

Thesis Proposal

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Abstract

On September 26, 2020, President Donald Trump announced his nomination of Amy Coney Barrett to fill the Supreme Court seat of the recently deceased Ruth Bader Ginsburg. The personal religious beliefs of the nominee ignited heated debate among members of the public and elected officials, forcing many to speak out in defense of her beliefs whilst others raised concerns. Republican leaders placed blame on the media, claiming "the ongoing attacks by Senate Democrats and the media on Judge Barrett's faith are a disgrace," going as far as claiming that they "demean the confirmation process, disrespect the Constitution, and insult millions of American believers" (@LeaderMcConnell, 2020). This thesis will investigate the role of the media in Amy Coney Barrett's nomination, determining how often different partisan media outlets mentioned the religion of Supreme Court nominee Amy Coney Barrett in news articles and the characteristics of this coverage during her nomination period. To do this, a content analysis will be conducted on all news coverage about Amy Coney Barrett that appeared in the top partisan broadcast and online news publications during her nomination period. Once collected, the number of articles/transcripts mentioning religion will be analyzed to determine whether media outlets on the left of the political spectrum were more likely to use religious rhetoric in news articles to discuss Barrett's nomination than right-leaning outlets. The characteristics of the articles and the partisan bias of each outlet will be used to determine whether media outlets with a left-leaning bias negatively portrayed her religious beliefs more frequently in news articles than media outlets with a right-leaning bias.

Why This Matters

According to the General Social Survey (GSS), 13 percent of Democrats and 16 percent of Republicans had "barely any" faith in the press in 1973. By 2018, the percentages had risen to 28% for Democrats and 65% for Republicans (Hetherington & Ladd, 2020). Exacerbated by President Trump's anti-media rhetoric, a distaste and distrust of the news media has grown among the U.S. population, especially those in the Republican Party. As distrust among the public and anti-media rhetoric have grown in popularity, Republican elected officials have continued to find success in attacking media credibility and biases.

A heavily used Republican talking point is the association of the mainstream media with the Democratic Party. This tool used to increase animosity toward the opposing party while attacking media credibility is not new. In the 1950s and 60s as media began to grow and diversify, so did the attacks on its credibility among conservatives. Most notably, in his 1964 run for president, Barry Goldwater consistently attacked the press, claiming that he wasn't receiving fair treatment compared to his opponent (Ladd & Podkul, 2019). Today, the strength of this talking-point is reflected in public opinion polling. In a January 2020 YouGov/American Enterprise Institute poll of those who claimed they voted for then-President Trump in 2020, an astonishing 92 percent strongly or somewhat agreed that "the mainstream media today is just a part of the Democratic Party" (Conroy, 2021).

While anti-media rhetoric has infiltrated the republican platform and become normalized by the public, claims made by elected officials on "liberal media attacks" and their existence often goes unresearched and unconfirmed. The growth in hostility toward and distrust of the media in the last few decades is an area of growing concern. Lack of trust from officials in power

can lead to a strained relationship with the fourth estate, potentially preventing the media from sharing necessary information with the public and a decrease in government transparency.

Collecting data and analyzing the rhetoric included in the media is an important step in better understanding how different media sources and the collective are approaching issues and events. This information can be used to answer questions raised about the framing of stories and either confirm or deny claims made by political actors about the way people and events are written about, increasing transparency into media coverage.

Amy Coney Barrett's confirmation process is a perfect example of the type of situation that can be better understood with data collection and analysis. This controversial, high stakes, and highly covered event conjured up a plethora of thoughts, feelings, and attitudes about Barrett and her personal beliefs. As a conservative judge nominated to fill the seat of a liberal feminist icon, Barrett's religious past and her role as a "handmaid" in Christian religious group "People of Praise" sparked intense fear in many, causing Handmaids Tale demonstrations on the steps of the Supreme Court and concerned conversations about access to reproductive healthcare nationwide. Others considered this connection and Barrett's personal beliefs irrelevant to her ability to judge impartially. The vast majority of the public formed concrete opinions about Barrett and the validity of the process with fewer than 3% of Americans unable to judge the nominee's potential compared to 22% of those who remained undecided about past nominees (Brenan, 2021). Despite causing a nationwide debate and intense fear among members of the public, this historic event and the role the media played in it has gone largely unstudied. This thesis will work to answer unanswered questions about Barrett's nomination and rely on data to confirm or deny claims of media bias by lawmakers.

