

THE SUPREME COURT AURA

The Impact of Media Framing on Intergenerational Support for
the Supreme Court

by

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The Supreme Court does not have a traditional public relations office, nor does it seek out media coverage to discuss its work. The mysterious aura of the Supreme Court leaves the media to interpret and uncover the legally complex decisions of the Court. This study examines how media framing, specifically legal and political framing, of the Supreme Court influences support for the Court among Generation X and Millennials. The results show an absence of any influence from framing and generation on the level of diffuse and specific support for the Court, suggesting that the public is not influenced by the political nature of the Court. Interestingly, the results showed that after reading the article, Millennials trust for the Supreme Court increased and Generation X's trust decreased – legitimizing core public relations research done for the 2016 Edelman Trust Barometer.

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Introduction

In April 2017, Neil Gorsuch was confirmed as the newest justice to the Supreme Court. The confirmation ended a year-long political fight that included two separate nominations by two separate presidential administrations. In so doing, House Republicans utilized the so-called “nuclear option” – lowering the threshold on Supreme Court nominations to a simple majority vote. This unusual and political confirmation process created a media frenzy and heightened attention focused on the Supreme Court. *The New York Times* wrote, “The confirmation saga did not help the reputation of the Supreme Court.” Politicians, interest groups, and opinion leaders fought over whether a Democratic nominee would rule the Court differently than a Republican one. Simply put, an institution which emphasizes its apolitical nature was in the midst of one of the most political confirmations in effort to fill an empty ninth-seat.

While a justice’s confirmation is arguably one of the most politicized, publicized, and contentious acts involving the Supreme Court, the Court’s responsibilities are vast. Each year, the Court reviews approximately 7,000 requests to hear cases, of which it decides to hear approximately 100 in its eight to nine-month term, with only one to two of those cases being considered landmark cases. Because of the Court’s independent nature, and that much of its work occurs out of the public spotlight, the question remains how the public knows what it knows about the Court’s responsibilities and process. A quick review of the Court’s own website reveals very little commentary. Accordingly, the Court does not maintain social media accounts.

Therefore, much of what the public learns about the Court is through the news media, though coverage of the Court is slim. An investigation of 46 major newspapers,

for example, found that the average newspaper only covers eight (of the approximately 100) decisions per Court term (Spill and Oxley, 2003). Accordingly, the media frenzy over the Gorsuch nomination shed a rare spotlight on the Supreme Court. Given the otherwise minimal communication from the Court itself, the way media frame their reporting regarding decisions can greatly influence public attitudes about the Supreme Court. Moreover, given our reliance on media to know what we know about the Court, the various ways in which we consume media arguably affects that knowledge among different generations.

Every day, we are bombarded with information about the other two, more political, branches of the government—the legislative and executive branches—but the Supreme Court is often absent from the discussion. The public barely knows what happens inside the Supreme Court building, so it must rely on the media to interpret and explain. Accordingly, the following research investigates how media framing of a fairly non-controversial Supreme Court decision, *Andrew F. v. Douglas County School District*, affects sentiment toward and support for the Supreme Court among Millennials and Generation X.

It is important to compare different generations because media consumption varies greatly. Millennials, individuals born between 1980 and 1999, have been one of the most scrutinized American generations, yet the group remains largely misunderstood, particularly in a political context. When it comes to interacting with media, Millennials are the first generation to have constant access to everything and anything they want at their fingertips via technology. Millennials are also projected to be the most educated generation in history (Seppanen, 2012). Studies have found that

today's Millennials are more politically involved than the previous Generation X (Kiesa, Orłowski, Levine, Both, Kirby, Lopez, and Marcelo, 2007), which comprises individuals born between 1965 and 1979, the middle generation between Millennials and Baby Boomers. Being in the middle is much of how Generation Xers are described when it comes to technology, political beliefs, and diversity (Taylor and Gao, 2014).

Background on the Court and the Media

The Supreme Court is one of the three branches in the United States government system. The highest federal court in the United States, it first convened in 1790 in New York, and handed down its first opinion in 1791. The Court “serves to ensure that the changing views of a majority do not undermine the fundamental values common to all Americans,” (*About the Supreme Court*). Even though other institutions have the ability to legislate Supreme Court decisions out of existence, the Court is typically viewed as the supreme law of the land. The Court has the ability to decide cases that set precedent for many years.

