

**High Court in Low Definition: A Comparative Analysis of Television
News Coverage of the U.S. Supreme Court (1990 - 2018).**

A Dissertation

Submitted in Partial Fulfilment of the Requirements for the Degree of Ph.D.

to the Department of Political and Social Sciences

of Freie Universität Berlin

Graduate School of North American Studies

John F. Kennedy Institute for North American Studies

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Berlin 2023

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I hereby declare that I have completed the submitted dissertation independently and without the use of sources and aids other than those indicated. I have marked as such all statements that are taken literally or in content from other writings. This dissertation has not yet been presented to any other examination authority in the same or a similar form and has not yet been published.

Berlin, January 8, 2024

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Chapter 1

Introduction

I started this dissertation days after Brett Kavanaugh joined the Supreme Court bench amid controversy in 2018 and conclude it now with the Court mired in ethics scandals. In the five years between, the Court has solidified its conservative supermajority, leading to dramatic changes in the legal and social realities for many Americans. With the highest court holding immense power, the press serves a vital democratic function in informing the public about the Court's cases and its role in society. Yet, in a fragmented media landscape shaped by economic pressures and institutional constraints, does contemporary journalism provide comprehensive and accurate reporting on the Court's activities? This question motivates the following analyses.

Topic and Context

As the highest court in the United States, the Supreme Court bears the vital duty of interpreting the Constitution. This grants the Court power to ensure legislative and executive actions adhere to Constitutional principles, maintaining the system of checks and balances and safeguarding the rule of law. In this central role, the Supreme Court acts as a fundamental pillar upholding American democracy. The nine justices on the bench carry an immense responsibility as they make judgments that shape the contours of American life, impacting civil liberties, state powers, federal regulations, and even the outcomes of presidential elections.

Like the executive and legislative branches, the Supreme Court depends on public legitimacy to uphold its authority. However, unlike those branches, the Court seldom communicates directly with the public. As a result, the Court's decisions, role, and influence rely heavily on interpretation by key societal actors, most notably the news media. The media play an indispensable part in shaping public knowledge and narratives about the Supreme

Court. For example, choices in coverage frequency, case selection, presentation format, and language used can influence how the public perceives and understands the Court (Badas & Simas, 2022; Hitt et al., 2018; Hitt & Searles, 2018; Johnston & Bartels, 2010; Linos & Twist, 2016; Zilis, 2015).

These coverage decisions are made within the constraints of the Court's and media's institutional cultures, which can pose unique hurdles for journalists. For instance, the lack of basic transparency mechanisms and the Court's common practice of releasing its most controversial opinions over a short period in June, for example, constrain what journalists can cover and how they cover it (Epstein et al., 2015; Longoria, 2023; ProPublica, 2023; Vining & Marcin, 2014). Furthermore, the rigorous demands of the 24-hour news cycle and competition for audience share can lead to pressures that result in oversimplification, a lack of context, and minimal critical analysis as journalists need to conform to tight time and space constraints. Brief reports that simply summarize the majority and dissenting opinions and tally up the votes tick those boxes, whereas comprehensive reporting requires a substantial amount of work, research, planning, and analysis.

The resulting coverage, or lack thereof, can shape the public's understanding of the Court with significant implications. As the public's perception and understanding of the Court's role, its decisions, and its overall functioning can influence their trust and confidence in this vital institution (Baird & Gangl, 2006; Hitt & Searles, 2018; Johnston & Bartels, 2010), the quality and accuracy of this coverage become paramount. When the public possesses nuanced and accurate information about the Court, they are better positioned to understand the implications of judicial decisions, participate in meaningful discussions, and make decisions grounded in knowledge. Conversely, coverage that lacks context or is misleading or absent altogether can create a distorted view of the Court. As Jay Willis (2021) from *Balls and Strikes* explains:

In less than two decades, the Roberts Court has merrily set about the task of reshaping American life as it sees fit, eviscerating the power of labor unions, ushering in a new era in First Amendment law of quasi-official Christian supremacy, and reducing your right to vote to a pile of smoldering rubble. If your exposure to media coverage of the Court were limited to a quick scan of these headlines, though, you'd think the justices were getting along famously, and would have no reason to believe anything is amiss.

Although the Court has long enjoyed high levels of public approval and trust that far exceeded congressional and presidential approval ratings (J. M. Jones, 2022a, 2022b, 2023), public opinion has plummeted in recent years following the Court's decision to upend the long-established precedent on abortion (*Dobbs v. Jackson Women's Health Organization*, 2022) and its involvement in several ethics scandals (Elliot et al., 2023; Kaplan et al., 2023a, 2023b, 2023c; Murphy & Mierjeski, 2023). While the Court retains substantial insulation even in times of controversy, declining legitimacy could leave it vulnerable should it move too far outside majority public opinion. This could raise the prospect of rising demands for Court reforms, such as expanding the size of the Court, imposing term limits on the justices, or stripping jurisdictions. However, currently, support for such measures remains relatively low. Jessee et al. (2022) argue this stems from a misperception of the Court's ideological position that underestimates its conservative stance. In their words, "If people, particularly Democrats, actually knew the court's conservative positioning with accuracy, they would likely be more supportive of making institutional changes to the court" (Jessee et al., 2022, p. 5).

The complex interplay between the Court, the news media, and the public underscores the need for comprehensive and accurate Court coverage to empower informed democratic engagement. To shed light on the nature of Supreme Court news coverage, this project analyzes patterns in television news, one of the most widely used news sources among

Americans, over the past three decades. The next section describes the focus and scope of the dissertation in more detail.

Focus and Scope

This dissertation presents a comprehensive empirical analysis of television news coverage of the Supreme Court from the 1990-2018 terms. I take a comparative approach, analyzing mentions of Supreme Court cases in evening television news transcripts across different time periods, channel types, and cable news programs. This enables me to uncover variations in the volume, format, and presentation of Supreme Court cases based on when, where, and how they were covered.

A “news mention” is defined as any part of a transcript that reports, discusses, or briefly mentions a specific Supreme Court case from the 1990-2018 terms. This pertains to four key issues: abortion, economic activity, the First Amendment, and sex discrimination. The scope of the analysis extends from the time the Court agrees to hear the case until the end of the 2018 term. As my results will show, some news mentions are very brief and appear in reports or discussions unrelated to the Court. Although these mentions might not represent comprehensive coverage, I use the terms “mention,” “report,” and “cover” interchangeably throughout this dissertation.

For channel types, I focus specifically on network news, using ABC’s *World News Tonight* and cable news, including programs from both Fox News and MSNBC, analyzing *Special Report* and *Hardball*, respectively, as examples of conservative- and liberal-leaning cable news programs.

Regarding time periods, I group network news coverage into pre-2000 (1990-1999) and post-2000 (2000-2018) samples to assess differences in coverage over time. Since both cable channels in my sample only launched in 1996, I only collected a post-2000 sample to

compare their collective coverage to network news and their individual coverage to each other.

This defined scope guided my data collection and analysis. I provide a detailed account of my research sample and data sources in the methods chapter. By taking this comparative approach to analyzing television news coverage across diverse channel types, time periods, and cable programs, I am able to reveal systemic patterns and variations that shape the narratives that form popular conceptions of what the Court is and does.

Relevance and Importance

Despite being the primary source of news for many Americans, television has received surprisingly limited scholarly attention regarding coverage of the Court (Hitt & Searles, 2018; Katsh, 1983; Linos & Twist, 2016; O'Callaghan & Dukes, 1992; Slotnick & Segal, 1998; Solberg & Waltenburg, 2015; Spill & Oxley, 2003; Vining & Marcin, 2014; Zilis, 2015). Those that do include television news are typically limited to coverage of network news, the decision stage, or only examine individual cases or terms, providing only fragmented insights.

This project helps address these gaps through a comparative analysis of nearly 30 years of evening news transcripts from both network and cable outlets. The extensive timeframe, coupled with comparisons across channel types and cable programs, enables a nuanced empirical account of television news coverage. Furthermore, examining emotional appeals as well as coverage outside the decision stage offers new conceptual angles lacking in prior scholarship. Specifically, I delve into the specific types of emotions present and their contextual use in coverage as opposed to presenting a purely quantified account or the general emotional tone alone. Additionally, I demonstrate Supreme Court cases receive substantial mentions before and after decisions, highlighting the value of looking beyond decision coverage alone when seeking to understand media narratives.

By helping address substantial gaps in the literature and providing novel empirical insights, this dissertation underscores the vital need for analyzing media representations of influential institutions like the Supreme Court. As the primary conduit informing citizens, coverage decisions fundamentally shape public awareness of and engagement with the Court. When reporting lacks substance, accuracy, or diversity of perspective, it can hinder inclusive public discourse, active participation, and robust democratic self-governance. The evidence and approach of this dissertation offer a strong foundation to further future academic inquiry at the intersection of law, political communication, and journalism studies. For instance, the publicly available data set and materials developed through this project can facilitate future analyses examining additional media sources or cases, such as those relating to civil rights (Matthias, 2023).

Research Questions and Objectives

The overarching goal of this dissertation is to understand the nature of news coverage that television news programs have awarded Supreme Court cases over the past three decades. To achieve this goal, I will address the following three research questions through an empirical analysis of television news transcripts:

RQ1: Between the 1990 and 2018 terms, how does the volume of television news mentions of Supreme Court cases vary between time periods, channel types, and cable news programs?

This question aims to uncover how much attention different television news outlets dedicate to covering Supreme Court cases across the four issue areas of interest over the nearly 30-year timeframe of the study. I assess the news volume based on the number of news mentions by issue area and case stage, the proportions of the four issue areas in the news coverage and on the Court's docket, and the number of cases referenced in the news mentions. Comparing coverage volume can indicate potential exposure differences and

perceived importance of the Court over time and among audiences of different channel types and programs, and whether they may have been presented with a distinct view of the Court's workload.

RQ2: Between the 1990 and 2018 terms, how does the news format of television news mentions of Supreme Court cases vary between time periods, channel types, and cable news programs?

Through this question, I aim to examine the structural nature of television news coverage, specifically, the context surrounding Supreme Court case mentions, the formats of included news segments, and the duration of case discussions. These factors shape the style of reporting and can impact the accuracy, depth, and accessibility of information presented to viewers.

RQ3: Between the 1990 and 2018 terms, how does the use of emotional appeals in television news mentions of Supreme Court cases vary between time periods, channel types, and cable news programs?

Here, I analyze the use of emotional language, focusing on the frequency and types of emotional appeals as well as the contexts in which they were used. Comparing the use of these appeals can reveal whether emotional language is a common feature of Supreme Court coverage and whether they are used to highlight different aspects of the coverage.

To address these questions, I combine quantitative content analysis, qualitative assessments, and statistical comparisons. Taken together, the research questions aim to present a comprehensive empirical analysis of the nature of Supreme Court coverage on television news over the past three decades.

Structure of the Dissertation

This dissertation contains six chapters. Following this introduction, Chapter 2 provides background on the Supreme Court and news media, reviewing relevant literature on

institutional constraints and journalistic challenges involved in reporting on the Supreme Court. In addition, it synthesizes prior research on the volume, format, and presentation of Supreme Court news coverage, highlighting gaps in our understanding of television and cable news coverage.

Chapter 3 details the methodology. It describes the research design, sampling strategy, data collection process, data preparation, and analytical techniques used to code and statistically analyze the news transcripts. Chapter 3 introduces the research sample and data collection process for the study. The chapter first explains the rationale behind selecting the channel types, television programs, time periods, and Supreme Court cases to analyze and then details the data collection and preparation process. Finally, it provides an overview of the quantitative content analysis, qualitative assessments, and statistical methods used to examine variations in the volume, format, and presentation of Supreme Court news coverage across the samples.

Chapters 4-6 present the results structured around the three research questions. Chapter 4 analyzes the volume of coverage, examining the quantity and scope of Supreme Court news mentions. Chapter 5 focuses on the format of coverage, analyzing structural elements like context and segment formats. Chapter 6 explores how information about Supreme Court cases was presented by exploring the use of emotional appeals in coverage.

Chapter 7 concludes by summarizing key findings around the volume, format, and presentation of Supreme Court news mentions. It discusses implications for journalism and public understanding, connecting coverage patterns to awareness, knowledge gaps, and democratic participation. The chapter also highlights research contributions, acknowledges limitations, and proposes future directions.

Chapter 2

Covering the Supreme Court

In the intricate fabric of American democracy, the Supreme Court occupies a position of profound influence. Its rulings steer the legal trajectory of the United States and have far-reaching societal implications. Understanding how the public views the Court and its decisions is crucial, as this can affect societal responses to pivotal legal rulings and levels of institutional trust. One significant lens through which the public learns about the Court is the news media. As the primary conduits of information about the Court to the public, journalists face unique challenges in accurately and effectively reporting on the justices' rulings and actions. Hence, an examination of how the Supreme Court and its cases are depicted in the news is vital to unpacking the public understanding of the Court. This literature review and the dissertation, more broadly, are informed by a new institutionalist perspective, considering how the institutional environments, norms, and practices of the Court and news media shape the reporting process and presentation of information to the public (T. E. Cook, 2006; Schudson, 2002; Sparrow, 2006).

The following sections of this chapter delve into the relationship between the news media and the Court. In the first section, I draw insights from journalists' own accounts and experiences to outline the difficulties in covering the Court, including limited access to information and the fast pace of today's news cycle. In the second section, I review studies on the content and characteristics of Supreme Court news coverage and their effect on public understanding of the Court. Finally, in the last section, I identify gaps in our current understanding and lay the groundwork for the research project at hand.

Journalistic Challenges in Reporting on the Supreme Court

In a democratic society such as the United States, journalists play a crucial role in keeping the public informed about the actions of their government and subjecting them to

scrutiny. As such, the legislative and executive branches receive extensive and ongoing coverage throughout the year that critically engages with their actions (Graber & Dunaway, 2015, pp. 337–338). In contrast, coverage of the judicial branch tends to be more minimal and deferential. Reports are largely concentrated at the beginning and end of the Court’s term, tend to focus on only a few cases and present the cases and opinions in a neutral manner (Davis, 1994; Epstein et al., 2015; Slotnick & Segal, 1998). Among those who cover the Court, some have criticized the passivity and lack of critical analysis within their beat. In addition, they note that coverage tends to be narrow in scope and disconnected from the broader cultural, political, and social context (Hamam et al., 2021; Lithwick, 2022, 2023; Pyle, 2022b; *The [F]Law Magazine’s “What’ Is Wrong with Legal Journalism?”*, 2023; Willis, 2021, 2023). These limitations arise from a set of institutional constraints involved in reporting on the Court.

For one, the limited access to information poses a significant hurdle for journalists covering the Court. Unlike the legislative and executive branches, which have transparency measures like public calendars, lobbying disclosures, and visitor logs, the justices lack similar provisions, impeding reporters’ ability to effectively track their engagements and interactions. This has become evident in recent accounts from ProPublica reporters, who had to invest considerable time and effort in piecing together information from various sources, such as trip planning emails, flight records, Alaska fishing licenses, and interviews, to shed light on Justice Alito’s and Thomas’s billionaire-funded vacations (Longoria, 2023; ProPublica, 2023).

Additionally, the Supreme Court’s lack of public communication poses further challenges for reporters. In contrast to the White House and members of Congress, the Court does not actively communicate with the public and is generally unavailable for comment (with the exception of Justice Alito’s recent take to the opinion pages of the Wall Street

Journal, see Alito, 2023; Rivkin & Taranto, 2023; Taranto & Rivkin, 2023). Consequently, to cover Supreme Court cases, reporters heavily rely on sources like oral argument, case syllabi, and written opinions. While advances, such as the online publication of oral argument recordings and opinions, have transformed Supreme Court reporting (Lithwick, 2014), restrictions persist. The prohibition of cameras in the courtroom, for instance, hampers television coverage as it creates an added challenge for visual media. Furthermore, the hard pass requirement for full-time access to the Court impacts how journalists can cover its proceedings as it can restrict their access, interaction, and reporting opportunities at the Supreme Court.

Another challenge is managing the speed and brevity demanded by the modern news environment. Covering the Court is comparable to reporting on specialized fields like medicine or science. It demands considerable effort to understand the intricate legal issues at stake and the potential implications of the justices' decisions. Serving as the crucial link between the Court and the public, journalists strive to craft reports that explain the Court's output in a manner accessible to laypeople while staying within the confines of word and time limits and meeting their deadlines (Pyle, 2022a, 2022b; Slotnick, 1991). However, the emergence of the 24-hour news cycle and digital media have imposed immense demands on reporters to disseminate information rapidly, often at the expense of depth and clarity (Lithwick, 2008; Denniston qtd. in Strickler, 2014, pp. 85–86). This pressure is particularly evident in the case of television, where major networks often allocate only brief slots for reporting Supreme Court cases due to time constraints and commercial interests (Shaw, 1981; Slotnick, 1991; Slotnick & Segal, 1998; Spill & Oxley, 2003).

Reporting on the Court becomes especially challenging towards the end of the term in June when the Court releases its most controversial and consequential opinions (Epstein et al., 2015). While journalists know on what days and at what time the Court releases its opinions,

up until the announcement, they do not know which ones will be issued or how many will be released that day. Frequently, the Court issues multiple opinions on the same day, adding to the challenges for reporters who must navigate the accelerated pace of reporting, requiring them to quickly digest the justices' lengthy opinions, including both the majority and dissenting viewpoints. As a result, June rulings tend to receive greater news coverage compared to those released in other months (Slotnick & Segal, 1998; Vining & Marcin, 2014); when the Court issues more than one ruling, the likelihood of these decisions being reported decreases as the clustering of opinions intensifies the pressure on journalists (Collins & Cooper, 2015; Slotnick & Segal, 1998; Vining & Marcin, 2014). As a result, providing adequate coverage to more than one decision becomes challenging, and some rulings may receive limited or no attention in the media (Davis, 1994, p. 79; Willis, 2023).

Together, the lack of transparency, the technical nature of the content, and restrictions on access present unique challenges that shape the way journalists report on the Court. In the following chapter, I provide a comprehensive review of previous studies on Supreme Court news coverage, shedding light on how these hurdles contribute to the volume, format, and presentation of news coverage and how these aspects affect public perception and understanding of the Court.

Supreme Court Cases on the News Media's Agenda

This chapter provides an overview of previous research on the volume, format, and presentation of Supreme Court news coverage. It aims to synthesize our current understanding of these coverage dimensions and highlight gaps in our knowledge, thereby laying the foundation for this project. First, I examine studies focusing on how much of the Court's docket is reported and how journalistic practices and case characteristics can impact the scope and quantity of news attention. Next, I review prior work on the structural features of news coverage, explaining how institutional norms and commercial pressures can influence who

covers and comments on the Court, how much time or space is allocated to this coverage, and how these aspects might affect public understanding. Finally, I present an overview of previous research on the presentation of Supreme Court news coverage, including journalistic strategies to render complex legal procedures into engaging narratives and in what ways the resulting coverage can influence public perception of and support for the Court's rulings.

How Much Coverage Do Supreme Court Cases Receive, and What Cases Are Covered?

Understanding the media's role in informing the public about the Supreme Court requires a deep dive into the nature of the coverage itself. One of the most fundamental questions is how much coverage the Court receives and what is covered. While the proliferation of digital media and social networks over the last decade has changed the dynamics of information flow between political institutions and members of the public (Bennett & Pfetsch, 2018), due to the Court's access and transparency limitations detailed in the preceding section, the news media continues to be the public's primary source for information about the Court. As such, the selection and extent of case coverage fundamentally shape public understanding of the Court (Greenhouse, 1996; Linos & Twist, 2016), as these choices can determine which cases the public learns about (Hitt et al., 2018) and how much importance they attribute to them, highlighting the important role of gatekeeping and agenda setting in media coverage. Gatekeeping, in this context, refers to the process by which journalists and editors determine which cases to bring to their audience's attention and to what extent to do so (Shoemaker, 2016; Shoemaker & Vos, 2009). These decisions depend on various factors, such as a case's perceived significance, potential audience appeal, and fit with editorial policy (Shoemaker, 2016; Shoemaker & Vos, 2009). Agenda-setting, on the other hand, focuses on the effect the resulting coverage has on the audience, positing that prominent and frequent coverage signals importance to the audience (McCombs, 2004).

Reporters have suggested that cases are often selected based on their narratives, leading to commonalities in coverage across various media outlets (Friedman & Lithwick, 2010; National Press Foundation, 2021; Pyle, 2022b; Tabor, 2016). This observation is echoed by Dahlia Lithwick from Slate (Tabor, 2016):

And we all sort of pick the same cases, and they're often the affirmative action, guns, whatever. And I think we often miss some really important ones in those lists [of cases to follow]. And then it becomes sort of self-fulfilling: "Oops! We forgot to talk about this case, but it changed everything." Some of the cases that have done away with protections in arbitration cases, things that really affect readers on the ground. Those cases are not sexy. A lot of the environmental cases, I'd say. They really affect many more people than, like, even gay marriage — these cases that seem like they're the most important cases of the year. I think they become symbolic cases, and that's important. But we forget to cover the business cases, the regulatory cases, the Clean Air Act cases, that really affect every single person in the country in a deep way.

In essence, Lithwick is criticizing the media's focus on a limited number of high-profile, often divisive cases, suggesting that this narrow focus may cause the public to overlook other important cases that have a significant, yet perhaps less immediately noticeable, impact on their lives. In doing so, she also points to certain elements that play an important role in selecting cases for coverage, such as conflict and relevance, which reflect traditional news values that guide journalists and editors in deciding which stories to run (Harcup & O'Neill, 2017).

Previous work that sheds light on the quantity and scope of coverage tends to approach the topic either by examining the relationship between specific case characteristics and the likelihood of being covered or by comparing the news output to the Court's caseload. Overall, these studies reveal substantial discrepancies in coverage between print and television sources

over time, with print providing more extensive coverage (Solberg & Waltenburg, 2015; Vining & Marcin, 2014) and a downward trend in the proportion of Supreme Court cases covered by television news over time. For instance, network news coverage ranged from 20-23% of cases in the 1970s and 1980s (Katsh, 1983; Slotnick & Segal, 1998) but dropped to below 10% by the late 2000s (Solberg & Waltenburg, 2015; Vining & Marcin, 2014). Taken together, these findings indicate that television news has substantially reduced attention to the Court, providing the public with fewer opportunities to learn about its rulings. In examining factors affecting coverage levels, studies suggest issue area, conflict, legal salience, and political significance contribute to the likelihood and extent of news attention Supreme Court cases receive (Clark et al., 2015; Collins & Cooper, 2011, 2015; Haider-Markel et al., 2006; Hamilton, 2004; R. A. Jones, 2014; Sill et al., 2013; Slotnick & Segal, 1998; Vining & Marcin, 2014).

For example, cases involving the First Amendment, civil rights, privacy issues, and criminal law tend to represent a disproportionately great share of news coverage compared to the Court's overall caseload. Similarly, cases that present conflicts between the Court and other branches or internal disputes among the justices also receive more coverage (Clark et al., 2015; Collins & Cooper, 2011, 2015; R. A. Jones, 2014; Sill et al., 2013; Vining & Marcin, 2014). This may imply that these cases resonate more with the audience's concerns or interests, hence increasing their chances of being reported. Conversely, cases relating to economic issues or judicial power, issues that may be perceived as less interesting to audiences, receive proportionately less coverage.

Furthermore, several studies suggest that journalists are often drawn to cases of high legal salience, defined as inclusion in indices that only become available after a ruling is issued and reported, such as *U.S. Law Week* (Katsh, 1983), *Harvard Law Review* (Hamilton, 2004; Katsh, 1983; Slotnick & Segal, 1998), or *Congressional Quarterly* (Brenner &

Arrington, 2002; B. Cook, 1993; Sill et al., 2013; Solberg & Waltenburg, 2015). These studies indicate fluctuating attention to legally salient cases by network news over time, with coverage ranging from less than 50% of such cases between 1976-1981 (Katsh, 1983) to 50% in 1989 (Slotnick & Segal, 1998) and 44-67% between 1994-2006 (Slotnick & Segal, 1998; Solberg & Waltenburg, 2015). However, while the proportion of salient cases covered has varied, these cases have grown as a share of total Supreme Court news stories. This overall upward trend suggests a shift toward increased focus on legally significant rulings by major outlets, though coverage gaps remain even for highly salient cases.

In addition to the cases' issues and legal importance, political significance may affect journalists' decisions about which cases to cover. The dominant approach in political science literature has been to assess political salience based on media indicators. Using front-page coverage in the *New York Times* as a proxy indicator, findings by both Epstein and Segal (2000) and Sill et al. (2013) further indicate that there is notable variance between the years, ranging from a low of 7% in 1950 to a high of 33% in 2000. Collins and Cooper (2011, 2015) instead propose a broader measure based on four newspapers and coverage anywhere in the paper. They find coverage declined over time from 98% of cases between 1954 and 1968 to 65% in 2004. Importantly, Collins and Cooper (2011, p. 6) highlight the discrepancies between the *New York Times* front page and cases covered anywhere in one of the four newspapers:

For example, we find that 1,494 out of 1,876 cases (80 percent) were not covered on the front page of the *New York Times*. Out of these cases that would be deemed "not salient" by the Times measure, over 1,000 were covered somewhere in at least one paper. Over 18 percent (270) of the cases deemed not salient by the *New York Times* measure actually appeared on the front page of at least one other paper, with 71 cases appearing on the front page of at least two papers, but not the *Times*.

Overall, Collins and Cooper's (2011, 2015) findings underscore the significance of expanding sampling criteria to include coverage from multiple news sources and taking into account temporal changes in coverage patterns if the goal is to obtain a comprehensive understanding of how Supreme Court cases are portrayed in the media. This will provide a more nuanced and inclusive analysis of the Court's media coverage, contributing to a richer view of the relationship between the news media and the Supreme Court.

Most of the studies referenced so far have been limited to the decision stage alone, implying that the Supreme Court only makes the news when it hands down decisions or that stages other than the decision are less relevant because they do not represent the final verdict. However, from a public understanding perspective, all stages of the Supreme Court's processes offer opportunities to learn about the Court. Oral arguments, in particular, can provide valuable insights into the justices' thinking and the issues at stake in a case. Similarly, Supreme Court cases are newsworthy even before the Court issues a decision because, as Strother (2017, p. 574) argues, cases before the Court "are soon to be decided, and the forthcoming decision may be politically or legally important." Indeed, Clark et al. (2015) discovered that newspapers tend to cover cases more extensively before the Court announces its decision, accounting for 55% of the coverage, compared to 45% post-decision. Building on this, Strother (2017) notes that the share of cases being covered is higher before the decision announcement as well, with 51% of cases receiving coverage pre-decision and 42% after. Similarly, Vining and Marcin (2014) demonstrate that by considering cert and oral argument reports alongside decision coverage, their analysis encompassed 29-48% more news stories, depending on the type of media (television, print, or online news).

Importantly, these findings highlight the significance of including stages other than the decision in the analysis. Based on these studies, it seems imperative for researchers interested in studying news coverage of the Supreme Court to extend their analysis beyond the decision

stage. Such analyses could provide a more comprehensive view of reporting on the Court. Conversely, studies that assess the quantity or quality of news coverage but exclude pre-decision reporting risk compromising the validity of their findings simply due to the potentially substantial amount of coverage that would be excluded from the analysis.

In summary, research shows Supreme Court news coverage is minimal and skewed toward certain issues and salient cases, presenting a distorted view of the Court's work (Greenhouse, 1996; Pyle, 2022b). However, existing studies overlook non-salient cases, pre-decision stages, and the role of television news as the primary news source for most Americans (Pew Research Center, 2012; Pollard & Kavanagh, 2019; Shearer, 2018). Examining television news, and particularly differences between network and cable news, could provide valuable insights. Compared to network news, cable may offer more extensive coverage due to extended airtime, audience-driven revenue, and branding as political news channels (J. P. Jones, 2012; Peck, 2019; Pew Research Center, 2014b).

Who Covers Supreme Court Cases and How Much Time or Space Is Allocated to Covering Them?

In the previous section, I examined the volume of Supreme Court news coverage, focusing on the types of cases that receive the most attention and the overall amount of coverage they receive. These aspects have been shown to significantly influence public awareness and the perceived importance of Supreme Court cases (Franklin & Kosaki, 1995; Hitt et al., 2018; McCombs, 2004). Given that the public primarily relies on the news to learn about the Court, the quantity and scope of news coverage are essential in providing opportunities to engage with the diverse range of cases and issues before the Court. However, for individuals to develop a well-informed understanding of the Court, the news media also needs to provide reliable and useful information (Moscrop, 2019; Van Aelst et al., 2017; Williams & Carpini, 2011).

The informational value of Supreme Court news coverage depends on several factors, including the format, sourcing, and time allocation of news stories (Davis, 1994; Goldstein, 2007; LaRowe, 2010; Luberda, 2014; Michaelsen, 2014; Newland, 1964; Slotnick & Segal, 1998; Snoeijer et al., 2002; Zilis, 2015). These aspects can directly impact the comprehensiveness and accuracy of the information presented (Davis, 1994; Katsh, 1983; Savage, 2014; O'Brien qtd. in Slotnick, 1991, p. 140; Slotnick & Segal, 1998). However, decisions regarding these structural elements of news coverage are not solely driven by the inherent importance of Supreme Court cases. As reporters and editors navigate the challenges of covering the Court and balancing the public's information needs with the commercial interests of news organizations, they may also consider external factors, such as the day's news cycle, available space or time, and audience interest.

Consequently, even a highly relevant case may receive limited space or airtime, allowing only for a brief summary, when other stories deemed more "newsworthy" take precedence (Slotnick & Segal, 1998). On television, these segments are often led by the anchor and only cover the basic facts, but they do not provide much detail or discussion about what the Court did (Cushion, 2015; Davis, 1994; Katsh, 1983; Slotnick & Segal, 1998). As a result, such reports can lack critical information about key legal issues or Court rulings, leaving the public with an incomplete understanding. When time is less restricted, however, news reports can involve "one or more correspondents" (Slotnick & Segal, 1998, p. 180) in addition to the anchor and present a more detailed discussion of the Court's actions than news reports by the anchor alone (Katsh, 1983; Slotnick & Segal, 1998). Until the 1990s, around half of the coverage was led by the networks' legal affairs correspondents (Katsh, 1983; Slotnick & Segal, 1998). Since then, such reports have become less common and increasingly replaced by short anchor reports (Slotnick & Segal, 1998).

Reports by legal affairs correspondents are highly valuable due to their intimate knowledge of the Court and the law (Davis, 1994; Savage, 2014). However, the largely homogeneous composition of the legacy legal press corps, predominantly white, male, and former lawyers, has attracted criticism in recent years (Hamam et al., 2021; Lithwick, 2023; Litman et al., 2021; *The [F]Law Magazine's "What' Is Wrong with Legal Journalism?", 2023*; Willis, 2021). This lack of diversity among those covering the Court could have significant implications for how the Court is portrayed and the information that the public encounters in news reports.

Vox's Ian Millhiser (Pyle, 2022b) points out that "law school trains lawyers to think of Supreme Court decisions as authoritative rulings on what the law is, rather than as political decisions by powerful presidential appointees." Consequently, when those covering the Court see the institution as an apolitical oracle, their coverage may lack critical questioning of the Court's actions. This has been apparent in recent years, as investigative reporters, rather than the Supreme Court press corps, have been responsible for uncovering numerous stories that subject the Court to strict scrutiny. These stories include the leaked draft opinion in the case that overturned *Roe* (*Dobbs v. Jackson Women's Health Organization*, 2022; Gerstein & Ward, 2022; Gerstein, as a legal affairs reporter, is the exception in this list), the internal investigation of the Court into the leak (Kantor, 2023), Justice Alito's alleged leak of the *Hobby Lobby* result (*Burwell v. Hobby Lobby*, 2014; Kantor & Becker, 2022), as well as several ethics issues involving Justices Clarence Thomas (Kaplan et al., 2023a, 2023b, 2023c; Murphy & Mierjeski, 2023) and Samuel Alito (Elliot et al., 2023).

Furthermore, the uniform demographics of the Supreme Court press corps may affect not only the stories pursued but also the perspectives presented. As expressed by Jay Willis from *Balls and Strikes* (2021), "When the worst things the Court does won't materially affect the lives or livelihoods of the highest-profile people writing about it, the true extent of the

harm caused simply isn't a priority for the column's final edit." Consistent with this view, prior research indicates that the race, gender, and sexual orientation of editors and reporters can influence the frequency and narrative of coverage on specific issues (Correa & Harp, 2011; Craft & Wanta, 2004; Robinson & Culver, 2019), determine whose voices are amplified (Fink & Palmer, 2020; Zeldes et al., 2007), and even shape how audiences perceive and engage with the news (Sui et al., 2022).

Besides a channel's reporters, external sources—such as legal experts, interest groups, political figures, and pundits, or members of the public—may be featured in news reports as well as interview or debate segments (cf. Davis, 1994, p. 86). As Supreme Court justices are not available for comment (Davis, 2017; Greenhouse, 1996; Lithwick, 2014), journalists might draw on legal experts and law professors, who can add “immeasurably to an understanding of the Court's work” (Savage, 2014, p. 176) through sharing their comprehensive knowledge of the Court and the legal system. However, Litman et al. (2021, pp. 60–61) point out that similar to the legacy Supreme Court press corps, those most often cited in Supreme Court news coverage are law professors who are white men. As an example, the authors refer to Adam Liptak, who covers the Court for the *New York Times*. In his coverage of the 2019 term, Liptak cited experts 119 times, of which merely 33 (27.73%) were references to women. Further, a notable proportion of the citations attributed to women were directed to just one individual (n = 7, 21.21%). Such heavy reliance on a single voice could limit the range of viewpoints presented in the coverage. In broader terms, these trends could limit the diversity of thought, perspectives, and experiences represented in media coverage of the Supreme Court, potentially skewing public understanding and discussion of Court-related issues.

While the homogeneity within the press corps presents its set of challenges, another critical dimension to consider is the media's pronounced reliance on law professors and legal

practitioners as sources and commentators, given the intricate relationship between legal education, practice, and the Court. Esteemed law professors and universities, particularly those from elite institutions, depend on their ability to place clerks within the Court as a measure of prestige and status (Hamam et al., 2021). Open criticism of the Court could jeopardize their ability to do so, and thus, they might be hesitant to express criticism. A similar situation applies to representatives of interest groups, who frequently offer quick, eloquent reactions to the Court's actions—meeting reporters' need for digestible commentary (Davis, 1994, p. 89). Jay Willis (Lithwick, 2022) from *Balls and Strikes* offers insight into how the media's inclination to prioritize these voices may affect Supreme Court coverage:

Two things that I've been thinking about recently that I see in Supreme Court coverage all the time is reporters considering their sourcing. I would love to see a shift away from these name-brand voices who get quoted in these articles whose credentials are fancy tenured law school professorships and Supreme Court clerkships. You're doing viewers, readers, listeners a disservice by asking *them* about the stakes instead of going to people who are more directly impacted.

You see this all the time. Lawyers who argue before the justices regularly getting quoted in news articles about how well they think the justices are doing their jobs, how good of a job they're doing at setting aside politics, and how nothing needs to change. This is roughly analogous to asking my dog to write a Yelp review of the peanut butter jar. You're never going to get honest criticism from a law professor or a law firm partner whose livelihood depends in part on fostering healthy relationships with the Supreme Court.

Compounding these concerns, cable television news programs frequently invite political pundits to participate in debate segments (McDermott, 2010; Pew Research Center,

2013b). These segments, coupled with different economic incentives, might also explain the tendency of cable news towards “less technical, less precise, and less structured” (Zilis, 2015, p. 98) and more sensationalist news coverage than newspaper or network news (Johnston & Bartels, 2010, p. 276; Zilis, 2015, pp. 104–105). Pundits, albeit offering unique perspectives to viewers, are typically known for their speculative and opinionated claims (cf. Letukas, 2014, pp. 2–6). As a result, the information provided by them, and presented in debate segments more generally, is not always reliable and is seldom contextualized (Farhi, 2018; Pekary, 2021). This lack of reliability and contextual depth has garnered criticism from scholars and journalists who have questioned the value such contributions add to public understanding (Frost & Phillips, 2011; Hamam et al., 2021; Litman et al., 2021; Mejia et al., 2021; Shamshiri, 2021; Willis, 2021). Nevertheless, news organizations may be incentivized to include pundits because they can capture and retain audiences through their strong and simple rhetoric and by bringing a sense of familiarity to news programs (Hamilton, 2004, pp. 217–218; Zilis, 2015).

The selection of sources and the amount of time or space they receive in news coverage, irrespective of the news medium, depends in part on the importance news organizations attribute to the Court and the anticipated audience interest in its coverage. These factors are taken into account when news producers and editors determine the amount of time and space allocated to the Court’s coverage. These considerations, in turn, directly impact the potential knowledge that audiences can glean from the coverage. According to Lyle Denniston (qtd. in Strickler, 2014, p. 86), who covered the Court for 58 years, “it takes a little bit of space, a little bit of time, a little bit of language to tell what the Supreme Court’s doing when it’s deciding issues that are intensely complex.” This sentiment was echoed by the late Tim O’Brien (qtd. in Slotnick, 1991, p. 140), an ABC News correspondent for the Court, who underscored the rigorous time constraints of television news, saying, “(T)en seconds can

make a difference because when you are talking about that little time, everything you are saying is a critical point of the story.” These statements imply that longer news stories could be particularly beneficial to audiences, as they provide more room for nuanced discussions, thus fostering a richer understanding of the Court’s actions and decisions (Linos & Twist, 2016; Newland, 1964; Strickler, 2014).

Previous studies indicate a notable difference between print and broadcast media in terms of the space allocated to Supreme Court stories. Print media generally dedicates a significant portion of their content to these stories, with articles averaging between 900-1,250 words (Haider-Markel et al., 2006; Stoutenborough et al., 2006; Strickler, 2014). Given an average speaking rate of 135 words per 60 seconds (Edwards III & Howell, 2011, p. 258), this word count would roughly translate to an average length of 6m 40s to 9m 16s in spoken terms. In contrast, television news allocates substantially less time to cover the Court. For instance, a study by O’Callaghan and Dukes (1992) finds that less than half of the decision news coverage of the 1986 term (n = 33 of 85, 38.82%) was reported in long formats, defined by the authors as exceeding 110 seconds. This observation was further supported by Slotnick and Segal’s (1998) analysis of the network news stories about Court-related activities. Their findings reveal that during the 1989 term, merely a quarter of the stories (n = 68 of 245, 27.76%) extended beyond two minutes. Moreover, over half were a brief 30 seconds or less (n = 125 of 245, 51.02%). Interestingly, decision stories were usually the briefest, while reports on the oral argument stage never fell below 30 seconds and often surpassed the two-minute threshold. By 1994, a shift in coverage was evident. The total number of Court-related stories had significantly declined, falling to half of the 1989 figure. At the same time, however, the networks aired fewer short (n = 43 of 111, 38.74%) and more long stories (n = 40 of 111, 36.04%).

The studies reviewed in this section highlight the challenges that exist in providing comprehensive and reliable information about the Court due to factors such as time constraints, sourcing, and the preferences of news organizations. The demographic homogeneity of the legacy Supreme Court press corps and reliance on certain sources, such as law professors and interest groups, can limit critical engagement with the Court and the diversity of perspectives presented in news coverage. Furthermore, different media formats, such as television and print, allocate varying amounts of time and space to the Court, potentially affecting the depth and nuance of information provided to the public. These factors shape the public's understanding of the Court and its decisions, underscoring the importance of well-rounded and inclusive coverage.

However, the few studies that examine the format of Supreme Court coverage mostly focus on print and network news and only consider individual terms or a select few prominent cases, neglecting the substantial variation in coverage that exists across different news media, cases, and terms. As a result, our current understanding of these aspects is still minimal. For instance, the mounting economic pressures and accelerated pace of reporting in today's media environment may have influenced the length of news stories and the selection of sources and guests (Hallin, 1992; McManus, 1995). Cable news shows, in particular, offer extended durations and have introduced new formats, such as on-air debates, providing additional time for discussion (Pew Research Center, 2013a). However, these developments also raise important questions regarding the reliability and contextual depth of the information presented (Farhi, 2018; Pekary, 2021). Additionally, cable news channels may be incentivized to allocate more airtime to covering the Court as they cater to audiences that tend to be politically engaged (Arceneaux & Johnson, 2013; Hamilton, 2004; Prior, 2007). These aspects combined could indicate that cable news viewers may encounter information about Supreme Court cases through longer news stories and various formats compared to those who

primarily rely on network news. Nonetheless, the existing body of research does not offer a clear understanding of whether this disparity in coverage truly exists.

How Is Information about the Supreme Court Cases Presented in News

Coverage?

Similar to the volume and structure of news coverage described in the previous sections, the presentation of news information about the Supreme Court is also influenced by commercial incentives and institutional constraints. Journalists face the challenge of working within tight deadlines and navigating limitations of time and space, all while aiming to create stories that resonate with their audience and effectively convey information. Consequently, news coverage often simplifies stories about Supreme Court cases by constructing them around familiar narratives and personifying the Court. This, in turn, has implications for how news audiences perceive the Court.

In an effort to simplify Supreme Court cases and make stories about the Court more accessible to a broad audience, journalists and editors often employ narratives that are already familiar to their readers or viewers. As a result, news stories may present the Court's decision-making process as a political game, highlighting discussions surrounding winners and losers, analyzing the strategies employed by individual justices or groups of justices, and utilizing metaphors from sport or battle, such as "bombshell," "strike down," or "big victory" (Hitt & Searles, 2018; Litman et al., 2021, p. 65; Stern qtd. in Slotnick & Segal, 1998, p. 67). Hitt and Searles (2018) reveal that this framing approach has been common for network and cable news coverage alike and has steadily gained prominence over time. Significantly, their research findings indicate that this type of coverage has contributed to a decline in public agreement with and acceptance of Supreme Court decisions, potentially diminishing the perception that the Court operates based on guiding principles or in an apolitical manner.

Framing the Court in an apolitical, principled, or legalistic way portrays it as a neutral and impartial institution guided by principle in decision-making, unaffected by political ideologies or interests. Previous research has examined the impact of framing the Court's motives through legalistic or political/partisan lenses on public support and perceptions of fairness. These studies demonstrate that framing the Court's motives in a legalistic manner shaped public support for the decision in *Bush v. Gore*, which determined the outcome of the 2000 presidential election (Nicholson & Howard, 2003), and that framing Supreme Court procedures in such a way can influence perceptions of fairness (Baird & Gangl, 2006). Consequently, by shaping perceptions of procedural fairness, media coverage can contribute to differences in public support for the Court (Ramirez, 2008).

Which frames are chosen for Supreme Court news coverage depends on various factors, including case characteristics, reporters, and news outlets. For instance, the use of political language intensifies when the Court declares a law unconstitutional (Johnson & Socker, 2012) as well as when cases are covered by non-beat reporters and television news outlets compared to beat reporters and print sources (Spill & Oxley, 2003). In addition, news outlets with different target audiences may also emphasize distinct aspects of a case, amplify different voices, and frame cases in unique ways. For example, Clawson et al. (2003) compared news coverage of a 1995 affirmative action decision and found that Black newspapers focused on pro-affirmative action voices and the implications of the decision, which was framed as a dramatic setback. In contrast, mainstream media tended to frame affirmative action as reverse discrimination, featured both supporting and critical voices and discussed the content of the decision as well as the implications.

However, even when different media outlets use the same frame, they may construct it differently. In an analysis of coverage of *Brown v. Board of Education*, Fleming-Rife and Proffitt (2004) show that two Topeka newspapers, one white newspaper, and one Black

newspaper, both used a consequences frame to cover the case. However, while the white newspaper used this frame to reassure white readers that social order would be maintained and framed Black teachers and students as the losers of the desegregation effort, the Black newspaper presented the Court's decision as a major win, while also acknowledging potential negative consequences for Black teachers and colleges.

In addition to framing, decision characteristics, reporters, news formats, and news outlets may affect the tone of coverage. Unanimous decisions, reflecting high agreement among the justices, often receive uncontroversial coverage that mirrors the consensus among the justices (Johnson & Socker, 2012; Linos & Twist, 2016; Zilis, 2015, 2017). On the other hand, deeply divided opinions can lead to conflict-focused coverage with a range of competing perspectives, reflecting the conflict among the justices (Johnson & Socker, 2012; Linos & Twist, 2016; Zilis, 2015, 2017). In addition, the use of negative language in majority and dissenting opinions can also signal conflict and lead to increased news attention and negativity in subsequent news coverage (Bryan & Ringsmuth, 2016; Denison et al., 2020). While both print and network news coverage from the 1960s to the 1980s had a neutral tone (Larson, 1995), by the early 2000s, print media presented more negative coverage of the Court, with beat reporters exhibiting more negativity compared to non-beat reporters (LaRowe, 2010). Similarly, studies point to the prevalence of negativity in television reporting on the Court that at times exceeds newspaper levels (Colistra & Johnson, 2019; Zilis et al., 2017). Cable news coverage, in particular, stands out for its use of aggressive rhetoric, speculation, and sensationalism (Johnston & Bartels, 2010; Zilis, 2015). In an effort to attract audience attention, cable news content also uses content formats, such as on-air debates, that present information in vastly different ways than network television and print media. Indeed, these formats, coupled with the selection of guests, drive incivility in cable news coverage of Supreme Court cases.

The tone and valence of news coverage, whether positive or negative, can also influence public opinion on specific Court decisions. For example, negative media portrayals of *Lawrence v. Texas* (2003), which were partly driven by an extensive focus on the late Justice Scalia's dissent, contributed to a decline in public support for gay rights after the Court ruled to practically legalize same-sex sexual activity (Allen & Haider-Markel, 2006). Furthermore, one-sided positive coverage of *National Federation of Independent Business v. Sebelius* (2012) that presented the majority opinion's arguments in upholding the individual mandate of the Affordable Care Act along with predominantly supportive arguments from other actors, increased support for the Court's decision among the public compared to two-sided coverage that presented both supportive and critical views (Linos & Twist, 2016). Finally, sensational news coverage and aggressive rhetoric, which are common features of cable news, have been found to decrease support for specific Supreme Court decisions and the institution (Johnston & Bartels, 2010; Zilis, 2015).

The studies in this section explored the journalistic strategies employed to transform complex Supreme Court cases into compelling narratives that resonate with their audience. These studies reveal that news stories often revolve around familiar themes. For instance, journalists may choose to depict the decision-making process in either legalistic or politicized terms (Nicholson & Howard, 2003), or they might portray the Court's proceedings as a political contest (Hitt & Searles, 2018; Litman et al., 2021, p. 65; Stern qtd. in Slotnick & Segal, 1998, p. 67). Additionally, journalists highlight specific aspects and perspectives of the case but omit others (Allen & Haider-Markel, 2006; Clawson et al., 2003; Fleming-Rife & Proffitt, 2004; Linos & Twist, 2016). While journalists use similar practices, the framing and tone of individual news reports can vary based on several factors, including the type of news medium, the target audience, the reporter, the inclusion of commentators, and even signals from the Court itself (Bryan & Ringsmuth, 2016; Clawson et al., 2003; Colistra & Johnson,

2019; Denison et al., 2020; Fleming-Rife & Proffitt, 2004; Johnson & Socker, 2012; Johnston & Bartels, 2010; LaRowe, 2010; Larson, 1995; Linos & Twist, 2016; Spill & Oxley, 2003; Zilis, 2015, 2017).

These strategic choices help render Supreme Court news stories more digestible and engaging for a broader audience that may not have an in-depth understanding of legal nuances. For instance, politicized frames act as a bridge, connecting legal issues to broader societal or political concerns, thereby making legal processes feel more accessible. Similarly, the ‘game frame’ with its emphasis on drama and power dynamics can stimulate audience interest. However, since framing reduces the complexity of Supreme Court cases through a selective focus, it risks oversimplifying them or introducing biases. Certain legal arguments or implications could be overlooked, while other perspectives could be unduly emphasized. In other words, the very strategies that make these stories accessible may also risk distorting the nuanced realities of the legal processes they intend to convey. Therefore, these journalistic practices are not mere stylistic choices in reporting; rather, they carry substantial implications for how the public perceives and understands the Court and its decisions (Hitt & Searles, 2018; Johnston & Bartels, 2010; Linos & Twist, 2016; Zilis, 2015).

Our current understanding of how information related to Supreme Court cases is presented to news audiences largely derives from experimental studies investigating the relationship between media framing and public opinion. Additional insights come from qualitative studies examining real-world coverage of a select few prominent cases (see Hitt & Searles, 2018, for an extensive quantitative analysis). While these studies provide invaluable knowledge, they also present limitations in our understanding of Supreme Court news coverage.

Firstly, many experimental studies deal with hypothetical scenarios, which may not fully capture the dynamic and multifaceted nature of real-world news reporting (for

exceptions, see Hitt & Searles, 2018; Linos & Twist, 2016). Secondly, while beneficial in providing in-depth insights, qualitative analyses typically focus on a limited number of cases and may not represent the diversity and breadth of Supreme Court news coverage. Finally, while many of the existing studies examine the framing and tone of Supreme Court coverage, constructed through common narratives, metaphors, and rhetoric, most do not explore more subtle yet systematic language patterns, such as those conveying emotion. Previous studies suggest that emotion is commonly used in news coverage (Peters, 2011; Wahl-Jorgensen, 2013), including Supreme Court reporting (Denison et al., 2020; Zilis et al., 2017).

Interestingly, the justices themselves may strategically employ emotional appeals in their majority and dissenting opinions to court media attention (Bryan & Ringsmuth, 2016; Krewson, 2019). Moreover, emotion also plays a vital role for news audiences as it can promote attention and understanding (Bas & Grabe, 2015; MacKuen et al., 2011; Pantti, 2010) and also shape their attitudes (Forgette & Morris, 2006; Nabi, 2003). Based on these observations, a comprehensive, longitudinal, quantitative study exploring the role of emotion in Supreme Court news coverage could bridge existing gaps and offer a more nuanced understanding of Supreme Court news reporting.