Literature Review

Partisanship & Media Bias

What is “partisan media” and how is it measured?

According to a 2020 Gallup/Knight poll, nearly half of all Americans (46%) believe that the media is extremely biased. Fifty-seven percent believe their own news sources are biased, and 69 percent are concerned about bias in the news they receive from others. Nine percent of respondents, primarily conservatives, even believe the media is attempting to destroy the country (Knight Foundation, 2020). The way the media covers certain events is a frequently discussed and highly controversial issue. As many Americans are concerned about media biases, it is important to understand what constitutes “media bias” and how it is identified. The term “bias” is defined as the expression of unjustifiable favoritism toward something or someone (Kaid & Holtz-Bacha, 2008). Therefore, media bias is unjustifiable favoritism toward something, or someone reflected in media coverage. Although the media can be “biased” in many different ways, when people think about the phrase “media bias,” they most often think about partisan bias. The literature studying partisan media bias is focused on three major areas, defining bias, the presence of implicit vs. explicit biases, and how partisan media biases are measured (Puglisi & Snyder, 2016).

Partisan media bias is when media outlets display a favorability bias to one party while being negative toward the other party (Hamaleers, 2018). With a strong two-party system in the United States, many people view news coverage as biased, favoring either Republican or Democratic interpretations of various issues (Hamaleers, 2018). While the definition of partisan bias is fairly easy to understand, recognizing the presence of these biases is much more complicated. In many situations, the political affiliation of the journalist or partisan slant of the

outlet is overt, oftentimes expressed in editorial pieces and on political talk TV (Hamaleers, 2018). Some scholars, such as Ansolabehere and Lessem (2006) and Puglisi and Snyder (2015), believe that explicit bias is demonstrated through more overt actions such as a paper's political endorsements or stance on particular ballot propositions written in their paper.

Other scholars consider the presence of more discrete actions as another way to identify implicit partisan biases. Actions such as the hiring and firing of journalists and staff with particular political affiliations, reporting certain types of stories more frequently, and framing such stories in a way that subtly reflects one party and their positions more positive than the other are examples of implicit bias (Castro, 2021). Other scholars debate these definitions, believing that actions such as expert choice and the allocation of airtime to certain politicians fall under explicit bias and implicit partisan bias are made up of even smaller, yet measurable, actions (Butler and Schofield, 2010). These can include patterns in rhetoric, the mentioning of specific phrases, and the tone of the coverage of specific issues (Puglisi & Snyder, 2015).

The overall measurement of such partisan values in media outlets is under scholarly debate, especially when it comes to more implicit bias. In his empirical study of partisan media bias, Groeling (2013) found that in order for any type of partisan media bias to be present, any bias in coverage must be systematic rather than "anecdotal, episodic, or fleeting". Media bias requires that the portrayal of a topic in the news be distorted in its portrayal of reality in a significant way and in favor of one party over the other (Groeling, 2013). Explicit biases, including content like political endorsements and positions on ballot measures, are often easier to recognize and their presence in editorial columns is used to identify a partisan slant (Ho & Quinn, 2007). However, the measurement of more implicit biases within a media source tends to differ from study to study.