The Supreme Court usually consists of nine justices, though this number has changed throughout history with as few five and as many as 10. These justices are nominated by the president and confirmed by the Senate. The justices hold their offices “during good behavior” meaning they have life tenure unless they resign, retire or are removed. Given the relative secrecy and limited knowledge regarding the Court, coupled with news media’s lens as the primary source of knowledge about the court, this study specifically investigates the Court’s relationship with the press. Accordingly, the following review will examine how the relationship has evolved over time, problems within the relationship, the role of the Public Information Office, compromises that have been made between both actors, and the relationship between the justices and the media.

Relationship between the Supreme Court and the Press

The Court is often idealized as the non-political branch of the government and is often referred to as the “silent branch of the government (Matthewson, 2011, xv). It neither seeks media coverage nor strategizes how to communicate its work. As a result, historically there has been tension between the Court and the press. On one hand, justices often complain about the lack of complete, accurate and effective press coverage. On the other hand, the press complains about a lack of transparency and accessibility from the Court (Davis, 2014).

The legal barrier that exists between the Court and the press is the central reason for much of the tension. The only material the press receives from the Court, officially, is written legal papers, such as opinions, concurring opinions, dissents, and transcripts of oral arguments. Further, these documents have not been always readily available to reporters. Originally, reporters had to interpret decisions as they were being read from the bench, instead of being provided physical copies (Johnson, 2014, 29). Though this is no longer the case, the effect is often the same. The Supreme Court writes about complex Constitutional issues, but then does not provide any form of interpretation for the press. Not all reporters have legal backgrounds, though, which makes it hard to decipher the true meaning of the arguments and opinions.

Beyond distributing written legal papers, press access to the Court and justices is limited compared to the other two branches. In fact, the only regular contact the press has with the justices is in the courtroom when listening to oral arguments (Davis, 2014, 7). Some justices do take part in television interviews, but these are typically conducted

in a “profile” manner. Regardless, the justices do not comment on cases beyond what is already stated in opinions and dissents (Johnson, 2014).

Reporters’ often-limited legal understanding and lack of communication from the Court—coupled with today’s 24/7 breaking news media environment—can create reporting errors. In late June of 2012, for example, the Supreme Court was handing down decisions about same-sex marriage and the Affordable Care Act (ObamaCare). With big decisions at play, reporters were competing to break the news first. To add to it, with so many people trying to access the Court’s opinion on the Supreme Court website, the website crashed, leading the public to rely on the news media for an accurate report (Strickler, 2014, 79). Consequently, that morning in June, at least two TV networks, CNN and Fox News, announced that the Court had struck down the healthcare law, but in reality the Court had upheld it (Savage, 2014, 176). This is just one example of true consequences that occur due to the distant relationship between the Supreme Court and the press.

The Public Information Office

Ironically, while there is very little of a relationship between the Court and the media, it does have its own Public Information Office, which opened in the mid-1930s and appointed its first full time officer in the late 1940s (Johnson, 2014). The office has bettered the relationship between the Court and the press, but issues remain. Johnson (2014) described the office as “more about conveyance” rather than a typical public relations office, which would assist with interpretation (29). The Public Information Office’s main responsibility is to distribute the Court’s written documents to the press as soon as it receives it, but it does not provide any comment, context, or interpretation

of the documents. It also keeps up to date the minimalist Supreme Court website, but once again does not provide any tools to interpret the legal documents it publishes.

Compromises for Betterment

While the Court does not focus on media relations, it has changed its procedures over time in order to accommodate media processes and expectations. Davis (2014) explained that originally, the Court did not provide full texts of opinions to reporters right when they announced them, but now it provides electronic copies to the press as soon as decisions are announced. Further, the Court used to only announce decisions on Mondays. Due to push back from the overwhelmed press, though, the Court moved decision days beyond Mondays and also began announcing the days when decisions would be released, but not which decisions. With this warning also came a “headnote” at the beginning of each opinion to assist journalists in understanding what the Court had decided. Though minimal, the Supreme Court website also contains information for reference including oral argument calendars, opinions, audio and transcripts of oral arguments, and texts of speeches given by justices.