Conclusion and Path Forward

Existing research on Supreme Court news coverage predominantly exhibits three key constraints: the studies rely heavily on print coverage of prominent cases, take a narrow qualitative approach focused on select terms or cases, and rarely go beyond the decision stage. These approaches, while insightful, tend to overlook coverage available in other media formats, during different stages of case proceedings, and mentions of Supreme Court cases in news stories about unrelated topics. Therefore, our understanding of the overall extent of Court coverage across media formats, time periods, and story contexts is limited. This restricts our knowledge of how frequently the public may encounter information about the

Court, the range of cases brought to their attention, and how coverage varies across distinct institutional periods and environments. Without a comprehensive assessment, we lack crucial insights into the breadth of Supreme Court news coverage and how it may shape public awareness and perceptions of the Court.

Building on and expanding prior studies, my dissertation offers a comprehensive examination of television news mentions of Supreme Court cases. Unlike much prior work, I cast a wide net, spanning high- and low-profile Supreme Court cases mentioned not only during the decision stage but throughout their lifecycle, as well as moving beyond just exclusive Supreme Court stories (see Chapter 3 for a detailed description of my research sample). This study covers 29 terms from 1990 to 2018, providing a longitudinal perspective, and considers both network and cable news outlets. Through this approach, I am able to discern differences among three dimensions in news coverage between time periods, channel types, and cable news programs.

First, I analyze the volume of Supreme Court mentions to understand the frequency with which news audiences may encounter Supreme Court information and the scope of cases covered. Second, I examine a set of structural features of the mentions as this can tell us where and how Supreme Court cases were mentioned and provide insight into the overall information value and depth of coverage. Third, I analyze the use of emotional appeals—identifying its frequency, the emotions invoked, and their contexts. While this area remains relatively underexplored, investigating these aspects advances our understanding of the strategies used to shape public information about Supreme Court cases.

By combining quantitative content analysis with qualitative assessments, I ensure a comprehensive view without sacrificing the depth and nuance that contextual evaluations offer. In sum, my dissertation fills a crucial gap by offering a multifaceted, in-depth

exploration into how Supreme Court cases are presented in television news, shedding light on potential influences on how the public understands the Court.

In the next chapter, Data and Methods, I will describe the research sample in detail, including the selection of television channel types, cable programs, the timeframe and periods for comparison, and specific Supreme Court cases. Furthermore, I will explain how I collected and prepared the data for analysis and provide an overview of the data analysis methods I employed in this study.

Chapter 3

Data and Methods

In the previous chapter, I examined existing research on Supreme Court news coverage, highlighting the ways in which routine journalistic practices, such as gatekeeping, editorial decisions, and framing, can shape the public's understanding and perception of the Court. The aim of my project is to understand how these practices manifest in three dimensions of news content—volume, format, and presentation—by providing a quantitative and qualitative empirical assessment of how Supreme Court news coverage has varied between different time periods, channel types, and cable news programs. The findings of this study can help determine the amount and type of attention television news dedicates to the Supreme Court and whether viewers are exposed to varying amounts and diversity of information about Supreme Court cases, structural features of news coverage, and rhetorical presentation of news based on their news preferences.

To achieve these goals, this chapter begins by introducing the research sample and explaining how and why it was selected. I then detail the data collection process, describing the sources of data used in the study, explaining how the data was collected, and discussing measures taken to ensure its validity and reliability. Next, I outline any steps taken to prepare the data for analysis, such as data cleaning. Finally, I provide a brief overview of the methods used to analyze the data.

Research Sample

Despite its status as the most popular news source in the United States (Media Insight Project, 2014; Pew Research Center, 2018a, 2020), television has received limited attention in previous research on Supreme Court news coverage (Hitt & Searles, 2018; Katsh, 1983; Slotnick & Segal, 1998). As a result, little is known about the primary source of information for Americans' knowledge, understanding, and perception of the Court. To address this gap, I

conducted an in-depth examination of transcripts from three television news programs from network and cable news channels—*World News Tonight* (ABC News), *Special Report* (Fox News), and *Hardball* (MSNBC)—to analyze the volume, format, and presentation of Supreme Court news content. My sample comprised news mentions of Supreme Court cases related to abortion, economic activity, the First Amendment, and sexual discrimination that were accepted, heard, and decided between the 1990 and 2018 terms. By including news content spanning three decades and originating from both cable and network news programs, I was able to capture variations within and between these channel types, providing a comprehensive view of television news coverage of the Court. In the following sections, I provide detailed explanations for each of these sampling decisions, including the rationale behind the selection of news programs, time periods, and Supreme Court cases.

News Channel Types and News Programs

Television news channels can be broadly classified into two types: network news and cable news channels. Network news channels belong to traditional broadcast television networks and aim to reach a broader audience that includes individuals with diverse political affiliations and interests (Pew Research Center, 2010). This wide viewership is essential for attracting advertisers, as these networks primarily rely on advertising revenue. In contrast, cable news channels specialize in tailoring their content to specific interests or demographics, appealing to a narrower audience base characterized by individuals with distinct political leanings (Iyengar & Hahn, 2009; Pew Research Center, 2010; Stroud, 2011) and higher levels of political engagement and interest (Arceneaux & Johnson, 2013; Prior, 2007). Additionally, cable news channels typically require a subscription for access, incorporating a revenue model that combines advertising and subscription fees to offer more specialized news content targeted directly at their specific audiences. Consequently, news programs from different channel types and various cable news channels represent distinct target audiences and employ

different programming strategies, which can lead to variations in the content they produce (Dunaway, 2015; Hamilton, 2004; Vining & Marcin, 2014). Given these distinct audience profiles, my analysis takes a comparative approach, contrasting news coverage from different network news and cable news programs, in order to present a comprehensive view of Supreme Court news content and its potential implications for the public's understanding and perception of the Court.

Table 3.1 provides an overview of the programs included in this study, including the news channel they aired on, the type of channel (network or cable), the timeslot, and the timeframe of the original release.

Regarding network news, I selected *ABC World News Tonight* over the other two network evening newscasts, *CBS Evening News* and *NBC Nightly News*. Between the Court's 1990-2018 terms, *World News Tonight* and *Nightly News* held the highest audience reach among network news programs, while *Evening News* had the lowest viewership (Pew Research Center, 2015, 2021). Given their broad viewership, both *World News Tonight* and *Nightly News* would provide valuable insights into Supreme Court news coverage that likely reached the general public during the chosen timeframe. However, I specifically selected *World News Tonight* over *Nightly News* to avoid potential content duplication due to the shared resources between NBC and MSNBC (Pew Research Center, 2016b), including the Supreme Court correspondent, and the inclusion of MSNBC in the sample.

Table 3.1

Research Sample: Selected News Programs

News program	News channel	News channel type	Timeslot (P.M.)	Original release
World News Tonight	ABC News	Network	6-6:30	1953-present
Special Report	Fox News	Cable	6-7	1998-present

Hardball	MSNBC	Cable	1999-2001: 5-6 2002-2005: 7-8 2006-2013: 5-6 7-8 2014-2020: 7-8	1999-2020
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For cable news, I selected programs from Fox News and MSNBC based on the channels' extensive reach and distinct ideological leanings that represent a broad spectrum of the viewing public. As the most-watched cable news channel in the United States, Fox News has a devoted conservative-leaning audience base and holds considerable influence in political discussions (Grossmann & Hopkins, 2016; Hoewe et al., 2020; Martin & Yurukoglu, 2017; Pew Research Center, 2012, 2014a). Conversely, MSNBC is known for its liberal perspective (ibid.), making it a valuable counterpart to Fox News for the purpose of comparative analysis. While other notable cable news channels, such as CNN, exist, they may not offer the same level of contrast as Fox News and MSNBC. Including these two channels allows for a comprehensive examination of Supreme Court news content crafted for and resonating with contrasting ideological viewpoints and aids in understanding the potential implications for individuals with distinct ideological orientations.

In selecting Fox News programming, I chose *Special Report* based on several factors that ensure relevance and comparability for the comparative analysis. First, the timeslot of *Special Report* aligns with *World News Tonight*, enabling a direct comparison of the content aired at the same time across different news channels. Second, *Special Report* consistently commands a significant viewer base. With its high ratings, it has been among the most-watched shows on cable news (*2004 Weekday Ranker*, n.d.; Flood, 2019; Kissell, 2014; Stark Dean, 2010). This widespread viewership indicates that a significant number of cable news viewers have likely been exposed to the program's Supreme Court coverage, making it a relevant focus for this study. Finally, although *Special Report* incorporates discussions and

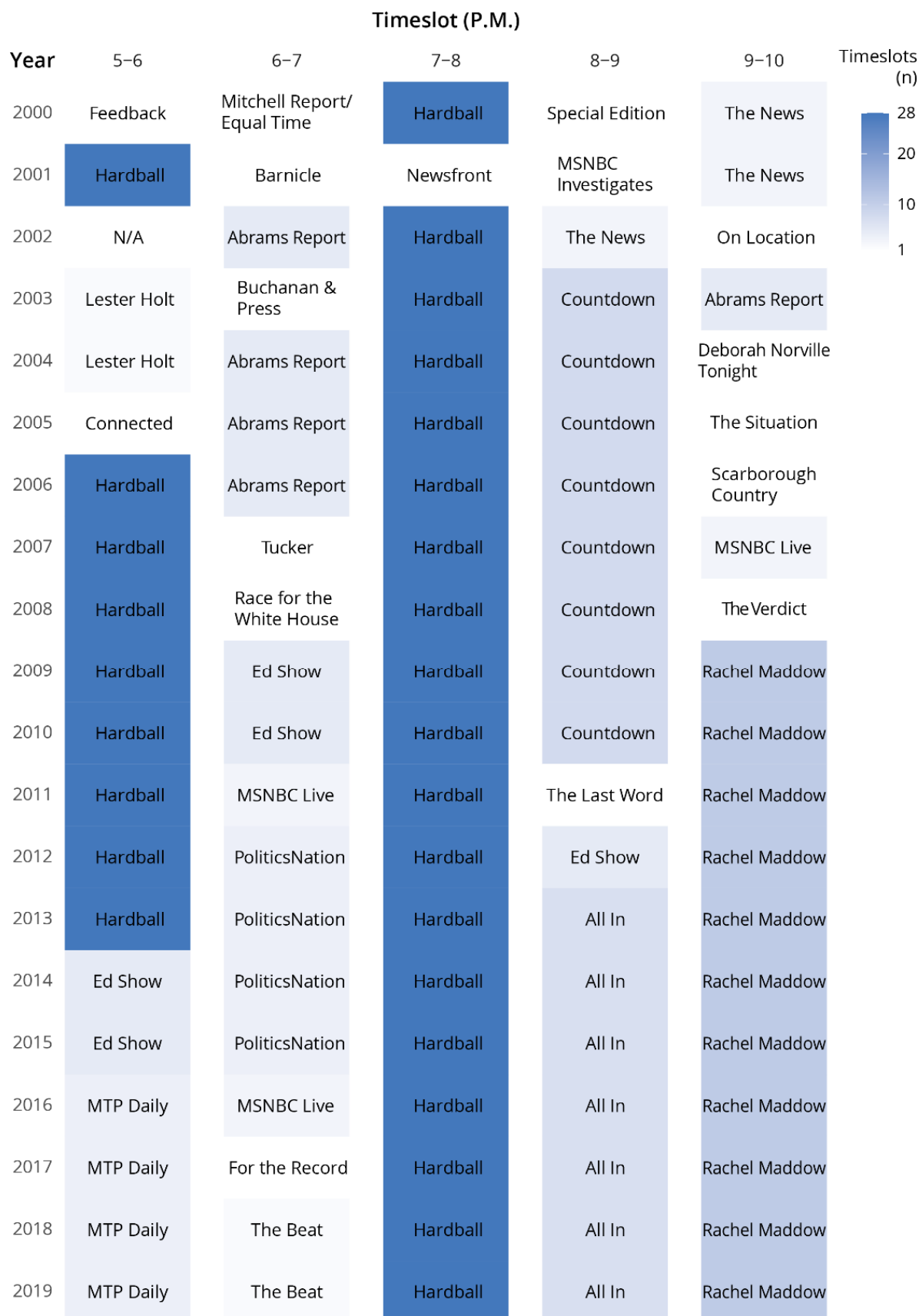
commentary, the program is not overly dependent on talk-based formats. This format aligns more closely with *World News Tonight*'s traditional network news format, enabling a more direct comparison of news content.

Considering the frequent changes in MSNBC's evening schedule over the last two decades and the relatively short lifespans of most news shows, I selected *Hardball* for its continuity to provide stability and relevance to my analysis. Figure 3.1 on the following page provides a visual representation of MSNBC's weekday evening schedule from 2000 to 2019, highlighting the substantial variability in news shows during this period (with lighter-colored cells indicating fewer timeslots filled by specific shows compared to darker-colored cells). Notably, only four of MSNBC's 31 news programs aired for more than five years. Out of these, *Hardball* stood out as the sole program that maintained a consistent presence throughout the entire 19-year timeframe of my analysis, filling a total of 28 timeslots. In comparison, *The Rachel Maddow Show* aired for 11 of the 20 years analyzed, followed by *Countdown with Keith Olbermann* (8 years) and *All In with Chris Hayes* (7 years).

Although *Hardball*'s format, characterized by a conversational tone and an emphasis on lively debate, differs from the more traditional formats of *World News Tonight* and *Special Report*, the choice to prioritize continuity presents two key advantages. Firstly, it eliminates potential variations that could arise from analyzing multiple shows with different anchors, formats, and editorial styles within the same channel. Secondly, the consistent presence of *Hardball* in MSNBC's lineup indicates its importance and relevance as a prominent news program within the network. Its longstanding position suggests that it has attracted and maintained a consistent viewership over the years. This makes *Hardball* a compelling choice for a comparative analysis of Supreme Court news content.

Figure 3.1

MSNBC Evening News Program, 2000-2019



Time Periods

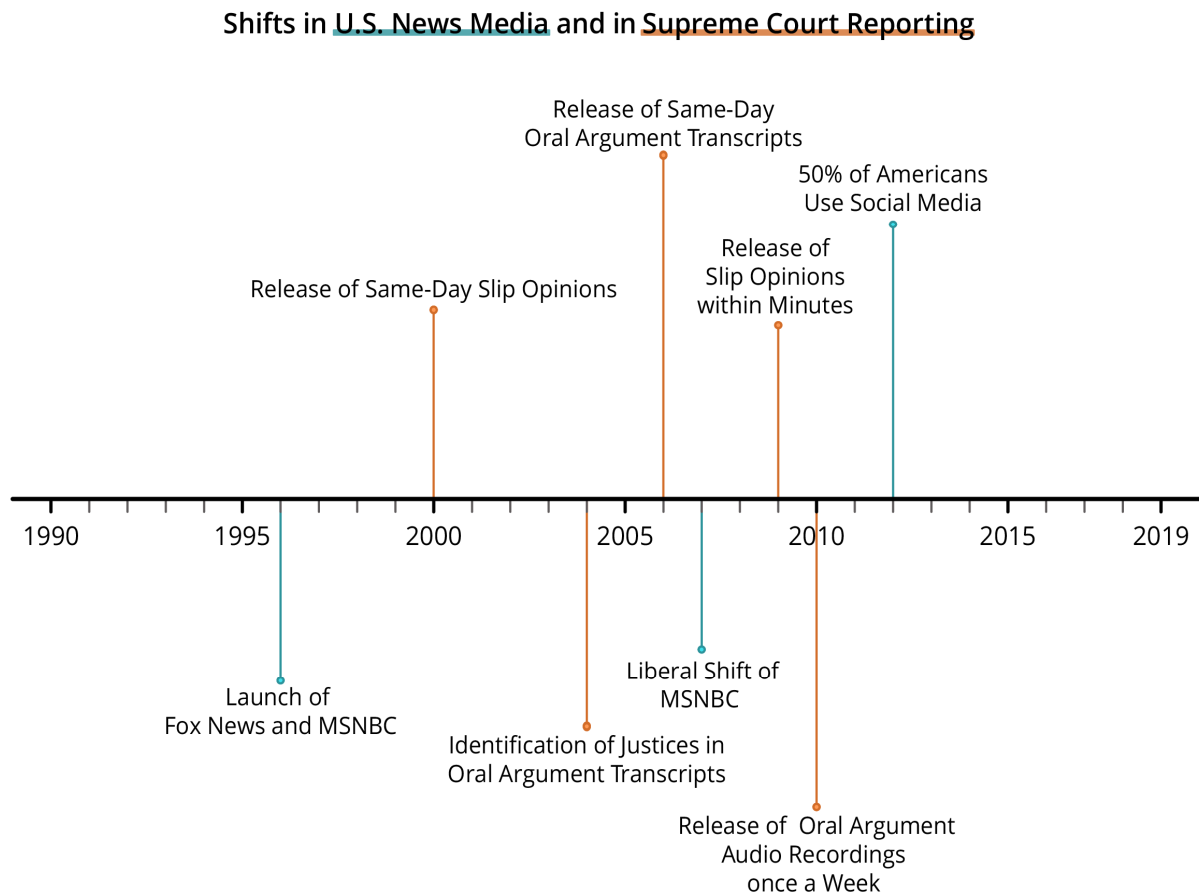
Taking a longitudinal perspective, my analysis spans nearly 30 terms, beginning with the Supreme Court's 1990 term on October 1, 1990, and concluding with the Court's 2018 term on September 30, 2019. This extended timeframe allows for a comparison of two distinct network news periods: pre-2000 (1990-1999) and post-2000 (2000-2018). Since the cable news channels included in my sample were only launched in 1996, the comparison of pre- and post-2000 coverage is limited to network news. This approach differs from previous research, which has primarily focused on individual Supreme Court cases or terms. Examining these broader network news periods, enables me to capture and compare the changes in network news coverage that accompanied the emergence and growth of new telecommunication technologies, such as cable television and the Internet, as these advancements have profoundly transformed the production, dissemination, and consumption of news (Klein, 2020; Nielsen et al., 2016; Picard, 2014; Prior, 2007).

Figure 3.2 on the next page provides a timeline highlighting these shifts in the news media ecosystem as a whole (depicted in blue) and the realm of Supreme Court reporting specifically (depicted in orange). While cable news channels were launched before the year 2000—CNN in 1980 and Fox News and MSNBC in 1996—viewership significantly increased in the following years (Pew Research Center, 2004). Additionally, internet and social media usage among Americans started to increase around the same time, surpassing the 50 percent threshold in 2000 and 2012, respectively (Perrin & Duggan, 2015; *Social Media Fact Sheet*, 2021). As a result of cable television and internet usage gaining popularity, access to and choice of information became abundant, and competition for audience attention dramatically increased. Given that previous research found that news content is shaped by financial and audience forces (Dunaway, 2013; Hamilton, 2004; Vining & Marcin, 2014), it seems worth exploring whether these changes in the news media system coincided with

changes in the volume, format, and presentation of network news coverage of Supreme Court cases.

Figure 3.2

Shifts in U.S. News Media and Supreme Court Reporting, 1990-2019



In addition to changes in the news media system, reporting on the Supreme Court changed in a number of important ways as well. Firstly, there was a notable decline in the number of cases accepted by the Court, resulting in fewer potential cases for reporters to cover over time (Spaeth et al., 2019). Specifically, the Court's docket decreased from 125 orally argued cases in the 1990 term to 87 in 2000 and further down to 71 in 2018. In other words, between 1990-1999, reporters had an average of 101 cases to cover per term but only 81 during the 2000-2018 terms. Secondly, the Supreme Court gradually increased the

availability of public information on the cases it handled. Prior to the 2000 term, only printed copies of the Court's opinions were distributed. However, since then, opinions have been published on the Court's website, with a progressively shorter delay following the announcement of the decision (Supreme Court of the United States, 2001, 2010a).

Additionally, access to oral argument transcripts became publicly available in 2006, and audio recordings were released at the end of each week starting in 2010 (Supreme Court of the United States, 2006a, 2006b, 2010b). These developments at the Court potentially reduced reporters' workload and increased their access to information and, consequently, may have impacted the frequency and manner in which Supreme Court cases are covered. Considering both the changes in the news media system and in reporting on the Court during the post-2000 period, the year 2000 becomes a suitable point of comparison to analyze overall patterns in network news coverage of the Court between the two periods.

Supreme Court Cases

My analyses of Supreme Court news content focus on mentions of specific cases, tracking them from acceptance by the Court until after their decisions. To ensure a comprehensive examination of different legal issues, I selected cases in four key issue areas: Abortion, economic activity, First Amendment, and sex discrimination (*The Supreme Court Database Codebook*, 2019). Abortion cases involve procedures that terminate pregnancies but also extend to contraceptive matters and are a subset of civil rights cases. Economic activity cases primarily involve commercial and business-related issues such as antitrust, patents, and copyright, while also encompassing environmental protection, government corruption, and the regulation of transportation and public utilities. First Amendment cases interpret the provisions of the First Amendment or utilize it to construe a precedent, reviewability of a claim, or impact the exercise of First Amendment freedoms (*The Supreme Court Database*

Codebook, 2019, p. 46). Lastly, sex discrimination cases focus on discrimination on the basis of sex, sexual orientation, and gender identity, representing a subset of civil rights cases.

The selection of these issue areas is based on previous studies that identified their varying proportions on both the Supreme Court's docket and the news media's agenda (see Table 3.2; Collins & Cooper, 2011; Davis, 1994; Katsh, 1983; O'Callaghan & Dukes, 1992; Slotnick & Segal, 1998; Solberg & Waltenburg, 2015; Spill & Oxley, 2003). These studies revealed that economic activity cases, despite being the most prominent group of cases on the Court's docket, receive limited coverage from the news media. Conversely, First Amendment cases, while constituting a smaller portion of the Court's caseload, receive a substantial amount of news reports. Finally, civil rights cases, including abortion and sex discrimination cases, comprise a significant proportion of both domains.

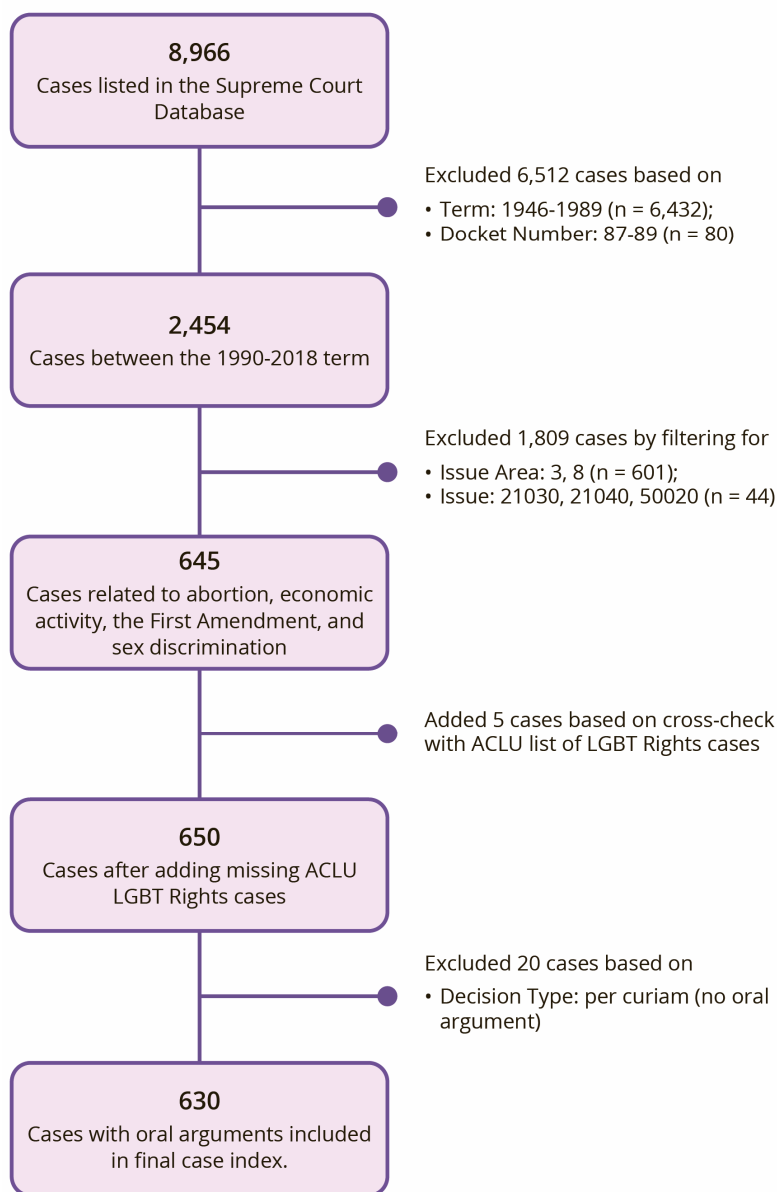
Given the relatively low news coverage of the Supreme Court (O'Callaghan & Dukes, 1992; Slotnick & Segal, 1998; Solberg & Waltenburg, 2015), the selection of these specific issue areas offers several advantages for analyzing television news coverage. Firstly, focusing on these issue areas increases the likelihood of finding an adequate number of transcripts to analyze. Since these issue areas have been identified as generating significant media attention in previous studies, it is more likely that there will be sufficient coverage and available transcripts for analysis. Furthermore, including a variety of issue areas allows for a more comprehensive perspective on how television news programs cover Supreme Court cases. By analyzing news coverage of cases related to abortion, economic activity, the First Amendment, and sex discrimination, my analysis can capture variations in news content across different legal topics. This approach provides insights into how television news programs prioritize coverage of diverse legal issues, contributing to a more nuanced understanding of their reporting practices.

Table 3.2*Comparison of Issue Areas on Supreme Court Docket and in News Coverage*

Issue area	Share of Supreme Court cases	Share of news media coverage
Civil Rights	High	High
Abortion	Low	N/A
Sex Discrimination	Low	N/A
Economic Activities	High	Low
First Amendment	Low	High

To identify specific Supreme Court cases relevant to the issue areas of interest, I used the Supreme Court Database (SCDB). The SCDB is a publicly available database encompassing every Supreme Court case from 1791 to 2018, along with over two hundred contextual pieces of information for each case, including key dates, broad issue areas, and specific issues. The selection process and variables used to build an index of cases, which would later be examined in news mentions, are presented in the flowchart depicted in Figure 3.3 on the following page.

Using the 2019 case-centered version of the database (Spaeth et al., 2019), which comprises 8,966 cases from the 1946-2018 term, I first filtered the spreadsheet to only include cases from the 1990-2018 terms ($n = 2,454$) and excluded cases from the 1990 term with docket numbers starting with 87-89. Subsequently, the list was narrowed down to cases related to the four issue areas ($n = 645$). Cases concerning the First Amendment and economic activity were identified through the "issue area" variable, whereas abortion and sex discrimination cases were identified through the "issue" variable, as the SCDB does not define abortion and sex discrimination as broad issue areas but rather as specific issues within the issue areas of privacy and civil rights, respectively.

Figure 3.3*Research Sample: Selection Process of Supreme Court Cases*

As previous studies have noted (Szmer et al., 2010; Ura, 2009), the SCDB issue "sex discrimination" does not extend to sexual orientation or gender identity, and, hence, relying on the SCDB coding alone to identify relevant cases would have excluded several important cases. To ensure a more comprehensive sample of sex discrimination cases, SCDB cases coded as "sex discrimination" were cross-checked with a list of cases tagged as "LGBT

Rights" by the American Civil Liberties Union (American Civil Liberties Union, 2020; Coles, 1995). Consequently, the following previously omitted cases were added (n = 650): *Romer v. Evans* (1996), *Lawrence v. Texas* (2003), *Hollingsworth v. Perry* (2013), *United States v. Windsor* (2013), and *Obergefell v. Hodges* (2015).

To further refine the case selection, I used the "decision type" variable to include only cases that had undergone oral arguments before the Court (n = 630). Oral arguments often attract significant media attention as they provide valuable insights into the Court's deliberations and allow for more in-depth coverage and analysis by news organizations. Hence, by including only cases with oral arguments, I control for potential differences in the volume and nature of Supreme Court news coverage that may arise when comparing cases that have followed different procedural pathways.

Ultimately, the final case index comprised 630 out of 2,209 Supreme Court cases accepted, heard, and decided by the Court between the 1990-2018 term. Among these, 13 cases pertained to abortion, 452 cases to economic activity, 135 cases to the First Amendment, and 30 cases to sex discrimination.

Data Collection

To explore variations in volume, format, and presentation of Supreme Court news content between different network news periods, channel types, and cable shows, I collected news transcripts from *World News Tonight* (ABC News), *Special Report* (Fox News), and *Hardball* (MSNBC) that included mentions of any of the 630 Supreme Court cases defined in the previous section, starting from the time they were accepted by the Court. The data collection process involved two main stages, which will be outlined in the following sections: (1) Development of a search query for database searches and (2) collection of the news transcripts.

Developing the Search Query

To improve the efficiency of data collection and ensure the identification of relevant news transcripts, I expanded the case index by incorporating additional information obtained from the SCDB entries. This included the date of the decision, the date of the oral argument, and the issue area. Furthermore, the index was supplemented with available case summaries sourced from Oyez (n = 550; *Oyez*, n.d.), a multimedia archive dedicated to the Supreme Court. This comprehensive index served as a valuable tool in creating the search query and streamlining the sampling process during data collection.

The data collection process involved querying two databases, Nexis Uni and Factiva, which offer the most comprehensive coverage of broadcast transcripts for my sample (Ryan & Simon, 2014), to ensure the inclusion of a wide range of transcripts. Following Stryker et al. (2006), I first queried the databases by using an open search term ("Supreme Court") that would return all possible relevant transcripts. A transcript was deemed relevant if it mentioned at least one of the 630 Supreme Court cases listed in the case index at any point after the Court agreed to review the case. These mentions could range from references as brief as a single sentence to full news stories and cite multiple cases. Since my analysis focuses on network news coverage from the 1990-2018 terms, I limited this first query to *World News Tonight* transcripts from October 1, 1990, to September 30, 2019, resulting in 3,694 transcripts in total, of which 1,885 were retrieved from Nexis Uni and 1,813 from Factiva.

Of these, I excluded a total of 3,339 transcripts: 899 transcripts with identical content retrieved from the same database, 658 transcripts dealing with cases relating to other issue areas, 432 transcripts unrelated to Supreme Court cases, 414 transcripts about present or future nominations to the Court, 257 weekend newscasts, 254 transcripts about potential future Supreme Court cases, 184 transcripts about state-level Supreme Courts, 100 transcripts dealing with cases that were decided before the 1990 term, 80 transcripts about the Court

denying to take a case, 59 transcripts about a Supreme Court in another country, and two transcripts about cases without oral argument. Consequently, 355 transcripts (251 unique) from the two queries were deemed relevant, 199 from Nexis Uni and 156 from Factiva. Given the manual review process, this approach required a substantial investment of time, but it ultimately allowed me to assess the revised search query's validity and effectiveness.

In order to refine the search process, I categorized the case summaries from the case index into four distinct corpora, each corresponding to an issue area. By using Voyant Tools, I analyzed the word frequencies within each corpus. The final search query was based on the 10 most frequently used words in each issue area, excluding general terms that lacked specific relevance to the cases (e.g., federal, violate, law). To augment the resulting word lists, I included collocates and additional terms that were not captured by the word frequency analysis but held relevance for certain cases. For instance, the search terms for transcripts referring to First Amendment cases comprised a range of terms, with the most frequently used words highlighted in bold: first **amendment**, freedom of **speech**, free **speech**, protected **speech**, commercial **speech**, government **speech**, political **speech**, **public** access, **public** channel, **public** school, **establishment clause**, **religious** freedom, **religious** beliefs, **free** exercise of **religion**, pornography, obscenity.

To evaluate the query's effectiveness, I employed the recall and precision measures as outlined by Stryker et al. (2006). Recall pertains to the query's ability to retrieve relevant transcripts and is calculated by dividing the number of relevant transcripts retrieved through the query by the total number of relevant transcripts in the database. Precision, on the other hand, focuses on the query's ability to filter out irrelevant transcripts and is calculated by dividing the number of relevant results by the total number of transcripts returned in the search. The primary objective in revising the search strategy was to maximize the retrieval of relevant transcripts while minimizing irrelevant search results, thus facilitating the subsequent

sampling process. Therefore, the goal was to achieve a combined recall rate of at least 90%, indicating that 90% of the relevant transcripts would be captured by querying both databases. No specific criteria were set for precision estimates.

The revised search strategy, presented below, attained a recall rate of 90% and successfully retrieved 226 out of 251 unique relevant transcripts, or 317 of 355 (89%) when considering individual relevant transcripts. Among these transcripts, 44 were exclusive to Factiva, 91 were exclusive to Nexis Uni, and 91 were retrieved from both databases. For comprehensive recall and precision figures, please refer to Table 3.3 on the following page.

Search Terms for Database Queries:

```
(the supreme court OR the us supreme court OR the u.s. supreme court OR the
united states supreme court) NEAR/200 (first amendment OR commercial speech
OR government speech OR freedom of speech OR free speech OR public access
OR public channel OR public school OR religious freedom OR religious
beliefs OR establishment clause OR free exercise of religion OR pornography
OR freedom of the press OR obscenity OR political speech OR same-sex OR
equal protection OR gender OR homosexual* OR gay OR sexual discrimination
OR sexual harassment OR sexually harassed OR on the basis of sex OR
abortion OR bankruptcy OR patent OR copyright OR tax OR taxes OR benefits
OR property OR infringement OR liability OR commerce OR fraud OR antitrust
OR damages OR ERISA OR Employee Retirement Income Security Act OR zoning OR
environmental protection OR arbitration OR transportation regulation OR
utilities regulation)
```


Table 3.3*Recall and Precision: Final Search Query*

Transcripts (n)	Not relevant	Relevant	Total
Nexis Uni			
Not retrieved	1140	17	1157
Retrieved	547 (+30)	182	729 (+30)
Total	1687	199	1886 (+30)
Factiva			
Not retrieved	1398	21	1419
Retrieved	254	135	389
Total	1652	156	1808

Collecting News Transcripts

With the query above, I collected news transcripts from all three news shows through Nexis Uni and Factiva. As I only analyze cable news coverage from the 2000-2018 terms, I set the timeframe from October 1, 2000, to September 31, 2019, when searching for *Hardball* and *Special Report* transcripts. These queries retrieved 674 transcripts from *Hardball* and 1,646 transcripts from *Special Report*. Of these, 145 and 301, respectively, referred to at least one of the 630 Supreme Court cases included in the case index. Included transcripts were recorded in the News Transcript Index datafile, along with the information listed in Table 3.4. The complete sample comprised 672 news transcripts: 226 from *World News Tonight*, 145 from *Hardball*, and 301 from *Special Report*.

Table 3.4*News Transcripts Sample Datafile: Included Information*

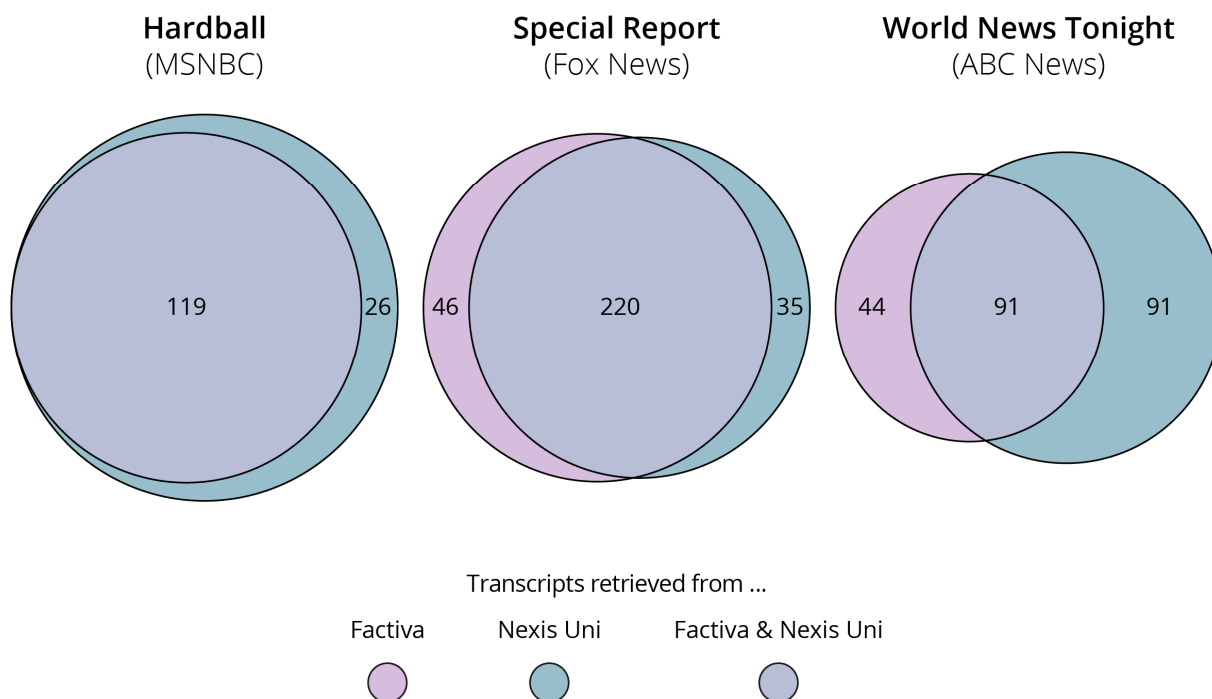
Column	Description	Values
Transcript ID	A unique identifier for each transcript.	Example: ABC031891
News program	News Program on which the transcript aired.	Hardball, Special Report, World News Tonight
Nexis Uni	Indicator if the transcript was available in the Nexis Uni database.	1 for Yes, 0 for No
Factiva	Indicator if the transcript was available in the Factiva database.	1 for Yes, 0 for No
Transcript date	The date when the transcript aired.	YYYY-MM-DD
Title original	The title of the transcript as stored in the database.	Example: Political Headlines
Case ID	Unique identifier for the cases discussed in the transcript.	SCDB Case ID (e.g., 2014070)
Case stage	The stage of the case at the time it was mentioned.	Pre-Decision, Decision, Post-Decision

Figure 3.4 visualizes the number of transcripts identified through Factiva or Nexis Uni alone and how many were captured through both databases, highlighting that the two databases vary in their coverage of news transcripts (cf. Ridout et al., 2012; Ryan & Simon, 2014). For instance, 91 *World News Tonight* transcripts were identified through Nexis Uni but not Factiva. Of these, 79 were published across seven years (1991-1996, 2000), for which no relevant transcripts were available through Factiva. Hence, using only Factiva to collect the transcripts would have resulted in large gaps in the sample, which could lead to false conclusions when analyzing news coverage. Likewise, relying on Nexis Uni alone would have resulted in a similar gap since 41 of the 44 *World News Tonight* transcripts captured only

through Factiva were published from 2007-2014—seven years for which Nexis Uni did not have any relevant records. Consequently, there is a clear benefit to using both databases.

Figure 3.4

Data Collection: News Transcripts Sample Size and Data Sources



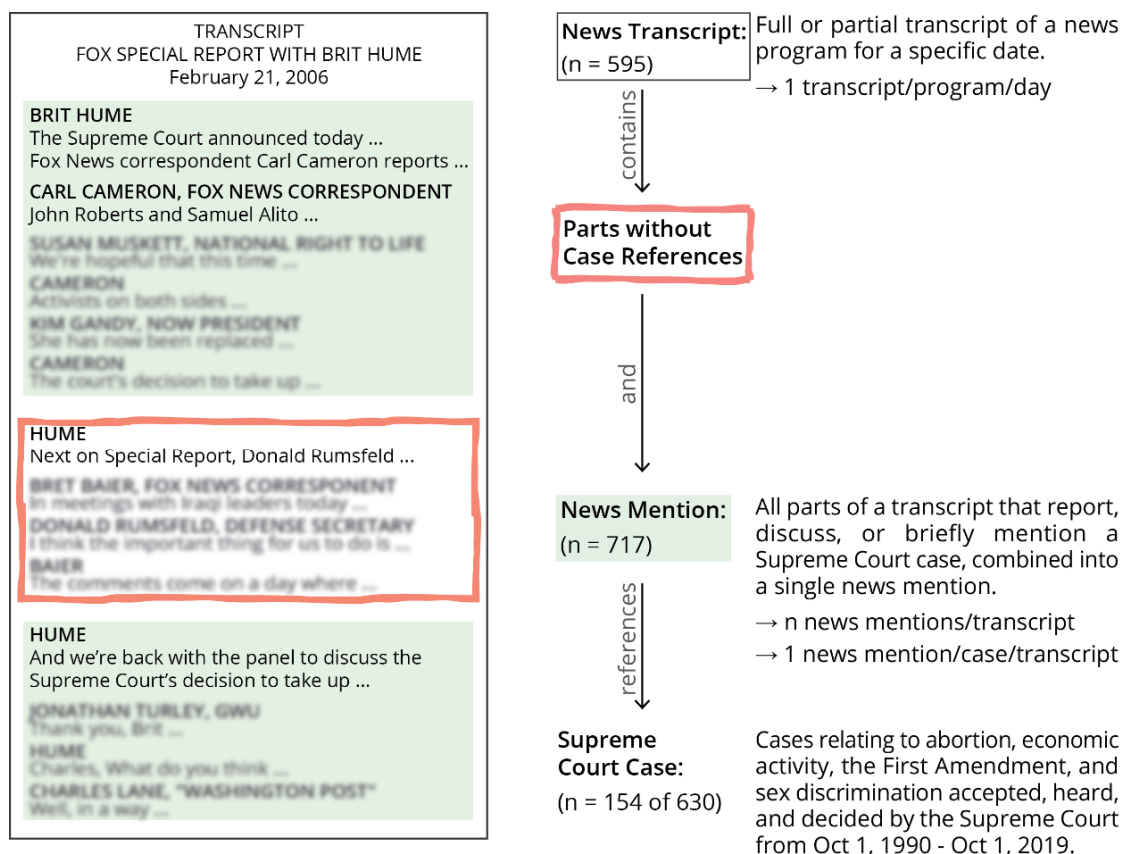
Data Preparation

To prepare data for analysis, I identified and extracted mentions of Supreme Court cases from the news transcripts by removing all parts of the transcript text that were not related to a specific Supreme Court case, marked as “Parts without Case References” in Figure 3.5, so that only relevant parts would be included in the news mention. As relevant, I considered transcript parts that dealt with a specific Supreme Court case, which extended from the recounting of case facts to other useful information for the viewer, such as providing contextual details, explaining the case’s implications, detailing its history, presenting arguments brought forward, or offering insights into the Court itself (cf. Greenhouse, 1996, p.

1545). To streamline this process, I merged transcripts from the same news program that aired on the same day, resulting in a total of 595 transcripts included in this project. Hereinafter, any reference to ‘transcripts’ pertains specifically to these merged documents.

Figure 3.5

Data Preparation: News Transcripts to News Mentions



In cases where the same case was discussed in multiple segments included in the same transcript (including merged transcripts), such as a correspondent report and a panel discussion, those sections were combined and treated as a single case mention.

If a transcript mentioned only one Supreme Court case, the trimmed transcript represented the news mention of that case for the analysis. This applied to 498 out of the 595 transcripts. However, for the remaining 97 transcripts that mentioned more than one case, the

multiple mentions (n = 219) were separated into individual case mentions to the best of my ability.

In some instances (n = 83), the case mentions were clearly separated from each other, as seen in the example below where the references to *Arizona Free Enterprise Club's Freedom Club PAC v. Bennett* (2011; blue highlight) and *Brown v. Entertainment Merchants Association* (2011; red highlight) can be easily distinguished from one another. Here, the blue and the red highlighted text were analyzed as separate mentions.

BRET BAIER: The Supreme Court today has struck down an Arizona law giving extra cash to publicly funded political candidates who face privately funded rivals. The majority in the 5-4 decision said the law violates the First Amendment. Justices upheld a lower court ruling striking down California's ban on the sale or rental of the violent video games to minors. ("Political Headlines," 2011)

In other cases, the case mentions were not as clearly separated. For example, when a case mention was embedded within another mention (n = 69), as shown in the example below where the Supreme Court's decision in *Gonzales v. Carhart* (2007; red highlight) is mentioned in a segment about the oral argument in *Federal Election Commission v. Wisconsin Right to Life, Inc.* (2007; blue highlight). To decide which parts of the transcript to include in which case mention, I found it useful to think of these instances as nested case mentions that could be divided into primary (n = 31) and secondary (n = 38) mentions. In the example below, the primary mention, *Federal Election Commission v. Wisconsin Right to Life, Inc.*, encompassed both the blue and red highlighted text since the secondary mention (red highlight) provided further context to this case and was thus relevant for the primary mention. On the other hand, only the red highlighted text was included in the secondary mention.

JONATHAN TURLEY: If the Supreme Court rules with the right to life group, it would be a major blow to campaign finance laws and would also be one of the clearest new directions of the so-called Roberts court.

STEVE CENTANNI: The new Roberts court already shaped the abortion debate by outlawing partial birth abortion last week.

We will find out later this year if the court will also change the face of campaign finance reform by outlawing one of its most controversial restrictions. At the Supreme Court, Steve Centanni, Fox News. (“Political Headlines,” 2007)

Additionally, there were instances ($n = 67$) where the same text was used to describe two or more Supreme Court cases. In such cases, the identical text was included in the news mentions of the individual cases. In the example below, the purple highlighted text was included in the news mentions of *Reno v. American Civil Liberties Union* (1997) and *City of Boerne v. Flores* (1997). The third case mentioned by Tim O’Brien, *Printz v. United States* (1997), was not included in the sample as it related to an issue area not included in the sample.

TIM O’BRIEN: It is, however, the third time in three days that the Supreme Court has found a major federal law unconstitutional. In matters of religious freedom, free speech in cyberspace and, today, gun control, the court has sent an unmistakable message to Capitol Hill. There are limits to what Congress can do. Tim O’Brien, ABC News, at the Supreme Court. (“Supreme Court Strikes down Provision of Brady Law,” 1997)

Each news mention was saved as an individual text (.txt) file, with corresponding information recorded in the News Mentions Sample datafile listed in Table 3.5 below. The final sample included 717 news mentions.

Table 3.5*News Mentions Sample Datafile: Included Information*

Column	Description	Values
Mention ID	Mention file name saved locally.	Example: 1991_110_C_ABC_031891
Transcript ID	See Table 3.4	
News program	See Table 3.4	
Channel type	Channel type on which the transcript aired.	Network news, cable news
Case ID	See Table 3.4	
Issue area	The issue area the case related to.	Abortion, economic activity, the First Amendment, sex discrimination
Case stage	See Table 3.4	
Multi-Mention	Indicates whether multiple cases were referenced in the transcript the mention originates from.	1 for yes, 0 for no.
Multi-Mention type	The type of multiple mentions, if applicable.	Example: NA, secondary, separate, identical

Data Analysis

To analyze the news mentions, I combine quantitative content analysis, qualitative assessments, and statistical methods. Through this, I am able to uncover variations in the news mentions between different channel types, time periods, and cable news programs, present qualitative examples and descriptions to illustrate how these differences materialize in news coverage, and identify significant differences between the news samples. The following sections provide an overview of the employed methods, with more detailed explanations presented in the respective analysis chapters.

Content Analysis

In the first analysis chapter, I use a quantitative content analysis approach to investigate the volume of television news mentions of Supreme Court cases. This involved determining the number of news mentions by issue area and case stage, examining the proportions of issue areas in the news coverage and Court's docket, and tracking the number of mentioned cases. This analysis helps to understand the level of attention dedicated by television news programs to Supreme Court cases and whether they prioritize specific issue areas or case stages. To determine the number of news mentions, I included all news mentions related to cases on abortion, economic activity, the First Amendment, and sex discrimination, which were accepted, heard, and decided between the 1990-2018 terms. I classified the news mentions coded into pre-decision, decision, and post-decision coverage categories based on the dates listed in the SCDB (Spaeth et al., 2019) and the Court's Journals (Supreme Court of the United States, n.d.). To examine the proportional attention to issue areas in news coverage and the Court's docket, as well as the number of referenced cases, I limited the sample to news mentions of cases within corresponding timeframes in order to ensure comparability to the Court's docket.

In the second analysis chapter, I examine the structural nature of the news mentions, taking into account the context they appeared in, the news segment formats included in them, and the time spent discussing them. The complete sample of news mentions was used for these analyses. I coded the news mentions for their context and the included segment formats following the codebook provided in Appendix A, which also includes results from the reliability coding. I categorized and coded the news mention context based on the main topic of the news segments in which the cases were mentioned. The coding included three categories: "same" when the case in the news mentions was the main topic of one or more segments, "related" when the segments dealt with a different case or Court-related topic, and

"different" when the main topic of the segments was unrelated to the Court. This provided valuable insights into how and why Supreme Court cases appeared within the news coverage. Additionally, I analyzed the news segment formats included in the news mentions to understand the styles and participants involved in discussing Supreme Court cases on television news. This analysis helps determine the informative value of the news mentions for viewers. Each news mention was coded by hand for the presence or absence of four formats: anchor-only segments, correspondent reports, news interviews, and debate segments. Finally, I examined the length of the news mentions to determine the amount of time dedicated by news programs to covering Supreme Court cases and whether they considered the Court a priority. I converted the word count of the news mentions to seconds for comparability with previous studies (Katsh, 1983; O'Callaghan & Dukes, 1992; Slotnick & Segal, 1998) and then categorized the news mentions as short, medium, or long.