Two major approaches used to measure implicit biases is the measurement of “issue intensity” and the measure of tone in coverage. An issue intensity approach, pioneered by Walter Lippmann, is studying what issues or aspects of stories are reported on most, potentially indicating favoritism toward a particular party (Lippman & Curtis, 1992). John Lott Jr. and Kevin Hassett (2014) and their study of partisan bias in economic event coverage are a prime example of the tone measurement approach. The tone measurement approach is when researchers rely heavily on human coding and investigate media rhetoric for sentiment that suggests there is party or position favorability present (Lott & Hassett, 2014). These popular measurements can also be used in combination with each other. In their meta-analysis of 59 qualitative studies of partisan bias in presidential elections since 1948, D’Alessio and Allen (2020) used two similar mechanisms: selective perception or instance confirmation. An example of selective perception is when two reporters cover the same event, but they interpret aspects of the event differently, potentially giving weight to certain aspects over others (D’Alessio & Allen, 2020). An example of instance confirmation is when a reporter takes specific messaging from a story and reports it as if that message is representative of the whole (D’Alessio & Allen, 2020). Groeling's study discussed above uses similar mechanisms, referring to them as “selection” and “presentation” bias. Despite differing terminology, research has demonstrated the importance of the selection of coverage and the specific characteristics of that coverage in identifying partisan media biases.

In addition to coverage selections, other researchers take the audience’s partisan majority as well as the types of experts most frequently used to measure a media outlet’s partisan slant into account. Castro (2021) found that the dominant party preferences of a media outlet’s audience frequently correlate to the partisan slant of the outlet itself, “studies have shown that media programs with a given partisan slant attract like-minded audiences, and audiences’

political slant is highly correlated with measures of media bias using content analysis”. Content analyses are often used to analyze the type and number of experts being used to comment on world events (Merkley, 2020). Experts or party elites and their commentary are often used to validate or invalidate policy positions or political behaviors of their party and the opposing party (Merkley, 2020). The experts’ perceptions, or party favorability rating, are measured and used as an additional indicator that an outlet has a particular party leaning (Rosentiel 2009). While there is no defined way researchers must measure partisan media biases and affiliations, the holistic approach used above by researchers takes a variety of factors into account to classify outlets most accurately.

Media Coverage of the Supreme Court

As discussed above, media sources, some more than others, tend to cover issues through a particular partisan lens. Determining generally how the media is covering certain institutions and where they place their greatest focus can be helpful in better understanding what is considered most important. This is especially important when it comes to analyzing media coverage of the Supreme Court. When discussing how the media covers the Supreme Court, scholarly research is most focused on how the media has affected the politicization of the court, and what Supreme Court “issues” the media finds to be the most salient. While research on general media coverage of Supreme Court cases and issue salience is prevalent, research on how different partisan sources cover the court, nominees, and justices is extremely limited.

Partisan Media Coverage of the Supreme Court

Despite there being a plethora of research on the media's relationship with the Supreme Court, there are very few studies that analyze how *different* media sources cover the Supreme Court, especially looking through a partisan lens. In 2000, researchers Epstein and Segal came up with a way to operationalize Supreme Court issue salience in the media. They analyzed the number of articles highlighting specific Supreme Court cases and issues appearing on the cover of the *New York Times* (Epstein & Segal, 2000). This well-known measure of issue salience briefly mentioned a particular gap in this form of measurement, as it doesn't fully take the ideological slant of the *New York Times* into account (Epstein & Segal, 2000). Using the *New York Times* measure, Unah and Hancock found that 28% of liberal Supreme Court decisions were covered by the *New York Times* in comparison to only 19% of conservative decisions (Unah & Hancock, 2006). To improve upon this measure, Collins and Cooper measured issue salience in four prominent papers, not limiting content placement to just the front page. They once again confirmed that the *New York Times* covered liberal decisions more often than conservative decisions and that coverage of decisions differed across the different outlets studied (Collins & Cooper, 2012).

