress, the conversations on K Street had a singularity of focus and clarity of agenda that manifested in an aggressive response that was well-received by financial markets, unblemished by the ideologies he would later claim “rarely lead to sound economic policies grounded in logic and fact—especially when valid but misplaced ideological concerns are applied to means rather than to ends” (Blinder, 2018, p. 38). In other words, people and politicians should listen to the experts and simply follow the science.

But as Colman et al. (2021) illustrated in the aftermath of the Trump administration’s botched response to the COVID-19 pandemic, following science is not a simple or neutral process. Even within academic communities and for government scientists, the need for interdisciplinary collaboration to transform scientific knowledge into comprehensible and workable policy plans complicates this translational process. Their work highlighted for public health crises what Mirowski (2013) revealed regarding the work of government economists. Attempting to place the onus of policy justification on scientific inquiry is, at best, a fruitless attempt to avoid the value judgments that inhere policy debates or, at worst, an insidious means of obfuscating those value judgments under the auspices of objectivity. This is uniquely important in matters of economics, a discipline dominated by a paradigm that derives its mandate for scientific legitimacy from the axiom that theoretical explanations need not meet any standards of realism (Friedman, 1953; see also, Davidson, 2002). The practice of translating economic inquiry into political practice is fundamentally a communicative process whereby politicians and academicians and journalists and people engage research and theory in a rhetorical game of persuasion and justification (McCloskey, 1998). These communicative practices have significant influence over government policy and substantially impact people’s livelihoods, quality of life, and life spans

(Ziliak & McCloskey, 2008). As Case and Deaton (2019) demonstrated, the current practices and organization of capitalism in the United States actively costs people their happiness and their lives.

As the conversation at the Refresh the World symposium continued, William Spriggs, former chair of the Economics Department at Howard University, argued that the brief recession in 2001 put many people on the path to vulnerability in 2008. He argued that “recessions are one thing [but] it has taken us longer to get the jobs back.” Even though the “official recession was only one quarter, that’s three months, it took . . . four years to get all the jobs back” and in the meantime people are “continuing to lose jobs, continuing to borrow money in order to make ends meet.” In this way, Spriggs described how official economic accounts leave out certain voices in their aggregation and sensemaking and thereby render everyone vulnerable even as they seek stability in normalcy. Crisis (Seeger & Sellnow, 2016; Ulmer et al., 2011) and resilience (Buzzanell, 2010, 2018) theorists in communication studies have argued that making sense of disruption and responding to crisis exposes dominant logics by (1) highlighting normative practices and assumptions and (2) creating opportunities for transformation and change. Hobbs and Singletary and Spriggs and the other panelists at the symposium, as well as the many journalists and politicians and callers and countless others discussing the economy on C-SPAN from election day to inauguration day, were part of this collective process of transition and translation as they experienced the Great Recession and began the work of organizing the new normalcy.

This work interrogates these collective, communicative processes as economic organization. In this study, I engage with two theoretical frameworks to examine how people narratively constructed resilience during the time of the Great Recession: the communication theory of resilience (Buzzanell, 2010, 2018) and antenarrative theory (Boje, 2008, 2017). Using materials collected from the C-SPAN Video Library, I analyzed 4,280 documented mentions of “economy” that occurred between November 4, 2008, and January 20, 2009, through a combination of computational techniques (Blei et al., 2003; DiMaggio et al., 2013) and narrative deconstruction (Boje, 2001; Derrida, 1967/1997). To this end, I begin by articulating how the two theoretical frames used in this work establish a unique foundation for inquiry regarding the communicative organization of economic resilience. Next, I describe the methods of this inquiry and present the results of the analysis. Finally, I conclude with a discussion of the implications of this work for economic resilience and policymaking debates.

EQUILIBRIUM, DISRUPTION, AND ECONOMIC RESILIENCE IN TRANSITION

Neoclassical economic theorists center the notion of equilibrium. At all levels and in all contexts, markets facilitate the rational actions of human utility maximizers toward a steady state of full employment, profit maximization, and satisfaction unless something external (e.g., government, natural disasters, war) derail that idyllic state to which the market, left unimpeded, will eventually restore itself. (For an overview, see Harvey, 2015.) Given these commitments, it is unsurprising that the dominant paradigm for academic economists in the United States (and much of the world) fails to provide a generally useful framework for handling economic disruptions beyond attempts to avoid them altogether (Betts & Buzzanell, 2022; Hynes et al., 2020; Hynes et al., 2021). Even more unsurprising is the lived reality that economic disruptions do take place: technologies transform business practices; cultural shifts take place rapidly; elections mandate political transformation; pandemics occur. By theorizing of these social actions as phenomena of the market-in-itself, as beyond the realm of human action or control, as natural and unavoidable, economists place these disruptions outside the arena of meaningful academic inquiry or political action. Instead of adapting or transforming economic institutions or theories to account for these disruptions, neoclassical economists have reframed the evidence of these experiences as proof of the indubitability of their theories (Mirowski, 2013). Thus, reimagining how people collectively and individually respond to economic disruption requires inquiry that centers disequilibrium, disruption, and transition as part and parcel of the social enactment of economic resilience.