In the final analysis chapter, I shift the focus to the presentation of the news mentions, specifically examining the use of emotional appeals. The analysis involved determining the proportion of news mentions that included emotional expressions, exploring the contexts in which these expressions were used, examining the distribution of positive and negative appeals, and identifying the most frequently appearing specific emotions. To conduct this analysis, I followed a combined quantitative and qualitative approach. First, I identified and quantified emotional appeals using Docuscope (Ishizaki & Kaufer, 2021), a dictionary-based text analysis tool that detects specific rhetorical patterns related to emotions. Next, I examined the aspects of the coverage to which the emotional expressions referred, such as case descriptions, case impact, statements from the justices, and reactions to Supreme Court decisions. Finally, I supplemented the quantitative results with textual examples to illustrate the use of emotional language in context. These analyses shed light on the prevalence and

type of emotional appeals in news mentions of Supreme Court cases and provide insights into how news programs create viewer experiences through emotional language.

Statistical Analysis

Throughout the three analysis chapters, I supplement the descriptive results with chi-square tests in order to uncover significant differences between the news samples. Chi-square tests are a type of statistical analysis that is commonly used to determine if there is a significant association between two categorical variables. In this context, I use chi-square tests to see if the distribution of categories in our news samples (such as news mention context or emotional appeals) is the same across different time periods, channel types, or cable programs or if there are significant differences.

For example, when comparing the number of Supreme Court news mentions and mentioned cases among different news samples, I apply chi-square goodness of fit tests. These tests can be used to determine if observed frequencies (e.g., the number of news mentions of abortion cases in network news and cable news) significantly deviate from expected frequencies based on a specified ratio (e.g., a 1:2 ratio). For all other analyses, I perform chi-square tests of homogeneity to compare the proportions of different categories (e.g., same, related, or different context; positive or negative emotional appeals) in the news coverage between the different news samples. These tests are used to evaluate whether the distribution of categories differs significantly among the news samples.

To interpret the results of a chi-square test, I start with a null hypothesis, which in this case would be that the counts or proportions are the same for two samples. If the chi-square test is statistically significant at $\alpha = .05$, it means that the data provide enough evidence to reject the null hypothesis and conclude that at least one category deviates from the expected ratio. This is indicative that the counts or the distribution of the respective category differed between the two samples.

By using these tests, we can gain deeper insights into the data, uncovering patterns and relationships that would not be apparent from a simple descriptive analysis. This allows for a more comprehensive understanding of how television news programs cover Supreme Court cases, revealing differences and commonalities in coverage across different programs and time periods.

The analysis is conducted using the R packages `janitor` (Firke, 2021), `rstatix` (Kassambara, 2021), and `tidyverse` (Wickham et al., 2019). The formal analysis is tracked with R Markdown and is openly available on GitHub/Harvard Dataverse (Matthias, 2023).

Chapter 4

News Volume: Quantity and Scope of Television News Mentions of Supreme Court Cases

As institutional gatekeepers, news organizations make editorial decisions about how frequently to cover the Supreme Court, which cases to report on, and at what stage in the legal process. These choices have important implications for public understanding and knowledge of the Court (Franklin, 2019; Franklin & Kosaki, 1995; Hitt et al., 2018; Hoekstra, 2003). In selectively amplifying certain cases over others, news coverage can present a distorted picture of the scope of the Court's work, the relative significance of cases, and the overall importance of the Court as an American institution.

My analysis examines how these selection processes manifest in news content through a quantitative content analysis of the volume and scope of Supreme Court case mentions. Specifically, I compare coverage from two network news periods, network and cable news, and two cable news programs based on the number of mentions by issue area and case stage, the proportional distribution of issue areas, and the number of cases referenced to discern differences between them. Comparing these patterns sheds light on how news organizations' gatekeeping role affects opportunities for public awareness of the judicial branch.

The chapter is structured into four primary sections. The first section presents a detailed methodology of how I approached analyzing the news mentions. The subsequent two sections present the analysis results comparing (1) news channel types and time periods and (2) cable news programs. The final section summarizes and discusses the findings of this chapter.

Analyzing the Quantity and Scope of Television News Mentions of Supreme Court Cases

To compare the quantity and scope of Supreme Court news mentions by time period, news channel type, and cable news program, I conducted a quantitative content analysis of the news mentions to determine the number of news mentions per issue area and case stage, the proportions of the four issue areas in news coverage and compared to the Court's docket, and the number of cases referenced in the news mentions. I performed chi-square goodness of fit tests and chi-square tests of homogeneity to test for significant differences. The analytical and statistical methods are described in detail below.

Quantity of Supreme Court News Mentions

I begin by examining the quantity of news mentions as this can tell us how much coverage news programs dedicated to Supreme Court cases and whether they prioritize certain issue areas or case stages over others. As a result, my analysis can indicate if news programs view the Court as a priority and if viewers were presented with a comprehensive mix of news mentions reflective of the diverse scope of the Court's work.

The quantitative assessment is based on the number of news mentions for each issue area and case stage. The first step of the analysis was to manually code the news mentions according to these categories. As explained in Chapter 3, I used the issue area classification of the Supreme Court Database for the coding (Spaeth et al., 2019). For the initial coding of the case stage, which is listed in all datafiles, I used six categories: cert, post-cert, argument, post-argument, decision, and post-decision. To code the case stages, I relied on the decision and oral argument data listed in the Supreme Court Database. If news transcripts mentioned a case before the oral argument date, I checked the Court's Journals to find out the date the Court agreed to review the case (Supreme Court of the United States, n.d.). However, this level of detail was too much for the small amount of coverage dedicated to the Court by the three

news programs included in this project. In order to receive meaningful results, I grouped the four stages preceding the decision under the umbrella category “pre-decision” for the analysis. The final coding is based on the following three categories: (1) pre-decision coverage, which includes news mentions from the day the Court accepted to hear the case up to the decision announcement; (2) decision coverage, defined as news mentions reporting the Supreme Court’s decision on the same day as the decision was handed down; (3) post-decision coverage, which refers to news mentions that occurred at any time after the day of the decision announcement until the end of my study’s timeframe, September 30, 2019.

This approach is a departure from much of the previous research in two important ways. First, by extending my sample to include news coverage from both before and after the decision announcement, I ensure a sample as comprehensive as possible considering the substantial amount of coverage afforded to Supreme Court cases outside of the decision stage (Clark et al., 2015; Strother, 2017; Vining & Marcin, 2014). Second, previous studies that examine coverage after a case has been decided usually only track news reports for up to a year after the decision announcement, yet the true impact of Supreme Court cases often only becomes known through application in lower courts—several years after the decision. Although anecdotes suggest that follow-up stories are rare (Shaw, 1981, p. 19; Tabor, 2016), it appears worthwhile to extend the timeframe for ongoing post-decision news coverage since these news stories could provide viewers an opportunity to learn about the impact of the Supreme Court’s work and to see whether the “forecasts of doom and disruption” (Shaw, 1981, p. 19) that are often included in decision news coverage turned out to be true.

Scope of Supreme Court News Mentions

To analyze the scope of Supreme Court news mentions, I examine the proportional distribution of the four issue areas in the news coverage and on the Court’s docket and the number of Supreme Court cases referenced in the news mentions. This can tell us whether

certain issues were selectively amplified in news coverage of different time periods, channel types, and cable programs and whether this resulted in a view of the Court's workload that is distinct from the Court's docket. In addition, the scope of the news mentions can indicate whether viewers of different television news programs may have been presented with a distinct view of the Court's workload.

To ensure comparability to the Court's docket, these two analyses are limited to news mentions of cases from within the corresponding timeframe. Specifically, I limited network and cable news mentions from the 2000-2018 terms to those referring to Supreme Court cases from the same terms.

Statistical Analysis

Throughout this chapter, I supplement the descriptive analysis described in the previous sections with chi-square tests to identify statistically significant differences among news mentions of different channel types and time periods (pre-2000 network news, post-2000 network, and cable news) and cable programs (*Hardball*, *Special Report*) in relation to the number of news mentions of cases relating to different issue areas or at different stages, the proportional attention to the four issue areas in the news coverage and on the Court's docket, and the number of Supreme Court cases referenced in the news mentions. These tests offer statistical validation for the descriptive findings derived from my content analysis, verifying whether the variations in the number of news mentions, proportions of issue areas, and the count of referenced cases across different time periods, types of channels, and cable programs are statistically significant or merely coincidental.

To compare the number of news mentions and the number of cases referenced in them, I performed chi-square goodness of fit tests. The chi-square goodness of fit test compares the observed counts of Supreme Court news mentions of each news sample to the counts expected if there was no difference between the two. For the comparison of the two network

news periods as well as network and cable news, I based the expected counts on a 1:2 ratio to account for the unbalanced sample design. To explain, the comparison of pre- and post-2000 network news examines news coverage from a nine- and eighteen-year period, respectively. Similarly, the comparison of post-2000 network and cable news is based on news coverage of one and two channels, respectively. The 1:2 ratio takes these imbalances into account. To compare the two cable programs, I based the expected counts on a 1:1 ratio since the sample was balanced. For the number of cases covered, ratios reflect the differences in the number of cases decided by the Court during the two periods.

If the null hypothesis is true, the observed and expected frequencies will be roughly equal, and the two news samples under comparison will mention Supreme Court cases equally often. I reject the null hypothesis if the chi-square test is statistically significant at $\alpha = .05$ and conclude that at least one news sample deviates from the expected ratio, indicating differences in the number of Supreme Court case mentions or cases mentioned between the two news samples.

To compare the proportions of different issue areas in the news coverage and on the Court's docket, I applied chi-square tests of homogeneity. The chi-square test of homogeneity compares the distribution of a single categorical variable, like the issue area if the cases referenced in the news mentions, for two or more groups, such as pre- and post-2000 network news. For instance, was the distribution of the four issue areas different for news mentions from the two network news periods?

Based on this example, the chi-square test of homogeneity compares the observed counts for each network news period for each issue area to the expected counts if the distributions were the same. If the null hypothesis is true, the observed and expected frequencies will be roughly equal, and the four issue area proportions will be the same for both network news periods. I reject the null hypothesis if the chi-square test is statistically

significant at $\alpha = .05$ and conclude that at least one category deviates from the expected ratio, indicating the distribution of issue areas differed between news mentions from the two network news periods.

Calculations were performed using the R packages *janitor* (Firke, 2021), *rstatix* (Kassambara, 2021), and *tidyverse* (Wickham et al., 2019). The complete statistical results, including robustness checks, are available on GitHub/Harvard Dataverse (Matthias, 2023).

After providing a detailed account of the methodology used to examine the quantity and scope of news mentions of Supreme Court cases, the subsequent sections will showcase the results of the analysis. These sections will underscore the variations in news volume across a range of channel types, time periods, and specific cable news programs.

News Channel Types and Time Periods

In this section, I compare Supreme Court coverage between two periods of network news (1990-1999 and 2000-2018) and two channel types, cable and network news (2000-2018), to identify differences in the amount and scope of the attention they dedicate to the Court.

Facing heightened economic pressures and competition for viewership in the post-2000 period, network news likely prioritized topics with broader audience appeal and less resource-intensive production (Patterson, 2000). As a result, I expect a decline in overall attention to the Court, with reduced focus on cases relating to economic activities, compared to both pre-2000 network news and cable news. Further, I anticipate greater volume and scope of cable coverage given distinct institutional factors that potentially enable more frequent discussions of the Court, such as audience-driven revenue sources, branding as political news channels, and targeting niche audiences (Bae, 2000; J. P. Jones, 2012; Pew Research Center, 2014b).

Comparing coverage across distinct news eras and channel types sheds light on how opportunities for public understanding of the judicial branch evolve alongside changes in the institutional media environment and illuminates how institutional incentives and distinct news selection priorities shape the prominence of Supreme Court cases in television news coverage.

Quantity of Coverage

I first examine how often Supreme Court cases were mentioned by pre-2000 network news and post-2000 network and cable news. This can tell us whether network news attention to Supreme Court cases has changed since the launch of cable news and whether it has since then differed from cable news. Consequently, the results can indicate how often viewers are exposed to information about Supreme Court cases and whether this depends on their news preferences.

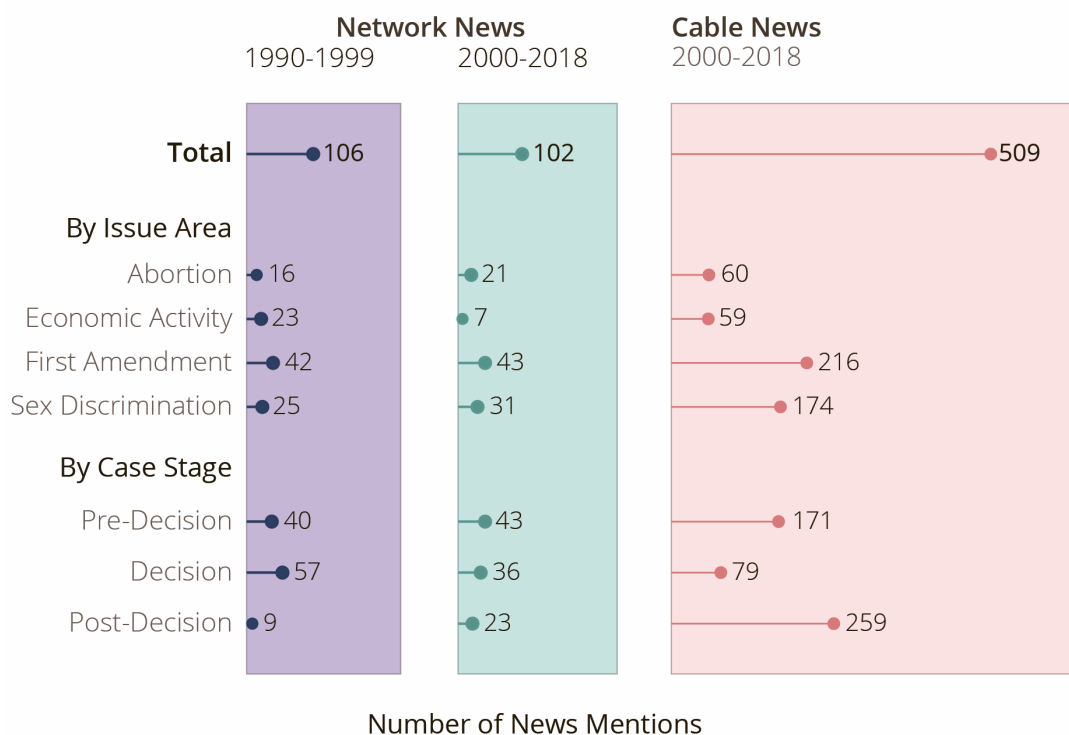
Figure 4.1, on the next page, visualizes the number of Supreme Court news mentions for each channel type and time period by issue area and case stage. Between the 1990-1999 terms, network news made 106 references to Supreme Court cases. Looking at the chart, this seems comparable to the 102 references during the post-2000 period. However, since the post-2000 timeframe is twice as long as the pre-2000 one, a similar reference count indicates that network news attention to Supreme Court cases dropped by roughly 50%. In contrast, cable news mentioned Supreme Court cases significantly more frequently and recorded over twice as many case references as network news ($n = 509$).

Analyzing the news samples by issue area and case stage reveals significant discrepancies in the attention given to Supreme Court cases between different news periods and channel types. A notable observation from Figure 4.1 is that while network news attention to Supreme Court cases decreased substantially in the post-2000 period, this change was not consistent across all issue areas and case stages. While mentions of abortion and sex discrimination cases and those during the post-decision stage remained relatively stable,

references to all other cases and stages declined. Particularly, mentions of economic cases virtually disappeared in the post-2000 period.

Figure 4.1

Number of News Mentions by Channel Type and Time Period



Comparing post-2000 network and cable news, I find that both record similar numbers of references to abortion cases and at the decision stage. However, all other issue areas and case stages featured more heavily in cable news coverage, with the greatest differences in cases related to the First Amendment and those that had already been decided.

Chi-square goodness of fit tests indicated significant differences in the number of news mentions between the two network news periods ($\chi^2(1, N = 208) = 3.35, p < .001, \text{Std Res} = \pm 5.51$) and between post-2000 network and cable news ($\chi^2(1, N = 611) = 73.48, p < .001, \text{Std Res} = \pm 8.57$).

Additional chi-square tests revealed the network periods differed significantly in the number of mentions of economic ($\chi^2(1, N = 30) = 25.87, p < .001, \text{Std Res} = \pm 5.09$) and First Amendment cases ($\chi^2(1, N = 85) = 1.35, p < .001, \text{Std Res} = \pm 3.22$), as well as the pre-decision ($\chi^2(1, N = 83) = 8.66, p = .003, \text{Std Res} = \pm 2.94$) and decision stages ($\chi^2(1, N = 93) = 33.7, p < .001, \text{Std Res} = \pm 5.8$), with fewer in the post-2000 period. The largest discrepancies occurred for economic cases and decisions.

Post-2000 network news also mentioned economic ($\chi^2(1, N = 66) = 14.97, p < .001, \text{Std Res} = \pm 3.87$), First Amendment ($\chi^2(1, N = 259) = 31.5, p < .001, \text{Std Res} = \pm 5.61$), and sex discrimination cases ($\chi^2(1, N = 205) = 29.64, p < .001, \text{Std Res} = \pm 5.44$) less often than cable news, along with fewer pre-decision ($\chi^2(1, N = 214) = 16.12, p < .001, \text{Std Res} = \pm 4.02$) and post-decision references ($\chi^2(1, N = 282) = 78.72, p < .001, \text{Std Res} = \pm 8.87$). The greatest differences were for First Amendment cases, and post-decision mentions.

These results show that the challenges network news faced partly due to the advent of cable news (Prior, 2007; J. G. Webster, 2014) coincided with the decrease in network news coverage of Supreme Court cases, except for those involving conflict-laden, attention-grabbing issues such as abortion and sex discrimination. Cable news references to Supreme Court cases by far exceeded network news'. A possible explanation for this could be that political news represents a larger share of cable news content (Bae, 2000) because cable news programs cater to audiences interested in politics and political information (Arceneaux & Johnson, 2013; J. P. Jones, 2012). Further, cable news programs are twice as long (60 minutes) as network evening newscasts (30 minutes). Therefore, cable news programs might be more inclined to cover the Court more frequently and have more airtime to do so.

The variation in attention to the Court between network and cable news has possible implications for public awareness and knowledge of the Court, particularly if people only consumed the news sources examined here (Muise et al., 2022) and there was a gap in

exposure to Supreme Court news coverage. In this case, cable news audiences might be more familiar with Court proceedings, have more knowledge of Supreme Court rulings, and attribute greater importance to the Court than those watching network news (Franklin, 2019; Franklin & Kosaki, 1995; Hitt et al., 2018; Hoekstra, 2003). If cable news viewers were indeed better informed about the Court, they may also be more motivated to engage in policy debates and advocate for specific issues related to the Court's rulings or to the Court itself. Conversely, network news audiences may not be fully aware of certain Court decisions and their relevance to specific issues, which could hinder their ability to effectively advocate for legal rights and issues.

Scope of Coverage

The previous analysis examined television news coverage of the Supreme Court by comparing the number of case references by issue area and case stage to determine how often Supreme Court cases appeared on pre- and post-2000 network news and cable news. In the next step, I analyze the three news samples based on the proportions of the four issue areas as well as the number of cases covered and compare them to the Court's docket. Issue area proportions can show how network and cable news allocate their coverage across different legal topics. For instance, they may reveal whether certain issues were selectively amplified in coverage of the Court and whether this resulted in a distinct view of the Court's workload. Furthermore, the number of cases covered in the news samples can reveal the diversity and comprehensiveness of their coverage of Supreme Court cases. References to a high number of cases could suggest a more comprehensive approach to reporting on the judiciary, providing the audience with exposure to a broader spectrum of legal cases. On the other hand, if only a limited number of cases are mentioned, it may indicate that certain cases receive excessive attention while others are overlooked. To ensure comparability to the Court's docket, the

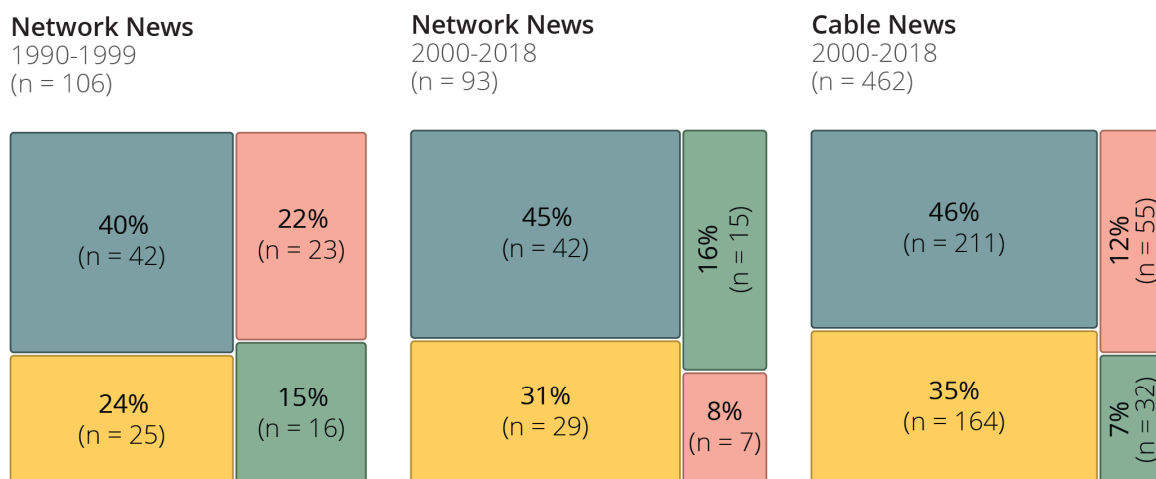
analysis of network and cable news from the 2000-2018 terms is limited to Supreme Court cases from the same terms ($n = 397$).

Figure 4.2 presents a series of treemaps that visualize the issue area proportions of network and cable news coverage and the Court's docket by time period. Each treemap consists of four rectangles that represent the issue areas and are sized proportionally to the respective sample. From the figure, we can see that while the overall amount of news attention to the Court varied between the news samples, the issue areas they selected for coverage look fairly similar. The leading issues in all three news samples were the First Amendment and sex discrimination, ranging from 40-46% and 24-35%, respectively. In comparison, abortion and economic cases were referenced much less frequently; economic cases, in particular, appeared much less frequently in post-2000 network news compared to the earlier period. Furthermore, comparing the news samples to the corresponding Supreme Court dockets, I find substantial differences for all issue areas in all three comparisons. As we can see in Figure 4.2, these asymmetries stem from underreporting economic cases and overreporting cases relating to abortion, the First Amendment, and sex discrimination.

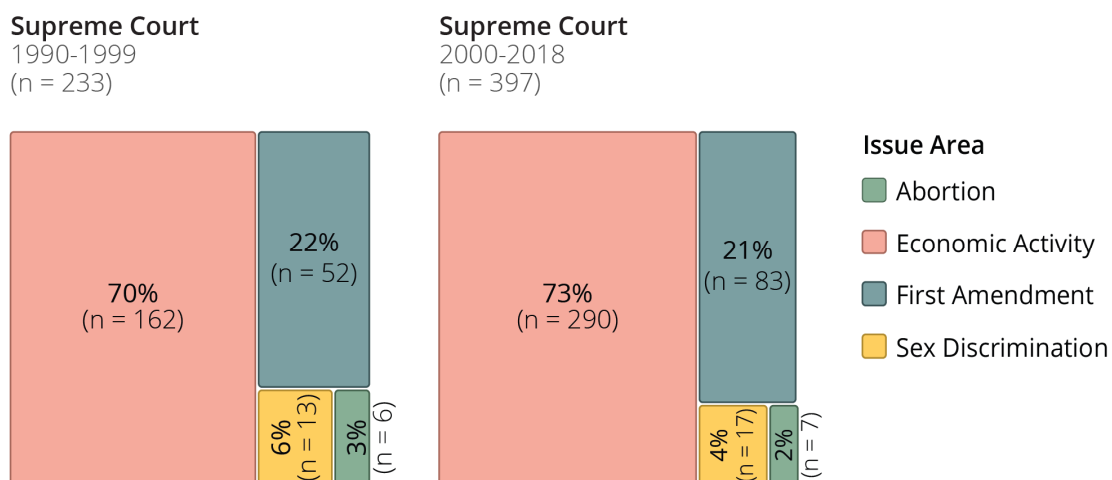
To assess differences in issue area distributions between the network periods, post-2000 network versus cable news, and the news samples compared to the Court's docket, I conducted a series of chi-square tests of homogeneity. The network periods did not significantly differ in issue coverage ($\chi^2(3, N = 199) = 8.05, p = .045$). However, post-2000 network and cable news differed significantly ($\chi^2(3, N = 555) = 9.49, p = .023$), primarily in abortion coverage (Std Res = ± 2.91). Furthermore, all three news samples diverged significantly from the Court's docket, with pre-2000 network news the least ($\chi^2(3, N = 339) = 77.08, p < .001$) and cable news most ($\chi^2(3, N = 859) = 348.29, p < .001$).

Figure 4.2*Issue Areas Covered by Channel Type and Time Period and on the Court's Docket*

A Share of news mentions by channel type, time period, and issue area, limited to cases from the corresponding period.



B Share of Supreme Court cases by time period and issue area.



Another way of assessing the scope of news coverage is the number of cases covered. presents three waffle charts to visualize the number of Supreme Court cases covered and not covered by channel type and time period. Each grid represents the total cases in that period; one box equals one case.

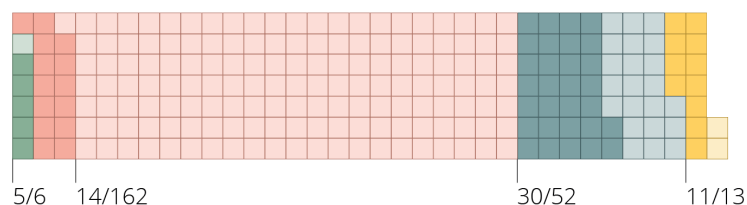
Figure 4.3 presents three waffle charts to visualize the number of Supreme Court cases covered and not covered by channel type and time period. Each grid represents the total cases in that period; one box equals one case.

Figure 4.3

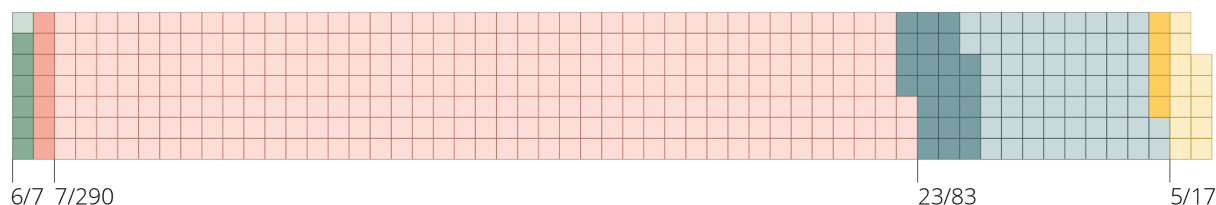
Comparing Cases Covered by Channel Type and Time Period to the Court's Docket

Number of unique Supreme Court cases mentioned in news mentions by channel type, time period, and issue area, limited to cases from the corresponding period. 1 square = 1 case.

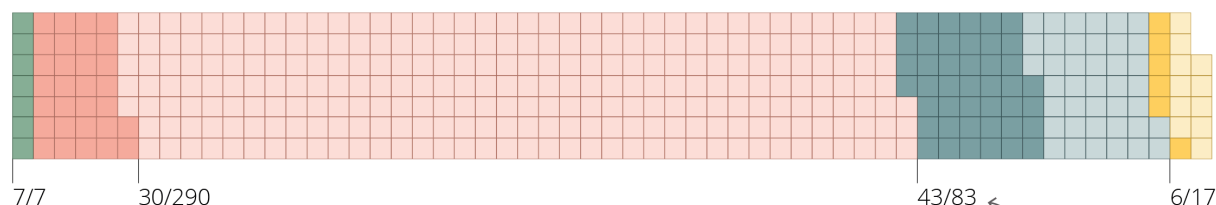
Network News
1990-1999
(n = 60 of 233)



Network News
2000-2018
(n = 41 of 397)



Cable News
2000-2018
(n = 86 of 397)



Issue Area

- Abortion
- Economic Activity
- First Amendment
- Sex Discrimination

Cases Covered /
Not Covered

During the 1990-1999 terms, network news covered 60 unique cases, accounting for a quarter of all cases in total ($n = 60$ of 233; 26%). While economic cases represented the majority of cases on the Court's docket, network news covered considerably fewer of them ($n = 14$ of 162; 9%). Instead, most cases that appeared on network news during that time involved the First Amendment ($n = 30$ of 52, 58%), but with a case coverage of 83% and 85%, abortion ($n = 5$) and sex discrimination ($n = 11$ of 13) were the most comprehensively covered issues. During the post-2000 period, the number of cases mentioned on network news dropped substantially, with a total of 41 cases, merely 10% of the cases considered in the analysis ($n = 41$ of 397; 10%). Over half of these involved the First Amendment, yet this still accounted for less than a third of First Amendment cases ($n = 23$ of 83, 28%). The same applies to sex discrimination ($n = 5$ of 17, 29%) and economic activity ($n = 7$ of 290; 2%). Only abortion cases received near complete coverage ($n = 6$ of 7; 86%)

Cable news coverage referenced comparable numbers of abortion ($n = 7$ of 7; 100%) and sex discrimination ($n = 6$ of 17; 35%) during the same time frame, yet four times as many economic cases ($n = 30$ of 290; 10%) and twice as many First Amendment cases ($n = 43$ of 83; 52%). As a result, cable news mentioned twice as many cases overall ($n = 86$ of 397; 22%).

I applied two sets of chi-square goodness of fit tests to analyze whether the number of cases covered differed significantly between the pre-2000 and post-2000 network news samples and between the post-2000 network and cable news samples. When comparing pre- and post-2000 network news, I accounted for the variation in the number of cases decided by the Court between the two terms. I find that compared to the pre-2000 period, post-2000 network news mentioned significantly fewer cases overall ($\chi^2(1, N = 101) = 21.67, p < .001$, Std Res = -4.65) as well as those relating to economic activity ($\chi^2(1, N = 21) = 8.68, p = .003$, Std Res = -2.95), the First Amendment ($\chi^2(1, N = 53) = 7.37, p = .007$, Std Res = -2.72), and

sex discrimination ($\chi^2(1, N = 16) = 4.22, p = .04, \text{Std Res} = -2.06$). Furthermore, post-2000 network news also covered fewer cases in total ($\chi^2(1, N = 127) = 15.94, p < .001, \text{Std Res} = -3.99$) and referenced fewer economic ($\chi^2(1, N = 37) = 14.3, p < .001, \text{Std Res} = -3.78$) and First Amendment cases than cable news ($\chi^2(1, N = 66) = 6.06, p = .014, \text{Std Res} = -2.46$).

Together, these findings reveal that the scope of Supreme Court coverage is narrower and more skewed towards different issues compared to the Court's docket. In all three news samples, roughly equal importance was attributed to the four issue areas when covering the Court. As a result, they presented a similar view of the Court's caseload that primarily focused on the First Amendment and sex discrimination. In line with previous studies (Katsh, 1983; O'Callaghan & Dukes, 1992; Slotnick & Segal, 1998; Solberg & Waltenburg, 2015; Spill & Oxley, 2003), my results suggest that prioritizing these cases over those involving economic activities leads to a mismatch between the cases most frequently covered by television news programs and those representing the largest share of the Court's docket.

This effect becomes more pronounced when considering the proportional attention in combination with the number of cases covered in the news mentions. For instance, network and cable news covered five and six sex discrimination cases in the post-2000 period, respectively. These cases alone accounted for around a third of their coverage. In contrast, they referenced seven and 30 economic cases, accounting for eight percent and 12% of their coverage. While these differences also exist in pre-2000 network news, they are far less pronounced. The disproportional level of news attention is perhaps not surprising, considering that First Amendment and sex discrimination cases are potentially more likely to provoke emotions, involve controversy, and attract viewer interest. In addition, these cases might have a bigger immediate personal impact on viewers than economic cases. Compare, for example, a case that provided exemptions from the contraceptive mandate (*Burwell v. Hobby Lobby*, 2014) or that recognized a constitutional right for same-sex couples to marry (*Obergefell v.*

Hodges, 2015) to a case limiting patent eligibility (*Alice Corporation v. CLS Bank International*, 2014). Therefore, First Amendment and sex discrimination cases arguably hold "larger social value and utility" (McCombs, 2005, p. 556) and might be prioritized on the news agenda. Nevertheless, these editorial decisions could affect the way the audience understands the role of the Court within the American political system, and by concentrating on only a few issues and cases, the view presented to the audience is that the Court speaks to only a very small subset of social and political questions.

While the Court has accepted fewer cases over time and journalists had fewer cases to cover, my results, in line with previous work, indicate that the smaller caseload coincided with a decrease in references to Supreme Court cases on television news (Slotnick & Segal, 1998; Solberg & Waltenburg, 2015). This decreased attention to Supreme Court cases, specifically in network news coverage, could have been triggered by a shift in content away from the Supreme Court as network news viewership declined over time (Pew Research Center, 2004). In contrast, perhaps due to catering to a politically engaged audience, cable news covered a greater number and variety of cases.

These differences in news attention have potential implications for public understanding of the Court, as viewers might know about a few selected cases but may lack an understanding of the true scope of the Supreme Court's work and how cases relate to one another. As Collins and Cooper (2015, p. 25) explain, "if a case is not covered by the media, then it is unlikely the public knows about it. And if certain types of cases are rarely covered, then that could be a sign that the public knows little about an entire legal issue area." Looking at my results, this indication would be strongest for economic cases, which were rarely cited in any of the news samples. In addition, my findings suggest that people who are only exposed to network news may get a more condensed view of the Court's work, whereas cable viewers might learn about more and different Supreme Court cases.

Summary

In this section, I compared news coverage from pre-2000 network news (1990-1999) and post-2000 network and cable news (2000-2018) to determine whether they vary in the amount of attention dedicated to Supreme Court cases. I assessed the volume of Supreme Court news coverage based on three indicators: the number of Supreme Court news mentions by issue area and case stage, the proportional attention to different issue areas, and the number of Supreme Court cases referenced in the news mentions.

My findings indicate that when television news programs cover Supreme Court cases, they similarly prioritize issues most likely to interest viewers but differ in how often, how many, and at what stage Supreme Court cases are referenced. Perhaps the most striking finding is how little attention network news dedicated to Supreme Court cases during the post-2000 period, both in terms of Supreme Court case mentions and cases mentioned. This clearly distinguishes post-2000 network news from the other two news samples, with differences most noticeable for economic and First Amendment cases as well as Supreme Court decisions. Considering that news coverage can increase public awareness and knowledge of the Court (Franklin, 2019; Franklin & Kosaki, 1995; Hitt et al., 2018; Hoekstra, 2003), the variation in news attention could indicate that cable news audiences know about a greater number and variety of Supreme Court cases than network news audiences. In addition, if cable news viewers were exposed to more information about the Court, they could perceive the Court as more important.

Cable News Programs

In this section, I compare the volume of Supreme Court news coverage between two ideologically distinct cable news programs, MSNBC's liberal-leaning *Hardball* and Fox News' conservative *Special Report*, to determine whether they differ in the quantity and scope of attention dedicated to the Supreme Court.

Considering factors such as partisan audiences (Pew Research Center, 2010, 2014a; Stroud, 2011), ideologically aligned sourcing patterns (Benkler et al., 2018; Conway-Silva et al., 2020), and distinct content strategies (Benkler et al., 2018; Broockman & Kalla, 2022; Kim et al., 2022), combined with the conservative movement's long prioritization of the courts compared to the liberals' challenges in conveying the political significance of the judiciary (Hollis-Brusky, 2015; Kruse, 2018; Lithwick, 2004; Montgomery, 2019; Teles, 2010; Toobin, 2017), I anticipate differences in the volume of Court coverage between *Special Report* and *Hardball*. Specifically, I expect that *Special Report* references Supreme Court cases more frequently, encompassing a broader array of cases and discussing them at various stages of the legal process. Conversely, the opposite might hold for *Hardball*, particularly due to its talk-heavy format, which allows limited room for traditional reporting. Given that the proportion of debates and discussions on *Hardball* outweighs that of *Special Report*, it seems plausible for the former to mention Supreme Court cases less often, focus on a narrower subset of cases, and frequently discuss them only after they have been decided.

Quantity of Coverage

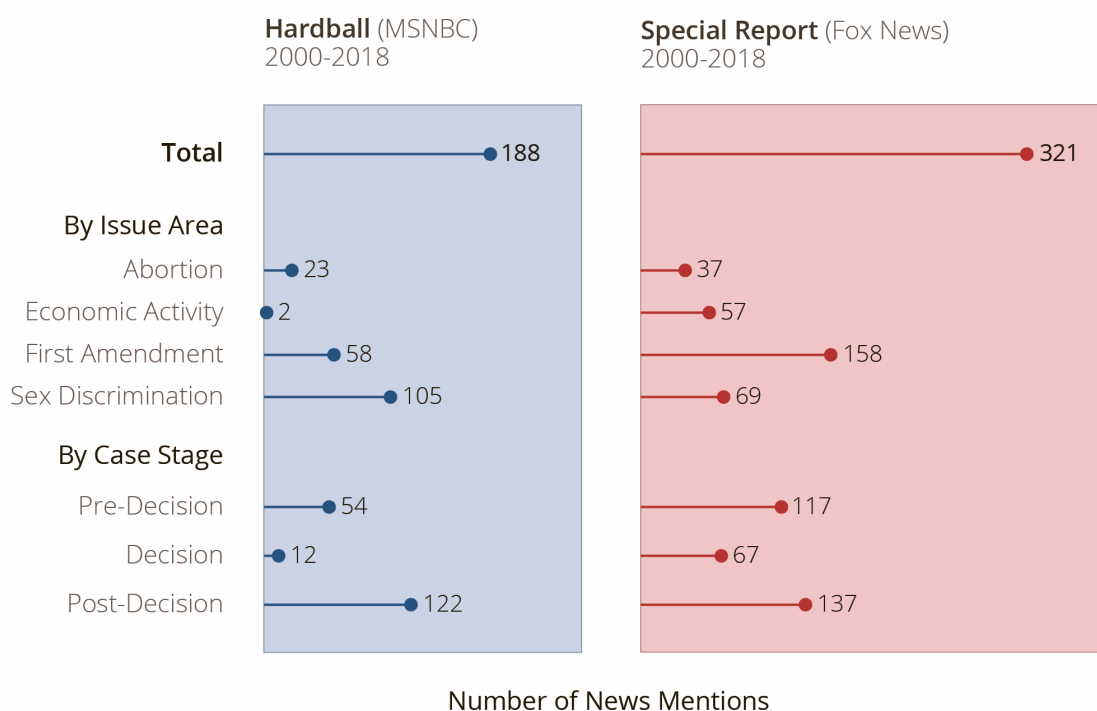
The first analysis establishes how often Supreme Court cases were mentioned on *Hardball* and *Special Report* during the Court's 2000-2018 terms. This can reveal whether the two cable programs attributed equal importance to covering the Supreme Court and could point to potential differences in exposure to information about the Court between their audiences.

Figure 4.4 illustrates the frequency of Supreme Court news mentions on each cable program, categorized by issue area and case stage, spanning the terms from 2000 to 2018. A clear observation from this figure is the pronounced difference in the overall number of news mentions between *Special Report* (n = 321) and *Hardball* (n = 188), with *Special Report* referencing Supreme Court cases nearly twice as often as *Hardball* did. Comparing the two

cable programs by issue area and case stage reveals further discrepancies. The most pronounced differences lie in their coverage of economic and First Amendment cases and the decision stage. All of which appeared more frequently on *Special Report*. However, this pattern was most noticeable for economic cases, which were virtually absent from *Hardball* ($n = 2$) during the entire eighteen-year period under inspection. In contrast, sex discrimination appeared more frequently on *Hardball* ($n = 105$).

Figure 4.4

Number of News Mentions by Cable News Program



To determine whether the two cable news shows differed in the number of news mentions overall as well as of specific issues or process stages, I applied a series of chi-square goodness of fit tests. The results indicate significant differences between *Hardball* and *Special Report* in the total number of news mentions ($\chi^2(1, N = 509) = 34.8, p < .001, \text{Std Res} = \pm 5.9$) and for all issue areas and process stages (see “NewsVolumeStats” in Matthias,

2023), with the exception of abortion cases and the post-decision stage. These were most pronounced for economic activity ($\chi^2(1, N = 59) = 51.3, p < .001, \text{Std Res} = \pm 7.16$), the First Amendment ($\chi^2(1, N = 216) = 46.3, p < .001, \text{Std Res} = \pm 6.8$), and the decision stage ($\chi^2(1, N = 79) = 38.29, p < .001, \text{Std Res} = \pm 6.19$).

While the Supreme Court has an enormous impact on people's lives, and the cases it decides relate to policy issues the public cares about, the news media needs to make them salient and relevant for citizens to become aware of and care about the Court's actions. My findings indicate that *Special Report's* conservative and Republican audience might have been primed to recognize the political importance of the Supreme Court through increased exposure to news mentions of Supreme Court cases. In contrast, liberals and Democrats following *Hardball* might have encountered Supreme Court cases much less frequently and consequently might attribute less importance to the Court. Indeed, previous studies and polls have identified such asymmetries when asking partisans about the importance of Supreme Court appointments in presidential and senate elections. In particular, they find that in the past, Republicans have given more weight to the Supreme Court when casting their vote, and only recently have Democrats started to prioritize the Court (Badas & Simas, 2022; Lithwick, 2004; Morning Consult & Politico, 2020a, 2020b; *NBC News Exit Poll*, 2022; Pew Research Center, 2016a).

Scope of Coverage

After establishing how often the two cable programs covered the Court, I now examine how much of their coverage was dedicated to each of the four issue areas, how many cases they covered, and how this compares to the Court's docket. This analysis will shed light on whether *Hardball* and *Special Report* offer perspectives on the Court's caseload that differ from each other or from the Court itself. Furthermore, by assessing the number of cases covered, I can gauge the diversity and comprehensiveness of their coverage. In this context, a

high number of case references might offer the audience a broader view of the legal landscape, whereas fewer cases could suggest a narrower focus. To ensure comparability to the Court's activities, this analysis is limited to cases from the 2000-2018 terms ($n = 397$), allowing me to discern if the media portrayal aligns with or deviates from the Court's official docket.

Figure 4.5 on the following page presents three treemaps that visualize the proportions of the four issue areas in *Hardball's* and *Special Report's* coverage and on the Court's docket. Each treemap consists of four rectangles, one for each issue area, sized proportionally to the respective sample. The figure shows that *Hardball* focused predominantly on sex discrimination cases, which accounted for 61% ($n = 101$) of its coverage, followed distantly by First Amendment cases at 33% ($n = 54$). In contrast, *Special Report* dedicated over half its coverage to First Amendment cases at 53% ($n = 157$), with sex discrimination receiving just 21% ($n = 63$).

Compared to the Court's actual docket, both cable shows diverged substantially. Economic activity was the largest issue area for the Court at 73% but received minimal coverage from both cable programs. On the other hand, sex discrimination cases composed 61% of *Hardball's* coverage but only 4% of the Court's docket. Only abortion cases had more comparable shares between the Court and cable shows. In summary, the figure illustrates how *Hardball* and *Special Report* emphasized different issue areas in their coverage relative to each other and the Court's actual caseload.

I conducted a chi-square test of homogeneity to assess the differences in the proportional attention to the four issue areas between the two programs. The results show that the issue area proportions in *Hardball* and *Special Report* coverage are significantly different ($\chi^2(3, N = 462) = 85.55, p < .001$), with the standardized residuals indicating they differed

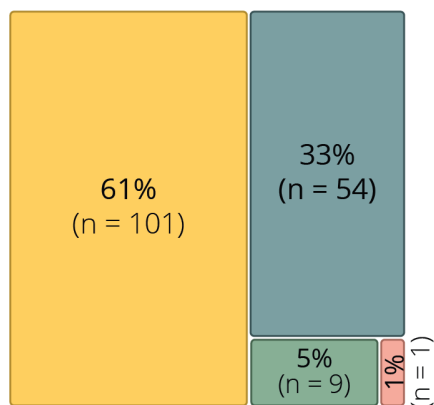
most in how much of their coverage was dedicated to sex discrimination cases (Std Res = ± 8.61). However, both programs record similar shares of abortion cases.

Figure 4.5

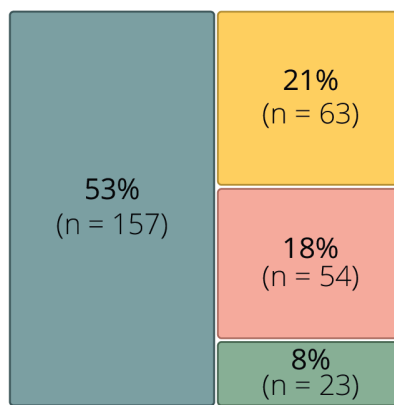
Issue Areas Covered by Cable News Program and on the Court's Docket

A Share of news mentions by cable news program and issue area, limited to cases from the corresponding period.

Hardball (MSNBC)
2000-2018
(n = 165)

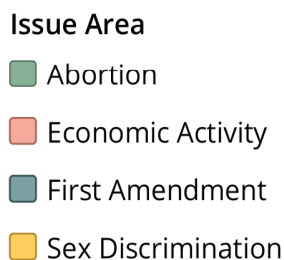
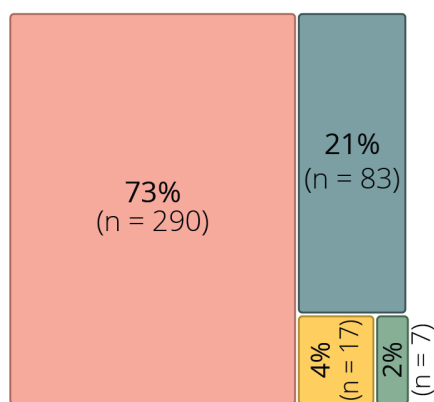


Special Report (Fox News)
2000-2018
(n = 297)



B Share of Supreme Court cases by issue area.

Supreme Court
2000-2018
(n = 397)



Comparing the cable programs' distributions of issue areas to the Supreme Court's docket reveals further significant asymmetries (*Hardball*: $\chi^2(3, N = 562) = 31.31, p < .001$; *Special Report*: $\chi^2(3, N = 694) = 209.65, p < .001$). While all issue areas showed significant variation, the differences were driven mainly by both programs underreporting economic cases (*Hardball*: Std Res = -15.7; *Special Report*: Std Res = -14.3) and *Hardball* overreporting sex discrimination cases (Std Res = 15.1).

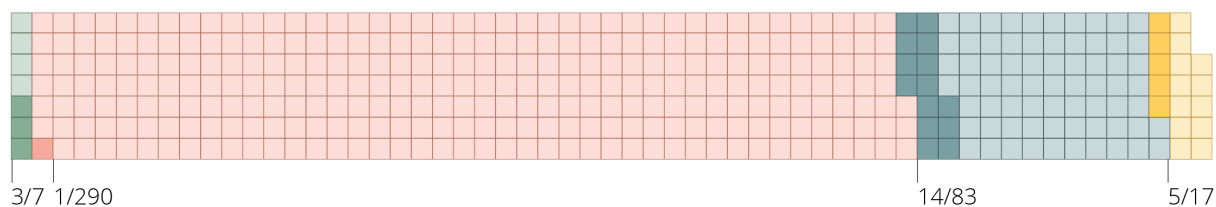
In addition to comparing the proportion of coverage devoted to the four issue areas, analyzing the total number of cases covered provides another lens into the scope of Supreme Court news coverage. Figure 4.6 uses waffle charts to visualize Supreme Court case coverage on *Hardball* and *Special Report* from 2000-2018. Each grid represents the Court's total cases in that period; one box equals one case. During the 18-year period, the Supreme Court decided close to 400 cases ($n = 397$). Of these, *Hardball* covered 23, whereas *Special Report* referenced nearly four times as many ($n = 86$), accounting for 5% and 22% of all Supreme Court cases, respectively. *Special Report* exceeded *Hardball*'s coverage of economic activity and First Amendment cases by significant margins, covering 30 and 43 cases to *Hardball*'s 1 and 14 cases, respectively. However, the two programs mentioned a comparable number of abortion and sex discrimination cases.

Applying chi-square goodness of fit tests to compare the cable programs based on the number of cases covered revealed significant differences in the total number of Supreme Court cases included in the news mentions ($\chi^2(1, N = 109) = 35.59, p < .001, \text{Std Res} = \pm 5.97$) and the number of cases relating to specific issues, such as economic activity ($\chi^2(1, N = 31) = 27.13, p < .001, \text{Std Res} = \pm 5.21$) and the First Amendment ($\chi^2(1, N = 57) = 14.75, p < .001, \text{Std Res} = \pm 3.84$). However, the number of abortion and sex discrimination cases referenced by the two programs did not differ significantly.

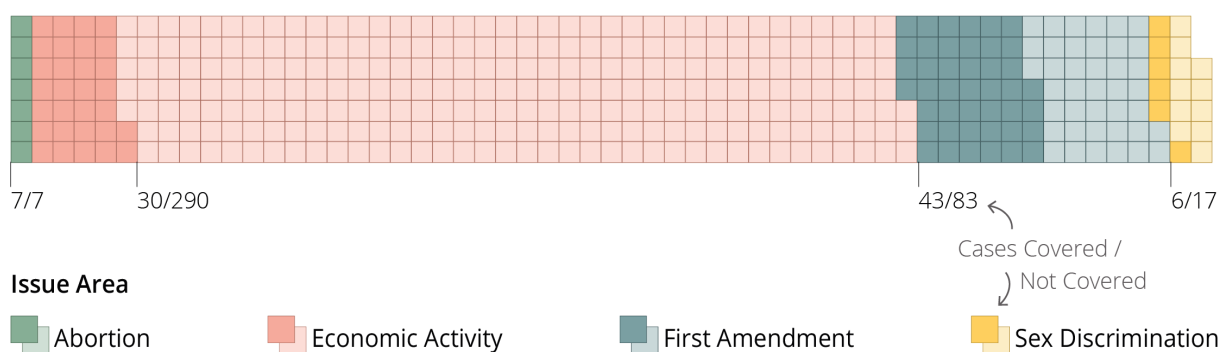
Figure 4.6*Comparing Cases Covered by Cable News Program to the Court's Docket*

Number of unique Supreme Court cases mentioned in news mentions by cable news program and issue area, limited to cases from the corresponding period. 1 square = 1 case.