Lisa Matthias' research conducted in 2016 moved past issue salience and analyzed *how* different partisan outlets were covering Supreme Court decisions, taking overall reporter sentiment into account. The coverage of the two highly polarizing Supreme Court decisions (Burwell v. Hobby Lobby, Inc. and Obergefell v. Hodges) by opposing partisan TV outlets MSNBC and Fox News was analyzed. She found that when the ruling does not reflect the channels' ideological beliefs, the Supreme Court is framed in a politicized manner (Matthias, 2016). In this case, both FOX News and MSNBC expressed discontent with cases that had an

outcome that was not in favor of their particular ideological stance (Matthias, 2016). For example, in the *Burwell v. Hobby Lobby* decision, MSNBC reported heavily on the dissenting opinion of liberal justices and only mentioned the court's legal reasoning behind the ruling in two of their shows (Matthias, 2016). In their coverage of *Obergefell v. Hodges*, FOX News define the Supreme Court's decision-making process as flawed and claim that the court had based their decision on an "invented right to equal dignity" (Matthias, 2016). Matthias' research used definitive partisan outlets to build upon gaps in previous research. While past research found a faint correlation with outlet ideology and news coverage on partisan decisions, her conclusion solidified this finding and demonstrated how coverage of dissenting cases might contribute to ideological divides.

Politicization of the Court & Justices

Among the main focus areas of research into media coverage of the Supreme Court is how the media's portrayal of Justices as ideological actors has caused the court as an institution to become politicized over time. Barry Sullivan and Christina Tilley (2020) compared the print media coverage of two highly salient cases decided fifty years apart involving similar legal issues. They found that the nature of print media coverage changed dramatically during that fifty-year interval, with the mid-twentieth century press describing the Court's decisions largely in terms of the legal questions presented, and contemporary press describing the Court's decisions predominantly in non-legal terms and in the context of the Justices' political ideologies (Sullivan & Tilley, 2020). A 2014 study of over 15,000 New York Times articles from the 1950s through the 2000s also found an increase in rhetoric portraying the court as a political institution (Jones, 2014). The study suggests that during this period, there has been a sizable increase in the

use of “explicitly ideological descriptors of the Justices; an increase in references to the appointing presidents of the Justices; and an increase in the disparity of coverage of 5-4 decisions and unanimous decisions” (Jones, 2014). Earlier research conducted by Richard Davis confirmed such findings and went even further to suggest that media politicization of the Court may result in Justices becoming increasingly drawn into public political battles, creating an even stronger ideological divide (Davis, 1987).

Issue Salience & Media Frames

With past and present research finding the presence and increase in media coverage portraying the Supreme Court as a political institution and the Justices as ideological actors, what exactly does this coverage look like? Are there specific topics that the media pays greater attention to? What personal beliefs of Justices does the media show the greatest interest in reporting? Understanding how exactly media coverage is politicizing Justices, their beliefs, and the court as a whole is important in recognizing potential patterns.

In their study on the way the media covers the Supreme Court, researchers Sill, Metzgar, and Rouse stated, “the importance of media coverage is magnified for the United States Supreme Court because, lacking the public affairs mechanisms of the other two branches, the Court is dependent on media dissemination of information about its decisions” (Sill et al., 2013). The court functions in a way where the decisions speak for themselves. However, in order for this information to reach the American public, the media and its coverage of these rulings is needed. According to Sill, Metzgar, and Rouse (2013), the way the media chooses to cover the Supreme Court does not differ from the way they choose to cover other issues. “Newsworthiness” or the extent that a particular person, issue, or event will appeal to mass audiences, is the driving force

behind why certain cases, issues, and Justices receive more attention than others. Measures of newsworthiness include the court decision or Justice's "impact," "proximity," "timeliness," "prominence," "conflict," "currency," or "the bizarre or unusual" (Sill et al., 2013). Through an analysis of case coverage over a 54-year-period, the characteristics of the cases that appeared in the *New York Times* all had at least one element of newsworthiness. Reporters are more likely to pursue cases that are salient with the public agenda at that time, as well as those involving criminal rights, the First Amendment, civil rights, and privacy (Sill et al., 2013). When it comes to coverage of the nomination of a candidate, senate hearings, and appointment process, the "newsworthy" issues discussed above remain the focus of coverage (Davis, 2014). However, the newsworthiness of the appointment itself results in heightened coverage of these issues and most often discussed in relation with the nominee's beliefs (Davis, 2014).