Economists do not consider the economy a constitutive, social process, and instead conceive of resilience in terms of risk mitigation (e.g., Keen, 2017; Minsky, 2008) and systemic risk management (e.g., Hynes et al., 2021; Trump et al., 2020); however, Buzzanell's (2010, 2018, 2019) recent work on the communication theory of resilience has emphasized the importance of understanding the adaptive transformational processes of resilience as acts of social construction. Betts and Buzzanell (2022) furthered this communicative framework as both an alternative to and rebuttal of normative approaches to addressing disruptions in normative economic scholarship. Rather than conceiving of the political response to economic crises as a discrete, human response to the transcendental actions of an omnipotent market, they argued for an organizational approach to examining how people (e.g., politicians, business leaders, journalists) address economic crises as they arise. This approach emphasizes the role of human agency in organizing, creating the social and institutional frameworks that constitute economics

and transforming or adapting them in response to disruption rather than simply focusing on automatic stabilizers and attempts to fool-proof the economy. Just as human feats—late-night phone calls and arm-twisting—maintained the solvency of the Chicago Mercantile Exchange in 1987 (see MacKenzie, 2006), people can muster those same forces to prevent meaningful action in the face of economic catastrophe. The communicative organization of any responses to economic disruption are as important as the response itself because (1) they expose the justification for responding to disruptions and (2) they are a site of intervention. In other words, by examining the discursive processes through which people make sense of (and act in response to) economic disruptions, researchers can identify, critique, and reimagine those conversations and those responses.

Moments of concomitant economic disruption and political transition highlight the importance of these conversations that constitute resilience. Specifically, in the context of this study, the Great Recession represents an important moment in the United States' economic and political history because it exposed many shortcomings of economic theory (Colander et al., 2009; Palley, 2011) and reinvigorated conversations about the utility and direction of the discipline writ large (Fourcade, 2009; Fourcade et al., 2015; Garnett, 2006; Harvey, 2011; ISIPE, 2014). Moreover, the conversation surrounding the evolving financial crisis and the government's response took on the character and concerns of the broader political debates that took place during throughout the presidential election (Béland & Waddan, 2012). The governmental response to financial crisis was not a simple matter of applying the correct economic solution: it was a cacophony of voices with varying interests and goals; it became a proxy debate for social ills and structural deficiencies that cut across various aspects of peoples' lives and livelihoods. Researchers lose the complexity and importance of these conversations when they artificially distinguish between the economic and the social processes through which people craft new futures, new normals. Economic resilience is not about finding the *best* path forward; it is about understanding how people make sense of disruption and start to tell the stories of new possibilities (Betts et al., 2021).

ECONOMIC COMMUNICATION IN TRANSLATION

The stories of economic resilience are comprised of the backroom legislative dramas and news reports, the Fed's closed-door meetings and Barron's economic forecasts. Despite the apparent incompatibility with most academic economic

theorizing and methodologies, some economists (e.g., Chong & Tuckett, 2014; Nyman et al., 2021; Shiller, 2019) have begun to engage with narrative perspectives to see how these economic stories affect the economic worlds people inhabit. But economic stories are not monolithic; they are contested patchworks, chaotic story processes through which people organize what is and what is to be done. Contrary to many narrative theorists, who centered the search for coherence in narratives (e.g., Fisher, 1984; Koenig Kellas & Manusov, 2003), Boje (2001) advanced antenarrative theory as a framework for researchers to examine organization through incoherent, fragmented storytelling. Lived experience is messy, and the process of storytelling, of translating lived experiences (story) into retrospective accounts (narrative) exposes the fragmented logics and power dynamics that shape sensemaking (antenarrative). Thus, by examining these in-between spaces of storytelling, these antenarratives that shape the sensemaking processes through which people organize, researchers can begin to interrogate and reimagine those processes.