Hardball (MSNBC)
2000-2018
(n = 23 of 397)



Special Report (Fox News)
2000-2018
(n = 86 of 397)



These findings indicate that *Hardball* and *Special Report* highlight different issue areas, presenting divergent perspectives on the scope of the Court's caseload. *Special Report* covered a variety of cases while emphasizing those involving the First Amendment. Such an approach could have reinforced the Court's salience and personal relevance for *Special Report's* conservative audience as their interests tend to cut across policy domains and are rooted in ideology (cf. Toobin, 2017). The focus on First Amendment cases could add to this as these cases have increasingly favored conservative speech in the Roberts Court era (2005-today; Epstein et al., 2018). In contrast, *Hardball* presented a narrower view focused predominantly on sex discrimination. While certainly important for liberals, concentrating on a single issue fails to capture the diversity of the Court's docket and the range of issues

relevant not only for liberals but for public life more broadly (Pew Research Center, 2018b; Toobin, 2017).

In addition, the programs diverge substantially in the number of cases covered, with *Special Report* far exceeding *Hardball* in overall and issue-specific cases. In fact, *Special Report* mentioned more cases relating to the First Amendment or economic activity alone than the sum of all cases referenced on *Hardball*. However, considering the number of cases covered in the context of the proportional attention allocated to the individual issue areas underscores how the news outputs differ in comprehensiveness and diversity. More than half of *Hardball's* and *Special Report's* news mentions involved sex discrimination (n = 101, 61%) and the First Amendment (n = 157, 53%), respectively. Connecting this to the number of cases covered reveals that most of *Hardball's* news mentions were about five cases, whereas *Special Report's* addressed 43. *Hardball*, therefore, does not just overreport sex discrimination issues; it does so by fixating on just a handful of cases.

Furthermore, the news agendas of *Hardball* and *Special Report* are incongruent with the Court's docket. Previous studies have found a similar imbalance between the decisions that are most prominently featured by television news programs and those most common on the Court's docket (Katsh, 1983; O'Callaghan & Dukes, 1992; Slotnick & Segal, 1998; Solberg & Waltenburg, 2015; Spill & Oxley, 2003). Such discrepancies could arise from television's preference for visual, human-centered news stories. Thus, *Hardball* and *Special Report* might have prioritized sex discrimination and First Amendment cases over economic issues because they more easily lend themselves to visual media.

And while, from a media perspective, it may make sense to discuss these cases extensively, my results suggest that this happens at the expense of cases that could add necessary nuance to *Hardball's* coverage. For instance, the economic cases discussed on *Special Report* most often concerned environmental protection (n = 12 of 30 economic cases).

Cases like *Winter v. Natural Resources Defense Council* (2008), *Entergy v. Riverkeeper* (2009), and *Michigan v. EPA* (2015), which were covered by *Special Report* but not by *Hardball*, could have been instructive in conveying the Supreme Court's role in hindering efforts to protect wildlife and fight climate change. While these cases may have had less of a blockbuster effect than cases like *Lawrence* (2003) or *Obergefell* (2015) that legalized same-sex sexual conduct and marriage, they can point to subtle shifts and trends at the Court that Americans should be aware of regardless of where they get their news.

Summary

In this section, I compared *Hardball* and *Special Report* news coverage of the Court's 2000-2018 terms to determine whether they vary in the amount of attention dedicated to Supreme Court cases. I assessed the news volume based on three indicators: the number of Supreme Court news mentions by issue area and case stage, the proportional attention to different issue areas, and the number of Supreme Court cases referenced in the news mentions.

My analyses suggest that the two cable programs differed in how often they mentioned Supreme Court cases, the issues they focused on within their news coverage, and how many cases they covered. Compared to *Hardball*, *Special Report* viewers were presented with twice as many Supreme Court case mentions six times as many Supreme Court rulings, and four times as many distinct cases. However, *Special Report's* coverage not only exceeded *Hardball's* in quantity but also in the variety of issues they covered.

Consequently, their audiences might differ in how aware and knowledgeable they are about Supreme Court cases and how important they perceive the Court to be (Franklin, 2019; Franklin & Kosaki, 1995; Hitt et al., 2018; Hoekstra, 2003). As noted throughout this section, such differences do exist, and in the past, conservatives and Republicans have attributed more importance to the Court than liberals and Democrats (Badas & Simas, 2022; Lithwick, 2004;

Morning Consult & Politico, 2020a, 2020b; *NBC News Exit Poll*, 2022; Pew Research Center, 2016a).

Discussion

This dissertation chapter presented an empirical analysis examining differences in the volume of television news coverage of the U.S. Supreme Court from 1990 to 2018.

Comparing coverage between time periods, channel types, and cable programs, my findings indicate varying levels of attention and diversity of perspective offered to media consumers regarding the Court. Certain biases persist across outlets in disproportionate attention to specific issue areas.

A core finding of this study is the precipitous decline in Supreme Court news coverage on network television in the post-2000 period, with references to Supreme Court cases dropping by 50% between the 1990-1999 and 2000-2018 periods. In addition, the latter period covered 30% fewer cases despite the Court's shrinking caseload. The decrease held across issue areas and stages, although it was most pronounced for economic cases. This aligns with previous studies that have found a similar decline in news coverage in earlier periods and different media (Collins & Cooper, 2011, 2015; Slotnick & Segal, 1998; Solberg & Waltenburg, 2015). One potential factor contributing to this shift is the transformation of media consumption habits in the digital age, where audiences have abundant sources to choose from and increasingly turn to online platforms for news consumption or turn away from news altogether. Therefore, the proliferation of digital media could have diverted attention away from traditional network television. As a result, network news coverage might have provided less coverage of the Court and opted for stories that are cheaper to produce and have greater audience appeal.

In contrast, cable news mentioned the Court frequently, with over twice as many case references and unique cases covered compared to modern network news. However,

comparing coverage between two cable news programs – *Hardball* on MSNBC and *Special Report* on Fox News – I find that news attention to Supreme Court cases is not uniform among cable shows. While *Special Report* covered a far wider array of cases overall and across issues, *Hardball* focused narrowly on sex discrimination cases, dedicating over half its coverage to just five cases related to this single issue.

This divergence in Supreme Court news coverage between network and cable television raises important implications for public awareness and knowledge of the Court. These differences suggest citizens who predominantly rely on network news versus cable news likely have substantially divergent levels of exposure to information about the Court and its rulings. Several studies demonstrate that increased news coverage of an issue or institution is associated with heightened public salience and understanding (Hitt et al., 2018; Hoekstra, 2003; McCombs, 2005). Consequently, the much higher volume of Supreme Court coverage on cable news compared to sparse and declining attention on network news indicates cable news consumers might have significantly greater familiarity with the Court's activities. They may more closely follow prominent cases, recognize connections between rulings and political debates, and view the Court as an important institution. In contrast, network news viewers today may rarely encounter stories about the Court and thus have limited awareness or knowledge. Such a knowledge gap would have implications not only for informed citizenship but also for the public's ability to evaluate the implications of Court rulings on broader societal dynamics.

Furthermore, as news media play a pivotal role in framing public discourse around legal issues and policy debates, differing levels of Court coverage across media outlets can result in unequal exposure to various perspectives, potentially influencing the public's perception of the Court's ideological leanings. This could, in turn, impact public sentiment and advocacy efforts surrounding Court-related matters.

As such, the variations in Supreme Court news coverage not only reflect differences in media preferences but also shape citizens' awareness, comprehension, and participation in civic activities. The disparities between the news samples underscore the necessity for individuals to critically engage with multiple sources of information to form a well-rounded understanding of the Court's role and decisions. Furthermore, the implications of divergent media exposure emphasize the ongoing importance of robust and inclusive news coverage in promoting informed citizenship and fostering constructive public discourse around vital democratic institutions.

Consistent with the literature (Katsh, 1983; Slotnick & Segal, 1998; Solberg & Waltenburg, 2015; Vining & Marcin, 2014), my analysis reveals a consistent pattern of minimal coverage that disproportionately emphasizes certain issue areas over others. Specifically, I find that across all television news, First Amendment and sex discrimination cases accounted for 40-46% and 24-35% of coverage, respectively, while economic cases made up just 1-18% despite representing 73% of the Court's docket.

This narrow focus is further reinforced by reporting only a handful of cases, which can be attributed to editorial decisions, limited airtime, and the challenge of simplifying complex legal matters for a broad audience. Journalistic norms often prioritize human-interest stories that resonate with viewers, potentially influencing the selection of cases that garner attention. Moreover, institutional constraints faced by news organizations, including resource limitations and the need to allocate coverage across various topics, can contribute to the skewed distribution of coverage observed in this analysis.

However, news media coverage is not the sole influence on public perception and understanding of the Court, and future research directly combining real-world news content with surveys or experiments could provide further insights (for example, see Hitt & Searles, 2018; Linos & Twist, 2016). But at a minimum, the minimal amount of coverage dedicated to

the Court strongly suggests many citizens today have limited exposure to information about the Court on television news. This analysis thus makes an important contribution by synthesizing data across a long timescale to uncover worrying trends for the availability of accessible information regarding a vital democratic institution.

My analyses clearly demonstrate the value of including news coverage of Supreme Court cases from before and after the Court issues its ruling in analyses of modern television news content. To illustrate, sampling pre- and post-decision mentions increased my post-2000 network sample by 3x and cable sample by 5x compared to decision-only mentions. This is in line with findings from Clark et al. (2015), Strother (2017), and Vining and Marcin (2014), who report substantial amounts of news coverage during process stages other than the decision. Post-decision news stories could be particularly helpful for public understanding of the Court as they could illuminate the real-world effects of Supreme Court decisions. Although anecdotes suggest that Supreme Court cases rarely receive continuous coverage once they have been decided (Shaw, 1981, p. 19; Tabor, 2016)—an exception to this is the Court’s recent decision in *Dobbs v. Jackson Women’s Health Organization* (2022)—it could be instructive for future studies to analyze to which cases this applies and how they are being covered at that stage.

Chapter 5

News Format: Structural Features of Television News Mentions of Supreme Court Cases

The previous chapter established how many and how often Supreme Court cases are mentioned on television news, as the level of news attention has implications for how much importance viewers attribute to the Supreme Court and how they might understand the work of the Court. However, besides deciding which cases are worthy of how much attention, television news may shape public understanding through structural features of the attention they dedicate to the Court. For instance, factors such as the format of news segments and the time allocated to covering the Court can impact the comprehensiveness and accuracy of information presented to viewers (Davis, 1994; Katsh, 1983; Savage, 2014; cf. O'Brien qtd. in Slotnick, 1991, p. 140; Slotnick & Segal, 1998).

Meaningful Supreme Court coverage provides depth and context to enable citizens to grasp the relevance of cases and the Court's impacts on society. Yet meeting the public's information needs can pose challenges for producers seeking to deliver simplified stories crafted for drama, speed, and viewer engagement. Thus, whether coverage provides the depth citizens require hinges partly on the priority news outlets assign to the Court, influencing their format choices.

Previous research on network news coverage has found coverage primarily relies on correspondent reports, which tended to be more detailed and longer than briefs read by the news anchor alone (Katsh, 1983; O'Callaghan & Dukes, 1992; Slotnick & Segal, 1998). While reports of Supreme Court cases rarely exceed two minutes, more in-depth, longer news stories have generally been viewed as beneficial for viewers since detailed discussions of past and present Supreme Court cases may enhance their knowledge of the cases before the Court and their understanding of the social, political, and economic impact of the Court's work

(Linos & Twist, 2016; Newland, 1964; Strickler, 2014). However, this might not apply to lengthy live debate segments, a prominent feature of cable news programs where unfiltered opinion replaces careful reporting. While these segments can be effective at attracting viewer attention (Mutz, 2015), they are often limited in their informational value due to the lack of knowledge and expertise of the participants (Ben-Porath, 2007; Clayman & Heritage, 2004; Cushion, 2015; Zilis, 2015) and their confrontational style may lead to lower approval of and trust in political institutions (Forgette & Morris, 2006; Van't Riet & Van Stekelenburg, 2022). As such, the format of news coverage, shaped by institutional norms and priorities, may either facilitate or limit opportunities for learning about the Court and contribute to the accuracy and comprehensiveness of the public's knowledge of Supreme Court cases and understanding of the Court's role in American democracy.

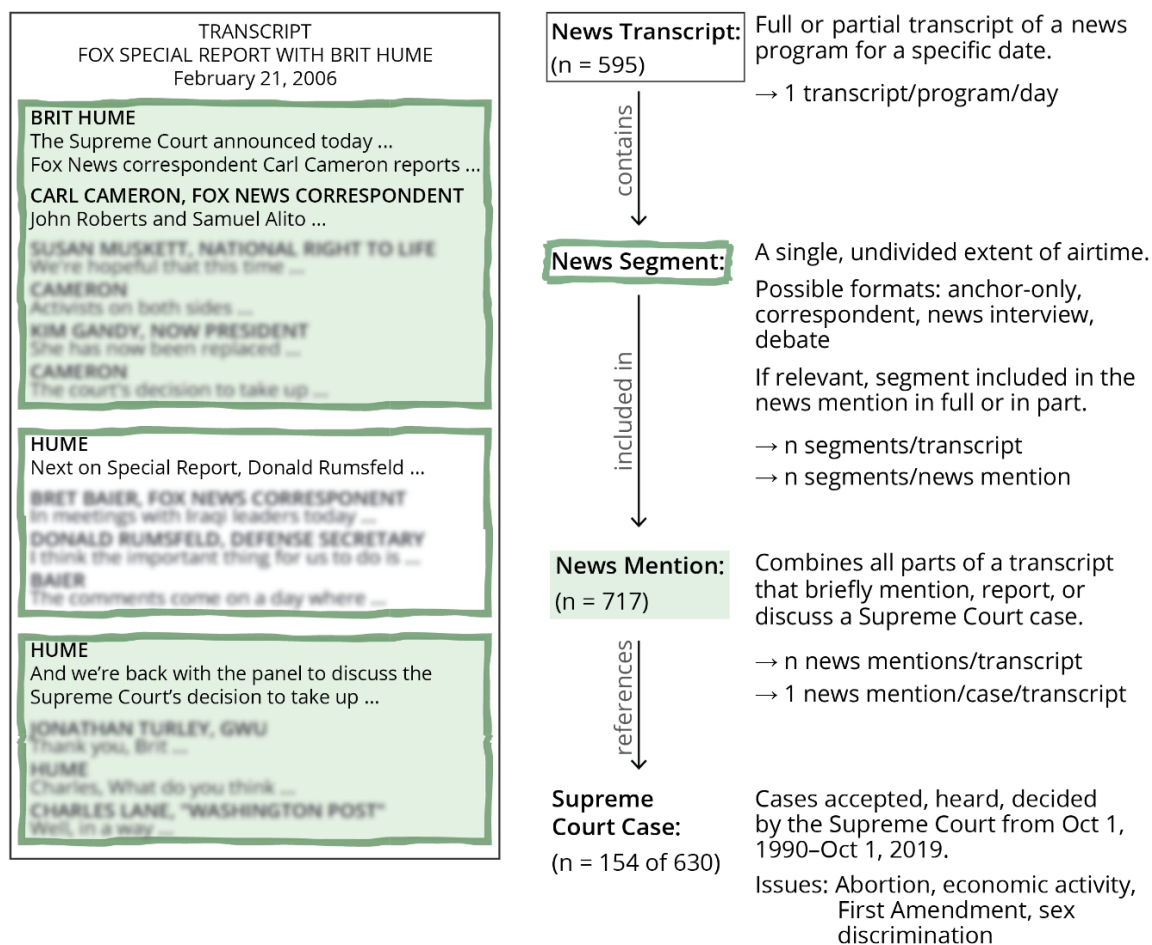
The chapter is structured into four primary sections. The first section describes the methodological approach I employed to analyze the news mentions, focusing on three key indicators: the context of the news mentions, the format of the news segments included in them, and the length of the news mentions. The subsequent two sections present the results for types of news channels and time periods, as well as specific cable news programs. The final section summarizes and discusses the findings of this chapter.

Analyzing Structural Features of Television News Mentions of Supreme Court Cases

This chapter builds on previous studies on segment formats and lengths in television news to assess the structural nature of news mentions of Supreme Court cases based on the broader context within the transcript, the format of the news segments that are included in the mention either in full or in part, and the length of the news mention (Ben-Porath, 2007; Clayman & Heritage, 2004; Cushion, 2015; Katsh, 1983; Slotnick & Segal, 1998; Zilis, 2015). Figure 5.1 clarifies the distinctions between news transcript, segment, and mention.

Figure 5.1

Conceptualization of News Transcripts, Segments, and Mentions



In comparing the samples, I used the detailed codebook provided in Appendix A for content analysis of the news mentions, and I performed chi-square tests to assess differences between the time periods, channel types, and cable programs. The variables and statistical methods are described below.

News Mention Context

To understand the context in which Supreme Court cases were referenced in the news, I examined each news mention within the broader news transcript. Specifically, I determined whether Supreme Court cases were mentioned because the news program dedicated one or more segments to covering the case or whether the case was mentioned while discussing other

Supreme Court topics or issues unrelated to the Court. I coded these three contexts as same, related, or different, respectively, based on the main topic of the news segment in which the news mention appeared. Table 5.1 lists example topics for each news mention context.

The context was coded at the individual news mention level, meaning each news mention was assigned a single contextual theme. In cases where the news mention included multiple segments, the coding was based on the following hierarchy: “Same” supersedes “Related,” and both supersede “Different.” That is, if a news mention included at least one segment about the same case as that referenced in the mention, I coded the context as “same,” even when it contained segments with a “related” or “different” topic as well. If a news mention did not include any segments centered around the case of the news mention but at least one segment about a different Supreme Court case or related topic, I coded the context as “related,” even when it contained segments with a “different” topic. Consequently, I only selected “different” when a news mention contained neither same nor related segments.

Table 5.1

Example News Segment Topic for Each Mention Context

Same	Related	Different
<i>Planned Parenthood v. Casey (1992)</i>		
Supreme Court announces opinion.	Justice Alito’s nomination recalling his dissent in Casey as 3 rd Circuit judge, which diverged from the Court’s ultimate ruling.	Mississippi enforces a 24-hour waiting period for people seeking abortions.
<i>Citizens United v. Federal Election Commission (2010)</i>		
Obama criticizes ruling in State of the Union Address.	Decision in <i>McCutcheon v. FEC</i> (2014), which removed cap on aggregate campaign donations.	‘Year in review’ segment lists the case as a major event without further context.

This analysis allows me to determine whether Supreme Court cases were treated as news items or merely contextual information when mentioned in the news. This can provide valuable context to my findings since, unlike previous research, my sample also consists of references to Supreme Court cases as part of other news reports and discussions. For this purpose, the hierarchical coding scheme described above is sufficient. However, if the goal was a more granular analysis, the context should be coded on the segment level.

News Segment Format

The news segment format refers to the format of a single, undivided extent of airtime of the respective news program, which is included in the news mention either in full or in part. This section outlines the various segment formats I analyzed within the context of Supreme Court news mentions. Specifically, I coded each news mention for the presence or absence of four segment formats: Anchor only, correspondent, news interview, and debate or editorial interview (hereinafter debate). These segment formats offer insights into who discusses Supreme Court cases, the style of news coverage, and the informative value of each news mention. By dissecting these formats, we can glean valuable information about the nature of the coverage and its potential impact on audience perception.

I define the anchor-only format as segments solely presented by the news anchor. This excludes instances where the news anchor introduces or previews correspondent reports, interviews, or panel discussions, which I coded as correspondent, interview, or panel, respectively, since the anchor was joined by other participants during these segments. Although ‘host’ might be a more appropriate term for the cable shows included in my sample, for the purpose of this study, I consistently use the term ‘anchor’ to describe the primary presenter of news segments. Anchor-Only segments are scripted segments that tend to be brief, are narrated quickly, and contain few details (Cushion, 2015, p. 39; Katsh, 1983; Slotnick & Segal, 1998). As a result, anchor segments usually only provide short summaries

and not in-depth analyses of Supreme Court cases. As an example, see ABC's *World News Tonight*'s mention reporting the Court's decision in *Ayotte v. Planned Parenthood for Northern New England* (2006) below ("A Closer Look; Kicking the Oil Habit," 2006).

ANCHOR - ONLY

ANCHOR: The Supreme Court ruled unanimously today that the lower courts were wrong to declare a New Hampshire abortion law unconstitutional, and sent it back for reconsideration. The law demands that parents be notified before a teenager ends her pregnancy. Justice O'Connor wrote, quote, "We do not revisit our abortion precedents today, but rather address a question of remedy." The ruling could be her last on the court if the confirmation of Samuel Alito goes ahead as planned.

Compared to anchor segments, correspondent reports tend to be longer and provide more detailed discussions of Supreme Court cases (Katsh, 1983; Slotnick & Segal, 1998). This becomes evident when considering the excerpt from *Special Report* below ("Supreme Court Upholds Parental Notification Law," 2006), which discusses the Court's decision in *Ayotte* in more detail, with the complete correspondent report being almost six times as long as the anchor brief (499 compared to 87 words). I coded correspondents as present when the news mention included a segment presented by any of the news channels' correspondents. This category was not just limited to law reporters but included any reporter, as these segments could highlight the various impacts of Supreme Court cases in terms of their legal, social, cultural, and political dimensions (cf. Lithwick, 2022; Litman, 2022; Litman et al., 2021). For *Hardball* (MSNBC), this also included NBC correspondents since the two news channels share newsgathering resources.

CORRESPONDENT

CORRESPONDENT: The high court upheld portions of a New Hampshire law requiring a minor or her doctor provide written notification to her parents or guardian 48 hours before an abortion. Justice Sandra Day O'Connor, the swing vote on abortion for more than a decade, foreshadowed the narrow range of the unanimous opinion opening with this line - "We do not revisit our abortion precedents today."

SOUNDBITE I: Today's ruling isn't an abortion ruling at all. It only deals with how courts should treat statutes they think that are unconstitutional in some small percentage of cases but not in a broad group of cases.

CORRESPONDENT: The high court said two lower federal courts overreached when they struck down all of New Hampshire's 2003 parental notification law. O'Connor reaffirmed the state's right to regulate abortions performed on minors.

"States unquestionably have a right to require parental involvement when a minor considers terminating her pregnancy," O'Connor wrote.

SOUNDBITE II: This marks a significant victory for the pro-life movement and parental rights. And here's why -- number one, the Supreme Court upheld the basic principle that parents can and should be involved in the process of their minor daughter seeking an abortion.

CORRESPONDENT: The Supreme Court acknowledged New Hampshire's law contained a critical constitutional flaw. In some cases, it did not explicitly authorize an abortion when a minor's health was in jeopardy. But that flaw, the court said, could be corrected.

"If enforcing a statute that regulates abortion would be unconstitutional in medical emergencies, what is the appropriate judicial response? We hold that invalidating the statute entirely is not always necessary or justified."

Bottom line, the lower federal court must confront the health exemption issue but preserve other constitutionally valid parts of the New Hampshire law. (...)

While the previous two segment formats have a monologic form, news interviews and debates have an interactive character. News interviews mostly adhere to a question-and-answer format where the anchor does not express their opinion, debate, criticize, or defend interviewees, and interviewees do not change the topic, make unsolicited comments, or argue with other interviewees (Ben-Porath, 2007; Clayman & Heritage, 2004). Such interviews typically feature guests involved in the reported event (e.g., plaintiffs, attorneys) or who have specialized knowledge on the subject (e.g., law professors, advocacy groups). I coded news interviews as present when the news mention included any segments I identified as such through the type of interviewee and the form of the interview. As an example, consider the excerpt below ("For January 21, 2010," 2010), which was taken from an interview with David Bossie, President of Citizens United, that aired on *Hardball* following the Court's decision in *Citizens United* (*Citizens United v. Federal Election Commission*, 2010).

NEWS INTERVIEW

ANCHOR: That's an anti-Hillary documentary. Fair enough. That's free speech. What did the court rule today that won for you, David?

GUEST: We won a decisive victory at the Supreme Court today today, Chris. We won on all accounts, pretty much. We're ecstatic that the United States Supreme Court sided with the founding fathers, sided with the First Amendment, and decriminalized political speech today.

ANCHOR: Well, did you make the movie like you would make a movie to take to Sundance or did you make the movie to make a case politically, as it seems to make? Of course, it could have met both calls. Did you make any money on the movie? Was it a commercial property or political hit job, basically?

GUEST: We obviously sell the film. We sell it today. People can go -
-

ANCHOR: Was it profit making?

GUEST: The film last very -- had a market share that was very small because she was out of the race very quickly after the film came out. But we knew -- then we made a film on Barack Obama, which is still available and doing very well.

We make films -- Citizens United Productions has now made 14 films over the last several years. We make them with Fred Thompson, Newt Gingrich, Dick Morris. You name it, on the conservative side, we make conservative films. The Federal Election Commission told me that I couldn't air my films or show advertisements for them. So

they basically said I could make them, but not let anybody know they existed. So I decided to take it to court.

Finally, I identified debate segments through the anchor, introducing the segment as such, the guests, and the form of the conversation. In contrast to news interviews, these segments do not adhere to a strict question-and-answer format, and the anchor does express their opinion, debate, criticize, or defend interviewees. Further, participants regularly make unsolicited comments and interrupt and argue with each other. Compared to formal interviews, debate segments have a more conversational and confrontational style. These aspects can also be observed in the *Special Report* excerpt from a debate segment following the Court's decision in *Citizens United* ("Fox News All-Stars," 2010). The interaction between the anchor and the guests seems more fluid and less structured. Instead of the anchor always prompting guests with questions, guests sometimes jump into the conversation without a direct prompt.

While these exchanges could increase viewer attention (Mutz, 2015), they tend to offer simplified arguments and leave factual errors uncorrected (Ben-Porath, 2007; Zilis, 2015). Since the information presented in these segments is not always reliable or accurate, it is unclear how useful these interactions are for viewers (Delli Carpini, 2000; Farhi, 2018; Pekary, 2021). Further, this format can contain high levels of conflict, which has been shown to decrease trust in political institutions (Forgette & Morris, 2006; Mutz & Reeves, 2005; Van't Riet & Van Stekelenburg, 2022). Both news interviews and debate segments could provide viewers with a more nuanced perspective on Supreme Court cases and make them more relatable by inviting a diverse set of guests, yet scholars and journalists argue this is rarely the case (Frost & Phillips, 2011; Hamam et al., 2021; Litman et al., 2021; Mejia et al., 2021; Shamshiri, 2021; Willis, 2021).

DEBATE

ANCHOR: Mara, Chuck Schumer, senator from New York said it's probably one of the three or four decisions in the history of the Supreme Court that undermines democracy. That was his take.

GUEST I: I can say this, on a practical level for 2010 and 2012 it will help Republicans. Corporations generally support Republicans. And in the battle of political money, they have more money than the unions.

ANCHOR: What about unions?

GUEST I: They have more money net than the unions. They just do. The unions will be in there, and believe me, this ruling obviously affects them and opens the door for them, too. But dollar for dollar, corporations will beat the resources and the assets of the labor unions. They just are.

So this is a win for Republicans and is yet another kind of blow to the solar plexus this week for Democrats.

GUEST II: I don't really think so. Look, I don't think we are going to see all kinds of corporate expenditures in races, independent expenditures that show we are for this candidate and not for that candidate. Most big companies have shareholders. Do they want their companies doing that? Do they want they want them spending money on that?

And the other thing is, look, in 28 states, with about 60 percent of the population, the states allow corporations to participate with expenditures in campaign races, in elections. They do it.

Now, has that distorted the process? Has that been a huge asset to Republicans in these states? States like Oregon for one, for a very Democratic state? In Virginia, which now sort of goes back and forth between Republicans and Democrats? The history just isn't there.

And look, we -- as Charles said, there is so much money out there.

We already have rich people -- a lot of them are liberals, you know, George Soros and so on -- and a lot of them are conservatives, pouring money in in all these independent expenditures. I'm very doubtful that corporations are going to be jumping in there so much.

ANCHOR: And Mara, quickly, this does not overturn the McCain-Feingold legislation entirely.

News Mention Length

The news mention length is based on the word count of the news mentions, which I converted to seconds to ensure comparability with previous studies (Katsh, 1983; O'Callaghan & Dukes, 1992; Slotnick & Segal, 1998). To calculate the word count, I removed all non-spoken words from the news mentions, such as speaker tags, non-verbal communication (e.g., laughter), and inaudible material (e.g., crosstalk) and then retrieved the number of words for the cleaned news mentions from RAND-Lex, the RAND Corporation's in-house textual analysis suite. I converted each word count to seconds based on an average speaking rate of 135 words per 60 seconds (Edwards III & Howell, 2011, p. 258) and categorized the news mentions as short, medium, and long, following O'Callaghan & Dukes (1992) and Slotnick & Segal (1998). Table 5.2 lists the number of words and seconds for each group.

Table 5.2*News Mention Length Group by Number of Words and Seconds*

	Short	Medium	Long
Words	≤ 68	69-269	≥ 270
Seconds	≤ 30	31-121	≥ 120

I examine the length of the news mentions to understand how much time news programs dedicated to covering Supreme Court cases and, as a result, if they view the Court as a priority. In addition, the amount of time can indicate whether viewers were provided with only basic information or a comprehensive overview of the cases.

Statistical Analysis

Throughout this chapter, I present the results of various chi-square tests of homogeneity to identify statistically significant differences among news mentions of different time periods (pre-2000 and post-2000 network news) and channel types (post-2000 network and cable news) and cable programs (*Hardball*, *Special Report*) in relation to the context, segment formats, and length. These tests provide statistical evidence to support my results obtained from the content analysis. In other words, they confirm whether the observed differences in the context, segment formats, and length of news mentions from the different news samples are statistically significant or just due to chance.

The chi-square test of homogeneity compares the distribution of a single categorical variable, like news mention context, for two or more groups, such as pre- and post-2000 network news. For instance, was the distribution of contexts (same, related, different) different for the two network news periods?

Based on this example, the chi-square test of homogeneity compares the observed counts for each network news period at each level of the context variable to the expected counts if the distributions were the same. If the null hypothesis is true, the observed and

expected frequencies will be roughly equal, and the proportions of the three contexts will be the same for both network news periods. I reject the null hypothesis if the chi-square test is statistically significant at $\alpha = .05$ and conclude that at least one category deviates from the expected ratio, indicating the distribution of news mention contexts differed between the two network news periods. If the chi-square test is statistically significant, I use the standardized residuals to assess how much a specific category contributed to the chi-square value, with values below or above ± 2 suggesting a significant contribution.

As described above, the chi-square tests for the context compare news mentions based on the distribution of same, related, and different contexts. I used the same approach to test for statistical significance between news mention proportions of short, medium, and long length. While the context and news mention length consisted of mutually exclusive categories, the news segment format did not. That is, a single news mention could only be categorized as one specific context and length, but it could include more than one segment format. To meet the chi-square test requirement of mutually exclusive categories, I tested each format individually. For instance, to determine whether anchor segments were more common in pre- or post-2000 network news, I compared the proportion of news mentions that included anchor segments with the proportion of mentions that did not.

Moreover, my sample includes identical news mentions (see Chapter 3, p. 62). In these instances, two or more cases were covered at the same time in a way that made it impossible to split the text into two meaningful news mentions. Given that identical mentions might inflate the sample size and potentially bias the results, I performed robustness checks for each reported result, including only one of each identical mention, to ensure the validity and reliability of my findings. All results presented in this chapter passed this check. Calculations for all statistical analyses were performed using the R packages *janitor* (Firke, 2021) and *tidyverse* (Wickham et al., 2019). The formal analysis is tracked with R Markdown and is

openly available on GitHub/Harvard Dataverse (Matthias, 2023). The repository contains complete statistical results, including robustness checks.

Having detailed the comprehensive methodology used to investigate the structural features of news mentions of Supreme Court cases, the following sections will present the analysis results, highlighting differences in news format across diverse channel types, time periods, and specific cable news programs.

News Channel Types and Time Periods

In this section, I compare news mentions of Supreme Court cases from pre-2000 and post-2000 network news (1990-1999 and 2000-2018) and post-2000 network and cable news (2000-2018) to identify differences in the structural features of the coverage.

For network news, I expect continued reliance on traditional formats like correspondent and anchor reports across both periods, reflecting established news practices and presentation styles. However, considering the decline in coverage volume after 2000, shown in Chapter 4, I anticipate network news to dedicate less total time to Supreme Court cases during this later period.

In contrast, for cable news, I predict greater format variety, including frequent use of debate segments, which offer an engaging, cost-efficient way to fill ample airtime focused on political coverage. With more time and flexible formats, I expect cable news to dedicate more extended discussions to Supreme Court cases and to be more likely to mention Supreme Court cases in passing during stories and conversations not directly related to the Court.

News Mention Context

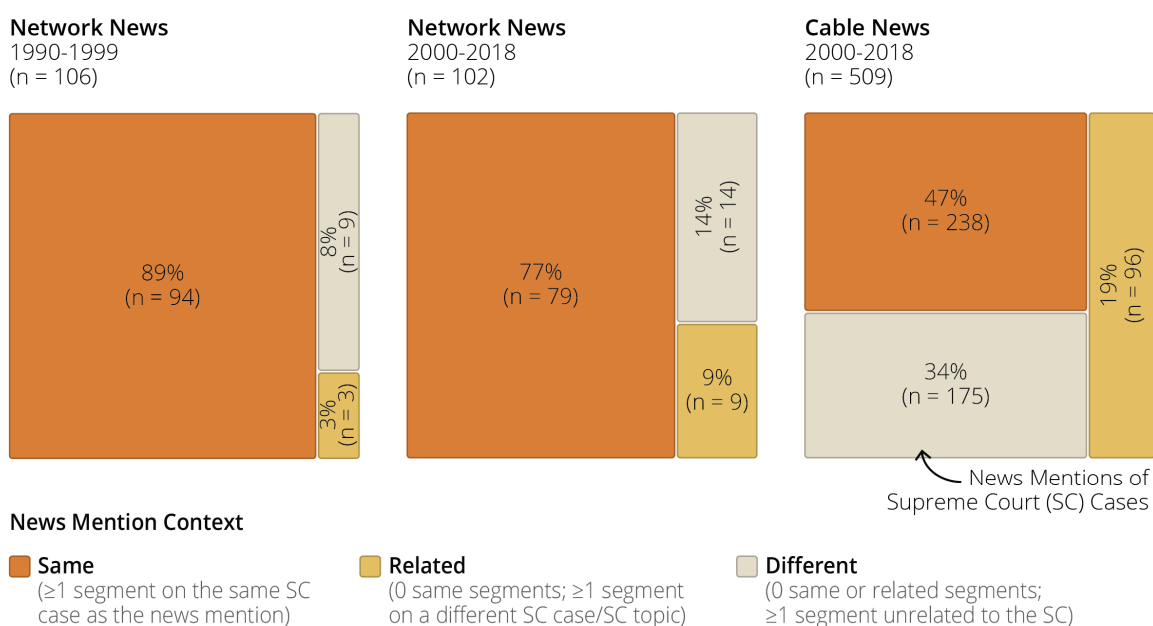
To provide more context to how and when Supreme Court cases were mentioned during the two network news periods and by the different channel types, I first examine coverage from pre-2000 network news and post-2000 network and cable news based on the context surrounding the case mentions. That is, when a Supreme Court case appeared in the

news, was it mentioned because the program ran a segment about the case, or was it referenced while covering another Supreme Court case or related topic, or was it mentioned while discussing issues not related to the Court? Since my sample also includes mentions of Supreme Court cases when the case was not the focus of the news story or segment, this analysis provides additional context for the results on news volume presented in the previous chapter. In particular, the analysis will show how the volume of dedicated Supreme Court coverage compares between time periods and channel types and if Supreme Court cases are also referenced in news reports and discussions that are not about the Court. Consequently, the results can indicate in what contexts news audiences encounter information about Supreme Court cases and how comprehensive this information might be.

Figure 5.2 uses treemaps to visualize the distribution of news mentions across contexts by channel and time period. Each treemap contains three rectangles representing the mention contexts, sized in proportion to the sample.

Figure 5.2

Distribution of News Mention Contexts by Channel Type and Time Period



As shown in the figure, during the 1990-1999 terms, network news almost exclusively mentioned Supreme Court cases when covering them ($n = 94, 89\%$). Consequently, Supreme Court cases rarely appeared in stories reporting other cases ($n = 3, 3\%$) or issues not directly related to the Court ($n = 9, 8\%$). Looking at the treemap in the middle, we can see that network news mentions from the 2000-2018 terms still followed that same hierarchical order even though Supreme Court cases were mentioned in related and different contexts more frequently, resulting in a lower share of news mentions while covering the case ($n = 79, 77\%$).

Compared to network news, the mix of contexts in which Supreme Court cases were mentioned on cable news was more varied. Less than half of the news mentions appeared when the program ran a segment about the case ($n = 238, 47\%$). Consequently, Supreme Court cases were more frequently mentioned while covering other cases ($n = 96, 19\%$) or topics unrelated to the Court ($n = 175, 34\%$).

To determine whether the contexts in which Supreme Court news mentions appeared differed significantly between the two network news periods and post-2000 network and cable news, I applied two chi-square tests of homogeneity. The chi-square tests showed no significant differences between the two network news periods ($\chi^2(2, N = 208) = 5.31, p = .07$), yet comparing network and cable news mentions from the 2000-2018 terms revealed that the two channel types mentioned Supreme Court cases in significantly different contexts ($\chi^2(2, N = 611) = 32.13, p < .001$). Based on the standardized residuals, news mentions directly related to the case (± 5.66) and those unrelated to the Court showed the biggest difference (± 4.12).

These results indicate that although network news mentioned Supreme Court cases much less frequently in the 2000-2018 terms (see Chapter 4), the context in which the cases were mentioned only changed minimally. That is, most of the time, a Supreme Court case was cited on network news, it was because the program ran a segment on that case, but outside of this context, Supreme Court cases were rarely mentioned. Previous studies (Davis, 1987;

Katsh, 1983; Slotnick & Segal, 1998; Spill & Oxley, 2003) and journalists (O'Brien qtd. in Slotnick, 1991, p. 140; Stern qtd. in Slotnick & Segal, 1998, p. 179) covering the Court have highlighted the time constraints of network news, which may explain why Supreme Court cases rarely appear in other news stories. With airtime limited to less than 20 minutes (Pew Research Center, 2013a), newscasts might not have the time to mention Supreme Court cases in stories focused on other topics. For network news audiences, this finding implies that they rarely encounter information about Supreme Court cases outside of news stories about the Court, which could affect how they understand the Court's work and its relationship with the other branches of government. When Supreme Court cases are not integrated into news stories focused on broader social, economic, political, and cultural issues—those with a “different” context—viewers may find it difficult to relate the cases to their lives and to recognize the vast impact of the Court's work. Taken together, these aspects could contribute to the perception of the Court as far removed from the public and the other two branches of government.

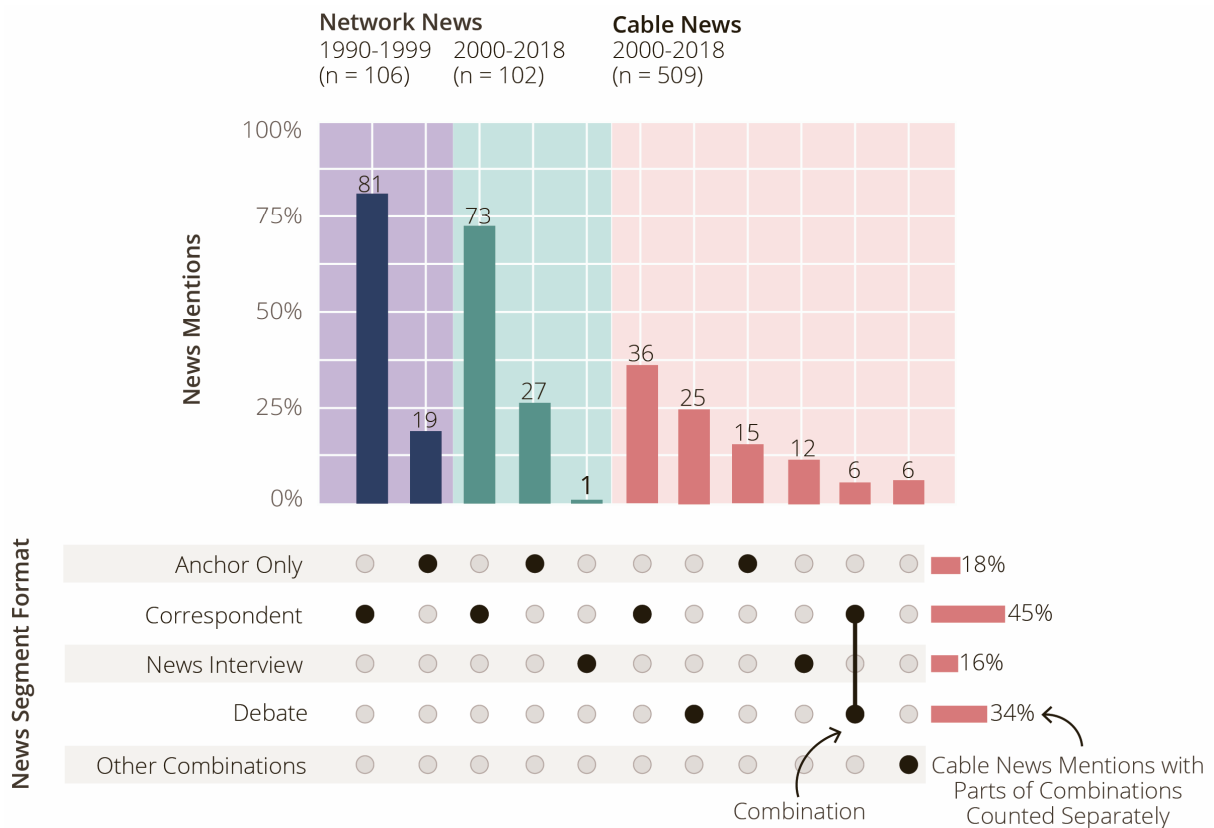
In contrast, cable news mentioned Supreme Court cases when reporting other cases or issues. One reason for this could be the length and format of cable news programs. As cable news programs are typically double the length of network news (Pew Research Center, 2013a), they might be more able to reference Supreme Court cases in news stories about other cases or discussions unrelated to the Court. In addition, cable news shows often feature debate segments where participants might cite Supreme Court cases while debating social or political issues that are not directly related to the case. As a result, cable news viewers might not only be exposed to information about Supreme Court cases more often than network news viewers but also encounter Supreme Court cases in different contexts. While it is unclear how beneficial these news mentions would be to the viewers' understanding of the Court, hearing

about Supreme Court cases in various contexts could make them more relevant to viewers and clarify the impact on politics or everyday life in general.

News Segment Format

After examining the context in which Supreme Court cases were mentioned, I now analyze which formats news programs used to report and discuss them. In particular, I analyze coverage from pre-2000 network news and post-2000 network and cable news based on how often their news mentions included anchor segments, correspondent reports, news interviews, and debates. Analyzing the type of segments news programs commonly used to cover Supreme Court cases can point to who discussed the cases and how comprehensive, accessible, and accurate the information viewers were exposed to was.

Figure 5.3 presents an UpSet plot consisting of a column chart, a combination matrix, and a bar chart to visualize how many news mentions included the four segment formats by channel type and time frame. The column chart is divided into three panels, one for each news sample. Each column corresponds to a news segment format or combination of formats: the filled-in cells in the combination matrix below show to which formats the column refers. Segment format combinations representing <5% of cable news mentions are grouped as “Other Combinations.” The bar chart on the right of the combination matrix shows the share of cable news mentions featuring each format when counting each part of a combination separately. For instance, six percent of cable news mentions aired correspondent reports in combination with debate segments. In the bar chart on the right, these were counted as six percent for correspondent reports and six percent for debate segments. Since segment formats were not coded as mutually exclusive categories—otherwise, there would be no combinations—the percentages in the bar chart do not total 100 percent.

Figure 5.3*Segment Formats in News Mentions by Channel Type and Time Period*

In the figure above, we can see that network news coverage of Supreme Court cases during the 1990-1999 terms ($n = 106$, 100%) was primarily led by correspondents ($n = 86$, 81%), with only 20% of the news mentions including briefs by the anchor alone ($n = 20$, 19%). Anchor-only segments slightly grew ($n = 27$, 27%) in the post-2000 period of network news ($n = 102$, 100%), yet still, correspondent reports constituted the bulk of Supreme Court coverage ($n = 74$, 73%). During the entire timeframe of the study, spanning nearly three decades only once did network news reference a Supreme Court case during a news interview ($n = 1$, 1%). That interview was with Jeb Bush, who had just launched his 2015 presidential campaign and asked him about his views on same-sex marriage just a few days before the Court's decision on marriage equality (*Obergefell v. Hodges*, 2015). These findings are consistent with earlier research (Pew Research Center, 2013a), which has shown that

correspondent reports constitute the vast majority of network news content, with other formats accounting for only around 20% of the coverage.

Compared to network news, cable news mentions of Supreme Court cases (N = 509, 100%) included a variety of segment formats. Figure 5.3 reveals that correspondent reports accounted for only 45% (n = 228) of all cable news mentions, which, although the most common format included in cable mentions, is considerably lower than compared to network news. Debate segments (n = 173, 34%) were the second most common segments included in cable news mentions, followed by anchor-only segments (n = 90, 18%) and news interviews (n = 83, 16%). Sometimes, cable newscasts mentioned the same Supreme Court case in multiple segments (see combinations in Figure 5.3; n = 61, 12%), typically combining a correspondent report with a debate segment (n = 29, 6%).

To assess the significance of differences in news segment formats between the two network news periods and post-2000 network and cable news, I applied a series of chi-square tests of homogeneity. The first group of tests comparing pre-2000 and post-2000 network news showed no statistically significant differences in the presence of anchor segments ($\chi^2(1, N = 208) = 1.72, p = .19$), correspondent reports ($\chi^2(1, N = 208) = 2.16, p = .142$), or news interviews ($\chi^2(1, N = 208) = 1.04, p = .307$). In contrast to the minimal changes between the two network news periods, comparing post-2000 network and cable news revealed statistically significant differences for all four segment formats. Based on the standardized residuals, the two channel types most notably differed in their use of debate segments (± 6.95), which only appeared on cable news, and correspondent segments (± 5.12), which were more common in network news mentions.

In line with previous research on network news formats, these results indicate that the formats used for covering Supreme Court cases on network news have remained fairly stable over time. For instance, Slotnick and Segal's (1998) analysis of the Court's 1989 and 1994

terms showed only a slight difference in the proportion of anchor-only (+3%) and correspondent (-3%) segments. Similarly, the 2013 State of the News Media report (Pew Research Center, 2013a) found that the formats of network news content had remained relatively unchanged between 2007 and 2012, with the most significant change being an increase in anchor segments. Overall, the results suggest that although network news viewers might have encountered fewer reports on Supreme Court cases in the post-2000 period (see Chapter 4) when they did encounter them, most still included correspondent reports, which might be most beneficial for public understanding of the Court (cf. Davis, 1987, 1994; Slotnick & Segal, 1998).

When Supreme Court cases were cited on network news, they only appeared in scripted and pre-edited reports, such as those presented by anchors and correspondents. While cable news mentions also often included these types of segments, either individually or in combination ($n = 317$, 62%), a unique feature of cable news is that every third time a Supreme Court case was mentioned, it included commentary and opinion ($n = 173$, 34%).

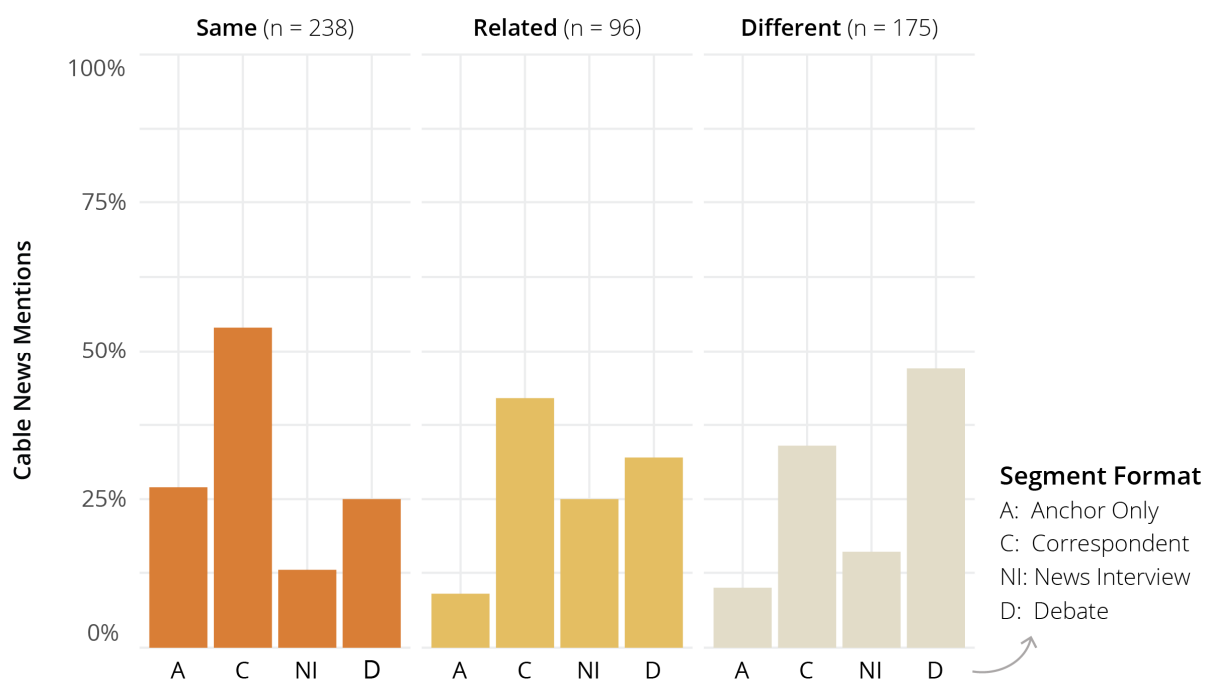
Before discussing the implications of these differences, it is worth considering the segment formats included in cable news mentions in connection with the context in which they appeared. This can indicate whether certain formats were more commonly used when cable news covered a particular case, other Supreme Court topics or cases, or issues unrelated to the Court. I limit this analysis to cable news because network news mentions in related ($n = 9$) and different ($n = 14$) contexts were so rare that the results would hardly be meaningful.