Justices and the Media

Even though they are considered public figures, and arguably opinion leaders, most justices do not have publicists and usually stay out of the public eye, especially when it comes to commenting on political issues or cases. In the past 50 years or so, however, a number of justices have started doing more on-camera interviews with media outlets - with a significant increase of TV interviews during the 1990s. Some have participated in feature stories where they tell their personal stories; others have kept the topics related to the law (Davis, 2014). In a rare occurrence, C-SPAN

interviewed of all the then-current justices in 2009 and posted videos and transcripts online. Although, as mentioned, even then the justices refrained from discussing cases then before the Court (Davis, 2014, p. 15). Some justices have also written autobiographies while serving on the Court, such as Clarence Thomas, Sandra Day O'Connor and Ruth Ginsburg. Antonin Scalia and Stephen Breyer both wrote books on jurisprudence, judicial philosophy, and constitutional interpretation and then utilized press interviews to discuss those books and topics.

Existing Literature

The unique relationship between the Supreme Court and the press creates an important dynamic when a powerful Supreme Court decision has to be conveyed through the news media. It is important to review the core theories that tease out the power of the media itself in painting a picture for the public. These theories include agenda setting and media framing.

Agenda-Setting of the Supreme Court

A large portion of the research on the relationship between the Supreme Court and the media has focused on agenda-setting characteristics. Agenda-setting theory describes that the media tell us what issues and subjects are important by selecting which ones they choose to cover (McCombs & Shaw, 1972). In setting the public agenda, media indicate to the public what to think about and pay attention to by reporting on certain topics, issues, or events. Accordingly, because the Supreme Court reviews and makes decisions on hundreds of cases each session, the media pick and choose which ones they cover more or at all, so the question here is what justifies a newsworthy case. Sill, Metzgar, and Rouse (2013) examined, for example, what news values were attached to coverage of Supreme Court decisions as well as whether “newsworthy” decisions were also “legally salient” - meaning did the news cover cases that the legal community finds important. They found that five main characteristics determined whether or not a topic was newsworthy: 1) case origins – this includes geographical location, if lower Courts disagreed, and the amount of legal questions being asked; 2) Court behavior – its decision, whether it overturned a law, and whether a justice dissented; 3) issue area – what the topic of the case is; 4) case participants – if

a case includes well-known individuals and organizations it is more likely to gain coverage; and 5) case salience. These characteristics differ from the traditional news values that journalists utilize when setting the agenda. Further, Sill, et. al found overlap in decisions that were deemed newsworthy and legally salient.

Media therefore are selective when it comes to what they cover regarding the Supreme Court. Coverage of the Supreme Court peaks when it hands down most of its decisions, though coverage of the Court as an institution is generally low. Further research has found that the national media are more likely to cover cases regarding civil liberties and civil rights than business and economics, which affirms Sill et. al's suggestion that issue area determines newsworthiness (Slotnick and Segal, 1998).

Media Framing

Not to be confused with agenda-setting theory, which focuses mostly on *what* the media cover, framing theory more-squarely focuses on *how* the media cover it. Framing is built around the assumption that how the media frame a certain topic or event can influence how it is understood by audiences (Scheufele and Tewksbury, 2007). This idea ties back to sociological foundations first pointed out by Erving Goffman (1974) who claimed that in order to interpret new information, individuals apply frameworks around it to better classify information and translate its meaning. The media often do this with their stories in order to better portray the news they are trying to communicate. Journalists will use different devices to select, emphasize, and present aspects or attributes of a certain topic. Examples of different devices the media use to frame stories is the length of the article, images and videos, facts used, words used, sources cited or quoted, and the overall tone.

Robert Entman and Shanto Iyengar developed two widely referenced framing models. Entman (1993) describes that frames in news stories typically define the problem, diagnose the problem or responsible party, make moral judgments, and suggest solutions. Entman's schema has been used by many scholars to identify different frames in the media. In comparison, Iyengar (1994) focuses on two frames: episodic and thematic. The "episodic" frame focuses on a specific issue, topic, or event as individual story. The "thematic" frame takes that specific issue, topic, or event and places it in some general context. For example, when reporting on a Supreme Court decision that declared redistricting based on race illegal, an episodically framed article would report specifically on that decision, but a thematic framed article might report on the decision in context of the larger problem of institutionalized racism.