Antenarrative theory reframes researchers' understandings of narratives much like the communication theory of resilience reframed inquiry. Without throwing out the utility of normative narrative inquiry, antenarrative theory foregrounds the prospective implications of storytelling practices. In his seminal work on sensemaking, Weick (1995) described organization as a retrospective process whereby members come to understand individual and institutional actions after the fact. Boje (2014) expanded upon this idea and argued that the processes of retrospective sensemaking, shaped by antenarrative, simultaneously craft a prospective sense of what the future might look like. Narratively speaking, as people craft their accounts of lived experience, they simultaneously place a prospective bet (*ante*, as in poker) on the future. Researchers have engaged with antenarrative theory in a variety of contexts to restory management practices (Boje et al., 1997), corporate scandals (Boje et al., 2004), and the concept of troubled assets during the financial crisis (Smith & Boje, 2011). In this way, this framework allows researchers to interrogate organizational storytelling practices by looking at these antenarrative logics and to begin telling those stories differently.

In the context of this analysis of the Great Recession, I used antenarrative theory to center the intersecting, fragmented, and varied dramas playing out across the political contests of the presidential election and the struggle to make sense of the ongoing financial instability. Boje (1995) likened collective storytelling practices to interactive theatre where audiences can follow actors from room to room and engage with the characters. Participatory dramas like these may be

rare on other stages, but for C-SPAN viewers who call in to engage with experts and journalists, to question politicians, and to express their views, participation is routine. Similarly, given the fragmented storytelling that occurs in congressional hearings and floor debates, like those captured on C-SPAN, this post-structural approach to organizational storytelling facilitates an analysis that seeks insight within the inchoate rather than dismissing it entirely. In sum, I used the communication theory of resilience and antenarrative theory in this study to analyze and reimagine responses to economic disruption by asking:

RQ: How was economic resilience narrated and organized on C-SPAN between November 4, 2008, and January 20, 2009?

METHODOLOGY

Antenarrative serves as both a theoretical foundation and a methodological guidepost for unpacking the constitutive, revelatory, tensional processes of economic storytelling (Boje, 2001, 2019). In other words, I approached the analysis as a means of (a) examining the narrative logics that emerged during these transition periods, (b) interrogating the implications of those logics for economic policymaking, and (c) restorying the implied economic futures. Given these goals, this section will outline both the data collection and analysis procedures I employed in this study and the guiding principles behind this study design, which combines the post-structural foundations of antenarrative theorizing with computational methods that enable researchers to meaningfully examine the extremely large amounts of data generated by news media and government activity.

Curation

Answering the research question above necessitated a data collection that evidences the political responses to the concomitant economic and political tensions during the Bush–Obama and the Trump–Biden transitions. For this purpose, the C-SPAN Video Library offered a unique entrée into examining the discursive record at the time of these periods in United States economic history. Insofar as C-SPAN telecasts the governmental ongoings, inside the Capitol chambers and outside on campaign trails, and includes reactions and discussions to those events from journalists, academics, and the public, the videos and transcripts

from the C-SPAN Archives enabled an analysis of the myriad narrative processes during these transitional periods. To this end, I accessed the records of the Video Library using the C-SPAN Application Programming Interface (API) and a basic data collection script in Bash to scrape data for the transitional period between presidential administrations: November 7, 2008 (election day), to January 20, 2009 (inauguration day). Using the API, I collected any mention of the term “economy” included in the Video Library within the date parameters. These collection procedures resulted in a collection of 4,280 mentions during the Great Recession transitional period with a mean length of 264.8 seconds ($SD = 2,912.3$).

Analysis

Despite the well-founded association between post-structural philosophies and methods of textual analysis that emphasize close readings of smaller collections of data, the opportunities presented by the significant stores of online data in social media platforms and online archives, like the C-SPAN Video Library, necessitate a new kind of synthesis between techniques of qualitative inquiry and computational methods. Researchers across various disciplines have demonstrated the utility of computational approaches, such as topic modeling (DiMaggio et al., 2013; Hannigan et al., 2019; Nelson, 2020, 2021) and semantic network analysis (Eddington, 2018, 2020; Eddington & Jarvis, 2022; Jarvis & Eddington, 2021), for qualitative inquiry that engages with large data sets, like the one curated for this study. However, the approaches employed in many of these works do not facilitate the type of antenarrative inquiry sought in this work. For example, the work of Nelson (2020) on computational grounded theory advances qualitative methods as a means of verifying or validating the results of computational models. Instead, I employed computational methods to identify specific, contextually bound tensions that emerged from documents, through latent Dirichlet allocation (LDA) topic modeling techniques, and to select those data entries that most clearly embody these tensions, which then became the focus of the inquiry.