Figure 5.4 presents a three-panel column chart, which shows the share of cable news mentions with each segment format present by context. What stands out from the chart is that each news mention context has a unique mix of segment formats. When cable news focused on covering one of the cases in my sample, over 50% of the news mentions included correspondent reports, while 25% featured anchor and debate segments. When a case was

mentioned while covering other cases and topics related to the Court, cable news mentions included correspondent segments, debates, and news interviews, whereas debates and correspondent segments were most common in news mentions discussing topics unrelated to the Court. Taken together, Figure 5.4 highlights an interesting dynamic between correspondent and debate segments in cable news mentions. When Supreme Court cases are discussed outside of dedicated news coverage, debate segments become more common, and correspondent reports become less common.

Figure 5.4

Cable News Mentions by Context and Segment Format



While debate and correspondent segments are prominent throughout the cable news sample, it is the debate format that most clearly distinguishes cable from network news. From a news production standpoint, live debate segments are convenient because they cut the costs of having a crew and reporter cover the case and create a sense of urgency and excitement that

can draw viewers in and generate more interest in the story. The reason these segments are absent from network news is that the limited time available for broadcasts does not allow for lengthy debates. It is unclear whether the inclusion of commentary and opinion in cable news coverage of Supreme Court cases hinders public knowledge and understanding of the Court. However, it is worth noting that these debates tend to be oversimplified, characterized by aggressive rhetoric, and allow for unfiltered opinion, which may indicate that the level of reliability and comprehensiveness with which Supreme Court cases are discussed on cable news is insufficient for viewers to fully understand the complexities involved in these cases (Ben-Porath, 2007; Farhi, 2018; Pekary, 2021; Snoeijer et al., 2002; Zilis, 2015). In addition, previous studies have found that the aggressive style of these formats can negatively affect attitudes toward the press (Ben-Porath, 2010), trust in political institutions (Forgette & Morris, 2006; Mutz & Reeves, 2005), and public opinion about the Supreme Court (Zilis, 2015).

News Mention Length

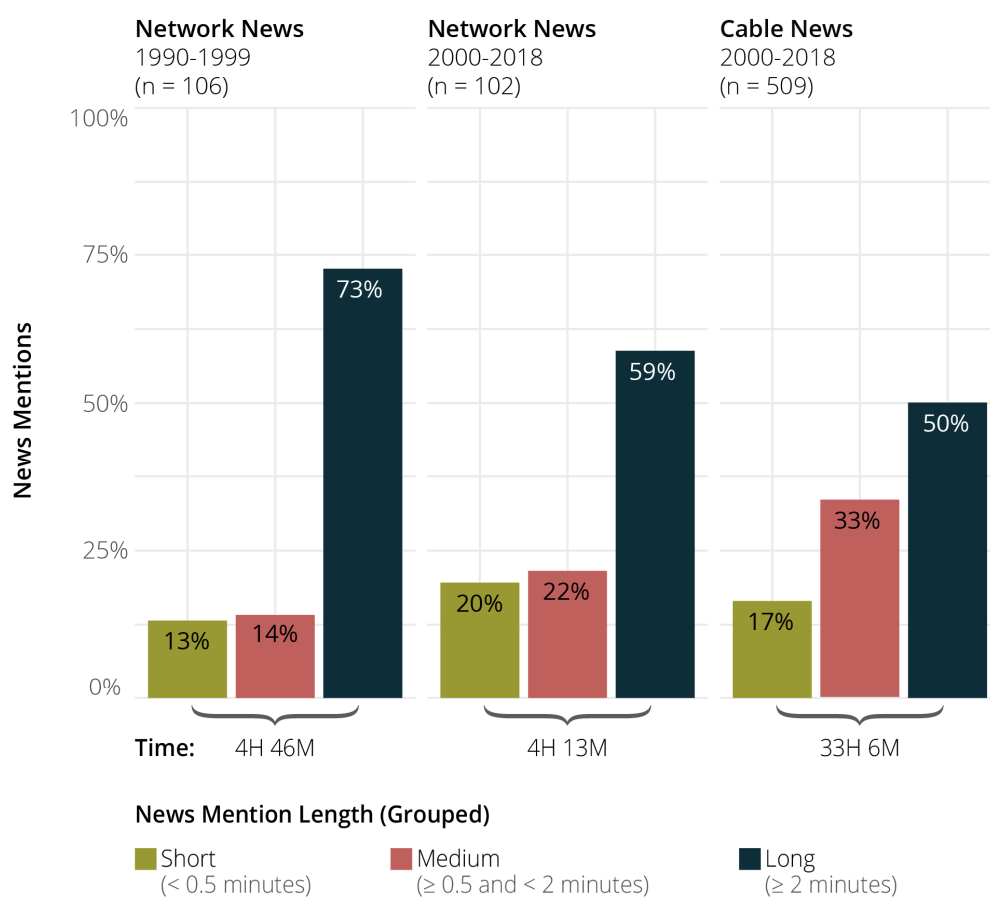
The final group of analyses in this section considers the amount of time television devoted to discussing Supreme Court cases during the two network news periods and by the two channel types. Analyzing pre-2000 network news and post-2000 network and cable news, I determine whether the shares of short, medium, and long news mentions differ between them, as the news mention length can serve as a proxy indicator for how much information the news mentions contained.

Figure 5.5 shows three column charts that visualize the proportions of short, medium, and long news mentions by channel type and time period. From the column chart on the left, we can see that the majority of network news mentions during the 1990-1999 Supreme Court terms were longer than 2 minutes ($n = 77, 73\%$). These long news mentions were between 2- and 12 minutes, with a mean length of 3.5 minutes ($Mdn = 3$ minutes). Short and medium

news mentions were less common, representing 13% ($n = 14$) and 14% ($n = 15$), respectively. These news mentions appeared more frequently in the post-2000 period of network news, accounting for 20% ($n = 20$) and 22% ($n = 22$), respectively, yet still, most news mentions ranged between 2 and 10 minutes ($n = 60$, 59%), with an average length of 4 minutes (Mdn = 3 minutes).

Figure 5.5

Distribution of News Mention Length by Channel Type and Time Period



Compared to post-2000 network news, while following the same general pattern, cable news showed a higher share of medium-length news mentions but a lower share of long news mentions. Nevertheless, long cable news mentions showed more variation than network

news', ranging between 2-40 minutes, with an average length of 7 minutes (Mdn = 4 minutes).

I applied two chi-square tests of homogeneity to assess if there was a significant difference in the distribution of news mention lengths between the two network news periods and post-2000 network and cable news. The test results indicate that the proportions of short, medium, and long news mentions did not differ significantly between pre- and post-2000 network news ($\chi^2(2, N = 208) = 4.42, p = .11$) and neither between post-2000 network and cable news ($\chi^2(2, N = 611) = 5.52, p = .063$).

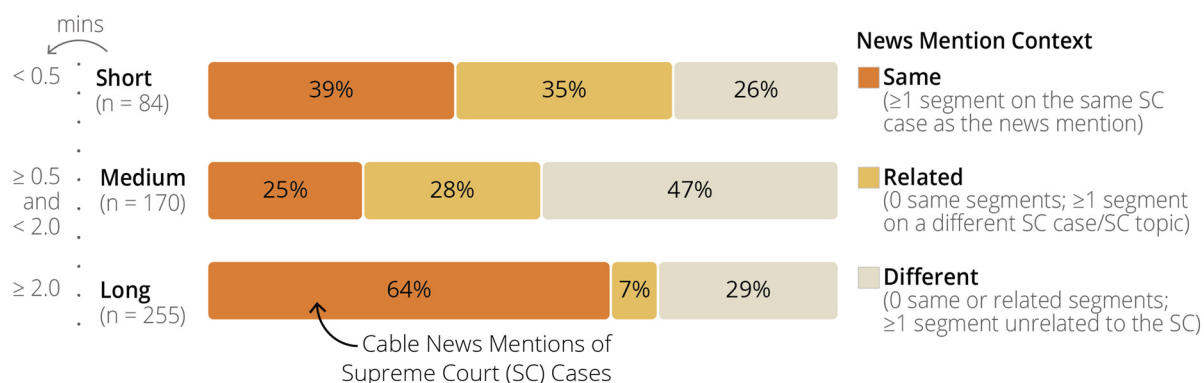
While the results suggest that when Supreme Court cases were mentioned on television news, both network news and cable news used short, medium, and long news mentions with similar frequency, this does not imply that the overall amount of time dedicated to covering Supreme Court cases was equivalent across all three news samples. On the contrary, comparing the two network news periods reveals a stark change in network news attention in the post-2000 period, with only 4 hours and 13 minutes of coverage across 18 terms compared to 4 hours and 46 minutes over nine terms before 2000. In contrast, cable news spent nearly eight times as much time covering the Court, recording more than 33 hours during the post-2000 terms.

The sharp decline in network news attention to the Court in terms of how much time was spent on covering the cases mirrors the findings presented in Chapter 4 that show that the number of network news mentions was halved in the later period. This suggests that network news mostly decreased attention to the Court by providing less frequent coverage, yet when cases were covered, the reports were comparable in length to those from the earlier period, perhaps because they were already so brief that it was not feasible to shorten them even more. Even if both network and cable news viewers are exposed to long news mentions most of the time they hear about the Court, this does not overcome the striking difference between the

channel types in the number of news mentions and overall time spent discussing Supreme Court cases. The consequence for viewers who largely consume network news is a dramatic decrease in their opportunities to learn about the Court, which might indicate differences in knowledge about the Court and perception of its relevance to American politics and their own lives when compared to cable viewers, who receive a far greater amount of coverage.

To better understand when cable news allocated more or less time to covering Supreme Court cases, I grouped cable news mentions by length (i.e., short, medium, long) and analyzed them by contexts and segment formats. Analyzing news mention lengths in combination with their context and segment formats can tell us more about under which circumstances Supreme Court cases receive longer coverage and which segment formats are included when they do. This can point to how informative the news mentions are (Linos & Twist, 2016; Newland, 1964; Strickler, 2014; Zilis, 2015). I limit this analysis to cable news because network news mentions showed little variation in the context and segment format, so splitting them into even smaller groups would not provide meaningful insights.

Figure 5.6 visualizes cable news mentions by length and context through stacked bar charts. Interestingly, the three groups appear to have a unique mix of contexts. News mentions shorter than 30 seconds were roughly evenly split between the same, related, and different contexts, whereas almost half of the medium-length news mentions occurred while covering topics unrelated to the Court. In contrast, when a case was discussed for more than two minutes, it was usually part of coverage centered around that case or, to a lesser extent, on topics not related to the Court, accounting for 64% and 29% of all long cable news mentions, respectively.

Figure 5.6*Cable News Mentions by Length and Context*

This implies that how long a Supreme Court case was discussed on cable news was partly related to why the case was mentioned. That is, cable news typically spent more than two minutes (long) when the case was the center of the story but less than half a minute to two minutes (short and medium) when that case was mentioned while discussing another Supreme Court case or topic and between half a minute to up to two minutes (medium and long) when the case was mentioned outside of Supreme Court coverage.

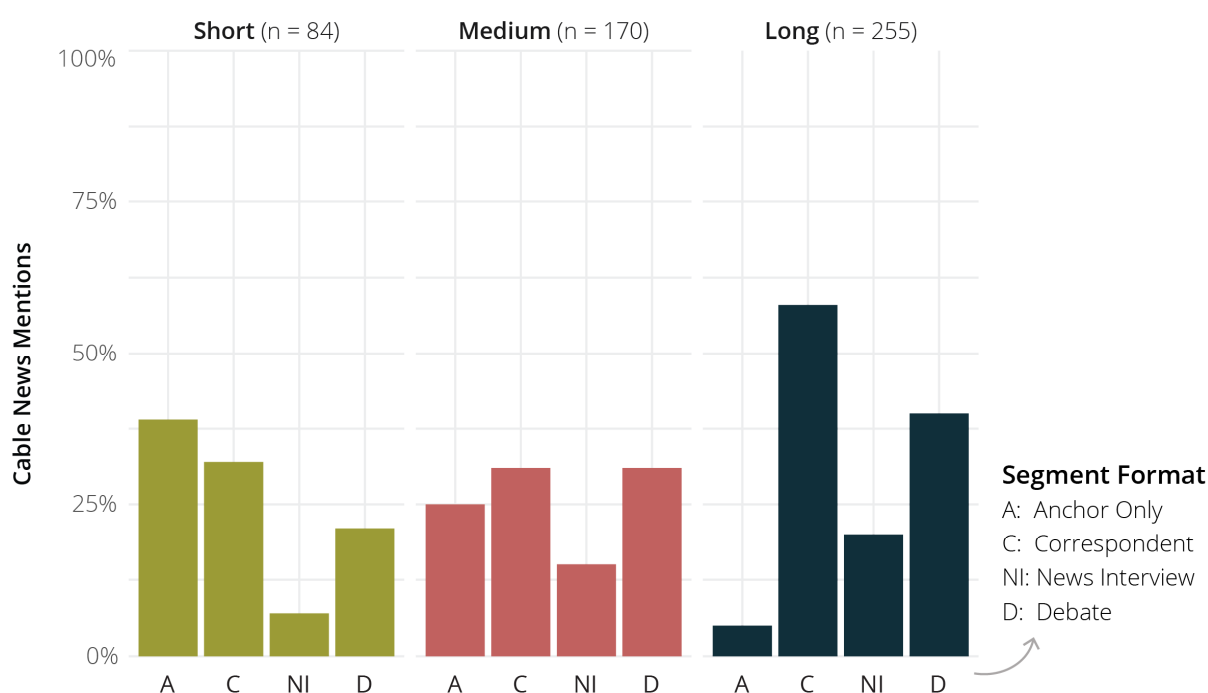
Figure 5.7 on the next page illustrates how segment formats in cable news mentions vary in relation to news mention length, with anchor segments being most common in short news mentions and news interviews and debate segments becoming more prevalent in longer news mentions. Correspondent reports were prominent in all news mentions regardless of the length but were most common when cases were covered for more than two minutes.

All in all, these findings suggest that cable news uses different segment formats to cover Supreme Court cases in different contexts (see Figure 5.4, p. 120) and that how and why the cases were covered related to how long they were talked about, whereas network news coverage showed very little variation in the context or format. The most notable differences between the two channel types were how frequently Supreme Court cases appeared in long cable news mentions that did not cover issues directly related to the Court

and how prominently long cable news mentions featured debate segments. Both of these were more common in cable news since the strict time constraints in network news rarely provide the opportunity for lengthy debates or discussions of Supreme Court cases when they are not the focus of the story.

Figure 5.7

Cable News Mentions by Length and Segment Format



These findings suggest that cable news viewers may be more likely to encounter Supreme Court cases as part of broader discussions, such as the implications of a Supreme Court decision on a particular policy issue, and during on-air debates, which have been widely criticized for oversimplifying issues. In contrast, network news viewers may be more likely to receive coverage focused more narrowly on individual cases and led by a correspondent, which, in theory, has the potential to provide in-depth coverage but, in practice, does not due to the limited time available. While it appears that neither approach is particularly beneficial

for viewers, it is unclear what these findings mean for public understanding of the Court since qualitative research on the information included in these segments and experimental studies on how the format and context of Supreme Court coverage affect viewers are lacking.

Summary

In this section, I compared news coverage from pre-2000 network news (1990-1999) and post-2000 network and cable news (2000-2018) to identify differences in the structural nature of attention dedicated to the Supreme Court. I assessed the format of Supreme Court news coverage based on three structural indicators: the contexts in which the news mentions appeared, the format of the segments included in the news mentions, and the length of the news mentions.

My findings indicate that the way network news references Supreme Court cases has not changed significantly between the two periods. That is, most Supreme Court cases were mentioned because they were the focus of a news story, reported by correspondents, and discussed for more than two minutes at a time. Even though none of the indicators were statistically significant individually, when taken together, the observed decline in each of these categories—news stories that are case-centered, correspondent-led, or longer than 2 minutes—suggests that network news saw the Supreme Court as less of a priority as fewer resources and less time were allocated to covering it. This shrinking interest in the Court coincides with a growing interest in soft news (Pew Research Center, 2013a) and is also reflected in the decrease in overall Supreme Court news volume (see Chapter 4) and, similarly, the total amount of time dedicated to discussing Supreme Court cases.

In contrast to the uniform format of network news, cable news showed more variation in the context in which Supreme Court cases were mentioned and the format and time to discuss them. Most notably, cable news provided lengthy discussions of Supreme Court cases

while covering issues unrelated to the Court and heated debates to fill airtime. These were distinct features of cable news coverage, given the time constraints of network news.

The structural factors examined in this chapter can contribute to the accuracy and comprehensiveness of Supreme Court news coverage and influence trust in political institutions. As such, the high shares of correspondent reports, long news mentions, case-centered coverage, and the absence of debate segments on network news could aid the viewers' understanding of the Court. However, these potential benefits are diminished by the limited opportunities that network news provides viewers to learn about the Court, as indicated by the shrinking number of news mentions and time spent discussing them. My findings suggest that cable news offers viewers a greater number and variety of opportunities to learn about the Supreme Court. While this approach could convey the multifaceted impact of the Court's work and the role of the Court within American democracy, it is unclear how beneficial it is for viewers due to the high frequency of debate segments throughout cable news coverage.

Cable News Programs

This analysis examines differences in key structural features of Supreme Court coverage between two cable news programs—MSNBC's *Hardball* and Fox News' *Special Report*.

I anticipate variation in the context, format, and length of news mentions based on the programs' distinct editorial priorities and audience expectations. For instance, given *Hardball's* talk-heavy format, I expect more frequent debate segments and unscripted interactions. Consequently, I anticipate Supreme Court cases to frequently appear in contexts unrelated to the Court but that when they are mentioned as part of dedicated coverage, they are discussed for longer.

Given *Special Report's* mix of traditional hard news elements and talk-based segments, I expect this will be reflected in their coverage of Supreme Court cases, leading to a greater focus on the Court directly. However, I anticipate overall greater variety in news mention lengths, as *Special Report's* format presents the possibility for short anchor briefs, correspondent reports, discussion segments, or a combination thereof. The blend of formats may result in a range of mention durations even within concentrated Court coverage. In summary, for *Special Report*, I predict more dedicated Supreme Court coverage due to their news focus, but variable mention lengths based on their diverse presentation styles involving both brief news updates and extended panel discussions.

News Mention Context

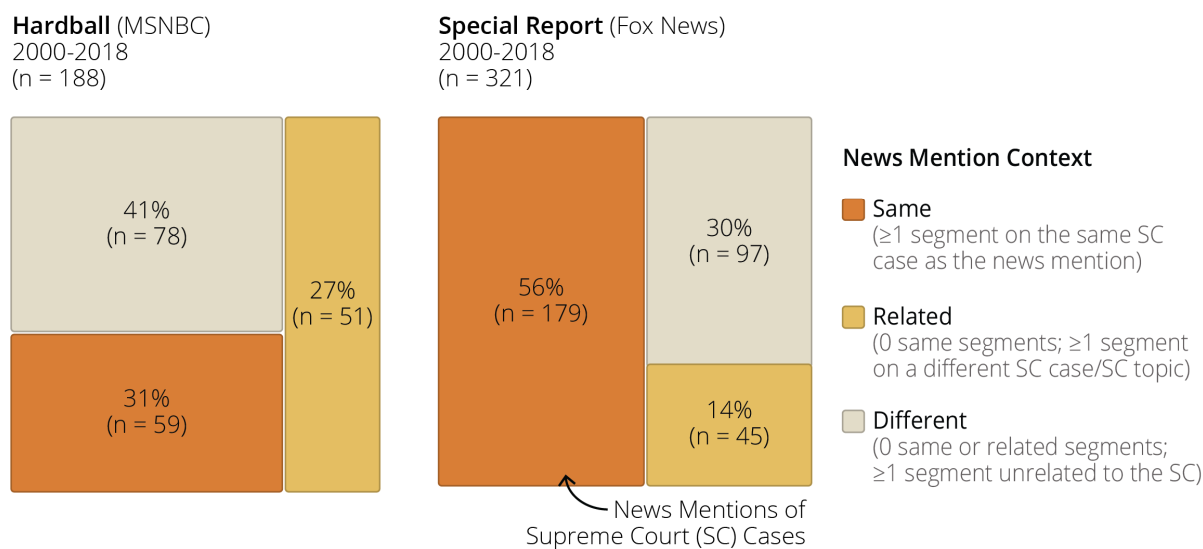
To assess how and when Supreme Court cases were mentioned by the different cable programs, I first examine coverage from *Hardball* and *Special Report* based on the context surrounding the news mentions. In particular, I examine whether the cases were mentioned in coverage centered around them, other Supreme Court cases and topics, or issues unrelated to the Court. Building on the results presented in Chapter 4 that highlighted asymmetries in how often Supreme Court cases were mentioned on *Hardball* and *Special Report*, this analysis will show specifically how much of the cable programs' attention was dedicated to covering the cases and whether cases are sometimes incorporated into coverage on, for example, social or political issues.

Figure 5.8 shows treemaps that illustrate the proportion of news mentions from various contexts for each cable news program. Each treemap is made up of three rectangles that represent the different contexts and are sized based on the sample size for each context. From the figure, we can see that *Hardball* mentioned Supreme Court cases more frequently when discussing topics unrelated to the Court ($n = 78, 41\%$), as opposed to dedicating airtime to a specific case ($n = 59, 31\%$) or mentioning cases in other stories about the Court ($n = 51,$

27%). In contrast, the majority of *Special Report* news mentions occurred during case-centered coverage ($n = 179$, 56%), followed by discussions on issues unrelated to the Supreme Court ($n = 97$, 30%), and mentions related to the Court ($n = 45$, 14%).

Figure 5.8

Distribution of News Mention Contexts by Cable News Program



I used a chi-square test of homogeneity to compare the contexts of Supreme Court news mentions on *Hardball* and *Special Report*. The results of the test revealed a significant difference between the two programs ($\chi^2(2, N = 509) = 3.26, p < .001$). The most striking difference between the two programs is the level of attention to the Supreme Court, in terms of coverage dedicated to specific Supreme Court cases (Std Res = ± 5.32) and case references as part of news stories about other Supreme Court cases and the Court more broadly (Std Res = ± 3.65).

This finding underlines the results from the previous chapter on news volume that revealed significant differences in how often Supreme Court cases were mentioned on both programs, with *Special Report* placing greater focus on the Court when compared to

Hardball. While it may be useful for viewers to come across information about Supreme Court cases in other contexts, dedicated stories about the Court and the cases it decides are likely to provide more complete and thorough information, which is necessary for viewers to gain a basic understanding of the Court. Considering that *Hardball* mentioned Supreme Court cases significantly less often than *Special Report* and provided less case-centered coverage, these results could suggest that the viewers of *Hardball* are not being exposed to as much information about the Court and its cases as those who watch *Special Report*. Furthermore, the analysis of channel types showed that cable news mentions that occurred while covering issues unrelated to the Court—the most common type on *Hardball*—had the highest proportion of debate segments and the lowest proportion of correspondent and anchor segments. This could indicate that *Hardball* viewers encounter oversimplified information about Supreme Court cases more frequently. Therefore, these results may point to differences in knowledge and perception of the Supreme Court between the two audiences.

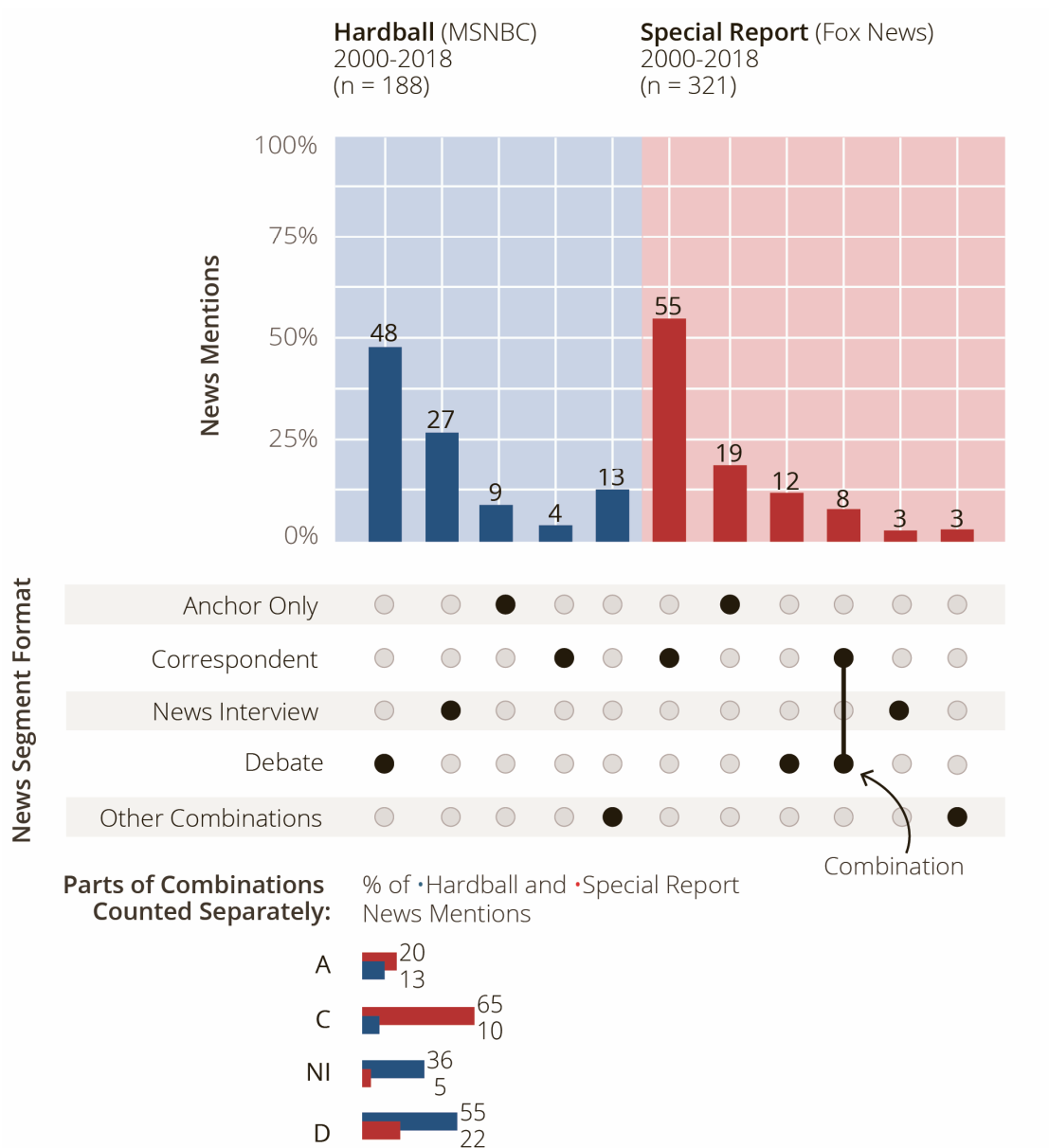
News Segment Format

After examining the contexts in which Supreme Court cases were mentioned on *Hardball* and *Special Report*, I now analyze how many of their news mentions featured anchor-only, correspondent, news interview, and debate segments. The findings can shed light on the different news presentation styles in cable news and show whether the results on news segment formats on cable news more broadly apply to both *Hardball* and *Special Report* or if the formats they used to cover Supreme Court cases are more nuanced. The results of this analysis can indicate if *Hardball* and *Special Report* viewers may encounter different styles of news presentation when hearing about the Supreme Court, which can have implications for their understanding and interpretation of the information they receive (Forgette & Morris, 2006; Mutz, 2015; Snoeijs et al., 2002) as well as the comprehensiveness and accuracy of that information (Ben-Porath, 2007; Davis, 1994; Katsh, 1983; Slotnick & Segal, 1998).

Figure 5.9 presents an UpSet plot comparing *Hardball* and *Special Report* based on the share of news mentions that included each of the four segment formats.

Figure 5.9

Segment Formats in News Mentions by Cable News Program



The plot above consists of a column chart, a combination matrix, and a bar chart. The column chart is divided into two panels, one for each program, and each column represents a

news segment format or combination of formats. The combination matrix shows which segment formats are included in each column. Segment format combinations that represent less than 5% of the programs' mentions are grouped as "Other Combinations." The bar chart at the bottom shows the share of news mentions, counting each part of a combination separately. Note that the percentages in the bar chart do not total 100% because the segment formats were not coded as mutually exclusive categories, and news mentions could contain more than one format.

From the figure, we can see that when a Supreme Court case was mentioned on *Hardball*, more than half the time, this involved debate segments (n = 103, 55%). News interviews were also common, occurring in over a third of *Hardball* mentions (n = 67, 36%), whereas correspondent segments were rarely included (n = 18, 10%). In contrast to *Hardball's* focus on dialogue, *Special Report* news mentions were more likely to feature reporting, with more than half including correspondent reports (n = 210, 65%) and one in five led by the anchor (n = 65, 20%). In comparison, talk-based formats, such as debate segments (n = 70, 22%) and news interviews (n = 16, 5%), occurred less frequently in *Special Report* mentions.

To compare the use of these segments on *Hardball* and *Special Report* statistically, I applied four chi-square tests of homogeneity—one for each of the four news segments. The results were statistically significant at $\alpha = .05$ for all segment formats except anchor-only segments, indicating a significant difference in the way that *Hardball* and *Special Report* presented information about Supreme Court cases to their viewers (see "NewsVolumeStats" in Matthias, 2023).

These results are in line with previous research that found a similar divide between Fox News and MSNBC in terms of straight news reports and opinion and commentary (Pew Research Center, 2013a). It is worth noting that while both news programs often feature

interviews and debates, the general format of *Hardball* tends to be more talk-heavy, which may have contributed to a higher proportion of these segments. From a news production standpoint, the observed differences could also point to a different prioritization of covering the Court, as the correspondent reports that appeared in most *Special Report* news mentions require more financial and journalistic resources than the pundits leading *Hardball's* coverage. As a result, *Hardball* viewers may hear about Supreme Court cases predominantly through dialogical news formats, where the anchor is joined by other guests to talk about news events. Since these conversations are often aired live, they are not subject to editorial control, and statements and commentary are broadcast unfiltered. In contrast, *Special Report* viewers may encounter information about Supreme Court cases most frequently through correspondent segments, which are typically scripted and pre-edited. In these segments, journalists select and contextualize sound bites and play a prominent role in reporting the news.

The asymmetries between *Hardball* and *Special Report* persist when analyzing segment formats included in news mentions that occurred because a specific case from my sample received dedicated coverage or because it was referenced while covering other Supreme Court topics or issues unrelated to the Court. For instance, even when *Hardball* dedicated part of the program to a specific case, only 1 in 10 of these news mentions included correspondent segments—those focused on reporting and with more detailed information—compared to 7 in 10 for *Special Report*.

These findings indicate that *Hardball* and *Special Report* viewers may have different experiences when hearing about Supreme Court cases. The format of the news segments used to cover these cases can have significant implications for the accuracy and comprehensiveness of the information viewers receive and how that information is conveyed to them (Ben-Porath, 2007; Davis, 1994; Katsh, 1983; Slotnick & Segal, 1998). Most of the time, *Special*

Report viewers hear about a case; this comes in the form of correspondent reports, which tend to be delivered in a neutral tone and often cover the legal, political, and human-interest implications of the case (Spill & Oxley, 2003; Zilis, 2015). In comparison, most of *Hardball's* exchanges are characterized by aggressive rhetoric, crosstalk, and reactive commentary (Mutz & Reeves, 2005; Zilis, 2015). As news programs choose how information is presented, who presents it, and, by proxy, what is presented, they act as a filter for information about Supreme Court cases. As such, my findings suggest that the information that *Hardball* and *Special Report* viewers base their perceptions and understanding of the Court on may differ.

News Mention Length

The final part of this chapter explores how much time *Hardball* and *Special Report* allocated to Supreme Court cases by comparing their shares of short, medium, and long news mentions. The news mention length can serve as a proxy indicator for how much importance news producers attribute to the Court—with less time indicating lower priority—and how much information viewers may gather from the news mentions. Scholars and journalists have long argued that longer news stories could aid public understanding of the Court because they can provide more than just a headline summary of the cases (Johnson, 2014; Katsh, 1983; Slotnick, 1991; Slotnick & Segal, 1998). However, these statements have typically focused on print reporters and Supreme Court journalists and might not necessarily apply to certain cable news segments. For instance, when Supreme Court cases are presented as debate topics, news mentions may be longer than when reported by a correspondent, but as these on-air debates often lack substance and depth, they may not be more informative. In addition, while previous studies have focused only on full news stories, my sample also includes news mentions of Supreme Court cases that occurred in other news stories. To provide a more nuanced view of the length of *Hardball* and *Special Report* news mentions, I also analyze the news mention length in relation to the context and segment format.

Figure 5.10 shows two column charts that visualize the proportions of short, medium, and long news mentions by cable news program. The left column chart demonstrates that over half of Supreme Court news mentions on *Hardball* were discussed for more than two minutes ($n = 98, 52\%$). These long news mentions ranged from 2 to 40 minutes, with an average length of 9 minutes and 36 seconds (Mdn = 8.5 minutes). The remaining half of *Hardball* news mentions were mostly medium-length ($n = 74, 39\%$), with less than 10% ($n = 16, 9\%$) being shorter than 30 seconds. In comparison, *Special Report* had fewer medium-length ($n = 96, 30\%$) and more short news mentions ($n = 68, 21\%$). The share of long news mentions was similar ($n = 157, 49\%$), although these had a shorter range in length and a lower average than those on *Hardball*. Specifically, long news mentions on *Special Report* ranged from 2 minutes to 26 minutes and 38 seconds, with an average length of 5 minutes and 25 seconds (Mdn = 3 minutes 38 seconds).

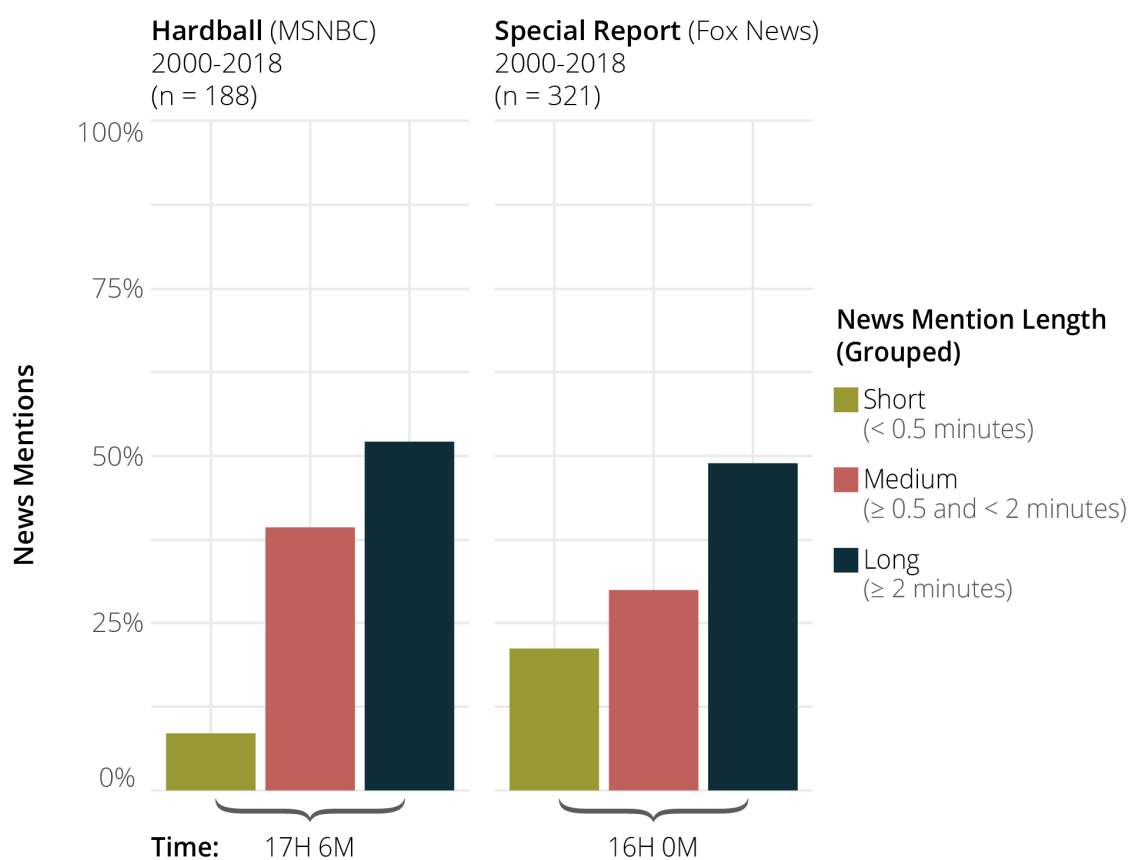
A chi-square test of homogeneity showed that the proportion of news mentions in different length categories significantly differed between the two cable programs ($\chi^2(2, N = 509) = 14.96, p < .001$). Specifically, *Hardball* had a significantly higher proportion of medium-length news mentions (Std Res = 2.18), while *Special Report* had a significantly higher proportion of short news mentions (Std Res = 3.72). The proportions of long news mentions differed only marginally (Std Res = $\pm .7$).

Interestingly, despite mentioning Supreme Court cases less frequently and often in a context unrelated to the Court, *Hardball* still spent slightly more time discussing these cases overall. Specifically, *Hardball* devoted approximately 17 hours to Supreme Court cases, while *Special Report's* coverage amounted to approximately 16 hours. There are several potential reasons for this discrepancy between how often the two news programs mentioned Supreme Court cases and how much airtime they devoted to the Court when they did. For instance, *Hardball* rarely aired short news mentions, primarily relied on news interviews and

debate segments, and demonstrated greater variation in the length of long news mentions. In comparison, *Special Report* news mentions most often involved correspondent reports, which tended to be more concise than debates with several guests. These factors may have contributed to *Hardball's* slightly greater overall time spent discussing Supreme Court cases.

Figure 5.10

Distribution of News Mention Length by Cable News Program

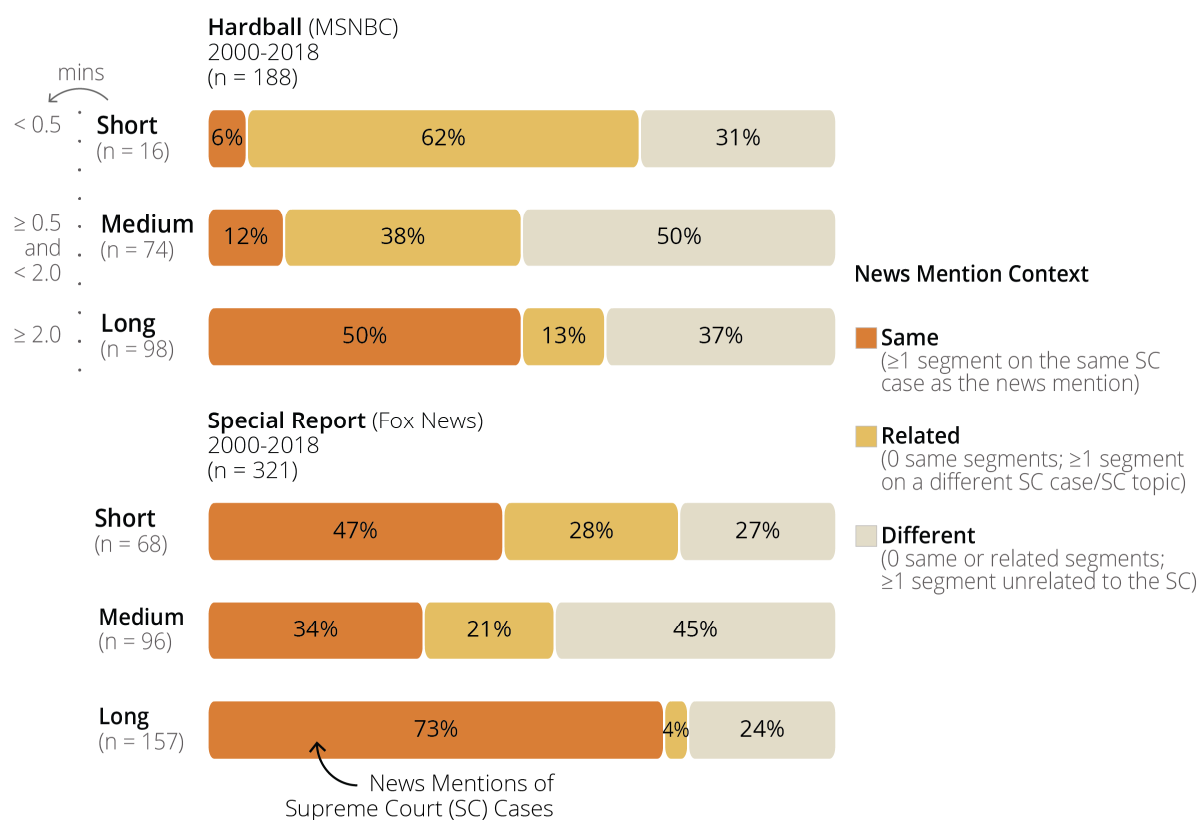


To put these findings into context, Figure 5.11 visualizes *Hardball* and *Special Report* news mentions by length category and context. From the figure, we can see that when *Hardball* mentioned a Supreme Court case as part of dedicated coverage of that case, it was typically discussed for at least 2 minutes and rarely in short or medium-length news mentions. In contrast, *Special Report* showed a much stronger focus on case-centered coverage across

the three length categories, although this was still most common for long news mentions. Based on previous research that has examined the relationship between the amount of time news programs dedicate to the Court and the level of detail in their coverage, these results may appear beneficial for viewers, as more time has typically been associated with more comprehensive reporting in the past (Katsh, 1983; Slotnick & Segal, 1998).

Figure 5.11

News Mention Context by Length Group and Cable News Program



Outside of long news mentions, *Hardball* primarily referenced Supreme Court cases as contextual information while discussing other Supreme Court topics or issues unrelated to the Court, whereas *Special Report* showed a much stronger focus on case-centered coverage. While encountering Supreme Court cases in different contexts could convey to viewers that the cases before the Court have various real-world impacts, case-centered coverage could

enable them to gain a deeper understanding of current Supreme Court cases, past decisions, and where the Court is headed in the future.

Summary

In this section, I compared the news coverage of *Hardball* (MSNBC) and *Special Report* (Fox News) to identify differences in the way they covered Supreme Court cases. I analyzed the structure of their coverage using three indicators: the contexts in which the news mentions appeared, the format of the segments included in the news mentions, and the length of the news mentions.

My findings revealed that *Hardball* and *Special Report* cover Supreme Court cases in significantly and substantially different ways. The most notable differences between the two programs include the frequency with which they devote coverage to Supreme Court cases versus the frequency with which they mention these cases in other news stories, as well as their use of correspondent and debate segments. *Hardball* frequently mentioned Supreme Court cases in the context of other issues and relied heavily on conversational formats like debates, while *Special Report* used traditional news formats such as correspondent reports and focused more on case-centered coverage.

These differences highlight the distinct ways in which the two programs view and present the Supreme Court and its cases as newsworthy. First, the contexts and segments in which *Hardball* and *Special Report* mention Supreme Court cases can shed light on the relative importance that each program places on the Court. By devoting airtime and resources to covering Supreme Court cases through correspondent reports focused on them, *Special Report* directs the viewers' attention to the Court, which they may perceive as important and deserving of focused attention. By mentioning Supreme Court cases in the context of other issues, *Hardball* directs the viewers' attention to these broader issues instead of the Court, yet this may convey to viewers that the Court is relevant to a wide range of topics rather than as

an isolated institution. However, this approach to covering the Court may also suggest that *Hardball* sees the Court as less important or newsworthy than other issues. In addition, *Hardball's* reliance on conversational segments, like debates, rather than correspondent reports, may further convey to viewers that the Court and its cases are not deserving of in-depth, case-centered coverage. To be clear, while the general format of *Hardball* has a strong focus on talk and commentary and, hence, we would expect debate segments to be a prominent feature of their Supreme Court coverage, the show also includes segments featuring reporters but chooses to focus them on issues other than the Court.

Moreover, the differences in news segments could have implications for the viewers' knowledge and opinion of the Court. Regardless of the context of Supreme Court news mentions, in order for viewers to be able to evaluate the Court accurately, they require reliable and accurate information, which in part depends on the format and participants news producers choose for covering the Court. *Hardball's* reliance on lengthy yet superficial and opinionated debates in these mentions could limit their viewers' understanding of the Court and its decisions and negatively affect their trust in the Court (Britto & Dabney, 2010; Forgette & Morris, 2006; Van't Riet & Van Stekelenburg, 2022; Zilis, 2015). For *Special Report* viewers, the focus on factual reporting and the correspondents' more objective tone could indicate that they may have a more comprehensive view of the Court. Ultimately, my findings could indicate that cable news audiences may have different levels of knowledge of the Supreme Court depending on which program they consume. However, it is worth noting that both scholars and journalists have pointed out that cable news programs often fail to provide detailed analyses of the implications of Supreme Court decisions or how the law has been changed by these rulings (Tabor, 2016; Willis, 2021).

Discussion

To improve the public's knowledge and understanding of the Supreme Court and its work, news coverage needs to provide comprehensive and accurate information about the cases before it and make them relevant to the viewer (Bader Ginsburg, 1998; Davis, 1994; Greenhouse, 1996; Savage, 2014; Slotnick, 1991). For instance, news reports could present the basic case facts, explain the context surrounding the case and the social, political, and legal forces that shaped it, and highlight the case's various impacts through local and human-centered reporting (Greenhouse, 1996; Hamam et al., 2021; Hoekstra, 2003; Lithwick, 2022; Litman et al., 2021; Willis, 2021). However, the public's information needs are often at odds with news production demands, which focus on attracting viewers through simplicity, speed, drama, and conflict (Davis, 1987; Lithwick, 2014; Slotnick, 1991). As a result, the extent to which these aspects are addressed in television news coverage depends in part on how much importance news producers attribute to the Court and, consequently, the format they choose for covering its work (Davis, 1994; Katsh, 1983; Slotnick & Segal, 1998; Spill & Oxley, 2003; Zilis, 2015).

In this chapter, I compared the format of news coverage between time periods, television channel types, and cable programs based on three indicators: the context in which Supreme Court cases were mentioned, the segment formats included in the case mentions, and the time spent discussing the cases. My findings show that while the structural aspects of network news coverage of Supreme Court cases remained largely stable between the 1990-1999 and 2000-2018 periods, network news coverage differed significantly from cable news' during the post-2000 period. My results also indicate that cable news does not cover Supreme Court cases uniformly and that there is significant variation in the structural aspects of the coverage between different cable programs. The most notable differences between cable and network news, and between different cable news programs, were the use of debate segments

instead of correspondent reports and the frequency with which Supreme Court cases were mentioned outside of dedicated segments about them. When network news viewers encountered information about Supreme Court cases, it was typically part of dedicated news reports led by correspondents or anchors, while cable news viewers may have also heard about the cases outside of such coverage and in debate segments and news interviews. The analysis of cable news programs showed similar differences, with most *Special Report* news mentions of Supreme Court cases including correspondent reports and anchor segments, while *Hardball* relied heavily on news interviews and debates.

Due to the lack of previous research on the impact of different news formats for covering Supreme Court cases, it is uncertain what these findings mean for the respective audiences. In the past, scholars and journalists argued that longer news stories and those reported by correspondents would be most beneficial for public understanding of the Court (Davis, 1994; Katsh, 1983; Slotnick, 1991; Slotnick & Segal, 1998). However, these studies were conducted before the proliferation of cable channels, the internet, and other technologies that have transformed the news media landscape and the way news is produced and consumed. Specifically, the changes in the media environment have expanded viewers' media choices, including both news and non-news options, and increased the flow and accessibility of information, intensifying competition for audience attention among television channels (cf. Blumler, 2016; Blumler & Kavanagh, 1999). As a result, capturing audience attention has become a key aspect of news production that shapes coverage decisions in this competitive environment (cf. C. Hayes, 2019; Klein, 2019).

For network news, this has led to an increase in coverage of soft news topics and a further decline in attention to the Supreme Court (Pew Research Center, 2013a; Slotnick & Segal, 1998; Solberg & Waltenburg, 2015). The low level of attention to the Court is critical in contextualizing the findings presented in this chapter. The format of network news

coverage may have only differed marginally between the two periods, but this may not be sufficient to overcome the diminished opportunities for learning about the Court. In addition, while most network news mentions included correspondent reports, previous research suggests that still, due to the time constraints placed on reporters, network news coverage of Supreme Court cases often lacks substance (Davis, 1987; Slotnick, 1991; Slotnick & Segal, 1998) and routinely relies on simplistic narratives that focus on the winners and losers (Hitt & Searles, 2018).