Public Support and Understanding of Supreme Court Procedure

Given the Supreme Court's relatively private nature, the public relies on the media to learn more about the Court and important decisions. As demonstrated by the agenda-setting and media framing theories, how the media report these decisions play a big role in the public perception and support of the Court. Accordingly, the next section walks through the various types of support for the Court, and the types of publics who engage with the Court.

When measuring support for the Supreme Court, scholars have examined two different types: diffuse and specific. Diffuse support encompasses elements like the Court's role in the political system, fundamental political orientations, rule of law, and a generalized trust. Specific support is short-term, a rationale evaluation of a performance, policy-based and correlates with political attitudes (Gibson, Calderia, and

Spence, 2003; LaRowe and Hoekstra, 2014) In terms of the Court, specific support can include support for the justices or the decisions made; diffuse support can be support for the institution as a whole and its legitimacy. An important note about these two types of support is that they do not necessarily influence one another because they stem from different sources.

Larry Berkson (1978) distinguished two types of publics that receive communication regarding the Supreme Court: continuous and intermittent. Continuous publics are those who, as the name hints, continuously keep up with the Supreme Court. This public is usually composed of people like lawyers, judges, and lawmakers. Continuous publics generally utilize the most reliable sources to gain information about the Supreme Court, so are unlikely to go to traditional media articles for information. In contrast, the intermittent public is likely to depend on traditional media to receive information about the Court. The intermittent public can be thought of as the common person in relation to the Court.

Framing, Public Opinion and the Supreme Court

Recent studies that have been examined for this project have not explicitly utilized Entman or Iyengar's frames, but have rather used them as a basic understanding to develop their own framing schemas. This study exists at the intersection of media framing and public perception, and three studies specifically inform this study's design.

The first is a study that focuses on the media framing of *Bush v. Gore* (2000), in which the Court ended the 2000 presidential election with its decision. This study identifies three frames developed by the news media, elites, and other political actors that shaped the discourse, and ultimately affected public support: "legal", "political",

and “end the election” – that the Court wanted to end the election (Nicholson and Howard, 2003). They used a telephone survey to test how much the three frames influenced both specific and diffuse support for the Supreme Court. When doing so, Nicholson and Howard accounted for partisan beliefs, age, gender, race and education level. The study found that political framing influenced specific support of the Court, but the “end the election” frame reduced diffuse support. This study’s use of a telephone survey is limited, though, because of how individuals actually consume media.

The second study examined whether different frames of the Court’s decision-making in a hypothetical Court-case influenced the public’s perception of the fairness of the Court’s decision-making process (Baird and Gangl, 2006). They focused on fairness because it can affect overall attitude regarding the institution’s legitimacy, or diffuse support. Much like Nicholson and Howard (2003), Baird and Gangl identified “legal” and “political” as the two main frames. In their study, Baird and Gangl also accounted for the outcome of the Court case by crossing the legal and political frames with the two possible outcomes of the case - creating four hypothetical articles. The authors found that citizens found the decision-making process more fair when they perceived that the justices followed legal procedures rather than compromising and bargaining in a more political process - though the latter did not have a significant negative impact of the public’s evaluation of fairness.

A third study (LaRowe and Hoekstra, 2014) built upon the two previous studies by creating hypothetical news articles based on *USA Today’s* coverage of the *Board of Regents, University of Wisconsin v. Southworth* (2000). Much like the last two studies,

LaRowe and Hoekstra utilized the “legal” and “political” frames, but they also accounted for the coverage’s tone utilizing “mixed” and “negative” tones as part of the experimental design – leading to four hypothetical articles. The study examined differences in opinion within subjects (college students) by looking at pretest and posttest questions regarding knowledge of the Court, political interest, party, ideology, and levels of specific and diffuse support. Subjects took the pretest, then read one of four hypothetical articles assigned to them based on the pretest results. The subjects then filled out a posttest which measured and specific and diffuse support. The major result of this study was that a negative tone and a political frame does not significantly affect public support for the Court.