The analysis represented in this study proceeded as follows. After collecting data from the C-SPAN Video Library, I employed the Gensim topic modeling package for Python (Řehůřek, 2022; Srinivasa-Desikan, 2018) to construct multiple topic models for each of the transitional periods separately. Additionally, I used the pyLDAvis package (Mabey, 2021) to create interactive, graphical representations of the models’ and compared these various models for interpretability and insightfulness using a number of criteria, including (1) topic overlap, (2) topic

distribution, (3) and topic content. After evaluating the various candidate models, I selected a model for each of the transitional periods and created a database using each individual model to recommend specific content from the large data corpus for interpretation in the second phase.

In this study design, I used the topic models to two ends: (1) to summarize important tensions or logics that emerged from the corpus computationally and visually and (2) to identify entries retrieved from the C-SPAN Video Library that are strongly indicative of those specific tensions. In the second analytic phase of this study design, I began by analyzing the various words and phrases associated with the various topics represented in the two topic models and sketched out initial interpretations of what aspects of narrative practices these topics might reflect. Next, I used the quantitative topic loadings to identify which archival entries were most strongly associated with each topic. In this sense, these topic models offered, as the technique was designed to do (Blei, 2012), recommended entries just as a library catalog might recommend additional reading materials based on an identified topic. Once these entries were selected, I engaged in a close reading of these specific entries, with reference to the topic models and their graphical representations and examining the ongoing deconstruction (Derrida, 1967/1997) of narrative logics articulated in those mentions of the economy.

The final stage of this analytic process is driven by Boje's (2001) presentation of Derridean (1967/1997) deconstruction. The Derridean concept of deconstruction regards communication processes as constant renegotiation and reinterpretation of meaning and signification. To vastly oversimplify, because meaning is constantly in flux, the process of interpretation is itself a product of power; thus, by examining meaning-making processes in interpretation, analysts can begin to understand the circulation of power and the construction of narrative logics. Analyzing tensions allows researchers to highlight the role of irrationality and complexity in social practices (Ashcraft & Trethewey, 2004; Fairhurst & Putnam, 2006). Thus, the construction of tensions as oppositional, binary, or exclusive indicates how narrative logics that have prospective, organizational force shape how people understand possible futures. Moreover, considering the aims of this work to examine the communicative processes of resilience as narrative tensions (Buzzanell, 2018), I used this understanding of deconstruction to guide my interpretation of specific moments and data entries identified by the computational model. As I read through the various mentions of economy identified by the topic modeling analysis, I moved beyond the simple specification or identification of tensions represented in the models. Instead, I dissected their construction

and narration in the government, journalistic, and public reactions to the transitional periods captured in the data collection for this study. Next, I present the results of this analysis, unpacking the construction of these various tensions as they emerged in conversation on C-SPAN.

RESULTS

Although she did not run for the United States Senate until 2012, Elizabeth Warren, then a bankruptcy law professor at Harvard University, became acquainted with some of the incoming class of the 111th Congress during a roundtable discussion of the ongoing economic crisis on December 4, 2008. The conversation was part of a two-day-long conference hosted by the Kennedy School's Institute of Politics for new members of Congress, with the intent to create bipartisan dialogue on the ongoing economic crisis. As the third member of the panel, Warren was asked to comment on the road ahead, especially given her role as the, then recently appointed, chair of the Congressional Oversight Panel for the Emergency Economic Stabilization Act. She began, instead, with an outline of the areas where middle-class family expenses have increased, amid a decline in overall real wages, such that

rising core expenses [have meant that] the family budget has actually shifted so that families in inflation-adjusted dollars over this 30-year arc are spending less on food, less on clothing, less on appliances, less on furniture. . . . Where the real rises have been—all across this arc—have been in housing, in health care, in childcare, in transportation, and taxes because they have two people in the workforce. (C-SPAN User, 2023a)



Warren painted these rising costs as a portrait of the struggles facing families in the United States. These struggles, in conjunction with regulatory shifts and predatory chicanery among financial institutions, fomented the crisis that these new lawmakers would be facing.