Like network news, cable news faces similar constraints and incentives in producing simple yet accurate reports that attract and retain viewers. To achieve this, cable news often emphasizes drama and conflict by highlighting strategic behavior and competition (Hitt & Searles, 2018) and by including lengthy debate segments. For instance, on MSNBC's *Hardball*, these segments often replace straight news reports. The form and conduct of debate segments differ substantially from traditional formats in that they thrive on speculation, rarely provide context for opinionated statements, and frequently involve competitive exchanges where guests talk over and at each other without fully engaging with one another (Frost & Phillips, 2011; Meltzer, 2019; Zilis, 2015). For example, in the following cable news debate about the Court's decision in *Lawrence v. Texas* (2003)—the case that legalized same-sex sexual conduct—speculation shifts the conversation away from the case itself and instead focuses on hypothetical scenarios that are unrelated to it (“Hardball for June 27, 2003,” 2003).

DEBATE I

GUEST: I don't want anybody in my bedroom any more than you want anybody in your bedroom. But I think this privacy issue goes too far. Is this right to privacy going to legalize prostitution, or bestiality, or the use of cocaine or heroin as long as you do it in

your bedroom? Privacy can be taken to a great extent. I believe what's going to happen eventually is that...

ANCHOR: Reverend Falwell...

GUEST: Excuse me.

ANCHOR: Is that what you're worried about? That this is going to lead to a nation of coke sniffing...

(CROSSTALK)

GUEST: No, no. What I'm worried about is that the Supreme Court, as Justice Scalia so skillfully said, has bought into the so-called gay and lesbian agenda. And Justice Scalia, in writing the dissenting opinion, did something quite unusual. He close to take the unusual step of speaking aloud, reading aloud his decision and saying that this mocks American values and it takes sides with the culture war, and if we're going to do that, then why don't we just legalize bestiality since it's done in the privacy of one's home, perhaps?

Like the example above, the following cable news excerpt discusses the *Lawrence* decision by speculating about its potential impact. However, in this case, the anchor also raises and presents hypothetical scenarios ("Special Report Roundtable," 2003).

DEBATE II

ANCHOR: But isn't the next agenda -- excuse me -- next arena for controversy in this area likely to be what happens when Massachusetts's rules, as expected, overthrowing, as unconstitutional in the state of Massachusetts, the state law, which

basically bars gay marriage and says marriage is heterosexual? Then what?

GUEST: Well, the question is whether other states have to honor that. Marriage is -- gay marriages in Massachusetts. Normally they would. Now many states pass these laws saying they won't. No doubt that will be litigated.

ANCHOR: And that would be litigated under the Full Faith and Credit Clause of the Constitution. Congress has acted on that in defense of marriage act, saying you don't have to. So, that will have big...

GUEST: They're not Constitutional amendments, though. They -- I mean this is just -- this is just...

ANCHOR: Law.

GUEST: ...law.

And here's the question I have and I know Mort will have a good answer for this. He said admittedly the culture has changed between 1986 and 2003. No question about that on the subject of homosexuality. But that's not what the Court said. They didn't say we're changing our mind because the culture has changed. What they said was this conduct that was not Constitutionally protected, Constitutionally protected in 1986, now is. Now, what's changed in the Constitution, Mort? I realize the culture has changed. Look. What happens is that different Courts in different times take a different view of what is constitutional and what isn't. I mean this is a criminal...

ANCHOR: Now, hold it a moment. Let me just ask you question. Let me just ask you a question about that, then. We have seen by virtue of popularity on restrictions of abortion, which have been widely accepted.

And by what we now know based on scientific information about the stages at which life begins and how complete some people say a fetus is as a human creature early -- things have changed on that, too. Should the Court be equally ready to change its view on stare decisis on Roe v. Wade?

In contrast, the following correspondent report, which aired alongside the debate segment above, is introduced in a neutral tone by the anchor and does not include speculation about the case (“Political Headlines,” 2003).

CORRESPONDENT REPORT

ANCHOR: The United States Supreme Court struck down a Texas law today that bans homosexuals from engaging in sodomy. A ruling considered to be a major victory for gay rights in America. The six to three ruling reverses course from a decision made 17 years ago that states could punish homosexual for what such laws historically called deviant sex.

For more on that landmark decision, Fox News correspondent, Steve Centanni reports.

CORRESPONDENT: Using powerful language that came down squarely on the side of gay rights. The justices struck down the sodomy law in Texas calling it an unconstitutional violation of privacy.

It all began in 1998 when police stormed into a Houston apartment on a false report of a man with a gun inside. Instead, they found John Lawrence and Tyrone Garner having sex and arrested them under the state's homosexual conduct law.

Their treatment seemed to anger Justice Anthony Kennedy, who wrote in a majority opinion that, "The petitioners are entitled to respect for their private lives. The state cannot demean their existence or control their destiny by making their private sexual conduct a crime."

Justice Antonin Scalia was equally outraged that the Court reversed its decision of 17 years ago that upheld a similar law in Georgia. Scalia wrote that, "Today's opinion is the product of a Court that has largely signed on to the so-called homosexual agenda. It's clear from this, he says, that the Court has taken sides in the culture war, departing from its role as neutral observer."

The ruling was also criticized by conservative groups that have long opposed gay rights.

SOUNDBITE 1: We deeply regret that the Court today has denied the people of Texas their sovereign right to legislate in protection of public health and public morals.

CORRESPONDENT: For the gay community and for gay rights' advocates, the ruling was a monumental victory.

SOUNDBITE 2: What the Court did today is recognize the basic humanity of gay people and their equal entitlement to liberty. And say that gay people and straight people have the right to make their own choices about what they do in their bedrooms with the people that they love.

CORRESPONDENT: On this last day of rulings until September, there was speculation that one or more justices might retire. It didn't happen, at least not yet. But Chief Justice William Rehnquist offered light-hearted acknowledgment of the rumors. After handing down today's rulings, he said we have one retirement to announce, our Court librarian. At the U.S. Supreme Court, Steve Centanni, Fox News.

Seeing these segments side by side illustrates the differences in purpose, conversational style, and the role of the anchor. Correspondent segments are intended to convey information. The anchor introduces the topic through a neutral, scripted monologue, and when the correspondent takes over, the monologue format continues and is supplemented with selected soundbites. While these segments can provide in-depth coverage of Supreme Court cases, they often only present brief summaries (Davis, 1987; Slotnick, 1991; Slotnick & Segal, 1998). When news programs only provide brief updates on the Supreme Court, they fail to make the cases relevant and understandable to their viewers. Even if viewers are interested in the issues involved in a case, it can be difficult to grasp the case's meaning and impact fully without sufficient contextual information, especially since most viewers are not

familiar with all of the Court's work (cf. Hitt et al., 2018). On the other hand, providing adequate information can facilitate learning.

During debate segments, the role of the anchor shifts from narrator to moderator or contributor, and the style of conversation becomes more competitive or even confrontational (cf. Vraga et al., 2012). While inviting multiple guests to discuss Supreme Court cases could, in theory, provide viewers with different perspectives, previous research has identified a lack of diversity among contributors, suggesting a similar lack of diverse viewpoints (Hamam et al., 2021; Litman et al., 2021; Mejia et al., 2021; Shamshiri, 2021; Willis, 2021). Further, scholars, journalists, and news producers have expressed concerns about the style and informational value of these exchanges, highlighting their oversimplification and potential impact on viewers, such as reduced trust in political institutions (Farhi, 2018; Frost & Phillips, 2011; Meltzer, 2019; Pekary, 2021; Sobieraj & Berry, 2011; Van't Riet & Van Stekelenburg, 2022; Zilis, 2015). While debate segments certainly do convey information, their main purpose is to attract and retain viewers, and their ability to do so is one reason why they prevail (cf. Klein, 2019).

In conclusion, this chapter has shown that the structural features of Supreme Court news coverage vary between television time periods, channel types, and cable programs. To understand how these differences impact the information conveyed to viewers and their understanding of the Court and its work, future research using qualitative and experimental approaches would provide valuable insights. However, the significant differences in attention to the Court, both in the number of news mentions and total time spent covering cases, suggest that network and cable news viewers, as well as viewers of *Hardball* and *Special Report*, may have different levels of awareness and knowledge about Supreme Court cases. In fact, the amount of attention given to the Court may have a greater influence on viewers'

understanding of the Court than the segment format, as a critical element to the viewers' learning is the opportunity to do so.

Chapter 6

News Presentation: Use of Emotional Appeals in Television News Mentions of Supreme Court Cases

The previous two chapters provided insights into the volume and format of Supreme Court news mentions, indicating the extent to which television news organizations view the Court as important and provide comprehensive coverage. These aspects could potentially influence how their audiences perceive and understand the Court. However, apart from the volume and format of coverage, the way information is presented to news audiences could shape their understanding as well. For instance, previous studies suggest that emotionally expressive language in the news can attract the viewer's attention (Neuman et al., 2018; Shoemaker, 1996) and aid their understanding (Bas & Grabe, 2015; Groenendyk, 2011; Pantti, 2010).

Supreme Court cases inherently involve emotional elements that the news media tend to pick up on, such as the winners and losers in a case (Hitt & Searles, 2018) or the emotionally expressive language used in the majority or dissenting opinions (Bryan & Ringsmuth, 2016; Denison et al., 2020; Krewson, 2019). Additionally, including emotional elements in Supreme Court coverage could help humanize the stories (cf. Davis, 1994; Slotnick & Segal, 1998, p. 28)

However, previous research on emotional language in news coverage has offered mixed results. Some studies suggest that the frequency of emotional expressions and overall tone of news coverage can vary based on the news source and economic factors (Dunaway, 2013; Grossmann & Hopkins, 2016, p. 167; Gunther, 1999; Rozado et al., 2022; Sobieraj & Berry, 2011; Zilis et al., 2017), while others found no such effects (Bellovary et al., 2021; Zilis et al., 2017), indicating that journalists tend to incorporate emotional aspects, particularly those related to negativity (Farnsworth & Lichter, 2007; Patterson, 1994; Rozado

et al., 2022), into their stories to engage audiences (Neuman et al., 2018; Robertson et al., 2023; Shoemaker, 1996). At the same time, excessive use of negative emotions, in particular, could result in news avoidance (Newman et al., 2022; Tunney et al., 2021).

The chapter is structured into four primary sections. The first section explains the methodology I used to analyze the news mentions, focusing on two key indicators: the presence and type of emotional appeals included in them. The subsequent two sections present the results for types of news channels and time periods, as well as specific cable news programs. The final section summarizes and discusses the findings of this chapter.

Analyzing Emotional Appeals in Television News Mentions of Supreme Court Cases

In this section, I present the methodology employed to investigate the use of emotional appeals in news mentions of Supreme Court cases. My aim was to explore and compare the ways in which pre-2000 network news and post-2000 network and cable news, specifically the cable news programs *Hardball* and *Special Report*, utilized emotional language when covering these cases to find out whether different channel types, time periods, and cable news programs offer distinct viewer experiences. In particular, I examine the share of news mentions that included emotional expressions and the contexts in which such expressions were used to understand whether news programs commonly appealed to emotion when covering Supreme Court cases and to which aspects of the coverage this applied. Further, I analyze the share of positive and negative appeals, and the distinct emotions that appeared most frequently in the news mentions to determine the overall emotional tone and which specific emotions were typically emphasized.

To compare the use of emotional language in news mentions of Supreme Court cases between different channel types, time periods, and cable news programs, I employed a methodology that combined quantitative and qualitative approaches. The first step involved

data preparation, which included creating a robust sample and removing non-essential elements from the news mentions. Next, I used Docuscope to identify and quantify words and phrases that appeal to emotion. Based on these results, I then performed chi-square tests of homogeneity to test for significant differences between the channel types, time periods, and cable news programs. Lastly, I conducted a close reading of the news mentions to understand the context of the emotional appeals. This comprehensive approach enabled me to examine not only the frequency and distribution of emotional appeals but also to better understand the narrative context and nuances of the emotional language used. A detailed description of each step of the methodology is presented in the following sections.

Data Preparation

To conduct the content analyses, I first derived a robust sample from the main dataset of my dissertation (see Chapter 3). The primary dataset contains a number of identical news mentions of separate cases ($n = 67$), where the news program covered two or more cases simultaneously, making it impossible to divide the relevant transcript portions into distinct news mentions (see Chapter 3, p. 62). In the modified sample for this chapter, I included only one of each of these duplicate news mentions. This approach differs from the previous two results chapters because the findings in this chapter were sensitive to the presence of identical news mentions. In comparison to the primary dataset, which contains 717 news mentions and 2,364 emotional appeals, the modified sample includes 683 news mentions and 2,226 emotional appeals.

To prepare the news mentions for the analysis, I removed all speaker tags and descriptive elements from the text files—those parts of a news transcript that describe non-speech elements, such as overlapping or inaudible speech, the beginning of a video clip, or laughter. This was done to improve the accuracy and reliability of the analysis by ensuring that only the relevant textual data was used in the analysis and minimizing any potential

sources of error. The complete list contained a total of 1,545 removed words and phrases and is available on GitHub/Harvard Dataverse (see “PhrasesRemovedCleanTranscripts.txt” in Matthias, 2023).

Data Analysis

Identifying and Quantifying Emotional Appeals.

To identify emotional appeals in the news mentions, I used DocuScope Corpus Analysis, a dictionary-based text analysis tool that supports both quantitative and qualitative analyses of rhetorical strategies. DocuScope uncovers subtle and often implicit rhetorical choices made by writers or speakers that contribute to distinct audience experiences. Audience experiences are defined as “the smallest units of interpreted agreement” (Ishizaki & Kaufer, 2012, p. 278) in a given text. For example, a news report of a Supreme Court decision restricting abortion access may be interpreted differently by different individuals based on their socio-political background, yet the same individuals are likely to agree on their understanding of specific textual patterns, as these interpretations are shaped by a shared cultural context. For example, they may agree that a phrase like "abortion rights activists were devastated" contributes to a negative sentiment, whereas phrases like “thrilled with the decision” convey a positive sentiment, even if they have broader disagreements on the news report itself.

Based on millions of rhetorical patterns (*DocuScope Corpus Analysis User Guide*, 2021), which consist of individual words or phrases of up to 11 consecutive words, DocuScope organizes such textual experiences into broad Clusters and more fine-grained Dimensions. For instance, the Cluster “Negativity” references negative actions (e.g., aggression, violation, delay), negative emotions (e.g., anger, fear, sadness), negative relations (e.g., clash, hostility, scandal), and negative values (e.g., corruption, disparity, unfairness). Dimensions further classify Clusters into more granular categories. For instance, negative

emotional expressions related to fear are divided into the fear of precarious situations or impending danger, fear associated with putting something at risk, and fear stemming from life-threatening circumstances, and eight other categories.

To classify rhetorical patterns into these categories, Docuscope parses and annotates collections of text, drawing on syntactic information (i.e., information related to sentence structure) and part of speech categorization (i.e., grammatical categories based on syntactic function, such as nouns, verbs, adjectives). As such, it focuses on the use of words and phrases and their rhetorical function as opposed to the direct experience of the audience. Each pattern in the dictionary is assigned to only one Cluster and Dimension, making its classification mutually exclusive from all other categories. Using the annotated texts, Docuscope generates a matrix that presents the frequency counts of each rhetorical pattern, such as happiness or anger, in the individual news mentions. This matrix serves as a basis for examining salient patterns within the sample of news mentions using descriptive statistics and also allows for comparisons between different groups, such as channel types, time periods, and cable news programs, by conducting additional statistical analyses.

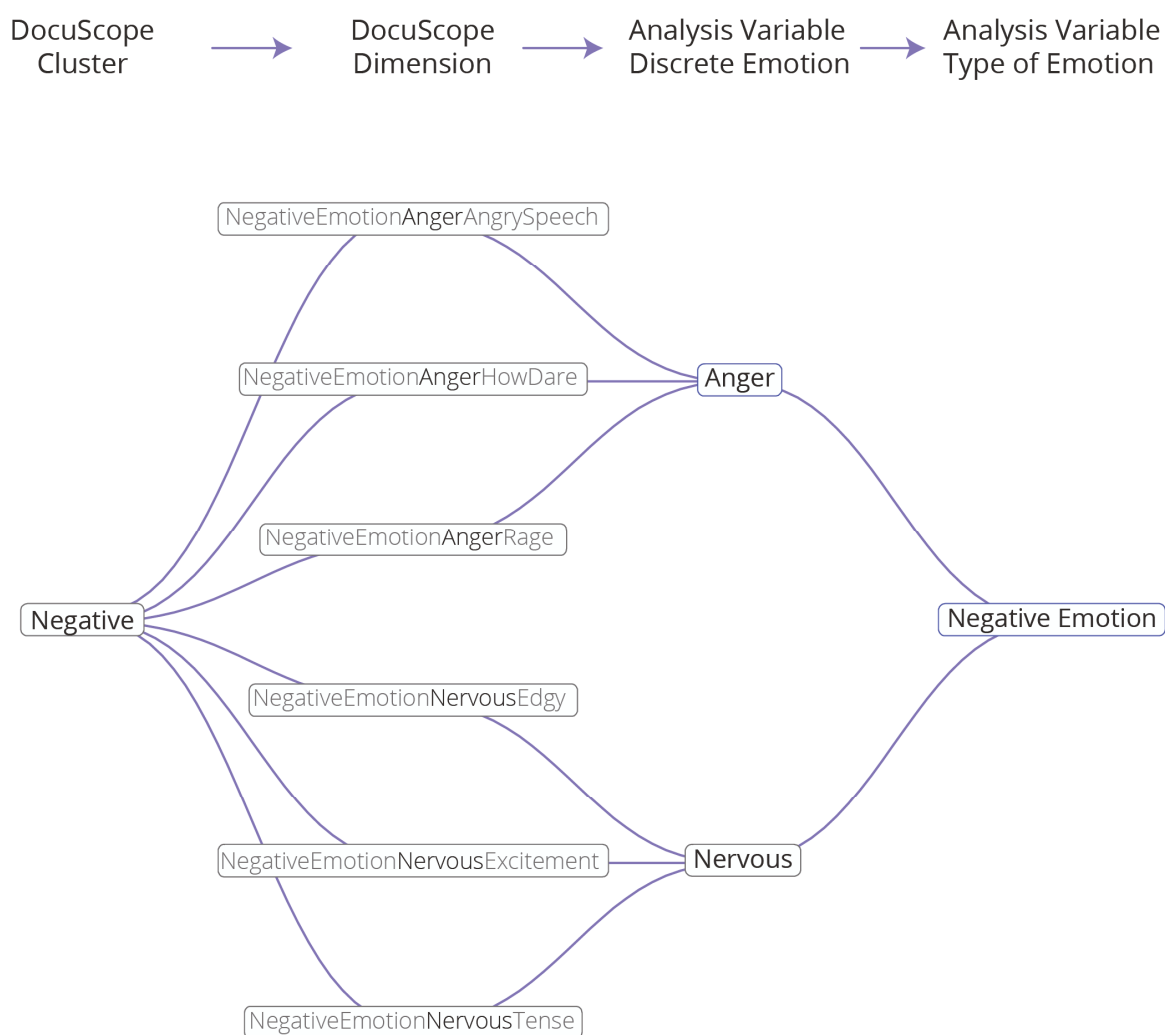
Presence and Type of Emotional Appeals.

To examine emotional appeals within the news mentions, I analyzed the cleaned news mentions with Docuscope and used the raw counts for all emotion dimensions in the positive ($n = 87$) and negative ($n = 284$) clusters the software generated for each news mention. In order to find out whether news programs commonly used emotional appeals when covering Supreme Court cases, I compared the share of news mentions containing at least one negative or positive emotional expression to the share of mentions with no such expressions. While Docuscope also offers normalized frequencies, I opted for raw counts because normalized frequencies would not be suitable for the subsequent statistical tests.

To analyze the specific type of emotional appeals—whether they were positive, negative, or related to a discrete emotion—I first transformed the data into manageable variables by merging Dimensions that related to the same distinct emotion, as shown in Figure 6.1 below.

Figure 6.1

News Presentation: Data Transformation



For instance, within the Negative Cluster, several Dimensions related to anger and nervousness, which were easy to identify through DocuScope’s hierarchical naming

convention. Take the Dimension NegativeEmotionNervousTense as an example. The category first identifies the Cluster, Negative, then lists a broad subcategory, Emotion, followed by a distinct emotion, Nervous, and then adds a more granular descriptor, such as Tense, where necessary. All dimensions that started with NegativeEmotionNervous were classified as Nervous. To clarify, Docuscope distinguishes nervousness from anxiety; the latter is classified as a sub-category of fear. After merging all the same distinct emotions, 167 negative and 68 positive emotions remained and were included in the analysis. In addition, I created the parent categories “Negative Emotions” and “Positive Emotions” by grouping all distinct emotions from the Negative and Positive Clusters, respectively.

As these will be mentioned later on, I want to note that Docuscope codes general negativity and general positivity as distinct dimensions, defined as “referencing when the writing includes negative [or positive] emotion” (Ishizaki & Kaufer, 2021). However, these do not represent compound groups of distinct dimensions, such as when grouping all occurrences of negative or positive emotion dimensions like the parent categories I created, but distinct emotions that would be included in the parent categories.

I then compared the number of positive to the number of negative emotional expressions to determine the overall emotional tone of the news mentions and identified the most common distinct emotions based on the highest number of occurrences for all distinct emotions that accounted for at least 10% of all emotional appeals within that sample to learn about the emotional nuances in the news mentions.

Taken together, these aspects can tell us about the emotional appeals that viewers would have been exposed to when encountering information about Supreme Court cases and whether this differed by channel type, time period, or cable news program.

I do not compare news mentions by issue area, as it seems reasonable to expect that the cases selected for coverage similarly employ emotional elements that are emphasized in

the coverage. I tested this assumption statistically, which resulted in non-significant results (see “NewsPresentationStats” in Matthias, 2023). However, I will highlight specific cases throughout this chapter when discussing the context in which emotional language was used. I will explain how I selected these cases in the next section.

Contextual Use of Emotional Appeals.

My analysis is grounded in a quantitative description of the use of emotional appeals in news mentions of Supreme Court cases. I first used Docuscope to identify and count various emotional appeals to determine whether the presentation of information about Supreme Court cases varied by channel type, time period, or cable news program. However, on their own, these results can only speak to whether emotional expressions were used and how often they appeared in the news mentions.

In order to understand how emotional language was used in practice, I examined news mentions that included the greatest number of emotional appeals to see which aspects of the news coverage they referred to. In particular, I considered whether expressions referred to case descriptions, the case impact, direct and indirect statements from the justices, the other two branches of government, or reactions to Supreme Court decisions. In addition to reviewing these feature-rich news mentions, I also explored mentions with fewer instances of emotional language to achieve more comprehensive coverage. Overall, I reviewed between one-third to half of all emotional appeals for each news sample, with mentions containing an average of 8 negative emotional expressions (ranging from 1-27) and an average of 2 positive appeals (ranging from 1-21).

I use specific examples from the news mentions throughout this chapter to illustrate how emotional language was used in context. I selected the textual examples based on the high count of emotional appeals included in the news mentions they are taken from, as well as the high density of emotion within the specific context the example represents. As a result,

while the contexts I describe relate to general patterns in the news mentions, the textual examples tend to contain an above-average number of instances of emotional language and are intentionally selected for their illustrative value.

Statistical Analysis.

I supplement the descriptive analysis described in the previous section with chi-square tests of homogeneity to identify statistically significant differences among news mentions of different channel types and time periods (pre-2000 network news, post-2000 network, and cable news), and cable programs (Hardball, Special Report) in relation to the share of news mentions that include emotional appeals and the share of appeals to positive and negative emotion. These tests provide statistical evidence that the differences in the share of news mentions that include emotional appeals, as well as the share of positive and negative emotional appeals, between different periods, channel types, and cable programs, are not due to chance.

The chi-square test of homogeneity compares the distribution of a single categorical variable, like emotional appeals, for two or more groups, such as pre- and post-2000 network news. For instance, was the distribution of news mentions with present or absent emotional appeals different for the two network news periods?

Based on this example, the chi-square test of homogeneity compares the observed counts for each network news period at each level of the emotional appeals variable to the expected counts if the distributions were the same. If the null hypothesis is true, the observed and expected frequencies will be roughly equal, and the proportions of news mentions with emotional appeals present and absent would be the same for both network news periods. I reject the null hypothesis if the chi-square test is statistically significant at $\alpha = .05$ and conclude that at least one category deviates from the expected ratio, indicating the distribution of news mentions containing emotional appeals differed between the two network news

periods. I used the same approach to test for statistical significance between news mention proportions of short, medium, and long length.

Calculations were performed using the R packages *janitor* (Firke, 2021) and *tidyverse* (Wickham et al., 2019). The formal analysis is tracked with R Markdown and is openly available on GitHub/Harvard Dataverse (Matthias, 2023). The repository includes the complete statistical results.

Having outlined the comprehensive methodology employed to examine the emotional appeals in television news mentions of Supreme Court cases, I now turn to the results of the analysis. The subsequent sections will unveil the patterns, nuances, and variations in the use of emotional language across different channel types, time periods, and specific cable news programs.

News Channel Types and Time Periods

This section explores the use of emotional appeals in news mentions of Supreme Court cases in pre-2000 network news (1990-1999) and post-2000 network and cable news (2000-2018), highlighting both common and distinct approaches used by each channel type and time period to present these cases to their audiences.

I expect some stable elements like frequency of appeals given shared profit motivations and focus on negative emotions given journalistic norms (Harcup & O'Neill, 2017; Patterson, 1994; Robertson et al., 2023; Rozado et al., 2022). Moreover, I also anticipate similarities across the three samples in invoking emotions when describing case details, as emotional aspects inherent to the cases may be emphasized when covered.

However, considering the differences in news format shown in Chapter 5, emotional appeals may also serve different narrative functions. For instance, since cable news frequently mentioned Supreme Court cases in contexts unrelated to the Court, emotional expressions may appear in similar contexts, such as politics, whereas network coverage focused directly

on the cases, which may lead to more Court- and case-centered emotional appeals. Overall, investigating how information about Supreme Court cases is presented sheds light on how news outlets use emotional appeals to shape the narratives around the Court.

Presence of Emotional Appeals

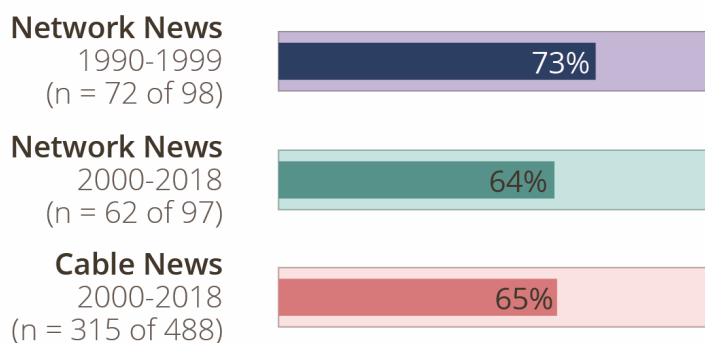
In order to understand how common emotional appeals were in news mentions of Supreme Court cases from different channel types and time periods, I first compare pre-2000 network news coverage and post-2000 network and cable news coverage, focusing on the share of news mentions containing emotional appeals. Through this analysis, I can establish whether news programs use emotional language when covering Supreme Court cases and whether this varies by channel type or time period.

Figure 6.2 presents a bar chart illustrating the share of news mentions that included emotional appeals across different channel types and time periods. The figure reveals that most news mentions featured emotional expressions, regardless of the channel type and time period. Network news coverage from the 1990-1999 terms recorded the highest share of such mentions, with three-quarters referencing emotional appeals ($n = 72$, 76%). In contrast, the shares of post-2000 network and cable news were somewhat lower, at 64% ($n = 62$) and 65% ($n = 315$), respectively.

Figure 6.2

News Mentions with Emotional Appeals by Channel Type and Time Period

Share of news mentions that included emotional appeals, by channel type and time period (excluding identical mentions).



I conducted two chi-square tests of homogeneity to determine if the presence of emotional appeals in Supreme Court news mentions varied significantly between pre-2000 network news, post-2000 network news, and cable news. The tests showed no significant differences between the two network news periods ($\chi^2(1, N = 195) = 2.07, p = .15$) or network and cable news mentions from the 2000-2018 terms ($\chi^2(1, N = 585) = .01, p = .906$). While these results suggest that the frequency with which news mentions from different channel types and time periods included emotional expressions did not differ significantly, there may be meaningful differences in how such expressions were used in the news mentions.

To gain a deeper insight into how emotional appeals were used in context and whether there were differences in news presentation between the news samples, I conducted a close reading of the news mentions. First, I found that across all channel types and time periods, emotional language was commonly used to summarize the case facts or discuss the underlying issue of the case. For instance, consider the cable news excerpt below from an interview with Albert Snyder (“For April 1, 2010,” 2010) related to the case *Snyder v. Phelps* (2011), which revolved around the issue of free speech versus emotional distress caused by the speech. Throughout the interview, both Snyder (i.e., “guest) and the anchor employed several expressions that appeal to strong emotions, such as grief and sympathy. These emotional appeals (blue highlight) contributed to the overall tone of the conversation by emphasizing the emotional toll on the family and the anchor’s empathy.

ANCHOR: But I don’t know what it means to lose a son. I have a couple, and I don’t know what it would be like. And I don’t -- I just can only -- just, as a father, I just don’t know what to say. To his credit, my colleague on that other network, FOX, Bill O’Reilly, is helping you out.

What was your reaction when you were told by the court that you had to pay the costs of going to court against this foul group?

GUEST: Well, Chris, I think this decision, Chris, hit me harder than any of them. It was bad enough that they overturned the verdict, but then to come out and tell me that I have to give them \$16,000 more for them to go do this to other soldiers, it -- I -- it's -- it really hurts.

ANCHOR: So, now they can do it for free. They don't have to pay anything. They just go around and -- and -- have you ever figured out what in their heads led them to go to somebody whose -- whose life is impeccable, has nothing to do with the lifestyle or the orientation they don't like, or it has nothing to do with that? It's just a soldier who died for his country.

Why -- how do they justify going and -- and distracting from this religious experience and -- and national service recognition? How do they justify it? Do you know? What are they -- who are these people?

GUEST: Chris, I don't know how they -- well, they're a bunch of -- they're not even religious people, in my opinion, Chris. In my -- in my opinion, Fred Phelps is nothing but a con artist.

Unfortunately, I think his children and his family believe what he says. But this is a way he makes money.

ANCHOR: Yes. My hunch is, he just goes to where really good people are meeting because he knows it's such an awful thing to be doing, that the press can't avoid covering it, it's so awful. Isn't that

sick of the way we live? I guess we have to cover the most --
sickest people.

In the example above, as well as in other instances where cases were described in emotionally charged language, such as *Stenberg v. Carhart* (2000) and *Burwell v. Hobby Lobby* (2014), it appears that the case being covered inherently contains an emotional element. In the *Snyder* case, for instance, a grieving father is at the center of the case. *Stenberg* involves partial-birth abortions, while *Hobby Lobby* pits a for-profit corporation's religious beliefs against their employees' access to contraceptive care. These emotional aspects might be picked up by the news media when covering the cases and could even contribute to the cases receiving news attention in the first place (Krewson, 2019; cf. Slotnick & Segal, 1998, p. 47).

While emotional language was used to describe case facts and issues across all channel types and time periods, the news samples showed variations in other contexts. For instance, pre-2000 network news frequently used emotional expressions when referring to the justices through direct and indirect quotes from oral arguments, written opinions, dissents, and descriptions of their expressions in the courtroom. In the excerpt reporting the ruling in *Davis v. Monroe County Board of Education* (1999) below, the emotional expressions related to the majority opinion conveyed a sense of responsibility for the schools and the intensity of the harassment, whereas those related to the dissent emphasized the concerns and apprehensions of those who disagreed with the Court's decision ("Schools, Students and Sexual Harassment," 1999).

CORRESPONDENT: The court agreed. In a 5-4 decision, the justices found schools may be liable if one student sexually harasses another and the school ignores it. In writing for the majority, Justice Sandra Day O'Connor said the harassment must be "severe" and

“pervasive,” and the school must have been “deliberately indifferent” to a complaint.

In a scathing dissent, Justice Anthony Kennedy said the decision will “breed a climate of fear that encourages school administrators to label even the most innocuous of childish conduct sexual harassment.” Conservative activist Anita Blair shares that fear.

In pre-2000 network news, direct quotes were the primary source for emotional appeals related to the justices, with fewer such appeals appearing in paraphrased and descriptive statements. Consistent with previous research (AbiNader et al., 2021; Strickler, 2014; Sullivan & Tilley, 2020), I found that pre-2000 network news generally included direct quotes from the justices more frequently compared to the other two news samples, which may explain the greater number of emotional appeals in this context. For instance, in 34 of 53 (64%) decision news mentions, there were a total of 54 direct quotes, and 8 of 14 (57%) oral argument news mentions included 16 direct quotes. By comparison, post-2000 network news relied more heavily on paraphrases or third-party statements and reactions and, therefore, included fewer direct quotes from the justices, with only 29 quotes in 15 of 34 decision news mentions (44%) and 22 quotes in nine of 20 argument news mentions (45%). Similarly, cable news included quotes less frequently in decision news mentions, with 41 of 76 (54%) mentions containing a total of 91 direct quotes, yet more in news mentions from the oral arguments, with 104 in 35 of 46 (76%) mentions.

In the post-2000 period, network news coverage of Supreme Court decisions shifted its focus from depicting emotional expressions from the justices to capturing the emotional reactions of those affected by the rulings, such as the parties involved in the case, interest group representatives, and activists. An example of this can be seen in the news excerpt below

that covers the Court's decision in *Gonzales v. Carhart* (2007), which upheld a nationwide ban on the partial-birth abortion procedure ("Landmark Ruling Abortion Ruling," 2007). Instead of including direct quotations from the opinion or the dissent, the report offers only a brief summary of the ruling. It then highlights the emotional reactions of abortion rights activists by including a soundbite from a protestor at the Supreme Court and the correspondent's description of the activists' emotions.

ANCHOR: Now, to the Supreme Court and a very important decision on abortion. In a five-four landmark decision, the court's new conservative majority, today, upheld a nationwide ban on a controversial procedure, one that critics call partial-birth abortion. It was a long-sought victory for abortion opponents and it sets the stage for even more legal battles to come. ABC's Jan Crawford Greenburg joins us from the court tonight. Jan?

CORRESPONDENT: Charlie, today's decision represents a seismic shift for the first time since *Roe versus Wade*. The court said the government could ban a specific type of abortion procedure. And for the first time, it upheld an abortion law that did not contain an exception for a woman's health.

SOUNDBITE: Supreme Court, how dare you?

CORRESPONDENT: Scores of women gathered at the Supreme Court to protest. Abortion rights activists were devastated.

While the example above highlights a mix of direct and indirect reporting of reactions to Supreme Court decisions, I found that it was more common for network news correspondents to describe emotional reactions than to showcase them in full. Often, this

descriptive information was not complemented by direct quotes or soundbites and focused mainly on the collective emotions of those who supported or opposed the Court's ruling, typically highlighting only the emotions of the opposing side. It is worth noting, however, that this observation only applies to instances where emotional language was used to characterize reactions, and it does not suggest that correspondents present one-sided stories. In fact, except for certain cases involving child pornography (*Ashcroft v. Free Speech Coalition*, 2002), animal cruelty (*United States v. Stevens*, 2010), and same-sex marriage (*Obergefell v. Hodges*, 2015), correspondents always included voices from both sides of the issue.

Cable news distinguished itself from both network news periods with its emphasis on politics, as seen in the excerpt below that uses three recent Supreme Court decisions to leverage criticism against the Obama administration (*Burwell v. Hobby Lobby*, 2014; *National Labor Relations Board v. Noel Canning*, 2014; *Riley v. California*, 2014; "Supreme Court Rules Against Administration on Businesses Providing Female Employees Access to Contraception," 2014). Here, emotional words such as "abysmal," "the worst of," and "worse than" are used in quick succession along with the Supreme Court cases as specific examples to convey a highly negative and unfavorable picture of the Obama administration.

ANCHOR: All right, fair to say that you've been a supporter of the president on many issues. How much do you think this is a slap on the wrist to the administration, this Hobby Lobby ruling today, saying you just can't go this far when it comes to businesses, to corporate entities, religious convictions?

GUEST: It's been **abysmal** 10 days for this administration, one of the **worst of** any modern president. He was found to be in violation of the Fourth Amendment on privacy, then another case on violation of separation of powers. Now he's been found in violation of religious

rights in the First Amendment. It doesn't get much worse than this for a president.

This is a very, very rough decision for the administration. This is a very important part of the ACA. And really the administration in oral argument had a seriously hard time answering many of these questions. And I think it really showed when they lost Kennedy.

As with the example above, when emotional language in cable news mentions related to politics, it was commonly used to voice criticism and was most often directed to the two political parties. In these instances, the Democratic and the Republican parties were typically addressed as two collective entities, whereas individual party members were generally only targeted during election campaigns. However, at times, criticism was also aimed at the executive branch, particularly during the Obama administration. Emotional expressions were also used to describe general political events, such as the Democrats losing the House in 2014 or the overall condition or state of the political parties.

The observed differences in how emotional language was used in practice may be attributed to factors such as news selection and editorial practices, which involve deciding which cases to cover and in what context, as well as evolving practices at the Supreme Court. In pre-2000 network news coverage, 5-4 decisions constituted around a third of all reported decisions, while a quarter were unanimous. Conversely, in both post-2000 samples, 5-4 split decisions accounted for approximately half of all reported decisions, while unanimous rulings comprised around fifteen and seven percent of all decisions on network and cable news, respectively. Jones (2014) reports a similar increase in 5-4 print coverage. Given that previous research indicates that news reports of 5-4 decisions generally include fewer quotes than unanimous decisions (Zilis, 2017), the choice of cases and the resulting focus on split

decisions may have contributed to fewer decision quotes and, consequently fewer emotional expressions from such quotes being featured in post-2000 network and cable news mentions.

Furthermore, with the rise of cable news and increased competition, network news editors may have chosen to prioritize emotional reactions from those affected and paraphrased statements from the justices over direct quotes from the majority opinion, an approach that could help make Supreme Court stories more interesting and relatable (cf. Davis, 1994; Slotnick & Segal, 1998, p. 28). In contrast, cable news often mentioned Supreme Court cases outside of reports directly related to the Court or at major case stages, which could explain the heightened frequency of emotional appeals associated with the other two branches of government.

A possible explanation for the differences in oral argument quotes might be the Court's decision to release same-day transcripts at the beginning of the 2006 term (Supreme Court of the United States, 2006a, 2006b). Although the timely release of these transcripts could potentially facilitate the use of direct quotes in news coverage, reports are still subject to editorial control and time constraints (Davis & Strickler, 2000; Lithwick, 2014; Slotnick, 1991). Consequently, differences in news mention lengths may have contributed to the variation in including direct quotes from oral arguments in network and cable news mentions. Furthermore, despite being more prevalent in cable news, these quotes may not have been emotionally charged enough to become a significant context for emotional appeals overall.

The focus of emotional language on the Court in pre-2000 network news mentions underscores the greater level of attention to the Court in network news as evidenced by the greater volume of news coverage during this period (see Chapter 4). In the post-2000 period, network news shifted the focus away from the Court, as indicated by the lower volume of news mentions as well as the focus on emotional reactions to Supreme Court decisions over direct quotes from the decision. On the other hand, cable news mentioned Supreme Court

cases in various contexts (see Chapter 5), which is also reflected by the prominence of emotional appeals related to political issues and actors. Overall, these findings indicate that while emotional language was a common feature in network and cable news coverage of Supreme Court cases, the channel types emphasize different aspects of their reports through emotional expressions.

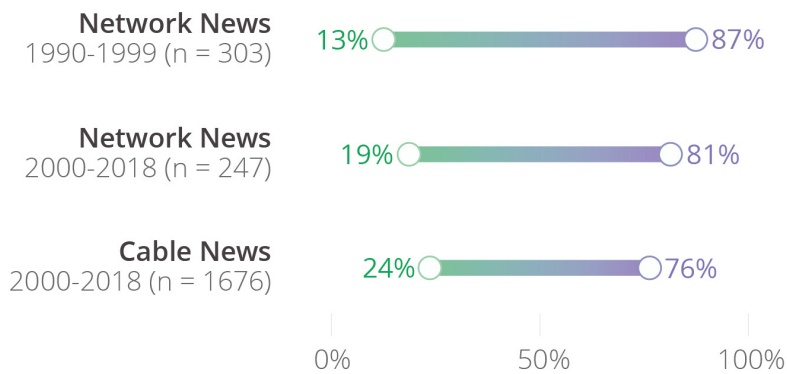
Type of Emotional Appeals

In this section, I further explore the use of emotional language by different channel types and time periods when reporting on Supreme Court cases. To start, I evaluate the overall emotional tone of the news mentions by analyzing the proportion of positive and negative emotional appeals. Additionally, I determine how many such appeals were typically included in the news mentions and identify the specific emotions that were most commonly expressed. Through this analysis, I aim to reveal whether different emotions were used by different channels or at different times and offer a more precise estimate of the prominence of such expressions in news coverage. Moreover, by considering a wider range of emotions beyond positive and negative classifications, I hope to offer a more nuanced perspective on how emotional language may influence public understanding and perception of the Court (Kühne & Schemer, 2015; Weeks, 2015; Wollebæk et al., 2019).

The dumbbell charts in Figure 6.3 illustrate the distribution of positive and negative emotional appeals for different channel types and time periods reporting on Supreme Court cases. The chart highlights that negative emotions overwhelmingly dominated the Supreme Court news coverage regardless of the channel type or time period. For example, during the 1990-1999 terms, network news recorded 87% (265 out of 303) negative emotional expressions, and during the 2000-2018 terms, 81% (201 out of 247) were negative. In comparison, cable news had the lowest proportion of negative expressions, at 76% (1,280 out of 1,676).

Figure 6.3*Positive and Negative Emotional Appeals by Channel Type and Time Period*

Share of **positive** and **negative** emotional appeals, by channel type and time period (excluding those in identical mentions).



However, despite differences in the prevalence of negative emotions, applying chi-square tests of homogeneity to compare the two network news periods ($\chi^2(1, N = 550) = 3.89$, $p = .049$) and post-2000 network and cable news ($\chi^2(1, N = 1923) = 3.05$, $p = .081$) shows no significant difference in the proportions of positive and negative emotional appeals between the compared groups. This result indicates that the distribution of emotional appeals, both positive and negative, is similar across channel types and time periods.

While considering the distribution of positive and negative emotional appeals can give us an idea of the dominant emotional tone of the news mentions, it may also be instructive to consider the median number of emotional appeals as this can provide a more nuanced understanding of how often emotions were used within a single news mention. When news mentions appealed to negative emotion, the median number of such appeals varied depending on the channel type and time period. For pre-2000 network news ($M = 3.68$) and cable news ($M = 4.06$), the median was 3, while for post-2000 network news, the median was 2 ($M = 3.24$). On the other hand, the median number of positive emotional appeals was consistently low across channel types and time periods. For pre-2000 network news, post-2000 network

news, and cable news, the median number of positive emotional appeals was 0 ($M = .53$, $M = .74$, and $M = 1.26$, respectively). This indicates that positive emotional appeals were used less frequently than negative ones. Despite cable news appealing to positive emotions more frequently at the sample level, the median cable news mention did not include more positive expressions than network news mentions from either period.

To gain a more comprehensive understanding of how emotional appeals were used in the news mentions, it is helpful to investigate the specific contexts in which they appeared. After establishing the overall emotional tone and frequency of positive and negative emotional appeals, I delved deeper into the news mentions to identify distinct patterns in the use of emotional language across channel types and time periods. In both pre- and post-2000 network news, negative emotional expressions frequently appeared in discussions around the core issues of Supreme Court cases and their potential impact, as well as in quotes and paraphrases from the justices (for an example related to the justices, see p. 164). Similarly, cable news often used negative emotions to discuss the impact of Supreme Court cases, case facts, and related issues (for a case description example, see p. 162). However, unlike network news, cable news directed negative emotions more often towards the other two branches of government instead of the Court (for an example related to politics, see p. 167).

To illustrate how negative emotion was used in discussions surrounding case impact, consider the network news example below (purple highlight). The news mention followed the Court's decision in *Ashcroft v. Free Speech Coalition* (2002), which found certain provisions of the Child Pornography Prevention Act unconstitutional. In this example, all instances of emotional language are directed at John Ashcroft, who had just lost the case, characterizing his reaction to the Court's decision as "angry" and referring to his claim that the ruling would negatively affect law enforcement efforts to combat child pornography ("ABC's World News Tonight, 6:30 PM," 2002).

ANCHOR: There has been a deeply controversial decision from the Supreme Court today on the subject of child pornography. The court has ruled that the government went too far in its effort to restrict pornography. The court found parts of the Child Pornography Prevention Act to be unconstitutional. The law had been challenged by advocates of free expression. In a very unusual move today, the attorney general, John Ashcroft, said the court has made law enforcement **more difficult**. ABC's Pierre Thomas is at the Justice Department tonight.

Pierre, not for the first time, this attorney general wanted to make a point very publicly.

CORRESPONDENT: Yes, he did, Peter. He was very **angry**. And today [sic] he said that the Supreme Court made a more difficult decision for the Justice Department, and that the Supreme Court, he was publicly chastising [sic] the Supreme Court.

SOUNDBITE: This morning, the United States Supreme Court made our ability to prosecute those who produce and possess child pornography immeasurably **more difficult**.

Discussions about the impact of Supreme Court cases extended beyond the decision stage and were also present in news mentions after oral arguments. However, as these discussions often happened before the rulings had a chance to take effect, they remained largely speculative. Although it is important for viewers to be informed about the potential implications of Supreme Court cases, previous research indicates that news coverage tends to overestimate their significance and emphasize emotionally charged aspects, potentially

distorting public perception of their actual impact (Shaw, 1981, p. 19; Slotnick & Segal, 1998, p. 235). Furthermore, there is a lack of reflective post-decision news mentions that assess how past Supreme Court decisions have influenced the political and social landscape. This is consistent with Dahlia Lithwick's (Tabor, 2016) observation that journalists seldom explore the long-term impact of Supreme Court decisions, stating:

We [Supreme Court journalists] are so bad, with very few exceptions, of doing the “Five years later, what was the impact of those affirmative-action cases?” But there is an amazing amount of work to be done on “How did the Supreme Court decision five years ago change everything? How did Citizens United change everything?” And we almost never do that.

Compared to negative emotions, positive emotions appeared in more varied contexts (green highlight). News mentions of both channel types and time periods commonly included such expressions when summarizing cases and discussing underlying issues. However, pre-2000 network news coverage mostly limited positive emotions to this context alone. For instance, in a news report covering the copyright case *Campbell v. Acuff-Rose Music, Inc.* (1994), which involved a parody of the song “Oh, Pretty Woman,” the defendants’ lawyer defined the issue at the center of the case as “the right to **make fun**, the right to **have a laugh**” (“NAFTA Votes Sought,” 1993). However, post-2000 network news also highlighted positive reactions to Supreme Court decisions, such as scenes of activists who “cried for joy” after *Lawrence* and scenes of “**jubilation**” and “**sheer elation**” following *Perry* and *Windsor* (*Hollingsworth v. Perry*, 2013; “Landmark Ruling Same-Sex Marriage in America,” 2013; “Landmark Ruling What Changes,” 2013; *Lawrence v. Texas*, 2003; *United States v. Windsor*, 2013). Cable news, on the other hand, used positive emotional expressions when discussing the legislative and executive branches of government. For example, President Obama’s amicus brief in support of the plaintiffs in *Perry* was defined as “a clear change of

heart” regarding his views on same-sex marriage, and it was said that “his journey [to support same-sex marriage] was a long one, but a good one” (“For March 1,” 2013).

Considering distinct emotions in news mentions of different channel types and time periods, rather than the broad positive and negative categories, may offer more detailed insight into the implications of including such expressions when covering Supreme Court cases. Overall, the three news samples referenced 99 distinct emotions, with 39 appearing on pre-2000 network news, 44 on post-2000 network news, and 91 on cable news. However, of these, only three accounted for at least 10% of all emotional expressions used by either channel type or type period ($n = 30$; $n = 25$; $n = 168$ for pre-2000 network news, post-2000 network news, and cable news, respectively).