Main Takeaways from Existing Literature

The preceding literature demonstrates the connection between the Supreme Court, the media, and the public. Three main takeaways directly inform this study. First, previous studies have identified “political” or “legal” frames in the news media when determining public support or opinion. Second, when measuring public support, there are two categories: diffuse and specific support. Third, Supreme Court messages have two types of publics: continuous and intermittent. This project focuses on the intermittent public.

Research Questions

1. What elements do the media utilize to create “political” and “legal” frames surrounding Supreme Court decisions?
2. How does media framing of a Supreme Court case decision affect specific support among Millennials and Generation X?
 - a. Hypothesis: Millennials and Generation X will not have any significant change in specific support dependent on the “political” framed article. Millennials will have an increase in specific support based on the “legal” frame. Generation X will have no significant change in specific support based on the “legal” frame.
3. How does media framing of a Supreme Court case decision affect diffuse support among Millennials and Generation X?
 - a. Hypothesis: Millennials and Generation X will have a decrease in diffuse support based on the “political” framed article. Millennials will have an increase in diffuse support for the Court based on the “legal” frame, while Generation X will have no significant change in diffuse support based on the “legal” frame.

Method

I first chose a recent Supreme Court decision as a model. I chose the 2016 decision of *Endrew F. v Douglas County School District*, a case in which the Court unanimously ruled in favor of a higher standard of education for children with disabilities. The case involves Endrew F., a Colorado boy who was diagnosed with autism at the age of 2. His parents believed that the level of education provided in public school was not sufficient for someone with disabilities and had to place him in private school. In 2012, Drew's parents filed a complaint with the Colorado Department of Education to recover the cost of tuition at the private school, which is now about \$70,000 per year. The lower courts ruled on behalf of the school district on the grounds that the intent of the Individuals with Disabilities Education Act (IDEA) is to ensure handicapped kids have access to public education—not to guarantee any particular level of education once inside. But the parents appealed, with the case eventually landing at the Supreme Court.

With the understanding that, to an extent, all legal decisions evoke reactions based on political predispositions, this case was chosen because it concerned a fairly noncontroversial issue. Though it is likely that individuals would not read news coverage about a case like *Endrew* in their daily news feeds because of the types of cases the media chooses to cover, this study is testing the effects of framing, which is present in most articles about the Court.

To test the effects of framing on attitudes toward the Supreme Court, I utilized an experimental treatment, looking for differences within subjects (pretest/posttest). Subjects were first asked to fill out a pretest, which measured elements such as political

knowledge and interest and their level of diffuse support for the court. The pretest survey leveraged questions that were used by LaRowe and Hoekstra in their study. Political knowledge was tested by asking two questions: one asking for the correct number of justices on the Supreme Court and a second asking who the Senate majority leader is. Political interest was measured by the amount of times in the past week the subject has: discussed politics with friends, family, or co-workers and has watched the national news. The pretest also measured political party affiliation through a scale ranging from 1-7, where 1 = Strong Democrat and 7 = Strong Republican. Ideology was also measured using a scale ranging from 1-7, where 1 = Very Liberal and 7 = Very Conservative.

The questions regarding diffuse support were asked in both the pretest and posttest. These questions were posed as statements that subjects indicated their level of agreement with utilizing a 1-7 scale, where 1 = Strongly Agree and 7 = Strongly Disagree. These four statements were:

1. I trust the Supreme Court to make decisions for the well-being of the nation.
2. The Supreme Court should be removed from our government.
3. The Supreme Court is too mixed up in politics.
4. The jurisdiction of the Supreme Court should be reduced.

After subjects completed the pretest questions, they were randomly assigned to one of two experimental conditions. The random assignment worked for this study as 116 subjects were shown the politically framed article and 112 were shown the legally framed article. Upon reviewing media coverage of the *Endrew* decision to understand

the ways in which news sources created political and legal frames around the coverage, I developed the experimental treatment, a hypothetical newspaper article closely modeled on the real coverage found. I choose to develop my own to articles rather than using existing articles because it allowed me to control for multiple variables. Two articles were created, one with a legal frame and the other with a political frame. The legally framed article focused on the language used by the Court in its opinion and the central question of the case. On the other hand, the politically framed article followed Iyengar's (1994) focus of a thematic frame and discussed the ruling in terms of the justices as representatives of certain ideologies as well as how it became a factor in the confirmation hearings of Neil Gorsuch, President Donald Trump's nominee to the Supreme Court. (See Appendix for hypothetical articles.)