Elizabeth Warren's primer for newly elected policymakers, those who would soon be responsible for guiding the United States through one of its most severe economic challenges in decades, highlights the central issue of economic resilience and policymaking during the presidential transition from the Bush to

Obama administration. As she continued her overview of the systemic financial problems facing many families in the United States, Warren went further than most of her fellow panelists by justifying the motivations and the ability of government to respond to the disruption. In her remarks at the beginning of the panel, Warren outlined the basic idea of what would become the Consumer Financial Protection Bureau when she noted the “need [for] something along the lines of the Consumer Product Safety Commission. Every can of soda, every candy, everything we touch, breathe, handle in America is regulated for safety at some level.” In other words, financial regulation and policy responses that are summarily dismissed as market interference were (and are) routine and necessary.

As the panel continued, and as the C-SPAN network’s coverage of the Bush–Obama transitional period played out, tensions related to *blame/change, futures/fortunes* continued to take center stage as politicians, journalists, policy wonks, and academics attempted to translate their expertise and make sense of the economic disruption that would become known as the Great Recession. These tensions, which are illustrated in Figure 10.1 as a visual summary of the topic model for these data, guide this data analysis *and* offer a glimpse into a few key aspects of the relationships between the topics that emerged from the initial, computational, phase of the analysis. However, these visualizations are the starting point for the analysis presented in this section, not its culmination. Building from (rather than confirming) the topic model, the results articulated here will examine four oppositional forces (i.e., binaries or tensions) illustrated computationally, explored textually. During the Great Recession, the political and economic turbulence of these transitional periods fomented significant, heated, and genuinely insightful conversations on the C-SPAN network, both in journalistic and political arenas. Through these conversations, the network helped reveal the transitional/translational efforts of many people as they attempted to make sense of their current historical moment.

Blame/Change: Motivating Policy

At the conference for newly elected members of Congress, the discussion of the ongoing economic disruption began with Jeff Frankel’s summation of the five origins of the current crisis summarized through a period-appropriate PowerPoint gallimaufry with a surfeit of accompanying squiggle arrows and whimsical sunburst word art. Among these, Frankel described that

for a long time, American households save[d] too little . . . and they borrow too much. And during the housing boom, they figured well I've got a lot of wealth in my house. And so they consumed a lot, and they even borrowed against the house. They used their house as an ATM, in the cliché. And a lot of people took out mortgages that they couldn't really afford. (C-SPAN User, 2023c)

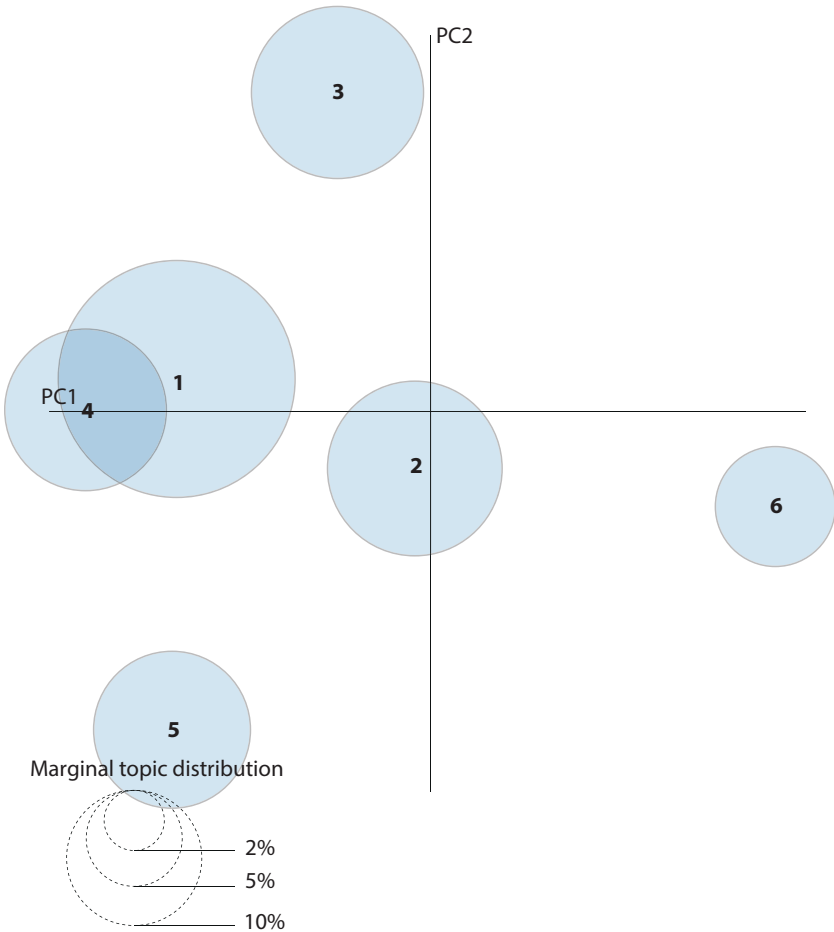


FIGURE 10.1 Intertopic distance map (via multidimensional scaling). Topic model of Great Recession presidential transition period economy coverage on C-SPAN (November 5, 2008, to January 20, 2009).