In addition to traditionally newsworthy issues, Michael Evans and Shanna Pearson-Merkowitz also found that the media highlights "culture war," or highly controversial issues, more often over other issues that are addressed much more frequently by the Court (Evans & Merkowitz, 2012). This most often includes abortion, school prayer, and gay rights. While these issues represented less than 1% of the cases on the court docket between 1975 and 2005, over 60% of the 3,859 articles pertaining to Supreme Court appointments analyzed had mentioned at least one of these "culture war issues" (Evans & Merkowitz, 2012). The high levels of attention provided to issues like abortion and gay rights compared to issues that are seen more often in front of the court is likely due to their "high agenda, easy issue" status (Evans & Merkowitz, 2012). This means that because these issues are more salient for readers and easier for journalists to write about (in relation to newer or more complex court decisions), they receive the most media attention (Evans & Merkowitz, 2012).

Media, Religion, & the Supreme Court

Religion & Public Perception

As “culture war” issues including abortion and school prayer have proven to be the most newsworthy Supreme Court issues, this indicates a strong public interest in the role of religion in Supreme Court decisions. Researcher Matthew Franck argues that while there has always been some level of attention paid to nominees' religious beliefs, the public's concern about religion has been greatly exacerbated since the confirmation of Chief Justice John Roberts and Justice Samuel Alito (Franck, 2014). He states that this was caused by three things: the number of Catholics already on the bench, the nature of the current hearing process in front of the Senate Judiciary Committee, and the existence of *Roe vs. Wade* (Franck, 2014). Currently, with the confirmation of Amy Coney Barrett, there are six Catholic justices on the bench, raising concerns about a particular belief system dominating rulings. The high-profile and contentious nature of modern-day Senate Judiciary nomination hearings involves Senators questioning nominees about their personal beliefs, thus raising similar questions amongst the public. Franck argues that the presence of *Roe v. Wade* and national debate over abortion rights has forced personal religious beliefs into the spotlight, as certain religious affiliations might indicate the way a justice might land on this issue (Franck, 2014).

Existing research confirms that judges' religious beliefs influence the public's perception of legitimacy (Ramirez, 2008). However, their stance on issues with possible religious justifications (i.e., *Roe v Wade*) has proven to have a greater effect on public opinions of legitimacy than the justice's religious affiliation alone. A survey experiment conducted by Andre Audette and Christopher Weaver in 2015 found that judges identifying as atheists decrease the public's trust in decision-making, while a judge identifying as a devout Christian has no bearing

on legitimacy (Audette & Weaver, 2015). A 2020 Pew Research Survey found that a majority of Americans (62%) overall have a favorable opinion of the court, and Christians were shown to be more likely than religiously unaffiliated Americans to view the Supreme Court favorably (Fahmy, 2020). However, approximately 75% of Republicans and 65% of Democrats agree that the court is impartial regarding religion, as well as 72% of Christians and 65% of religious "nones" (Fahmy, 2020). Views on religion's role in the Supreme Court begin to be more controversial when discussing issues like *Roe v. Wade*. Seventy percent of Americans state they are against overturning *Roe v. Wade*, with nearly every religious group surveyed besides Conservative Republicans and White Evangelicals supporting its implementation (Fahmy, 2020). The findings from both studies indicate that the public is most concerned about the effect the nominee's religion will have on a justice's decision-making when considering controversial rulings like *Roe v. Wade*, not their religion in and of itself.

The Religious Beliefs of Nominees and Justices in News Coverage

As discussed above, previous research has found that the religious beliefs of Justices and the way in which they might utilize them in decision making are of great concern to the American public. Previous research has also found that the news media and its coverage of the Supreme Court is reliant on the most "newsworthy" issues, including those issues that are salient and controversial, such as *Roe v. Wade*. Although limited in number, the existing research conducted on partisan coverage of the Supreme Court suggests that partisan sources report on these controversial cases and issues differently, and more often than not in line with their particular ideological slant. Together, we can begin to infer that news coverage of controversial the issue of religion and its role in Supreme Court decision making is likely dependent on the

source of the reporting. However, there has been no existing research to establish how partisan media outlets are covering religion, especially the personal religious beliefs of Supreme Court nominees.