After reading the hypothetical article, subjects filled out a posttest where I again measured diffuse support using the same scale and statements, but there was also a statement added to measure specific support. The statement was "I agree with the decision the Supreme Court made in the Endrew F. case discussed in the article." These statements used the same scale ranging from 1 to 7 as the pretest questions.

The Subjects

Subjects were 228 individuals from across the United States who were recruited using Amazon Mechanical Turk. Amazon Mechanical Turk is a crowdsourcing internet marketplace where participants sign up to complete tasks for requesters; academic surveys make up about a third of the work available to participants. After creating a survey through Qualtrics that included the pretest, experimental treatment, and posttest, the survey was posted to Amazon Mechanical Turk for participants to complete.

Subjects recruited through Amazon Mechanical Turk were compensated for their time after completing the survey.

Analysis

The resulting data was analyzed using SPSS, a widely used program for statistical analysis in social science. The data was subjected to a two-way ANOVA test to see the effect of both the frame the subjects saw and their generation on the posttest questions. A repeated measure ANOVA with a Greenhouse-Geisser correction was then conducted to compare the effect of framing and generation between pretest and posttest answers regarding diffuse support.

Findings

Prior to diving into the findings regarding the media framing aspects of this study, it is useful to get a glimpse into descriptive statistics of the respondent poll. Of the respondents, 28.8% stated that they read the national news every day and 28.3% stated that they read the national news “1-2 times a week” ($M = 3.31$, $SD = 1.33$, measured on a five-point scale from “0 times a week” to “Everyday”).

In regard to political knowledge of the participants, 75.83% of respondents correctly answered that the Supreme Court has nine justices ($M = 2.59$, measured on a three-point scale consisting of “7,” “8,” and “9”). The majority of participants, 65.09%, also correctly answered that Mitch McConnell is the Senate Majority Leader ($M = 1.70$). The second highest chosen answer to the question was Paul Ryan, with 32.55% of respondents choosing him as the Senate Majority Leader. The majority of the respondent poll had a strong foundational knowledge of the political sphere based on these two questions.

It is also important to understand the political and ideological breakdown of the respondents. When measuring political party affiliation, most participants found themselves in the middle of the scale with 27.36% identifying themselves in the middle of the 1 to 7 scale, where 1 = Strong Democrat and 7 = Strong Republican ($M = 3.51$, $SD = 1.60$). Of the total respondents, the majority of them did however indicate their political party affiliation as more democratic with 49.06% of respondents choosing the “1,” “2,” or “3” options compared to 23.59% of respondents choosing the “5,” “6,” or “7” options. Much like the participants’ political party affiliation, the participants identified their ideology in a similar manner as 22.64% identified themselves in the

middle of the 1 to 7 scale where 1 = Very Liberal and 7 = Very Conservative ($M=3.36$, $SD = 1.69$). Of the participants, 53.3% were liberal leaning compared to the 24.05% who were conservative leaning.

The focus of this study was to examine two main elements regarding the effects of media framing on opinion of the Court. I first examined the effect of framing on the posttest answers of subjects and then examined if there was a change from pretest to posttest in support. As the findings below indicate, unfortunately there were few significant takeaways. Regardless, they do offer insight into potential future studies and considerations regarding generational sources of support.

The first question to address is whether or not there was an effect on the posttest support answers due to the article each subject read and their generation, Millennial or Generation X. The first statement for which participants were asked to indicate their level of agreement was whether or not they agreed with the unanimous decision made in the *Andrew* case, which was to indicate specific support. There was not a significant interaction between the effect of framing and generation on the participants' level of agreement with the *Andrew* decision presented in the hypothetical article, $F(1, 228) = .042, p = .838$. Taken separately, there was also not a significant main effect for framing on subjects' level of agreement, $F(1, 228) = .189, p = .665$. There was also not a significant main effect for generation on subjects' level of agreement, $F(1, 228) = 1.770, p = .185$.