This view, largely in line with many of the contemporary retrospectives on the myriad causes of the financial disruption, which cast large portions of the blame, the moral and practical responsibility for the economic turmoil, at those who purchased “too much house or lost a job and simply cannot afford the mortgage, or any mortgage” but necessitated support because “it [was] in the investors’ interest to keep the person in the home rather than taking on the expense of closure and selling it in today’s market” (Sen. Sherrod Brown, D-OH; C-SPAN, 2008, 00:27:11). Much of the political discourse regarding the government response to the Great Recession was characterized by a search for motivation, where assigning *blame* for the crisis took priority over addressing issues of systemic *change*, a debate that emerged in the distance between Topics 3 and 5 shown in Figure 10.1.

The communicative tension between blame and change rested on two paradoxical storylines where government intervention is bad: (1) because it threatens to destabilize a fragile market and (2) because it threatens inefficiency relative to the omnipotent market. These contradictory fears about the simultaneous vulnerability and invulnerability of markets do not logically prohibit the possibility of intervention; instead, they serve to raise the pain and evidence thresholds such that intervention is only justifiable when the necessity of change is undeniable, while preassigning the blame for when things go wrong. And as George Mankiw noted during the previously mentioned 2008 roundtable:

Talking about the economic and financial crisis is particularly difficult because it is one of those areas where economists do not see the world with a single lens. . . . If you get a bunch of economists in the room to talk about what we should do in the face of an economic crisis like we’re facing right now in the macroeconomy, you’re not going to get a consensus. You might have a few more opinions than you have economists. (C-SPAN User, 2023b)



But consensus is not, nor should it be, the aim of academic economics just as it is not the aim of politics or journalism. Similarly, consensus is not a requirement for policymaking; the lack of a guarantee that economic interventions will unequivocally resolve large-scale disruptions is not a substantive argument against those types of interventions. Nonetheless, during discussions of policymaking, the austerity concern for inefficient spending vastly outweighed the concern for insufficient spending.

Fortunes/Futures

Dialogues between high-ranking government officials or political experts and the public rarely take place in other venues as they take place on C-SPAN programs like *Washington Journal*. As other researchers have explored, this can lead to both uncomfortable moments and genuine insight (Scacco, 2017), but many of the questions posed to economic experts during the Bush–Obama transition period illustrate the incompatibility of economic frameworks with the lived experiences of many callers. One such interaction, on November 15, 2008, between a Republican caller from Ohio and Nancy Birdsall, then director of the Center for Global Development,² demonstrated the depths of this incompatibility, as the caller described:

My position is being replaced by Indian computer programmers. How does America expect the economy to get better if my job and my Black American friend's job are being taken by people from India, and they are here for seven or eight years and off goes the knowledge. When did I vote for people from another country to come in and take the American workers' jobs? And how does the government expect America's economy to get better when the people who live here, that were born here, and that were educated here are not being able to keep their jobs? (C-SPAN User, 2023d)



In response, even as Birdsall attempted to acknowledge the “real issue of concern to many Americans, what is often called the outsourcing of jobs,” the caller and many others did not seem to find solace or humor in the fact that “in the aggregate, we are doing very well. That is the irony: America is kind of the master at sustaining competitiveness and competing effectively in the global economy” (C-SPAN User, 2023d). Outside of the context offered by the C-SPAN Video Library, this kind of conversation might be read as a bog-standard protectionist versus free trade argument, but when framed as it is on the *Washington Journal* program, these expressions of public political and economic anxieties, reframed in terms of aggregating macroeconomic theory, revealed an ongoing, theoretical proxy battle where the questions regarding trade masked the broader conflict regarding economic change, disruptions, and consequences for the working class.