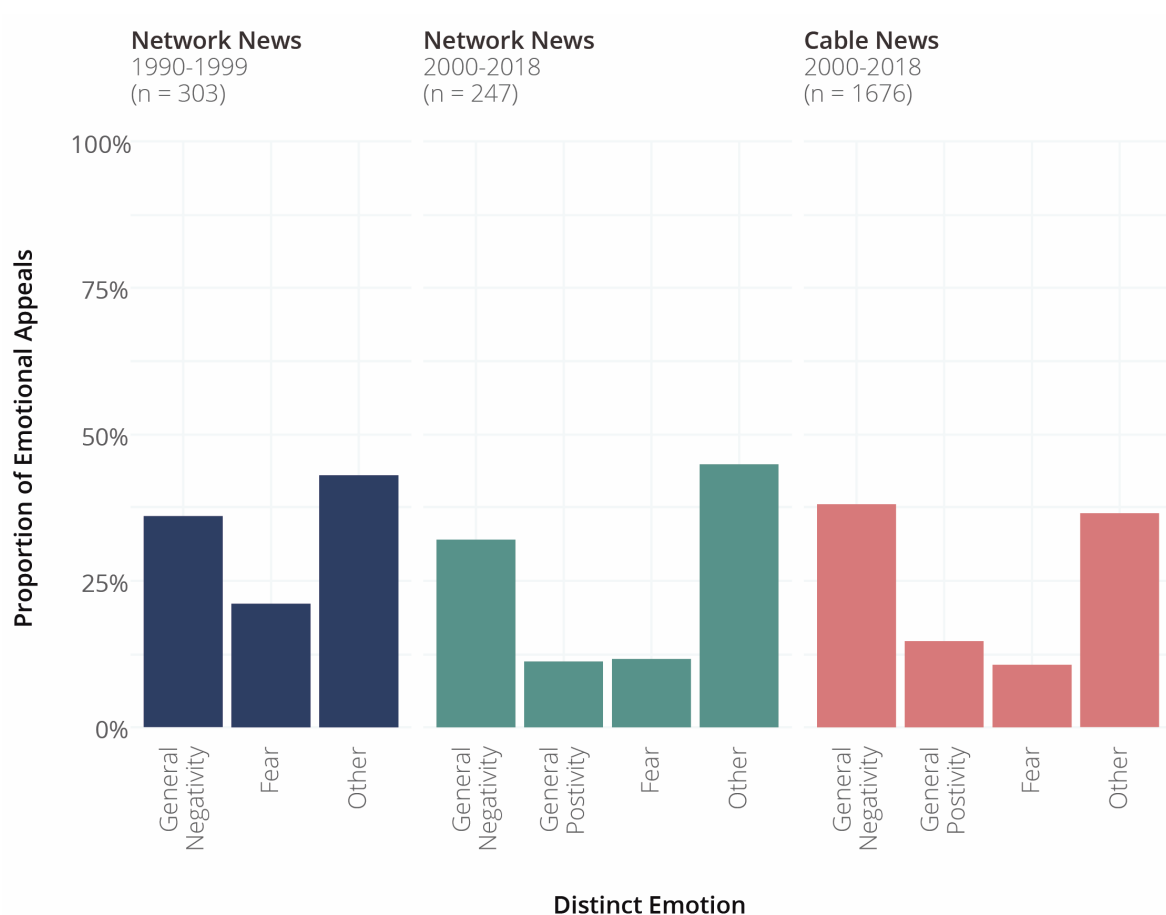
Figure 6.4 on the following page presents a column chart highlighting that the most common types of emotion were general negativity, general positivity, and fear. General negativity and positivity represent distinct emotions in Docuscope and are not aggregate groups of negative and positive emotions. For one, this suggests that television news programs, regardless of the channel type or time period, tended to cover Supreme Court cases in a way that emphasizes fear and negativity, which accounted for around half of all emotional expressions included in all three samples, pre-2000 network news ($n = 173$ out of 303, 57%), post-2000 network news ($n = 108$ out of 247, 44%), and cable news ($n = 817$ out of 1676, 49%). Therefore, my results may indicate that regardless of the channel type or time period, the range of distinct emotions in news mentions of Supreme Court cases was limited.

In line with prior research, these findings highlight the news media’s inclination towards negativity (Farnsworth & Lichter, 2007; Patterson, 1994; Rozado et al., 2022). As journalistic practices often focus on conflict and negativity (Harcup & O’Neill, 2019; Parks, 2019) as a means to capture audience attention (Soroka et al., 2019; Trussler & Soroka, 2014), news reports might similarly favor negative emotions. Consequently, the prevalence of

negative emotional appeals across channel types and time periods could stem from the pursuit of audience engagement and profit-driven objectives. Nevertheless, with a median number of negative emotional appeals of 3 for pre-2000 network news and cable news and 2 for post-2000 network news, my findings reveal that negative emotional appeals were used moderately, suggesting that the news mentions did not have an overwhelmingly negative tone. Still, it remains uncertain whether this observation would persist if the analysis encompassed negative sentiments more widely.

Figure 6.4

Discrete Emotions by Channel Type and Time Period



Although news mentions from different channel types referenced the same types of emotion, they did so in different contexts. The differences between post-2000 network news and cable news may be due to differences in the case stages covered and the contexts and segment formats in which Supreme Court cases were mentioned (see Chapter 4 and Chapter 5). These analyses showed that half of all cable news mentions happened after a case was decided and that, in addition, a third of cable news mentions appeared outside of dedicated Supreme Court coverage and featuring debate segments. Consequently, cable news mentions may have included fewer quotes from the justices or discussed the impact of cases, instead focusing on political aspects. On the other hand, network news mentions predominantly appeared before and at the decision stage and most often mentioned Supreme Court cases in coverage about the Court and involved correspondents. As a result, negative emotional expressions in post-2000 network news mentions may have appeared in similar contexts that were centered around the Court.

Summary

This chapter examined the use of emotional appeals in news mentions of Supreme Court cases from pre-2000 network news and post-2000 network news and cable news, highlighting the unique and common approaches of each channel type and time period in presenting these cases to their audiences. To evaluate the use of emotional appeals, I used based on three quantitative indicators: the share of news mentions that included emotional appeals, the distribution of positive and negative emotional expressions, and which discrete emotions appeared most frequently. In addition, I examined the contexts in which emotions were referenced.

The analyses presented in this chapter showed that regardless of the channel type or time period, most news mentions included emotional expressions, with most of them relating to negative emotions and the overall emotional diversity remaining limited, as indicated by

the small number of distinct emotions representing a notable share of emotional appeals used. A bias towards negativity in news media has been noted in previous work (Farnsworth & Lichter, 2007; Patterson, 1994; Rozado et al., 2022), with other studies suggesting that individuals typically respond more strongly to (Shoemaker, 1996; Soroka et al., 2019; Soroka & McAdams, 2015) and seek out negative information (Soroka et al., 2019; Trussler & Soroka, 2014). Consequently, the prominence of negative emotions in news mentions across channel types and time periods may serve to increase audience attention and engagement (Bellovary et al., 2021; MacKuen et al., 2010, 2011; Neuman et al., 2018; Robertson et al., 2023; Yang & Kahlor, 2013). Although my findings indicate that the news mentions utilized negative emotions to a limited extent, it is important to recognize the possible negative consequences of excessive negativity, which includes viewers avoiding the news, especially when news reports negatively impact their mood or leave them feeling helpless (Newman et al., 2022; Tunney et al., 2021).

While negative emotions were prominent across channel types and time periods, there are notable differences between post-2000 network news and cable news regarding the contexts in which such expressions occurred. Specifically, post-2000 network more frequently mentioned Supreme Court cases at oral argument or the decision stage, included correspondent segments, and news mentions focused on the Court (see Chapter 4 and Chapter 5). Taken together, the case stages covered, the thematic focus, and the news segments included in the news mentions may create a focus on the Court that potentially results in emotional expressions relating to the cases, their impact, and the justices. In contrast, cable news mentions appeared outside of dedicated Supreme Court coverage and after a case had been decided and included debate segments. These aspects might have led to the use of emotional language, primarily when discussing political issues.

In summary, my findings suggest that emotions play a role in shaping information about Supreme Court cases presented to network and cable news audiences. While different channel types and different time periods employed emotional expressions similarly in terms of the frequency of emotional appeals and the emphasis on negativity, the contexts in which emotional expressions appeared differed between them.

Cable News Programs

This analysis examines how two ideologically distinct cable news programs—MSNBC’s liberal-leaning *Hardball* and Fox News’ conservative *Special Report*—use emotional language when presenting Supreme Court cases to their partisan audiences.

Prior research on the role of emotion in news coverage offers mixed findings. Some studies suggest that the frequency and overall tone of news coverage may vary based on the ideological orientation of the news organization. Specifically, these studies found that right-leaning news outlets, such as Fox News, tend to feature emotional displays more frequently and place greater emphasis on negativity and outrage compared to left-leaning news sources (Grossmann & Hopkins, 2016, p. 167; Rozado et al., 2022; Sobieraj & Berry, 2011). In contrast, other research has found that journalists often incorporate emotional aspects of a story, particularly those related to negativity (Farnsworth & Lichter, 2007; Patterson, 1994; Rozado et al., 2022). Collectively, these studies indicate that both *Hardball* and *Special Report* news mentions frequently employ emotional appeals, predominantly relating to negative emotions, although *Hardball*’s coverage may be comparatively less negative.

In addition, the findings on the news format presented in Chapter 5 suggest that each program might utilize emotional expressions in unique contexts. For instance, given *Hardball*’s frequent debate segments and mentions in unrelated contexts, emotional appeals may not focus on the cases or the Court. In contrast, *Special Report*, with its greater share of

focused Court coverage, may manifest emotional expressions more prominently within that specific context.

Presence of Emotional Appeals

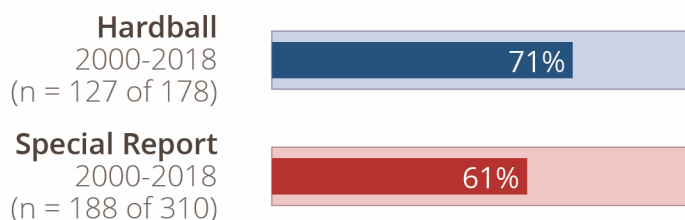
To provide an overview of the prevalence of emotional expressions in news mentions of Supreme Court cases, I examine the share of *Hardball* and *Special Report* news mentions that included such expressions. The aim of this analysis is to provide an overall understanding of how often emotional appeals were present in cable news coverage before turning to distinct types of emotion. Consequently, the findings can indicate whether viewers may have commonly been exposed to emotionally charged information when hearing about Supreme Court cases and if this depended on the cable news program they chose.

Figure 6.5 shows a bar chart visualizing the share of news mentions that included emotional appeals by cable news program. Highlighting the prevalence of emotional language in the news reporting of both programs, the figure also reveals that emotional expressions were more common in *Hardball* news mentions, with about 71% ($n = 127$) containing emotional appeals. In comparison, *Special Report* had a slightly lower share at 61% ($n = 188$).

Figure 6.5

News Mentions with Emotional Appeals by Cable News Program

Share of news mentions that included emotional appeals,
by cable news program (excluding identical mentions).



To determine whether the observed differences between *Hardball* and *Special Report* news mentions described above were statistically significant, I conducted a chi-square test of homogeneity comparing the distributions of news mentions with or without emotional appeals in both shows. I found that the observed differences in the proportion of news mentions containing emotional appeals between *Hardball* and *Special Report* were statistically significant ($\chi^2(1, N = 488) = 5.66, p = .017$). This result suggests significant differences in the frequency with which the two cable programs included emotional appeals in news mentions of Supreme Court cases; however, to get a comprehensive understanding of the specific patterns of emotional language in practice, it is important to consider these expressions in context.

To further explore the differences in the use of emotional appeals between the two cable news programs, I conducted a close reading of the news mentions. From this analysis, I discovered that emotional expressions in *Special Report* news mentions are commonly related to case summaries, issues, impact discussions, and the justices. However, it was rare for news mentions to include emotional language in all three instances. One example of such a rare instance is the excerpt below (“Cyprus Reopens Banks,” 2013), which aired on the day the justices heard oral arguments in *United States v. Windsor* (2013). In the first part of the excerpt, the emotional expressions (blue highlight) related to the Defense of Marriage Act (DOMA)—the issue at the center of the case. Specifically, Guest 1 explains that Windsor only challenges Section 3 of DOMA, which denied federal benefits to same-sex couples who were legally married in their state of residence. However, Section 2, which addresses whether states must recognize same-sex marriages performed in other states, remains unaffected. As a result, Guest 1 states that the far-reaching effects speculated in much of the news coverage surrounding the case might not materialize.

GUEST 1: That part of DOMA before the court today where the federal government denied benefit for same-sex couples in states where they were legally married, so that may be thrown out. That is not the most important part of DOMA. That part of it was barely talked about in 1996 when it passed. The more important part is whether states **have to recognize** same-sex marriage performed in another state. That is not the issue. That's not been overturned by a lower court. So all the headlines are saying DOMA **in trouble**. That's only one part of it. The more important part is not.

Following the previous excerpt, the conversation shifts to a discussion of the Windsor case and its connection to another case argued before the Court the day before, which concerned California's ban on same-sex marriage (*Hollingsworth v. Perry*, 2013). The conversation emphasizes similarities between the two cases and raises questions about the possibility of applying the same legal reasoning to both. In the passage below, emotional language is used to describe the justices' willingness to hear the *Perry* case despite its legal standing issues while also indicating their reluctance to make a broad decision on same-sex marriage.

ANCHOR: Are there legal standing issues as to the people supporting Prop 8, because the state of California wasn't supporting it?

GUEST 2: That's correct. But it seemed like Justice Kennedy and the others wanted to recognize their standing in that case **to go forward** and hear that case on the merits. The main thing to keep in mind I think is that **they have to** mesh the two decisions in such a way that

it all comes together consistently. And that's going to be very **tricky**.

ANCHOR: When this week began, Charles, a lot of people on both sides were wondering, hoping, expecting that there would be a sweeping decision on same-sex marriage, either pro or con, that in a sense it would be put to rest. We would understand what the court says the law of the land is. As we end these two days of hearings, where are we?

GUEST 3: It looks as if the justices **are reluctant to** do anything on what happened yesterday. I disagree with Chuck. I do think these are very separate issues. What they talked about yesterday about the Proposition 8 is whether there is a constitutional right that overrides everything for an individual to marry who he or she wants. What was at stake today not an individual right. What's at stake today is the federalism issue.

Although the justices are only referred to indirectly in the example above, *Special Report* frequently incorporated direct quotes. Specifically, of the 65 news mentions reporting a Supreme Court decision, 41 (63%) included a total of 91 direct quotes, with most of these focusing on the majority opinion (n = 62; 68%). Additionally, 31 of 41 oral argument news mentions (76%) included a total of 87 direct quotes and soundbites. This aspect of *Special Report* news mentions represents a stark contrast to the approach taken by *Hardball*, which exclusively relied on paraphrased statements when reporting Supreme Court decisions (n = 11). Although *Hardball* did include 17 direct quotes in three out of five oral argument news mentions (60%), it pales in comparison to the frequent use of direct quotes by *Special Report*.

Finally, the conversation ends with *Special Report's* anchor and Guest 1 discussing the hypothetical of the Court recognizing same-sex marriage, with emotional expressions highlighting fears of potential future lawsuits against the Christian church that could threaten the church's tax-exempt status, which is granted to churches and other religious organizations on the condition that they do not engage in discriminatory practices. It is worth noting that the U.S. has not seen such lawsuits since *Windsor*, *Perry*, or *Obergefell* were decided, and neither have ministers been prosecuted for preaching against same-sex marriage in Canada, where same-sex marriage has been legalized since 2005.

ANCHOR: I want to turn to James Rosen's piece, Fred, earlier this evening in the first segment, where he talked about if the court were to recognize same-sex marriage, that wouldn't be the end of the issue. There would be all-kind of legal cases, for instance if a university, religious university, Notre Dame let's say, has married student housing but they have it for heterosexual couples. Do they have to provide it for same-sex couples? If they don't, can they be sued on that? This would open up a lot of issues. I wouldn't settle everything.

GUEST 1: It would mean the states would have to decide or have more referenda on whether or not gay marriage would be accepted or not. It would open up the issue of the tax exemption of churches and the property they have, and so many other issues. And what a lot of Christians **fears** is what will happen in the U.S. is --

ANCHOR: Why would it open up tax exemption of churches?

GUEST 1: Because there would be lawsuits against it because churches would be teaching that same-sex marriage is wrong. And they could say on the basis of that you are denying a constitutional right and someone could sue. No doubt they would. Look, it may not jeopardize it immediately, but it could. And what a lot of Christians fear is what happened in Canada. And that is if you are someone I think in the 1990s when they approved same-sex marriage, that if you are a minister preaching the opposite, then it's a hate crime. There have been prosecutions along that line.

Speculative discussions about the potential impact of a particular case were a common feature of *Special Report* news mentions before and at the decision stage. Sometimes, these claims were presented with confidence and certainty yet without providing supporting evidence or even presenting incorrect information, as in the example above. However, even after the Court decided on a case, conversations surrounding the impact remained mostly hypothetical. There were only two exceptions to this. The first was *Citizens United* (2010), which was discussed in an interview with Mitch McConnell in 2012 ("Interview with Mitch McConnell," 2012). The second was two cases involving the Clean Water Act that were mentioned alongside each other ("Political Headlines," 2009): *Rapanos v. United States* (2006) and *Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers* (2001). In these instances, concrete consequences of the respective Supreme Court cases were mentioned yet ultimately invalidated or ignored.

Similar to *Special Report*, *Hardball* also used emotional expressions when explaining the underlying issues of a case. The textual example below is an excerpt from *Hardball's* coverage of the oral argument in *Windsor*, aired on the same day as the *Special Report* excerpts above. Like on *Special Report*, the Supreme Court correspondent on *Hardball*

speculates that the justices will “strike” down DOMA at least in part and explains two possible perspectives for doing so. On the one hand, DOMA could be viewed as violating equal protection rights as it “discriminates against same-sex couples for no good reason, depriving them of a number of benefits, leaving them at a disadvantage.” On the other hand, the correspondent says, DOMA could be viewed as a federalism issue and an interference with states’ rights. Similar to the *Special Report* news mention, a guest on *Hardball* then highlights the challenges in deciding *Windsor* and *Perry* in a consistent matter, explaining that the legal grounds on which *Windsor* is decided will likely have implications for the ruling in *Perry* as well.

GUEST 1: Well, I think you both have a point that to some extent, these cases are at cross purposes with each other because if you -- if you strike down DOMA -- it depends on how you strike it down. If you say the federal government cannot discriminate between same-sex and opposite-sex marriages, then you have a hard time saying, But the states can.

However, if the Supreme Court strikes down DOMA as a matter of federalism and says, you know what? Congress has no role here. This is up to the states, then the states can still decide for themselves whether to allow same-sex marriage.

In addition, *Hardball* news mentions featured emotional language when discussing the other two branches of government in relation to Supreme Court cases, although this was not as frequent as when describing the cases themselves. However, with the exception of two campaign finance cases (*Citizens United v. Federal Election Commission*, 2010; *Federal Election Commission v. Colorado Republican Federal Campaign Committee*, 2001), these

instances did not occur at major case stages, such as granting cert, hearing oral arguments, or announcing the decision. Rather, they were limited to events happening in between them or after cases had been decided. For example, after the Supreme Court heard arguments in *Perry* and *Windsor*, Matthews pointed out that the Republican party was “in big trouble” as their stance on same-sex marriage risked alienating either young voters or their evangelical base (“For March 28, 2013,” 2013). The anchor then points to “the awkwardness of the Republican Party” for emphasizing “one man and one woman” when they speak about marriage. This emphasis is later defined as a conservative strategy, alluding to “the idea of polygamy to scare people.”

In *Hardball* news mentions, emotional phrases related to political issues occurred predominantly in comments by the anchor or guests rather than in soundbites or direct quotes. Most commonly, these instances served to criticize the Republican party, although neutral statements were common as well. Praise, on the other hand, was rare. Republicans were often targeted as a whole, but specific members were also singled out for criticism, particularly during presidential elections. By contrast, emotional language was seldom directed toward Democrats.

An explanation for the variation in contextual use of emotional language could be the differences in the format and focus of both programs’ coverage discussed in Chapter 4 and Chapter 5. *Special Report* dedicated more coverage to the Supreme Court, with over half of its news mentions reporting on a particular case, a third airing at the oral argument or decision stage, and most including a correspondent report. Consequently, *Special Report*’s focus on the Court may have facilitated including statements directly from the justices and discussing the potential impact of Supreme Court cases at various case stages, which naturally lends itself to a broader range of contexts in which emotional expressions may be utilized.

On the other hand, *Hardball* paid less focused attention to Supreme Court cases, with only one-third of its news mentions coming from dedicated news coverage, less than 10% airing at the oral argument or decision stage, and 10% involving a correspondent. While this may have limited the range of contexts in which emotional expressions were used, *Hardball* still recorded a greater share of news mentions that appealed to emotion than *Special Report*. This could be due to the program's format, which heavily relied on debate segments that often involve passionate discussions, which can intensify the emotional tone of the program. As a result, a greater share of *Hardball* news mentions may have included emotional expressions, even though the contexts in which they appeared were more limited.

The broader range of contexts in which emotional expressions are utilized in *Special Report* news mentions could foster deeper engagement with Supreme Court cases by drawing the viewer's attention to the case, its potential impact, and the justices. While *Hardball* also focused emotional appeals on the case itself, viewers might be more engaged in the political aspects of the cases and the emotions that arise from passionate debates as opposed to the case impact or statements from the justices.

Type of Emotional Appeals

To gain a better understanding of how *Hardball* and *Special Report* utilized emotional appeals in their coverage of Supreme Court cases, I now examine the specific types of emotions that were appealed to. Specifically, this analysis will evaluate the overall emotional tone of the news mentions by assessing the distribution of positive and negative emotional expressions, determining the frequency of these appeals in the news mentions, and identifying the most common distinct emotions used. As such, my findings can indicate whether *Hardball* and *Special Report* appealed to different emotions and give a more precise estimate of how common such expressions were in their news mentions. Furthermore, taking a more nuanced approach and looking beyond the general classification of positive or negative

emotions may provide valuable insights into the potential impact of emotional language on the understanding and perception of the Court by viewers of *Hardball* and *Special Report* (Kühne & Schemer, 2015; Weeks, 2015; Wollebæk et al., 2019).

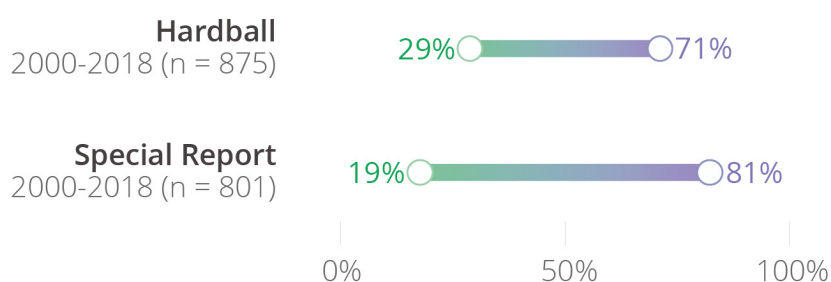
The dumbbell charts in Figure 6.6 present the distribution of positive and negative emotional expressions in *Hardball* and *Special Report* news mentions of Supreme Court cases, highlighting the prevalent use of negative emotions in the coverage of both programs. In particular, while 71% (624 out of 875) of emotional expressions in *Hardball* news mentions were classified as negative, this proportion was even higher in *Special Report* news mentions, at 81% (656 out of 801).

To determine whether the observed differences in the emotional tone of *Hardball* and *Special Report* news mentions are statistically significant, I conducted a chi-square test of homogeneity to compare the distribution of positive and negative emotional appeals in both shows. The results of the test indicated that the differences in the proportion of positive and negative emotional appeals between the two shows were statistically significant ($\chi^2(1, N = 1676) = 25.96, p < .001$), which suggests that there were notable distinctions in the emotional tone of the news mentions between the two cable shows.

Figure 6.6

Positive and Negative Emotional Appeals by Cable News Program

Share of positive and negative emotional appeals, by cable news program.



In addition to analyzing the distribution of positive and negative emotional appeals to determine the dominant tone of news mentions, I also examine the median number of these appeals to gain a more precise understanding of how often emotions were used within a single mention. When news mentions appealed to emotion, both *Hardball* ($M = 4.91$) and *Special Report* ($M = 3.49$) had a median of 3 negative appeals. In contrast, the median number of expressions invoking positive emotions varied depending on the news program, with *Hardball* ($M = 1.98$) and *Special Report* ($M = .77$) having a median number of 1 and 0 such expressions, respectively. These findings underscore the prevalence of negative emotions in both programs' coverage of Supreme Court cases.

Furthermore, *Hardball* and *Special Report* differed in the way that positive and negative emotional expressions were used when discussing Supreme Court cases. Both programs commonly appealed to negative emotions when describing a case and its potential impact. However, *Hardball* also used such expressions in discussions related to the other two branches of government, while *Special Report* included them when quoting or paraphrasing statements from the justices. Additionally, *Hardball* news mentions more dominantly focused emotional appeals around the case, whereas, for *Special Report*, all three topics (case, impact, and justices) were common. These findings underscore the prevalence of negative emotions in both programs' coverage of Supreme Court cases and provide insight into the differences in the use of emotional language between the two programs.

The following excerpts illustrate how negative emotional language was used in these contexts when covering *Burwell v. Hobby Lobby* (2014), a case that challenged the Affordable Care Act's contraceptive mandate on the basis of religious freedom. For instance, the negative emotional expressions (purple highlight) in the *Hardball* news mention below highlight the core issue of the case and convey a sense of conflict, distress, and potential harm ("States Lead the Way on 'Obama Care,'" 2013).

ANCHOR: We want to take a closer look tonight at the new issue before the Supreme Court involving the Affordable Care Act. The court will consider whether a company can refuse to offer contraceptive health care, as is mandated by the Affordable Care Act, on the grounds that doing so **would violate** its religious freedom.

Now, here's the background. The company Hobby Lobby is an Oklahoma-based crafts business with about 13,000 employees. It was founded by people of faith. They close on Sundays. Its stores play religious music, and its employees get free spiritual counseling.

Now, the company's founder says, "We believe whole-heartedly that it is by God's grace and provision that Hobby Lobby has been successful. Therefore, we seek to honor him in all that we do."

In making their case, attorneys for the company said that the Affordable Care Act left the owners with two bad choices. They must either violate their faith by covering the mandated contraceptives or pay crippling fines that would **destroy** their livelihood.

In a similar vein, *Special Report* notes that the plaintiffs in *Hobby Lobby* "argue their religious rights will be violated **if forced to** comply with the mandate" ("Take Two," 2013) and explains that "finding that line about religious freedom and where it balances here is what the Justices **have to decide**" ("Website Serves as Aid for Healthcare.Gov," 2013). In discussing the broader implications of the case, should the Court side with the administration, *Special Report* presents a quote that echoes the plaintiffs' concerns ("Website Serves as Aid for Healthcare.Gov," 2013):

SOUNDBITE: It would be a terrible precedent for the Supreme Court to set, to tell Americans that they give up a fundamental freedom just because they decide to open a family business and pursue the American dream.

Likewise, *Hardball* (“*Hardball* with Chris Matthews for November 26, 2013,” 2013) discusses the potential consequences of the *Hobby Lobby* case if companies were forced to comply with the contraception mandate although it goes against their owners’ religious beliefs, with the anchor pointing out that they might choose to stop providing healthcare altogether. The emotional expressions in this excerpt convey the strong opposition of these companies to offering full contraceptive coverage in their employee healthcare plan and emphasize the potential harm and risks associated with this case.

ANCHOR: Where do you think this is going to end up politically, this latest fight that’s going to the court, whether they have standing? It’s a Mennonite company, it’s a toy company, basically got standing before the court to say we do not want to have our health care employee coverage cover contraception.

(...)

ANCHOR: And, of course, the danger of this situation is, some organizations will simply stop offering health care if they can. I don’t know if that’s legal now. Is it? I mean, is that one alternative? If you can’t discriminate in what kind of coverage you want to offer, you just don’t offer any?

GUEST: Right. You’d be faced with huge fines if you decide to do that, Chris.

Special Report, albeit without appealing to emotion, also noted that companies could drop health insurance coverage altogether for their employees and pay a fine after Justices Sotomayor and Kagan raised this point during the oral argument, as correspondent Shannon Bream explains Hobby Lobby would have to pay, “a fine of about \$26 million a year. Still, that’s not bad compare [*sic*] to if they decide to keep coverage, but don’t cover all of the contraception methods. That fine would be \$475 million a year” (“President Proposes Check to Nsa Data Gathering,” 2014).

Covering the *Hobby Lobby* decision, *Special Report* used several negative emotional expressions to convey the justices’ perspectives on the case (“Supreme Court Rules Against Administration on Businesses Providing Female Employees Access to Contraception,” 2014). For instance, in Justice Alito’s quote from the majority opinion, the emotional expressions refer to the perceived weight the contraception mandate placed on the religious exercise of the plaintiffs. In addition, the correspondent highlights concerns that the ruling could lead to unintended consequences when discussing the dissenting opinion. Here, the emotional language evokes a sense of worry and alarm about the potential scope of the decision. This sentiment is further emphasized by the strong negative language used to describe Justice Ginsberg’s reaction to the majority opinion.

CORRESPONDENT: Writing for the majority, Justice Samuel Alito said quote “we hold that the regulations that impose this obligation violate RFRA, which prohibits the federal government from taking any action that substantially **burdens** the exercise of religion unless that action constitutes the least restrictive means of serving a compelling government interest, adding later, quote, “HHS has not shown that it lacks other means of achieving its desired goal

without imposing a **substantial burden** on the exercise of religion by the objecting parties in these cases.”

(...)

CORRESPONDENT: And writing for the majority, Justice Alito tried to assuage some of those **fears**, saying this is narrowly tailored. It is for this set of facts. It is for these closely held corporation, and those who speculate otherwise, that’s not what this opinion is. Then we have the dissent from Justice Ginsberg saying this is a strikingly broad opinion, and sort of examining all the worst case scenarios that could happen. She’s **raising the red flag**. She said essentially the court, her words, has walked into a mine field.

(...)

CORRESPONDENT: Justice Ginsberg writes of the dissent, very **upset**. She was **sharply disappointed** in this opinion and talked, Mara, about how women have fought for gender equality in the workplace, and in her estimation this puts them now at a disadvantage, although Justice Alito in responding, and you know these opinions, there’s always a back and forth between the majority and dissent, saying that her characterization of the majority opinion was not accurate and that there is going to be complete access to all of these FDA approved methods. It’s just a matter of who is going to pay for it now.

In contrast to *Special Report*, which often used negative emotional expressions in relation to the justices, *Hardball* news mentions relied on emotions pertaining to the other two branches of government. Following the *Hobby Lobby* case, *Hardball* examined the contrasting reactions to the ruling from the two political parties, highlighting the Republican Party's praise for the decision ("*Hardball* with Chris Matthews for July 1, 2014," 2014). In the following excerpt, a guest on the show discusses the potential negative consequences for the Republican Party, specifically voter alienation, if this leads them to be perceived as being against contraception. The emotional phrases used during this discussion highlight the potential challenges and risks faced by the Republican Party.

GUEST: This is a very dangerous place for the Republican Party to be if they are viewed, just as a political matter, as the anti-contraception party. Being the pro-life party has never been a disqualifier from being able to elect Republicans to the presidency. But certainly when it comes to contraception, these issues were decided seemingly in the mid-1960s. And so when you look at the reality in the Republican Party that – if you look at just the states Democrats have won six out of the last six elections, there are 242 electoral votes, with 270 needed to win. And without exception, every single demographic group in this country that is growing, Democrats are gaining market share in it.

(CROSSTALK)

GUEST: That includes single women, it includes younger voters. So, this is an enormously problematic political issue for Republicans.

(...)

GUEST: And here's the other – here's the other aspect of it. If the Republican Party is to be viewed as a limited government party, it can't simply be a limited government party when it comes to regulations on business. When it comes to the personal space and sphere, the big government wing of the party peeping through the bedroom window is very deeply **offensive to** a lot of Americans out there.

And you look in the Northeast of the country, you look in the West Coast, the Mountain West, you look at all these places that were bedrock stable of the—staples of the Republican electoral calculus, it's all fallen apart. And so there's just enormous cultural differences in the country on these issues as well. And Republicans are going to have a very, very **difficult** time, particularly in the context of the immigration reform collapse.

In addition to negative emotional expressions, *Hardball* news mentions also used positive appeals (**green highlight**), which were similarly mostly limited to the case itself. For example, in covering *Windsor* and *Perry*, the show talked about **“love,” “pride,”** and the **“joy of the two people finally being able to get together”** (“For June 26, 2013,” 2013; “For March 26, 2013,” 2013; “*Hardball* with Chris Matthews for June 23, 2014,” 2014). Furthermore, positive emotional appeals were used in reference to the legislative and executive branches of government, such as when reporting on an amicus brief submitted by a group of Republicans and other public officials, including Barack Obama and Dick Cheney, showing **“their support for gay marriage”** before the Court hear oral arguments in these two cases (“*Hardball* for February 26, 2013,” 2013).

In contrast to the limited contexts for positive emotional language used by *Hardball*, *Special Report* employed such expressions in a more varied manner, including when discussing the case, its impact, and reactions to it.. For example, in reporting the Hobby Lobby decision, *Special Report* included several reactions of people who were “overjoyed” and “thrilled” with the Court’s decision, followed by a guest who addressed concerns about its impact, saying “I think you have to keep it in perspective, though. You know, 90 percent of women are still working for corporations that give the full range of contraceptive protection” (“Supreme Court Rules Against Administration on Businesses Providing Female Employees Access to Contraception,” 2014). At other times, positive emotional expressions were used when recounting the facts of the case, such as when correspondent Shannon Bream reported the Court’s decision in *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission* (2018), where a couple sued a Colorado baker for “declining to create a custom cake in celebration of their same-sex wedding” (“Pardon Me,” 2018).

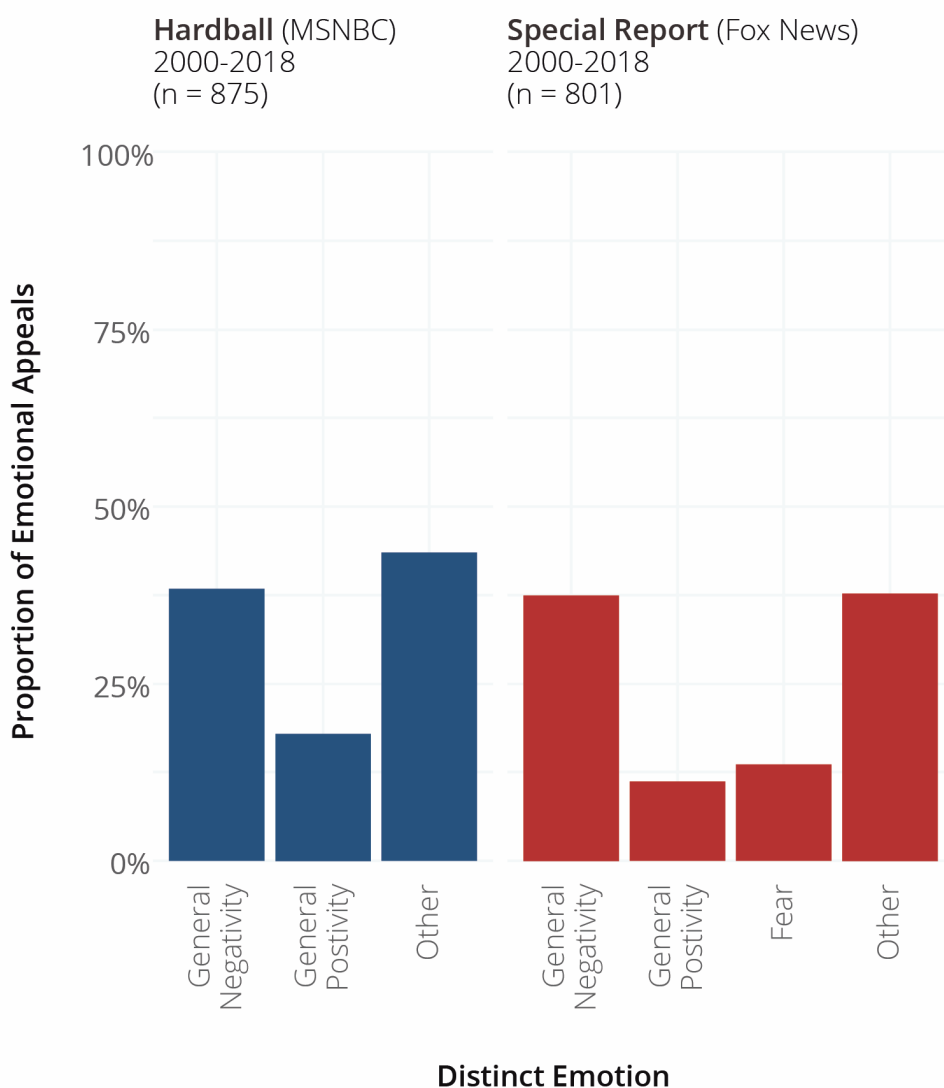
Moving beyond the broad categories of emotional appeals, I now turn to the distinct emotions included in the *Hardball* and *Special Report* news mentions of Supreme Court cases, as this could provide a more nuanced perspective on the implications of my findings. Together, the two cable news programs appealed to 91 distinct emotions, with 67 appearing on *Hardball* and 72 on *Special Report*. However, of these, only three accounted for at least 10% of all emotional expressions used by either program (n = 80).

The column chart in Figure 6.7 shows that the most frequent emotions were general negativity and general positivity for *Hardball* and general negativity, general positivity, and fear for *Special Report*. It is worth noting that fear was also a prominent emotion on *Hardball*, ranking as the third most common, but with 70 occurrences, it fell just below the 10% threshold. These results underscore the predominance of negative emotions in Supreme Court news mentions of both programs. Two of the three most common emotions were negative,

accounting for approximately half of all emotional appeals used in both *Hardball* ($n = 408$ out of 875, 47%) and *Special Report* ($n = 409$ out of 801, 51%). As a result, my findings suggest that the range of emotion in Supreme Court news mentions by either program is rather limited.

Figure 6.7

Discrete Emotions by Cable News Program



As the results on channel types and time periods, these findings are consistent with previous work that has demonstrated the news media's tendency toward negativity

(Farnsworth & Lichter, 2007; Patterson, 1994; Rozado et al., 2022). As journalism textbooks (Parks, 2019) and news values (Harcup & O’Neill, 2019)—guiding principles thought to shape news content—emphasize conflict and negativity in an effort to attract audience attention (Soroka et al., 2019; Trussler & Soroka, 2014), news selection and production processes may be geared towards negative emotions. As such, the prominence of negativity in both *Hardball* and *Special Report* news mentions could be attributed to audience-seeking and profit-making motives. At the same time, my results indicate that negative emotional appeals were used sparingly (Mdn = 3) and, therefore, might not create an overwhelmingly negative tone, yet it is unclear whether this finding would hold if the analysis were extended to negative sentiments more broadly.

The discrepancy in the contexts in which *Hardball* and *Special Report* featured negative emotional expressions can likely be attributed to the differences in the news mentions’ timing, context, and segment formats discussed in Chapter 4 and Chapter 4Chapter 5. These analyses indicated that *Hardball* rarely covers Supreme Court cases during major stages, such as oral arguments and decisions, and often mentions these cases outside of dedicated news coverage or in debate segments. As a result, *Hardball* may be less likely to reference statements from the justices or discuss the impact of cases, instead focusing on political aspects. On the other hand, *Special Report* frequently covered the argument and decision stages, mostly mentioned Supreme Court cases in coverage about the Court and involved correspondents. Consequently, emotional expressions in *Special Report* news mentions may have been centered around the Court.

Summary

This chapter examined the use of emotional appeals in news mentions of Supreme Court cases from *Hardball* and *Special Report*, highlighting the distinct and similar ways each program presents these cases to their audiences. I assessed the use of emotional appeals based

on three quantitative indicators: the share of news mentions that included emotional appeals, the distribution of positive and negative emotional expressions, and which discrete emotions appeared most frequently.

Interestingly, while *Hardball* and *Special Report* exhibited similar approaches overall, one area where ideological differences emerged was in emotional expressions related to politics. Specifically, *Hardball* news mentions disproportionately used emotional language to criticize Republicans while rarely directing such appeals toward Democrats. The disproportionate use of such language potentially relates to the growing phenomenon of affective polarization in the United States. Affective polarization refers to the tendency of people to hold positive views about their own party but view opposing partisan groups negatively, leading to disdain and animosity between political factions (Iyengar et al., 2019; Mason, 2018). It is important to distinguish this development from mere ideological disagreements as it involves the emotions and social identities of partisan individuals (Dias & Lelkes, 2022; Iyengar et al., 2012; Lelkes, 2018). That is not to say *Special Report* or Fox News do not criticize those on the opposite end of the political and ideological spectrum; indeed, previous work suggests they do (Smith & Searles, 2014; S. W. Webster, 2020), these findings only suggest that this did not happen in the context of Supreme Court news mentions.

One possible explanation for this could be the format differences between the two shows. *Hardball* frequently mentioned Supreme Court cases in debate segments and in segments discussing topics unrelated to the Court (see Chapter 5). Both of these factors could have facilitated the use of emotional language in a political context and against out-party members (Smith & Searles, 2013; Sobieraj & Berry, 2011). In contrast, the consistent focus on the Court and frequent involvement of correspondents could explain why *Special Report* more often directed emotional appeals at the cases before the Court (see Chapter 5).

However, beyond this exception, the two news programs displayed many parallels in their use of emotional expressions despite their divergent ideological outlooks. This included that the majority of news mentions from both programs incorporate such expressions and that these most often involve negative emotions. In addition, the overall emotional diversity in terms of discrete emotions remains limited for both shows.

Discussion

To ensure that the public is well-informed about the Supreme Court, the cases before it, and the impact these cases might have on them, the news media needs to present coverage in a way that is accessible, relatable, and engaging to their audience (cf. Hamam et al., 2021; Litman et al., 2021; *The [F]Law Magazine's "What' Is Wrong with Legal Journalism?",* 2023; Willis, 2021). To this end, the use of emotional language can be a notable contributing factor that might draw attention to certain aspects of news coverage and facilitate learning (Bas & Grabe, 2015; Groenendyk, 2011; Neuman et al., 2018; Pantti, 2010; Shoemaker, 1996).

In this chapter, I compared the use of emotional appeals in news mentions of Supreme Court cases between different television channel types, time periods, and cable news programs. Specifically, I examined the proportion of news mentions containing emotional appeals, the distribution of positive and negative emotional expressions, and the most frequently used discrete emotions. Additionally, I analyzed the contexts in which emotional language was employed. Overall, my findings reveal that different channel types, time periods, and cable news programs largely exhibit similar patterns. Namely, most news mentions incorporate emotional language, with the majority of expressions relating to negative emotions and a limited range of distinct emotions appearing frequently in the news mentions.

The observed similarities in news presentation align with previous studies that pointed to similarities in the framing of and the use of emotion in Supreme Court coverage across

news channels (Hitt & Searles, 2018; Linos & Twist, 2016; Zilis et al., 2017). This lack of wider differentiation may suggest that shared profit motives and the need for viewer attention similarly affect the way Supreme Court cases are presented on both shows (cf. Blumler, 2016; Blumler & Kavanagh, 1999; Boydston, 2013). As a result, news content, regardless of the channel type or cable news program, is shaped by demands for simplicity, drama, and conflict (Davis, 1987; Lithwick, 2014; Slotnick, 1991) and the need to capture audience attention (cf. C. Hayes, 2019; Klein, 2019). One approach to achieving this is by focusing on strategic coverage that emphasizes the winners and losers of Supreme Court cases (Hitt & Searles, 2018) or by highlighting emotional expressions, particularly those relating to negative emotions (Neuman et al., 2018; Robertson et al., 2023; Shoemaker, 1996). At times, both of these aspects could be fulfilled by drawing on emotional expressions included in the Court's majority or dissenting opinions (Bryan & Ringsmuth, 2016; Denison et al., 2020; Krewson, 2019; Zilis et al., 2017).

While the overall approach to using emotional appeals remained consistent across different news samples, my results indicate that cable and network news, as well as the two cable news programs, utilized emotionally expressive language in distinct contexts. Specifically, emotional appeals in news mentions from both network news periods and *Special Report* primarily focused on the Court and justices, potentially underscoring the cases themselves. In contrast, the cable news sample as a whole, and *Hardball* in particular, also directed emotional expressions towards the other two branches of government, which may have oriented viewer attention more toward partisan implications.

At first glance, this shift might indicate a more holistic approach to covering Supreme Court cases by placing the Court within the broader political system, potentially benefiting the public. However, as outlined in Chapter 5, unlike network news or *Special Report*, cable news and *Hardball* frequently mentioned Supreme Court cases in news stories unrelated to the

Court and discussed cases in debate segments. This suggests that these news mentions might contain less comprehensive information about the cases. Considering the format of the news mentions could explain the greater frequency with which emotional expressions in cable news and *Hardball* mentions related to the other two branches of government and also underline the focus on topics unrelated to the Court. Moreover, the greater use of emotional language related to criticizing Republicans in *Hardball* aligns with existing research pointing to increased affective polarization in cable news content (Smith & Searles, 2014; S. W. Webster, 2020). Ultimately, differences in emotional appeal contexts suggest cable and network news may have highlighted distinct aspects of Supreme Court cases, even if the overall depth of coverage was comparable. However, further research incorporating a broader content analysis would be needed to determine if network news provided more robust case information overall. Ultimately, the divergent emotional contexts indicate cable and network news structured narratives around Supreme Court cases in distinct ways through their use of emotional appeals, which may have shaped public perceptions.

The analytical approach I employed in this chapter focuses explicitly on news presentation and is based on individual words and phrases from real-world news coverage. This empirical approach diverges from experimental audience effect studies that consider the overall framing of news stories. These studies indicate that news stories framed by distinct emotions, such as anger or sadness, influence how audiences process and interpret the presented information in unique ways (Groenendyk, 2011; Kühne & Schemer, 2015; Nabi, 2003). For instance, a news story centered on the grieving father in *Snyder v. Phelps* (2011) might prompt viewers to favor a ruling in support of the family. In contrast, a news story highlighting fear about a Supreme Court ruling anticipated to restrict abortion access could increase the viewers' attention to the topic and motivate sporadic political participation, such as donating to pro-choice organizations. However, if the same news story were framed

through anger regarding the pending ruling, it might encourage more sustained engagement. While these studies typically emphasize a single emotion to create a consistent emotional tone throughout the news story, multiple emotions often coexist within the same news story, particularly those related to Supreme Court cases. These stories may convey the joy of the winning party alongside the anger or frustration of the losing party. The impact of these simultaneously occurring yet distinct emotions on viewers' perception and understanding of the Court remains unclear in the current research. Future studies could take the empirical findings presented here and conduct survey experiments to understand how coexisting emotions and differences in the contextual use of emotions affect the viewers' interpretation and understanding of Supreme Court cases.

Chapter 7

Discussion

The purpose of this project was to provide a comprehensive view of how television news has covered the U.S. Supreme Court over the last three decades. Despite television's popularity as a public news source (Media Insight Project, 2014; Pew Research Center, 2018a, 2020), past scholarship on Supreme Court coverage has been surprisingly limited, focusing narrowly on print media, individual cases or terms, or the decision stage in isolation (for exceptions see, Hitt & Searles, 2018; Vining & Marcin, 2014; Zilis et al., 2017).

Addressing this gap, I systematically compared news mentions of Supreme Court cases relating to four key issues across network news time periods, cable and network channels, and ideologically distinct cable programs, examining three core questions: (1) how does the volume of television news coverage of Supreme Court cases vary by time period, channel type, and cable news program?; (2) how does the format of this coverage vary across these categories?; and (3) how does the presentation, specifically the use of emotional appeals, differ across samples?

My analyses revealed significant disparities in how television news covers the Supreme Court along all three dimensions. Overall, I found a marked decline in coverage volume on network news, contrasted with more frequent yet inconsistent mentions on cable news. Further, differences in format emerged clearly, with network news's continued use of correspondent reports and cable news favoring debate segments. Despite these variations, the persistent use of emotional language across time, channel type, and cable program hints at universal news judgment criteria. Given the pivotal role television plays in informing citizens, the evident gaps and inconsistencies in coverage present challenges for informed democratic engagement with the judiciary. By empirically analyzing television news coverage of Supreme Court cases, my research sheds light on how one of the most widely used news

sources has constructed the prominence and meaning of the Court for its audiences over the last thirty years.

This final chapter is structured as follows: I will first summarize the key findings of the three results chapters. This will be followed by a discussion on the implications of these findings for both the news media and public understanding of the Court. Next, I will highlight the unique contributions this research offers to the field of communication studies. I will also address limitations and avenues for future research before concluding.

Summary of Key Findings

I conducted a content analysis of television news transcripts to assess coverage of Supreme Court cases related to four key issues—abortion, economic activity, the First Amendment, and sex discrimination—from the 1990 to 2018 Supreme Court terms. The data encompasses 595 transcripts from ABC's *World News Tonight* (a network news program), Fox News' *Special Report* (a conservative-leaning cable news program), and MSNBC's *Hardball* (a liberal-leaning cable news program), containing a total of 717 news mentions that reference 154 unique Supreme Court cases. The multi-dimensional analysis examined news volume through case mention frequencies and proportions, news formats based on contexts, segment types, and length of the news mentions, and news presentation characterized by the use of emotional appeals. To reveal systemic shifts and partisan differences shaping Supreme Court narratives presented to television audiences, I drew comparisons between network news time periods (1990-1999 and 2000-2018), network versus cable coverage (2000-2018), and ideologically distinct cable programs (2000-2018).

The first chapter analyzed the quantity and scope of Supreme Court news mentions, revealing a 50% decline in network news mentions of Supreme Court cases between the 1990-1999 and 2000-2018 terms ($n = 106$ v. 102), despite the shrinking Supreme Court docket. The decline was most pronounced for economic cases and the pre-decision and

decision stages. In contrast to network news during the 2000-2018 terms, cable news mentioned Supreme Court cases over twice as frequently ($n = 509$) and referenced twice as many cases ($n = 86$ v. 41). Among the cable news programs, *Special Report* referenced Supreme Court cases almost twice as often ($n = 321$ v. 188) and covered four times as many cases as *Hardball* ($n = 86$ v. 23). However, all network and cable news samples presented similarly skewed issue coverage that prioritized cases involving the First Amendment and sex discrimination over economic cases compared to the Court's docket.