“Off-the-bench speech,” especially in the early stages of their nomination or career, have the power to change perceptions of the politicization of the Court and strengthen beliefs about the importance of law in judicial decision making (Krewson, 2019). Because the public is concerned about the religious beliefs of nominees and Justices and their potential impact on decision making, the way their beliefs are presented to the public matters. In order to better understand the potential impact Supreme Court nominees and their beliefs have on public perceptions of the court, how partisan media is presenting these beliefs must first be established and the contents of this coverage must be analyzed.

Hypotheses/Research Questions

My research questions and corresponding hypotheses are the following:

Q1: How often are different partisan media outlets mentioning the religion of Supreme Court nominee Amy Coney Barrett in news articles during her nomination period?

- **H1:** Media outlets on the left of the political spectrum were more likely to use religious rhetoric in news articles to discuss Amy Coney Barrett's nomination for the Supreme Court than right-leaning outlets.

To better understand the character of the media coverage of Amy Coney Barrett, we must first assess the frequency of religious rhetoric in news articles during her nomination period. This question aims to find out the number of articles mentioning her religion in relation to the total number of articles written by a particular source, taking their partisan slant into account when analyzing and comparing percentages. As many elected officials publicly claimed that coverage

from left-leaning media outlets were hyper-focused on Barrett's religion, it is only fitting that this claim serves as the basis of the hypothesis so it can be put to the test.

Q2: How were Amy Coney Barrett's personal religious beliefs portrayed in news articles written by partisan media outlets during her nomination period?

- **H2:** Media outlets with a left-leaning bias negatively portrayed her religious beliefs more frequently in news articles than media outlets with a right-leaning bias.

After determining the frequency of religious rhetoric in the news coverage of partisan news sources, the sentiment of this coverage can be assessed further. This question aims to find out how exactly different partisan outlets are discussing her religion. Are left-leaning outlets using rhetoric that portrays her religion as a hinderance to her legitimacy? What kind of religious rhetoric and topics are being used most often by particular sources? Like the previous hypothesis, I will be using the outspoken claim of elected officials as my hypothesis to test its validity.

Research Design

To test my hypotheses and research questions, I will be conducting a content analysis. The content analysis will be used to find out which outlets and how often the media mentioned Barrett's religion during her nomination period. The content analysis will also be used to determine the characteristic of this coverage, identifying the tone being used when discussing her religion. Included in the content analysis will be conducted using transcripts and articles from a combination of partisan broadcast and online news sources that were (1) published in English, (2) drawn from a US news source, and (3) produced/published between September 26, 2020 and October 26, 2020 during her nomination period. The content will be drawn from two broadcast

news sources and two online newspapers, 2 left-leaning sources (*CNN & The New York Times*) and 2 right-leaning sources (*FOX News & The Wall Street Journal*). All the sources used are among the top news sources in the United States based on readership and viewership. These sources' partisan slants have been identified by AllSides Media and existing research (AllSides, 2021). This will collect a large sample of news articles that stem from equally represented partisan news sources in order to accurately compare data.

The transcripts and articles will be collected and downloaded into a spreadsheet from the NexisUni media database. From there, each article and transcript will be scanned for mentions of Amy Coney Barrett's religion. Content that mentions her religion will be flagged and coded. Content with religious content will then be scanned for the mentioning of particular phrases and key words that indicate a negative, positive, or neutral stance on her religion. Phrases that go hand-in-hand with her religious beliefs including the mentioning of *Roe vs. Wade*, *People of Praise* or "handmaid," and her Catholic faith will be searched for and used to help determine the segment's sentiment toward her beliefs. Once all transcripts are coded, the total number of transcripts mentioning religion will be counted and each category will be averaged to gauge the frequency of these mentions in comparison to the totality of the articles in each category. The broadcasts containing key phrases and their tone will also be totaled, compared, and analyzed in order to understand how her personal religion was being portrayed by partisan media outlets.

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