Conversations about the economic futures and issues that many citizens took very seriously became punchlines for the professional economists attempting to translate the complex economic problems facing the United States into the

theoretical frameworks and debates with which they engaged more frequently. This narrative prestidigitation forecloses on the possibility of addressing the substantive moral concerns embedded in economic questions while simultaneously imposing an unobtrusive and insidious moral standard under the guise of objective economic theory. The first element of this obfuscation is clear in Alan Beaulieu's discussion of the domestic and global economy, which touched on the issue of immigration. When asked about the issue of undocumented people, though he was quick to note that "a lot of illegal immigrants [*sic*] pay taxes and participate in the economy . . . often paying into the social security system that they will never collect," he was even quicker to joke, regardless of "who sent you, just remember I said I prefer the legal immigration," to many snickers from the audience (C-SPAN, 2009, 00:43:22). Although the questioner was asking about the distinct impact of *undocumented* immigration on the economy, the only substantive answer to the embedded political question, about the supposed threat of undocumented immigration, comes from the joke regarding Beaulieu's preference for legal immigration. Here, Beaulieu does not sidestep the issue, though; he merely obfuscates the moral standard upon which he bases his answer: exploiting undocumented immigrants generates enough wealth in the United States to give them a pass. In other words, they are a concern for the future because they do not threaten the fortunate, *yet*.

In a similar fashion during the previously discussed segment, Birdsall dismissed a caller's question related to the prospect of a global minimum wage as a solution to race-to-the-bottom global trade practices because "American workers are among the very most productive in the world, and wages are tied to productivity." Here, the assertion of the neoclassical orthodoxy regarding wages and productivity directly contradicted much of the available evidence at the time, if not the theories (e.g., Acemoglu, 1999; Blanchard & Katz, 1999; Feldstein, 2008), while sidestepping the more significant moral questions contained within the question. Many of the callers whose questions were captured in the collection for this study revealed genuine anxieties and anger regarding who or what was to blame for their experiences of economic malaise. In many of these cases, these concerns turned to xenophobic and racial scapegoating, such as one caller who argued that there was no need for stimulus spending because "the illegal aliens have 20 million jobs [and] we could take those jobs back and give them to Americans."³ Whereas the narrative tension of blame/change discursively undercuts the idea of economic intervention, the anxieties of the tension between fortunes/futures emerged from the sense that change from *outside*

was an inevitable and existential threat to the economy. From there, the narrated equivalence between social change and economic intervention emerged as another unanswered justification for preventing any further transformation of the economy beyond (and in some cases including) the necessity of responding to the ongoing financial crisis.

DISCUSSION

The tensions of blame/change and fortunes/futures indicate how the moment of political transition between the Bush and Obama administrations exposed key failures of translation and created a discordant foundation for constructing economic resilience. First, the dynamic of blame/change illustrates how journalists, academics, and government officials constructed resilience by identifying a culprit instead of finding a path forward. Second, the dynamic of fortunes/futures reveals how the transformation of moral questions into issues of economic theory both delegitimized individuals' experiences of economic disruption and reinforced harmful attitudes toward many on the economic margins. The dynamics captured in the discourses and debates of the C-SPAN Video Library reveal how these conversations (1) constructed resilience by transforming value questions into academic debates and (2) undercut the political will and agency to address acute and systemic economic problems. Next, I explore the implications of these results for investigating economic resilience as a communication process.

Restorying Economic Resilience

In the initial presentation of the communicative framework for economic resilience, Betts and Buzzanell (2022) urge researchers to explore the communicative work of policymaking, and this study has illustrated the utility of empirical work in this vein. Exploring the negotiation and debates from the Great Recession preserved in the C-SPAN Video Library has provided new insights into the narrative logics that justified certain responses to the disruption while delegitimizing the prospect of larger-scale economic transformation. Theorizing economic resilience as a communicative process forces researchers and policymakers to reconsider the relationship between politics and economics. Following the Great Recession, Blinder (2018) noted a significant gap between people's perceptions

of the economy, such that only one-fifth of Americans believed the economy had recovered, and institutional perceptions at the Fed. He argued that this was not a reason to rethink the Fed's plans to raise interest rates and slow the economy, because people experiencing economic difficulty was (and is) normal and, generally, people have a poor understanding of the economy. But the legislative machinations and messy sensemaking captured on C-SPAN are not stumbling blocks to enacting the cool, considered opinions of the economists at the Federal Reserve or at the Treasury or in the academy.

Instead of resigning the possibility of economic policymaking to an imaginary world where politicians and voters understand their economic realities through a purely neoclassical, academic lens, economists should interrogate this distancing with seriousness. Friedman's (1953) position on the relationship between theory and lived experience is not a tenable foundation for useful economic inquiry. The contempt economists show for those whose experiences cannot be translated to neoclassical frameworks only reinforces the problems that Blinder railed against. The alternative for economic inquiry is to mind these translational gaps and explore how people experience and enact economic systems, just as scholars like Shiller (2019) and Chong and Tuckett (2014) have done. From there, researchers can rethink normative theoretical frameworks with an eye toward crafting policy that (1) addresses acute needs during times of disruption, (2) acknowledges complexity, and (3) empowers transformation.