The second chapter examined the format of television news coverage, focusing on the context of the news mentions, the segment formats included in them, and the length of the news mentions. I found minimal change in network news between the two periods; both predominantly mentioned Supreme Court cases in correspondent reports ($n = 86$, 81%; $n = 74$, 73%), and when that specific case was covered ($n = 94$, 89%; $n = 79$, 77%). In contrast, cable news exhibited a distinct approach to covering Supreme Court cases. A third of cable news mentions involved debate segments ($n = 173$, 34%) or appeared in contexts unrelated to the Court ($n = 175$, 34%). Additionally, cable news allotted more airtime to these cases than either network news sample. Within the cable news sample, *Hardball* predominantly referenced cases in unrelated contexts ($n = 78$, 41%) and as part of debate segments ($n = 103$, 55%), whereas *Special Report* focused on reports about specific cases ($n = 179$, 56%) and those led by correspondents ($n = 210$, 65%).

The third chapter analyzed the use of emotional appeals, uncovering the majority of news mentions across all samples incorporated emotional appeals, predominantly relating to negative emotions. However, the overall emotional tone of the news mentions was only moderately negative. While network news mentions of both periods focused these appeals on case facts and the justices, cable news targeted political issues and actors. Notably, *Hardball*

used emotional appeals to disproportionately criticize Republicans, a pattern that was not matched by *Special Report*.

These findings raise critical questions regarding the implications for both news media institutions and public understanding of the Court. The findings compel us to consider how economic imperatives and journalistic practices may shape coverage decisions in ways that potentially impede substantive reporting on powerful governance institutions and may ultimately influence public awareness and understanding of the judicial branch. In the following sections, I explore these complex dynamics between news production, media institutions, and potential audience effects.

Implications for Television News Coverage

Viewing news organizations' structures and practices as shaped by their institutional environments and accompanying cultural norms and economic forces, the differences uncovered in network news over time, as well as between network and cable news, appear to reflect strategic adaptations to transformations in the media landscape over the past three decades.

Economic Imperatives and the Evolution of News Volume and Format

Major shifts in the volume and formats of Supreme Court coverage likely reflect how broader transformations in the media landscape have compelled outlets to adapt their content strategies. The proliferation of cable and digital news competitors has increased pressure on network news to maintain audience share, as their viability depends on mass audience appeal. This manifests in the substantial decline in network attention to the Supreme Court (see Chapter 4), potentially indicating a purposeful or necessary shift in news content. Amid shrinking viewership, economic struggles, and staff cuts (Pew Research Center, 2010, 2015; Stelter, 2010a; Stelter & Carter, 2010), network news producers may have deprioritized expensive, time-intensive legal reporting in favor of covering cheaper celebrity and crime

stories (Hamilton, 2004; Patterson, 2000; Pew Research Center, 2007). On the one hand, this may represent an intentional effort to appeal to a broad general audience while also keeping the costs low (Hamilton, 2004; Patterson, 2000; Vining & Marcin, 2014). On the other hand, this may suggest that the decline in resources has limited network news' capacity to cover political issues like the Court, as has previously been argued for print media (Peterson, 2021).

In contrast, as their parent channels brand themselves as political news outlets (J. P. Jones, 2012; Peck, 2019), the cable programs included in my analysis may provide more coverage of political topics and, thus, mention Supreme Court cases more frequently. In addition, by drawing financial support from subscription fees (Pew Research Center, 2014b), cable channels are less reliant on advertising revenue and, consequently, mass audience appeal, which gives them greater flexibility to pursue ideologically aligned niche audiences and adopt opinion-driven formats (Sherman, 2010; Stelter, 2010b). These distinct format approaches have previously been highlighted in the broader context of political news (Farhi, 2018; McDermott, 2010; Pekary, 2021; Pew Research Center, 2013a) and also manifest when covering the Court (see Chapter 5).

While network news covered the Court through anchor and correspondent segments, on cable, Fox News' *Special Report* combined these traditional formats with debate and opinion segments, and MSNBC's *Hardball*, embracing a generally talk-heavy program structure, predominantly used debate segments to discuss Supreme Court cases (see Chapter 5). On the one hand, the prominence of analysis and commentary formats may represent evolving conventions for engaging fragmented audiences (Sherman, 2010; Stelter, 2010b). On the other hand, the inclusion of these segments may reflect cost considerations as the cable shows need to fill twice as much airtime as network news' and debate segments often require fewer resources in terms of research, reporting, and production compared to traditional news

reports. However, without interview data, the precise motivations behind this programming differentiation remain speculative.

Ultimately, the observed patterns in news volume and format underscore how television news organizations navigate inherent tensions between market incentives and civic responsibilities. Though these coverage patterns may represent purposeful adaptations to industry transformations, they may also propagate knowledge gaps regarding influential institutions like the Supreme Court. Overall, the substantial decline in network attention and prominence of opinion-centered cable coverage that often mentions Supreme Court cases in contexts unrelated to the Court indicate narrowing depictions of the judiciary's role, as outlets selectively pass along certain cases and narratives over others.

The Interplay of Journalistic Practices and Format Choices in Shaping News

Presentation

Despite divergent news volumes and formats, the presentation of Supreme Court coverage displayed commonalities through the prevalent use of emotional appeals and emphasis on negative emotions across network news periods, channel types, and cable programs. In part, this may reflect shared norms within journalism that emphasize dramatic conflict and engagement (Davis, 1987; Harcup & O'Neill, 2019; Lithwick, 2014; Slotnick, 1991). Guided by these values, outlets similarly select controversial issues like the First Amendment and provide a disproportionate amount of coverage to them compared to economic cases (Vining & Marcin, 2014). The intrinsic emotional elements of these cases may then be echoed in the news reports, contributing to a consistent style of presentation. Furthermore, journalists aim for objective and balanced coverage by incorporating varied perspectives in support and opposition of a particular case. In addition, journalists aim to make the stories engaging and accessible to lay audiences, often reducing complex legal cases to familiar narratives centered around winners and losers (Hitt & Searles, 2018; Linos &

Twist, 2016; Zilis, 2015). While these strategies aim for clarity and engagement, they may also amplify emotional expressions, reflecting a trend where the embrace of emotion has become an increasingly recognized facet of journalistic practice (Peters, 2011; Wahl-Jorgensen, 2013). However, the emotional tone and dramatic conflict that characterizes Supreme Court coverage is not solely a product of journalistic strategies. Debate segments, a common component of cable news (see Chapter 5), often feature passionate discussions and disagreements between participants, which can naturally lead to the display of emotions. These segments not only provide a platform for contrasting perspectives but also create an engaging and dramatic atmosphere.

The similarities in news presentation across news samples might initially appear counterintuitive, especially considering the prominence of debate segments and distinct stylistic tendencies attributed to cable news more generally (Berry & Sobieraj, 2016; Kavanagh et al., 2019; Letukas, 2014; Nadler, 2016; Sobieraj & Berry, 2011). Yet, comparative studies of Supreme Court coverage—such as those examining the framing of news stories (Hitt & Searles, 2018; Linos & Twist, 2016) and the frequency of negative emotion words (Zilis et al., 2017)—suggest that certain coverage patterns are consistently observed across different news sources.

While the quantitative use of emotional expressions was comparable across the news samples, the qualitative contexts in which they appeared differed, which may be attributed to the distinct formats and coverage approaches of the programs. In network news and *Special Report* coverage, where the majority of news mentions included correspondent reports and focused on a specific case (see Chapter 5), emotional appeals were primarily linked to case facts or the Court itself, suggesting their structured approach and focus on the Court may tie emotional language to those contexts (Davis, 1994; Slotnick & Segal, 1998). In contrast, cable news overall, and *Hardball* in particular, used more emotional language in political

contexts, frequently criticizing Republicans (see Chapter 6). Their greater use of debate segments and peripheral case mentions may provide more opportunities to bring up the Court in unrelated political discussions, as the complexity of Supreme Court cases does not easily lend itself to simplified cable news debates (Clayman & Heritage, 2004; Cushion, 2015). In essence, this indicates that the context of emotional language is linked to whether coverage focuses directly on the Court or brings up cases in wider political debates. As I did not directly analyze this dynamic, a more in-depth examination is necessary to validate these observations; therefore, future studies are encouraged to further explore the relationship between the format of news coverage and the contextual use of emotional language.

In conclusion, the evolving landscape of news media reveals a complex interplay between economic imperatives, journalistic standards, and format choices, shaping how the Supreme Court is portrayed to the public. The observed variations and commonalities across different news outlets underscore the multifaceted influences affecting coverage of the Court. Such patterns not only have implications for the journalistic representation of the judiciary but also raise questions about the public's understanding and perception of the Court amid these shifting media portrayals.

Implications for Public Understanding of the Supreme Court

The patterns in television news coverage also raise critical questions regarding the implications for public awareness, knowledge, and perceptions of the Court. As the primary source of information about the judiciary for most citizens, the scope, framing, and accessibility of news content profoundly shapes how the public engages with and comprehends the Court's role. Consequently, the minimal attention, skewed focus, and lack of connectivity observed across television outlets risk impeding substantive public understanding of the judicial branch and its influence on governance and society.

Overall Coverage is Minimal and Presents a Skewed and Narrow View of the Court's Work

One of the key implications of my findings is that while differences between the channel types and cable programs exist, certain aspects of coverage are shared across news samples, which may limit public understanding of the Court. First, television news attention to the Court remains minimal (see Chapter 4). Even when catering to audiences interested in political news (Arceneaux & Johnson, 2013; Prior, 2007), television programs provide minimal coverage of the Court. For instance, *Special Report*, which by far recorded the greatest news volume in my sample, still only averaged 17 news mentions per year. In comparison, *Hardball* and *World News Tonight* averaged 10 and 5 mentions per year, respectively, during the same period. Second, across news samples, coverage skews towards First Amendment and sex discrimination cases, whereas economic cases are hardly mentioned. Third, there was a lack of thorough post-decision coverage that tracks real-world consequences of Supreme Court decisions and connects past and present cases.

The minimal overall attention to the Supreme Court, as indicated by the low number of news mentions and cases mentioned, means many consequential rulings and developments regarding the institution go uncovered in the news, fundamentally shaping public perceptions. For instance, several cases involving the Clean Air and Clean Water Act, which had significant implications for environmental law and policy, received little to no media attention (*American Electric Power Company, Inc., et al., v. Connecticut*, 2011; *Rapanos v. United States*, 2006; *Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers*, 2001; *Utility Air Regulatory Group v. Environmental Protection Agency*, 2014). Some of these cases narrowed the scope of waters that fell under the jurisdiction of the Environmental Protection Agency, which diminished or withdrew Clean Water Act protections from those waters, risking pollution or destruction of drinking water supplies,

fisheries, and wildlife habitat. The lack of coverage may leave the public uninformed about these cases and the Court's role in shaping environmental policy (Grossmann & Swedlow, 2015). However, greater public awareness and understanding of these issues are crucial because it can empower individuals, communities, and organizations to take more informed actions to protect the environment. For instance, if a community is aware of the limitations of the Clean Water Act as determined by the Supreme Court, they may be more proactive in local conservation efforts or in lobbying for stronger state or local protections.

Moreover, the distorted view of the Court presented through the news mentions may contribute to a fragmented understanding of the judiciary's work and the breadth of its influence across everyday American life. For instance, prioritizing cases related to the First Amendment and sex discrimination at the expense of economic cases may create the impression that the Court is primarily concerned with social issues. Furthermore, the lack of post-decision reports can obscure how rulings intersect across terms and issues to shape policies, institutions, and lived experiences. Consider a recent piece by Mark Joseph Stern (2023), where he connects several cases involving the First Amendment, federalism, and abortion to demonstrate their collective impact on diminishing access to reproductive care (e.g., *Dobbs v. Jackson Women's Health Organization*, 2022; *National Federation of Independent Business v. Sebelius*, 2012; *National Institute of Family and Life Advocates v. Becerra*, 2018; *Rust v. Sullivan*, 1991). If those decisions were presented as isolated cases by covering them one-by-one, viewers may not be aware of their cumulative effects. However, given that overall attention to Supreme Court cases is minimal, more diverse and contextualized coverage seems unlikely without shifting news selection priorities from the sensational news of the day to more foundational stories.

In essence, minimal attention, limited issue diversity, and case-by-case coverage have the potential to interact to fundamentally shape public perceptions of the Court in concerning

ways that may cultivate significant misunderstandings regarding the judiciary's activities and societal influence.

Exposure to Information about Supreme Court Cases May Vary Based on News

Consumption Habits

While overall coverage of the Court is minimal, the level of attention paid to the Supreme Court varies significantly by channel type and cable program, suggesting that where individuals get their news from can have a significant impact on their understanding of the Court and its decisions. If they rely on network news, they may have fewer opportunities to learn about the Court and its cases due to the decline in attention these channels pay to the Court (see Chapter 4). On the other hand, those who get their news from cable channels may have more exposure to information about the Supreme Court. However, it is important to note that coverage levels also vary between different cable programs.

This variation in news coverage and potential exposure leads us to consider the potential consequences of unequal access to information about the Court. Notably, differences in coverage levels might cultivate varying impressions of the Court's significance among their audiences (McCombs, 2004). *Special Reports'* pronounced emphasis on the Court, in terms of coverage amount, may offer an interesting parallel to findings from Badas and Simas (2022), which highlight how voters, especially strong Republicans, were influenced by media framing to view judicial appointments as a crucial electoral issue in 2016. This suggests that such focused coverage may prime *Special Report's* conservative and Republican viewership to prioritize the judiciary politically. In contrast, the more sporadic coverage from network news and *Hardball* may contribute to the relative lack of engagement with the Court among their viewers (CNN, 2016; Green, 2021; Lithwick, 2004; Pew Research Center, 2016a; Toobin, 2017).

Furthermore, the variation in news attention may point to differences in viewers' understanding of the Court and the cases before it (Franklin, 2019; Hitt et al., 2018; Hoekstra, 2003; Linos & Twist, 2016). For instance, by encountering information about Supreme Court cases less frequently and hearing about fewer cases, network news viewers may view the Court as handling only a small number of cases, with no opportunity to understand the full scope of issues before the Court or their impact. As a result, differences in the scope and quantity of coverage may propagate knowledge gaps compared to cable news consumers more frequently exposed to such rulings (D. Hayes & Lawless, 2015; Hetherington & Smith, 2007; Jerit et al., 2006).

Unclear If Greater Cable News Volume Means More Substantive Information

While cable news recorded a greater number of news mentions and referenced cases than network news, it is unclear whether the greater news volume also translated into more comprehensive reporting. For instance, a large proportion of cable mentions referenced the Court only in passing or peripherally relevant contexts, raising doubts about the extensiveness of the information these mentions provide on the cases. Further, the frequent use of debate segments may indicate a lack of nuance and factual grounding (Ben-Porath, 2007; Mutz & Reeves, 2005; Zilis, 2015), and while these segments are not entirely devoid of substantive information, they tend to be unstructured, exhibit high levels of incivility, and involve crosstalk, which may make it difficult for viewers to absorb key points (Snoeijs et al., 2002).

It is important to clearly distinguish these segments from traditional formats like correspondent reports (Ben-Porath, 2007; Clayman & Heritage, 2004; Cushion, 2015). While both debate and correspondent segments serve as vehicles for public information, their formats fundamentally differ in approach and potential pitfalls. Debate segments, with their adversarial nature, can muddy understanding with partisan clashes and often operate outside traditional journalistic norms, potentially sacrificing accuracy for spectacle (Ben-Porath,

2007; Clayman & Heritage, 2004; Cushion, 2015). On the other hand, correspondent reports, while adhering more closely to journalistic standards, face challenges arising from inherent biases of the legacy press corps, the pressing demands of timely reporting, and strict word limits (Davis, 1994; Hamam et al., 2021; Lithwick, 2023; Litman et al., 2021; Pyle, 2022a, 2022b; Slotnick, 1991; *The [F]Law Magazine's "What' Is Wrong with Legal Journalism?",* 2023; Willis, 2021). This observation extends prior discussions suggesting that increasing the frequency and duration of Court coverage could enhance public understanding (Slotnick, 1991; Slotnick & Segal, 1998; Strickler, 2014). Overall, while the limited news attention demonstrated in my analysis raises concerns about public awareness, simply increasing the amount or length of coverage may not guarantee meaningful understanding. If Supreme Court cases are predominantly discussed in confrontational dialogues, this may present a distorted view of the Court even if those stories are more frequent and longer. Therefore, considering news volume in combination with the coverage format is vital for future studies to ensure a comprehensive and accurate assessment of reporting on the Court.

In summary, the narrow and fragmented coverage might inhibit a comprehensive understanding of the Court and pose serious risks to an informed public that is essential for democracy. Consequently, if journalism is to effectively inform public discourse on the third branch of government, expanding both the quality and quantity of reporting remains essential.

Contributions to Communication Scholarship

This study makes several key contributions to the communication literature examining media representations of the Supreme Court. It highlights the value of comprehensive sampling and promotes data-driven comparative analyses across various media outlets and programs. Furthermore, it addresses several gaps in the literature, such as the limited research on television coverage of the Court, coverage beyond the decision stage, and the use of emotional appeals in Court reporting. In the following two sections, I will discuss the

methodological and empirical insights this project introduces, underscoring its value to communication scholarship.

Methodological Contributions

The longitudinal, granular comparative approach of this project distinguishes it from most prior works and allows for a comprehensive and nuanced understanding of Supreme Court news coverage. First, by covering a time frame that spans three decades, I was able to examine patterns across an extended period, providing crucial context for interpreting contemporary coverage in light of shifts over time. For example, noting the substantial decline in network news attention to the Court would be impossible without the baseline of 1990s coverage to compare against. This study also highlights certain enduring elements, such as the consistent use of emotional appeals and correspondent reports, signaling that some aspects of coverage remain stable even amid evolving media environments. In contrast to a snapshot of an individual term, this approach facilitates nuanced analysis attentive to the intricate interplay of longstanding institutional dynamics and practices and broader media shifts in shaping portrayals of the judiciary.

Furthermore, analyzing coverage differences between specific cable news programs enabled me to reveal nuanced variations that generalized comparisons by channel type would have overlooked. While the overall data might suggest that cable news covers the Court more frequently than network news, diving deeper uncovers disparities among cable programs themselves. For instance, Fox News' *Special Report* dedicates greater coverage to the Court than MSNBC's *Hardball*, revealing that not all cable shows treat the Court with equal attention. Such variations not only represent differences in volume but may also hint at underlying connections between program formats, ideological leanings, and issue emphases. This underscores the analytical value of granular, program-level comparative analysis for

examining variations in coverage across media outlets, even within the same broader media category.

Finally, rigorous attention to methodological transparency and documentation underpins my analysis. By making the data set, as permitted by copyright restrictions, analysis code, and codebooks used for textual analysis publicly accessible, my intention is for other scholars to validate, extend, and build on this work (Matthias, 2023). The use of publicly available software throughout this project, such as R and DocuScope (Ishizaki & Kaufer, 2021), further facilitates this.

Empirical Contributions

Beyond the methodological contributions, this project deepens our empirical understanding of the media representations of the Supreme Court, particularly within television news—a medium surprisingly overlooked in much prior research. While previous studies predominantly focused on print or network news, this analysis provides a detailed examination of television coverage patterns. My findings reveal declines in network attention, distinct approaches by cable outlets and programs, and varying contexts of emotional appeals, thus constituting vital additions to our empirical knowledge. Given that the majority of Americans primarily rely on television for news (Media Insight Project, 2014; Pew Research Center, 2018a, 2020), it is crucial to understand how this dominant medium contributes to shaping the information available to the public.

Furthermore, while much of the prior research has examined only coverage of Supreme Court decisions (for exceptions, see Clark et al., 2015; Strother, 2017; Vining & Marcin, 2014), this study adopted a more expansive view, encompassing news mentions at all process stages of Supreme Court cases. One key discovery from this approach was the substantial amount of both pre-decision and post-decision news mentions that would have been excluded from the study had I only focused on decision reports. These findings

underscore the potential shortcomings of a strict decision-centric approach, suggesting that a lot of relevant content might be overlooked when only a single fragment of a case's timeline is taken into account.

Additionally, discerning the context of the news mentions revealed nuanced insights into the circumstances under which Supreme Court cases are discussed on television news programs. For instance, post-2000, nearly a quarter of network references and over half of cable references appeared in stories not directly centered on the Court. This distinction emphasizes the need for interpretive caution: a high volume of mentions does not necessarily imply comprehensive coverage. It's a critical consideration, especially for automated content analysis, as merely tallying mentions risks overstating the amount of substantive coverage.

Finally, only a few past studies have explored negative framing or emotional tone in Supreme Court news, yet their scope and analytical focus differ markedly from the present study. For example, Allen & Haider-Markel (2006) examine the negative framing of a single Supreme Court decision without directly analyzing emotional appeals. Meanwhile, Zilis et al. (2017) used the Linguistic Inquiry and Word Count (LIWC) to scrutinize negative emotion words in online news reports of the Court's 2014 decisions and how these aligned with the justices' written opinions.

In contrast, this study carves out a distinct empirical niche. It dives into the specific emotions evident in the news mentions, capturing the qualitative nuances of how they were used. With the aid of Docuscope (Ishizaki & Kaufer, 2021), I was able to delve deeper into the multifaceted emotional appeals within the coverage, shedding light on the varied contexts in which they were employed. A notable discovery was that cable news often directs such expressions at political figures, whereas network news describes the facts and ramifications of cases. Relatedly, *Hardball* used emotional appeals to critique Republicans—a pattern absent in *Special Report* news mentions, suggesting that differences in program format and context

can contribute to distinct emotional expressions. These comparative insights would be unavailable by studying coverage of a single case alone or by only considering word counts. Importantly, while my analysis underscores the pervasiveness of affective language about the Supreme Court, with two-thirds of all news mentions incorporating emotional appeals (n = 449 of 683), further research is warranted to discern their potential impact on viewers.

Limitations and Future Research

While my project makes important empirical and methodological contributions, several limitations provide fruitful avenues for future scholarship. First, as a textual analysis, it cannot directly assess news coverage's effects on the viewer. Surveys or experiments are needed to substantiate whether the patterns uncovered here shape knowledge, attitudes, or behaviors regarding the Court. For instance, do negative emotional appeals influence institutional trust? Similarly, the lack of post-decision coverage could hinder case understanding of the Court, but experiments are needed to directly assess this potential effect. Combining content analysis with qualitative, survey, or experimental methods holds promise for elucidating complex dynamics among media, news production, and audiences (Hitt & Searles, 2018; Linos & Twist, 2016).

Additionally, though spanning an expansive timeframe, this project analyzed select programs and issues. Further research could compare coverage between different media types, as they possess distinct editorial standards and inherent strengths in how information is conveyed (Maier, 2010; Vining & Marcin, 2014), or examine additional issue areas and institutional narratives, such as civil rights cases involving voting or affirmative action, which prior research highlights as garnering substantial attention (Katsh, 1983; Slotnick & Segal, 1998; Solberg & Waltenburg, 2015) or media portrayals around Court transparency and ethics. Comparing coverage across more outlets, programs, and issues could reveal additional nuances that may remain obscured within a more narrow scope.

Finally, it is important to note that available transcripts can vary between databases and over time (Blatchford, 2020; Buntain et al., 2023; Driedger & Weimer, 2015; Karstens et al., 2023; Ridout et al., 2012; Weaver & Bimber, 2008). To obtain a more comprehensive sample, I collected transcripts from two databases, Nexis Uni and Factiva, and made efforts to retrieve as many relevant transcripts as possible (see Chapter 3). Nevertheless, transcripts may be indexed inconsistently or absent altogether in a database. For example, I found several transcripts through querying one database that did not surface in the other's search results using the same query despite being indexed in both. Thus, there remains an underlying chance of missing transcripts.

Conclusion

This dissertation presented a comprehensive empirical analysis of television news coverage of the Supreme Court from the 1990-2018 terms, comparing how the volume, format, and presentation of news mentions of Supreme Court cases varied between time periods, channel types, and cable programs. However, this conclusion concentrates specifically on the risks posed by the limited quantity and narrow scope of coverage, which represents an especially salient finding from my analysis. While variations in structural features and use of emotional appeals also emerged, the absence of the Court from the news agenda fundamentally shapes narratives presented to viewers. As the primary source of information for most Americans (Media Insight Project, 2014; Pew Research Center, 2018a, 2020), contemporary television coverage practices may impede comprehensive public awareness of and engagement with the Court's multifaceted significance and role in American democracy.

Specifically, the limited attention and skewed focus of coverage, along with minimal follow-up, present a fragmented view of the Court. This risks many underestimating the judiciary's conservative shift over the last two decades and its extensive influence

(Hetherington & Smith, 2007; Jessee et al., 2022). By covering cases in isolation, the incremental effects of decisions across issues may escape notice. Without comprehensive information contextualizing cases, people may not fully comprehend the implications needed to actively exercise their rights or voice perspectives on legal issues affecting their lives (American Civil Liberties Union, n.d., 2023). This fragmented view of the Court may inhibit the inclusive, informed public discourse essential for active democratic participation and robust self-governance. Therefore, expansive, contextual reporting remains vital not just for public understanding of the Court but for nurturing a thriving democracy through engaged discourse.

While these overall patterns were consistent across news samples, variations also emerged, such as the greater news volume on *Special Report* compared to both *Hardball* and *World News Tonight*. As argued throughout this dissertation, variations in news volume, format, and presentation shape how audiences perceive and understand the Court (Hitt et al., 2018; Hitt & Searles, 2018; Hoekstra, 2003; Linos & Twist, 2016; Zilis, 2015). Recent surveys indicate Republicans prioritize the judiciary more than other members of the public (Badas & Simas, 2022; CNN, 2016; Pew Research Center, 2016a), aligning with my findings of greater Court coverage on *Special Report*. According to agenda-setting theory (McCombs, 2004), this greater attention likely contributes to the Court's perceived importance among Republican viewers.

One case that received minimal coverage across my sample but had far-reaching implications was *McCutcheon v. Federal Election Commission* (2014)—a case that eliminated aggregate limits on campaign contributions by individuals. Due to this scant coverage, many were likely unaware of its profound impacts on the political landscape, such as the increased influence of money in politics (Biersack, 2013; Choma, 2014; Evers-Hillstrom, 2021). A significant consequence of this ruling was that, while direct contribution limits remained the

same, candidates could receive extra funds from donors through Joint Fundraising Committees, adding layers of complexity to campaign finance. The lack of expansive media coverage makes tracing these complex redistribution channels challenging for the general public, and public awareness about *McCutcheon* was notably low post-decision (Motel, 2014). Such knowledge deficits undermine essential democratic functions, including substantive policy debates, rights advocacy, and informed electoral decisions. Without an understanding of the judiciary's role and its decisions, citizens are less equipped to actively engage in democratic processes.

The minimal coverage and limited awareness surrounding cases like *McCutcheon* exemplify the gaps this analysis revealed in television news. However, audiences may supplement gaps by consulting other sources beyond those examined here (Ahlers, 2006; Dutta-Bergman, 2004; Pollard & Kavanagh, 2019). Still, similar patterns would be expected across television, given industry constraints and practices (Vining & Marcin, 2014). Though some media, like print, tend to offer more comprehensive Supreme Court reporting (Solberg & Waltenburg, 2015; Vining & Marcin, 2014), print usage is far less common than television (Media Insight Project, 2014; Pew Research Center, 2018a, 2020). The prominence of television as a news source adds weight to the observed shortcomings despite the potential of complementary use of other sources.

While this study critiqued contemporary coverage, journalists alone do not bear the blame for sparse reporting. The rules and norms at the Supreme Court detailed in Chapter 2 impose barriers for the press to cover the institution substantively. For instance, the ongoing reluctance of the Court to enhance transparency is seen in their decision not to stream opinion announcements despite the infrastructure already being in place for years, considering that the Court has been streaming live audio of oral arguments since the COVID-19 pandemic. This limits access of who can cover the Court and members of the public more broadly. Especially

in the case of dissenting opinions, as Jay Willis (2022) from *Balls and Strikes* notes, live audio from opinion announcements would give the dissenting justices a chance to “express their anger, frustration, and sadness (...) in ways that do not always come through in dense PDFs. The Court’s decision to bury dissenting voices in the National Archives means that most people will never hear them.” At the same time, developments in the news media industry have constrained comprehensive coverage, such as commercial pressures and the introduction of new formats that have restricted thorough reporting. However, quality journalism remains imperative for an informed public. Though these contexts explain some limitations, the need persists for more substantive reporting on the Court (Lithwick, 2023).

My findings and their implications underscore the necessity of ongoing empirical scrutiny into how media representations of governance institutions like the Supreme Court evolve alongside changing informational needs and media landscapes. As technologies, economics, and norms continue to transform journalism, it is crucial to maintain rigorous attention to how these forces shape the narratives that form the foundation of public knowledge. Methodologically, the longitudinal, comparative approach reveals instructive complexities within and across outlets unavailable through narrower samples. Empirically, analyzing television coverage addresses a substantial literature gap while examining emotional appeals and post-decision mentions provides new perspectives. Ultimately, this project highlights the value of research attentive to evolving media portrayals of influential institutions and their implications for democratic citizenship. The evidence and the extensive data set this study provides lays the groundwork to inspire future scholarship at the intersection of journalism, the Supreme Court, and the public.

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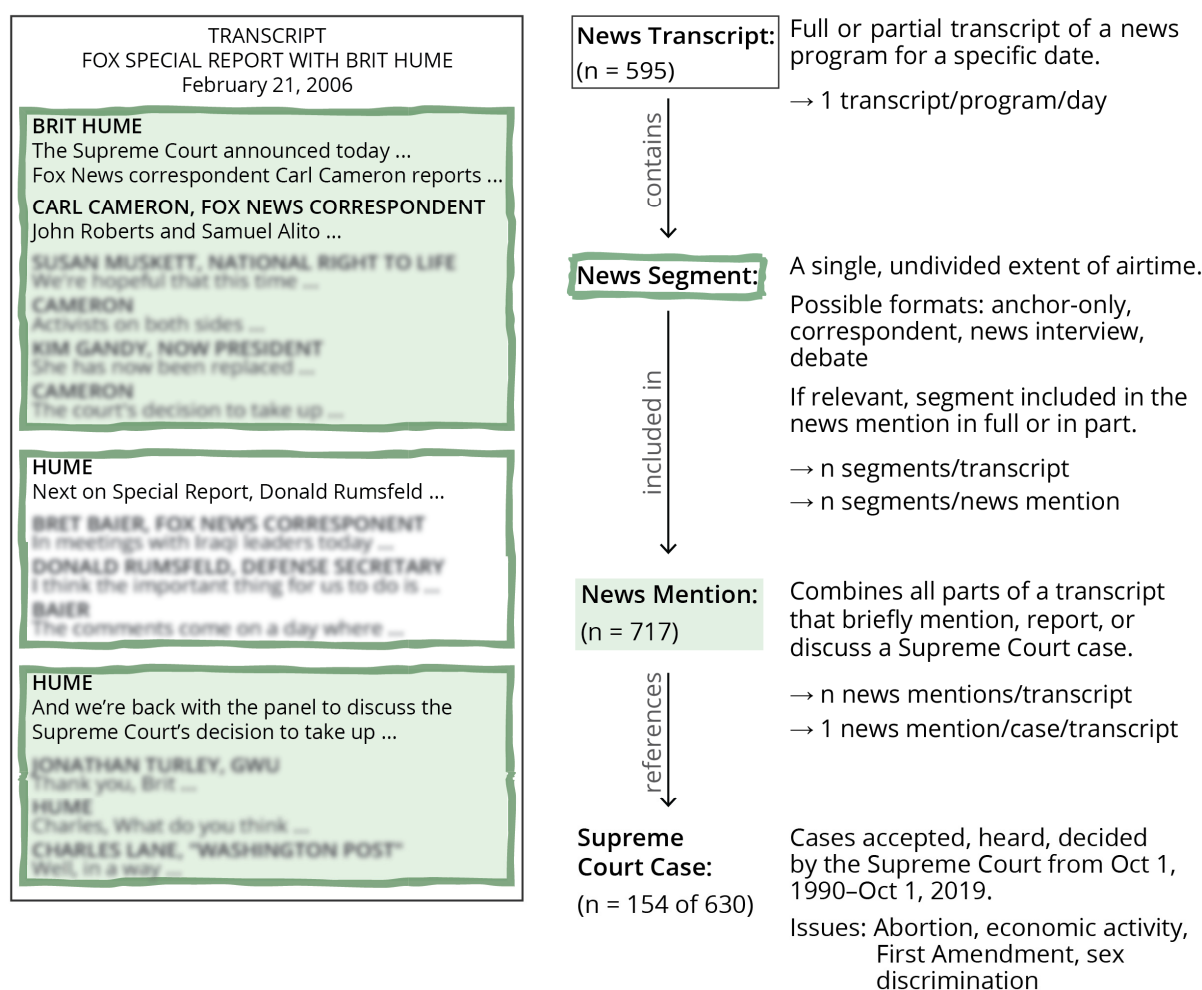
Appendix A

Protocols, Instrument, Reliability Analyses for Content Analysis

My sample consists of transcripts of evening newscasts that refer to Supreme Court cases related to abortion, economic activity, the First Amendment, and sex discrimination, aired on ABC's *World News Tonight* from 1990-2018, and Fox News' *Special Report* and MSNBC's *Hardball* from 2000-2018. The final dataset is based on 595 news transcripts that included 717 news mentions of 154 unique Supreme Court cases (see Figure 1 below).

Figure 8

Definition and Sample Sizes of Transcripts, Segments, News Mentions, and Supreme Court Cases



I used a detailed coding instrument (see the “Codebook for Content Analysis,” p. 3 of this Appendix) to assess the structural nature of Supreme Court television news coverage, first coding for the format of news segments included in the news mentions of Supreme Court cases, then for the context of the news mention. This strategy allowed me to uncover the context of references to Supreme Court cases in the news coverage, enabling me to provide a nuanced view of how and when Supreme Court cases appeared in the news, and who talked about them. Table 1 below presents an overview of the segment formats and context.

Table 1

Category Overview

#	Segment Format	Mention Context
Previous Research	Katsh (1983), Davis (1994), Slotnick and Segal (1998), Clayman and Heritage (2004), Zilis (2015)	-
Relevant Variables	<ul style="list-style-type: none"> • News Anchor Only • Correspondent • Debate • News Interview → Each variable is coded for presence (1) or absence (0)	<ul style="list-style-type: none"> • Mention Context → Variable coded as same (1), related (2), or different (3)

All coding was completed by me. A 10% random draw of all Supreme Court case references (n = 79) was coded independently by two reliability coders (5% each) and me to calculate coding reliability. The coding process and reliability check took three weeks to complete.

Codebook for Content Analysis

Directions:

1. Fill out each item below for each Supreme Court news mention in the corresponding excel spreadsheet:
 - a. Each row is a news mention (or observation): an excerpt from a news transcript referring to one particular Supreme Court case;
 - b. Each column is a variable corresponding to one of the codes in the coding scheme presented below;
 - c. Draw data from the news mention and the original transcript, and enter data into corresponding columns based on coding scheme (i.e., news segment format variables as 1 or 0; mention context as 1, 2, or 3).
 - d. If you need additional information about the Supreme Court case in the news mention, follow the link in the “Supreme Court Case” column.
2. Please use the “notes” column to document any idiosyncratic findings that may be important (anything that is unique or stands out to you).

Universe:

All news transcripts aired on ABC’s *World News Tonight* from 1990-2018, and Fox News’ *Special Report* and MSNBC’s *Hardball* from 2000-2018, which referred to Supreme Court cases related to abortion, economic activity, the First Amendment, and sex discrimination that were decided between the Court’s 1990-2018 terms.

Unit of Analysis:

News mention of a Supreme Court case.

Method of Data Collection:

News transcripts from Nexis Uni and Factiva.

Mention Context

Brief Definition: News mention context refers to the topic of the news segments included in the news mention.

Variable: Mention Context

Possible Values: Same (1), Related (2), Different (3)

The three values are mutually exclusive; only one can be selected.

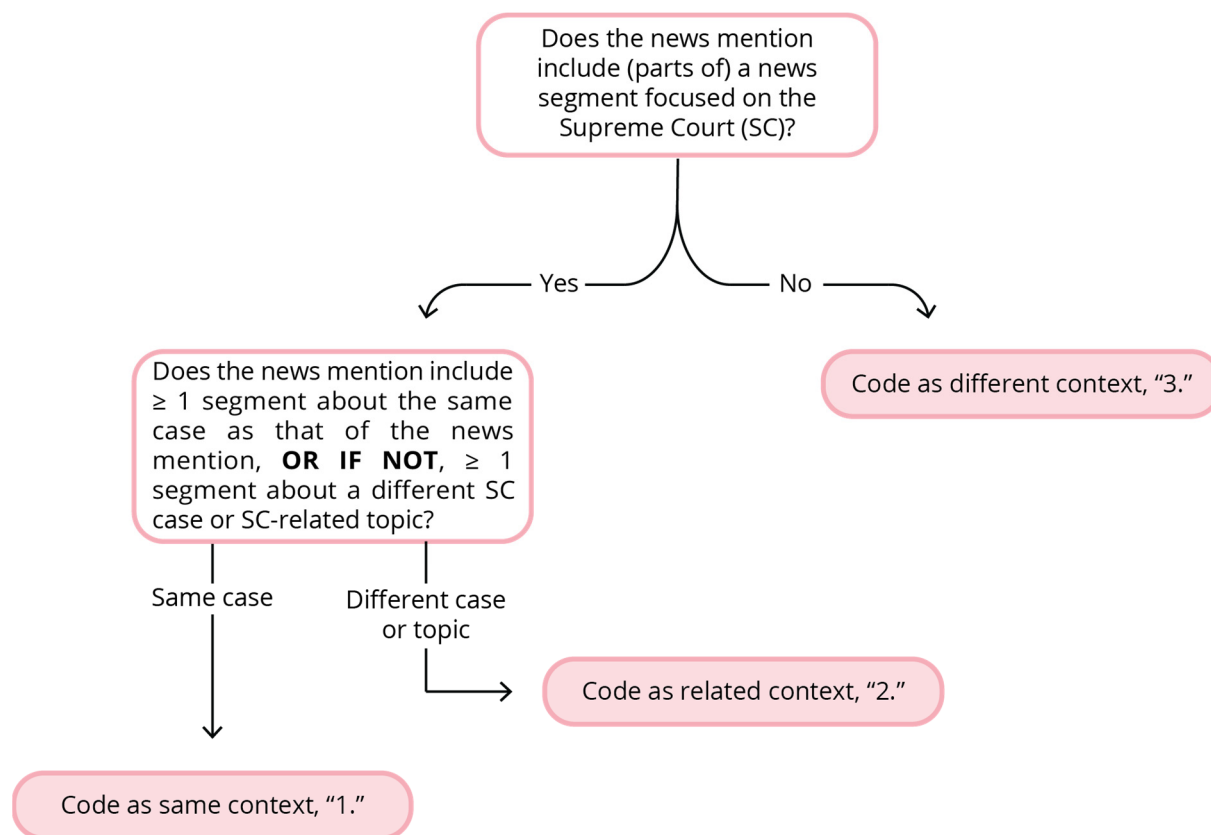
If the Supreme Court case appears in multiple segments with different topics, the mention context is coded based on the following priority order: “Same” supersedes “Related,” and both supersede “Different” (see Figure 2).

That is, if the news mention includes ≥ 1 segment, which is about the same case as that of the news mention, the context is coded as “1” (same) even if other parts of the news mention include segments with a “related” or “different” context.

If the news mention includes 0 segments with the “same” context but ≥ 1 segment, which is about a different case as that of the news mention or a Supreme Court related topic, the context is coded as “2” (related) even if other parts of the news mention include segments with a “different” context.

Only if the news mention includes 0 segments with the “same” and 0 segments with a “related” context, and ≥ 1 segment about a topic that is not related to the Supreme Court, the context is coded as “3” (different).

To determine the context of a news mention, you need to open the original news transcript, locate all parts of the news mention, look at in which segments these parts appear, and identify the appropriate context (or value).

Figure 9*Coding for News Mention Context*

#

► **Same (1)**

Type “1” if ≥ 1 news segment included in the news mention is about the same case as that in the news mention.

These segments can be about:

- A case accepted/heard/decided by the Court; or
- The aftermath or impact of a specific case or cases (a helpful question to keep in mind is: would this news report exist without that Supreme Court case? If no, type “1”. If yes, and the case only provides additional context to the story, look at “related” and “different.”); or
- Supreme Court term/year previews (also type “1” if several cases are mentioned); or
- Legislative efforts that are said to be a direct response to Supreme Court cases; or
- Other court cases that cite the Supreme Court case in their reasoning

► **Related (2)**

Type “2” if 0 segments included in the news mention have the “same” context but ≥ 1 segment is about a different Supreme Court case than that in the news mention or a different Supreme Court-related topic.

These segments can be about:

- Cases that might be accepted by the Supreme Court; or
- Supreme Court retirements/nominations/confirmation hearings; or
- Other news about the Justices

► **Different (3)#**

Type “3” if 0 segments have the “same” or “related” context, and the segments included in the news mention are about a topic that is not related to the Supreme Court.

These segments can be about:

- Business/economics; or
- Politics/legislation; or
- Other court/legal stories, including state Supreme Courts, where the Supreme Court case is used to provide context

Segment Format

Brief Definition: Segment format refers to the format of a single, undivided extent of airtime of the respective news program, which is included in the news mention either in full or in part.

Variables: News Anchor, Correspondent, Debate, and News Interview

Possible Values: Absent (0), Present (1)

Since a news mention combines all relevant parts of a transcript, it can include (parts of) multiple news segments. For this reason, each news mention is coded for the presence or absence of each of the four segment formats (see variables above).

To determine the segment formats, you need to open the original news transcript, locate all

parts of the news mention, look at the segments in which these parts were included, and identify the appropriate segment formats.

► **News Anchor (0, 1)**

Type “1” if only the news anchor presents the news segment.

If the anchor uses clips/soundbites, only code for anchor. This also applies when the case is mentioned in these clips/soundbites but not by the anchor themselves.

News anchors are identified through:

- Speaker tags: e.g., “anchor,” “host;” or
- Anchor introduction: e.g., “Good evening. I’m Bret Baier.”, “I’m Shannon Bream in for Bret Baier.”

Type “0” if no anchor only segment is included in the news mention. For example, if the anchor mentions the case in the preview or introduction to or as part of a correspondent, panel, or interview segment, type “0” for anchor, and code “1” for the respective segment.

► **Correspondent (0, 1)**

Type “1” if one or more news correspondent segments are included in the news mention. This is not limited to law correspondents.

If the correspondent uses clips/soundbites, only code for correspondent.

If *Hardball* (MSNBC) news mentions include NBC correspondents, code correspondents as present (1).

News correspondents are identified through:

- Speaker tags: e.g., “Fox News (...) Correspondent;” or
- Anchor introduction: e.g., “Here’s our (...) correspondent;” or
- Correspondent sign-off: e.g., “Tim O’Brien, ABC News”

Type “0” if no news correspondent segment is included in the news mention.

► **News Interview (0, 1)**

Type “1” if news interviews are included in the news mention.

If the anchor or correspondent uses clips/soundbites, only code for anchor or correspondent respectively.

News interviews are identified through:

- Anchor introduction: guests involved in reported event (newsmaker interview) or have specialized knowledge on the subject (background interview); or
 - Format: *Feels* like interview was conducted for audience benefit, mostly adheres to Q&A format; or
 - Anchor participation: Does not express their own opinion, debate, criticize, support, or defend interviewees; or
 - Interviewee participation: Does not ask questions, change the topic, make unsolicited comments, argue with other interviewees instead of addressing the anchor
- If the news segment briefly departs from this format, but otherwise adheres to it, code news interview as “1.”

Type “0” if no news interview is included in the news mention.

► **Debate (0, 1)**

Type “1” if a panel/debate/editorial interview is included in the news mention.

If the Supreme Court case is only mentioned by the anchor introducing or participating in the segment, code panel/debate/editorial interview as “1,” and anchor as “0.”

Debates are identified through:

- Anchor introduction: Segment referred to as “panel” or “roundtable,” subject introduced as debatable or controversial, foreshadows polarized debate (e.g., guests with opposing views, “both sides of the argument”); or
- Format: *Feels* like audience listening to private conversation, expert analysis or commentary; or
- Anchor participation: Expresses their own opinion, debates, criticizes, supports, or defends interviewees; or
- Interviewee participation: Asks questions, changes the topic, makes unsolicited comments, argues with other interviewees instead of addressing the anchor

Type “0” if no panel/debate/editorial interview is included in the news mention.

Reliability Coding

Two coders, using the same coding instrument (see this appendix, above), independently analyzed a random draw of approximately 10 percent of coded news mentions ($n = 79$). For this, I first grouped news mentions by context, and randomly selected 10 percent of each. I then added an additional 7 news mentions drawn randomly from the “related” group (selected because it had the fewest mentions included) to ensure that 10 percent of all segment formats were included as well.

I present several measures of agreement. I include percent agreement, which is intuitive but overestimates true intercoder agreement. I also present Krippendorff’s alpha and Cohen’s alpha, both of which are more flexible and can account for multiple coders. Scores that approach

1 are indicative of greater agreement between coders. In most fields, a threshold of .7 is seen as an acceptable score of reliability. The results in Table 2 below show that we have met and often exceeded that threshold for all measures.

Table 2

Reliability Coding Scores

Variable (N = 79)	% Agreement	Cohen’s Kappa	Krippendorff’s Alpha
Mention Context (Same = 41; Related = 18; Different = 20)	89.9	0.837	0.838
Segment Format			
Anchor Only (n = 17)	98.7	0.963	0.964
Correspondent (n = 40)	100	1	1
News Interview (n = 11)	93.7	0.763	0.764
Debate (n = 20)	94.5	0.857	0.857

Appendix B

Abstract/Kurzfassung

English

The U.S. Supreme Court holds profound influence over American law and society, yet public understanding depends heavily on the news media. This dissertation presents a comprehensive empirical analysis of television news coverage of the Court's 1990-2018 terms, comparing how the volume, format, and presentation of Supreme Court case mentions in evening news transcripts varied across time periods, channel types, and cable programs. My research involves quantitative content analysis, qualitative assessments, and statistical comparisons of 595 transcripts containing 717 case mentions of 154 cases.

The findings reveal substantial differences in network news over time, between network and cable coverage, and across ideologically distinct cable programs. Notably, network news attention to the Court declined sharply in the 2000s compared to the 1990s. In contrast, cable news mentioned Supreme Court cases over twice as often, though with greater attention and variety of coverage on the conservative-leaning show. Regarding format, both network news periods relied on correspondent reports, whereas cable news frequently discussed cases in debate segments or contexts unrelated to the Court, more commonly on the liberal-leaning show. A shared feature across news samples was the use of emotional appeals, yet cable news, particularly the liberal-leaning show, directed such language toward political figures, while network news detailed case facts.

The findings compel us to consider how institutional constraints and practices shape coverage decisions in ways that may restrict substantive reporting on governance institutions like the Court, potentially impacting public awareness and understanding of the judicial branch. This rigorous study provides needed investigation into overlooked facets of Court news coverage and by making the comprehensive dataset publicly available, it establishes a

foundation to motivate future studies at the nexus of journalism, the Supreme Court, and the public.

Deutsch

Der Oberste Gerichtshof der USA hat großen Einfluss auf das amerikanische Recht und die Gesellschaft, doch das öffentliche Verständnis hängt stark von der medialen Berichterstattung ab. Diese Dissertation präsentiert eine umfassende empirische Analyse der Fernsehnachrichten über die Gerichtsperiode 1990-2018 und vergleicht, wie sich Umfang, Format und Präsentation von Fallerwähnungen in Abendnachrichten über Zeiträume, Senderarten und Kabelprogramme hinweg unterscheiden. Meine Studie umfasst quantitative Inhaltsanalysen, qualitative Bewertungen und statistische Vergleiche von 595 Transkripten mit insgesamt 717 Erwähnungen von 154 Fällen.

Die Ergebnisse zeigen deutliche Unterschiede zwischen der Berichterstattung des Broadcast-Senders im Laufe der Zeit, der Broadcast- und Kabelsender sowie ideologisch differenzierter Kabelprogramme auf. Insbesondere nahm die Aufmerksamkeit für das Gericht in den Broadcast-Nachrichten in den 2000er Jahren im Vergleich zu den 1990er Jahren stark ab. Kabelnachrichten erwähnten dagegen Supreme Court Fälle mehr als doppelt so häufig, wobei die konservativ ausgerichtete Sendung mehr Aufmerksamkeit und eine größere Vielfalt in der Berichterstattung aufwies. Während sich Broadcastnachrichten beider Perioden hinsichtlich des Formats auf Korrespondentenberichte stützten, erörterten Kabelnachrichten Fälle häufig in Diskussionsbeiträgen und in Zusammenhängen ohne direkten Bezug auf das Gericht; dies galt verstärkt für die liberal ausgerichtete Sendung. Ein gemeinsames Merkmal aller Nachrichtensendungen war der Gebrauch emotionaler Rhetorik, wobei die Kabelnachrichten, vor allem die liberal ausgerichtete Sendung, gegen politische Akteure gerichtet waren, während Broadcastnachrichten die Falldetails darstellten.

Die gewonnenen Erkenntnisse regen dazu an, zu bedenken, wie institutionelle Gegebenheiten und Praktiken Berichterstattung auf eine Art und Weise prägen können, die womöglich die umfassende Berichterstattung über Regierungsinstitutionen, wie den Obersten Gerichtshof, einschränken und damit potenziell das öffentliche Bewusstsein und Verständnis der Judikative beeinflussen könnte. Die vorliegende Studie liefert notwendige Einblicke in bislang kaum beachtete Facetten der Nachrichten über das Oberste Gericht. Die Veröffentlichung des umfassenden Datensatzes schafft eine wichtige Grundlage für weitere Forschung im Schnittpunkt von Journalismus, Supreme Court und Öffentlichkeit.