Communication scholars must engage in this work, too. Examining issues of resilience and economic organization requires transdisciplinary theoretical development that engages these contexts in new ways and using new frameworks and data sources. Along these lines, the results of this study beget important questions regarding the relationship between resilience and time. Throughout the results, the issues of acute and systemic economic problems emerged as a distinct stumbling block for making sense of the financial crisis and crafting appropriate policy responses. However, the distinction between the two is based in time and narrative. In their work on cascading triggers related to shortages of protective equipment for healthcare workers, Hintz et al. (2021) explored disruption as multidimensional, where intersecting macro-level and micro-level disruptions interact and transform the process of constructing normalcy. Though their work sets a precedent for examining the relationship between overlapping and cascading trigger events, it identifies but does not explore the temporality of those processes. Additionally, the narrative delegitimation of moves toward systemic

change identified in this study is similar to the discrediting and decreased agency Hintz (2022) explored under the theoretical umbrella of disenfranchising talk. Both theoretical connections offer possible avenues for future work that specifically examines economic resilience from the perspective of those who are making ends meet rather than those who are making policy.

Boundaries and Conclusion

There are important boundaries to the claims made in this work. First, this work analyzed people's communicative practices during a highly specific context characterized by significant economic and political disruptions; although the insights that emerged during this analysis can practically and theoretically inform how people respond to similar circumstances in the future, economic disruptions are not monolithic. Researchers can look to the C-SPAN Video Library, then, as a resource for examining different contexts and different crises, which can continue to advance insights regarding the organizational practices of economic resilience. Second, the computational methods I employed in the conduct of this work facilitated a broad-based analysis of these narrative dynamics on C-SPAN across over 70 days of a complex and evolving economic crisis, but no single analysis of the Great Recession, or of any economic disruption, can capture its entirety. This specific analysis of the conversations captured on C-SPAN is not and cannot be the whole story; it is but a part of it.

Conversations regarding economic renewal and transformation, regarding new regulation and new possibilities, should not be resigned to moments of economic privation, excepting, of course, that such a state has become normative for so many people both within and outside the borders of the United States. This study has explored the clash of economic perspectives and narratives that emerged on C-SPAN in the halls of Congress and over phone lines in a television studio. That there are substantial differences in the ways that people experience the economy across the United States is of no surprise; that there are substantial differences in the ways that policymakers respond to the interests of certain people is of no surprise. That there are substantial differences in the ways that economists consider the concerns of various people is of no surprise. It is, therefore, the responsibility of researchers to move beyond these normative frames of inquiry and politics to explore and restore the narration and enactment of economic resilience. From there, it will be possible to move beyond issues of translation and transition and toward economic transformation.

NOTES

1. An interactive version of this model is available for examination on my website, <https://www.tbetts.org>.
2. The Center for Global Development (n.d.) is a think tank in Washington, D.C., focused on issues of developmental economics and global poverty reduction.
3. I acknowledge the potential harm of this vitriol but preserve it within this quotation for analytic purposes. Additionally, it is worth noting that, at the time of this interview, in January 2009, the Department of Homeland Security estimated that 10.8 million undocumented immigrants lived in the United States, down from 11.6 million the previous year (Hoefler et al., 2010).

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CONCLUSION

THIS VOLUME IS FROM THE NINTH ANNUAL RESEARCH CONFERENCE SPONSORED BY THE BRIAN LAMB CENTER FOR C-SPAN Scholarship & Engagement at Purdue University. For nine years, scholars have gathered, both in person and virtually, to present their research using the C-SPAN Video Library. The Video Library contains over 275,000 digital hours of C-SPAN content with full text and indexes. The API allows the extraction of text based on key phrases.

This volume adds 10 more essays to the 90 in the previous eight volumes. They can all be found online, free, at docs.lib.purdue.edu/ccse/. The goal is to foster more research and knowledge from this collection. This volume certainly does that with essays on the Supreme Court nomination process, women's dress and power perceptions, congressional committee hearings, COVID, and economics.

Look for our workshops that explore ways to conduct research using the Video Library, developments to the API, and enhancements to the Video Library. Also, in 2024 we will hold our first research institute to help new scholars learn how to research using the Video Library. It promises to be an exciting week to explore the latest research techniques.

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