Moving on to the statements that would gather information regarding diffuse support, participants indicated their level of trust for the Supreme Court to make decisions for the well-being of the nation. There was not a significant interaction

between framing and generation on the participants' level of trust after reading the article, $F(1, 228) = 1.883, p = .171$. There was also not a significant main effect for framing, $F(1, 228) = .000, p = .989$, or a significant main effect for generation on the level of trust, $F(1, 228) = .785, p = .377$.

The effect of framing and generation on the level that subjects believed the Supreme Court is too mixed up in politics was not significant, $F(1, 228) = .179, p = .672$. There was also not a significant main effect for framing, $F(1, 228) = .837, p = .361$. There was also not a significant main effect for generation, $F(1, 228) = .600, p = .440$.

When subjects assessed whether they believed that the Supreme Court should be removed from our government, they were not affected by which article they were shown nor by their age group. There was not a significant interaction between framing and generation on the participants' level of desire for removal, $F(1, 228) = .639, p = .425$. There was also not a significant main effect for framing, $F(1, 228) = 1.577, p = .210$. There was also not a significant main effect for generation, $F(1, 228) = 2.128, p = .146$.

The last diffuse support statement that subjects assessed was whether or not participants believed that the jurisdiction of the Supreme Court should be reduced. There was not a significant interaction between framing and generation on the participants' level of desire for reduction in jurisdiction, $F(1, 228) = .905, p = .343$. There was also not a significant main effect for framing, $F(1, 228) = 1.299, p = .256$. There was also not a significant main effect for generation, $F(1, 228) = .561, p = .455$.

The second question to address is whether or not there was a difference between subject's pretest and posttest answers to the diffuse support questions and whether those differences are affected by generation or the framing of the article. When examining the level of trust subjects had for the Supreme Court before and after reading the hypothetical article, Generation was significant, $F(1, 225) = 11.655, p = .001$, such that Millennials trust for the Court increased ($M_{pretest} = 4.040, SE = .115; M_{posttest} = 3.632, SE = .112$) and Generation X's trust for the Court decreased ($M_{pretest} = 3.288, SE = .279; M_{posttest} = 3.892, SE = .271$). The 1 to 7 scale had 1 = Strongly Agree and 7 = Strongly disagree, which means that if the mean decreased, participants agreed more with the statement that they trusted the Court and vice-versa.

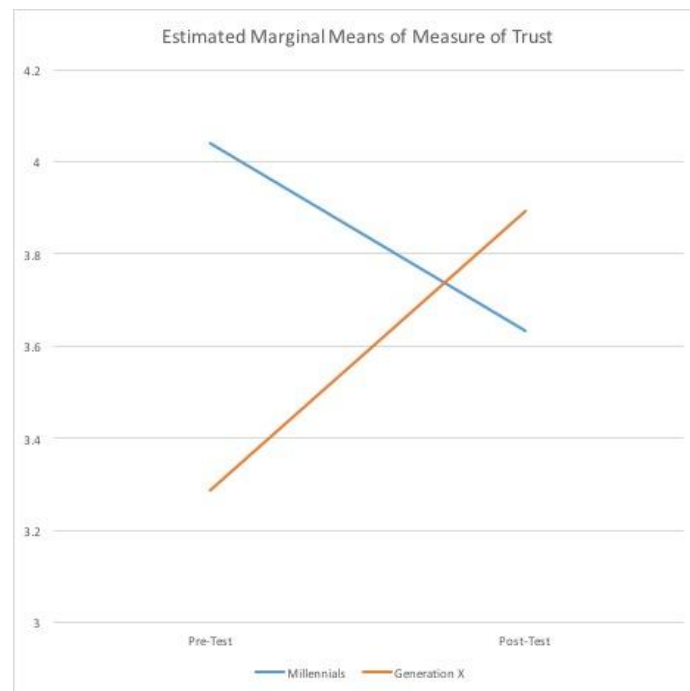


Figure 1: Changes in the level of trust for each generation after viewing one of two hypothetical articles.

There was no significant effect of framing from pre- to posttest on the level of trust participants had for the Court., $F(1, 225) = .443, p = .506$.

The results indicated that both the generation of the subjects and the framing of the articles did not have an effect between the pretest and posttest answers on the level that participants believed the Supreme Court is too mixed up in politics. Generation was not significant in the manner participants answered pretest and posttest, $F(1, 224) = .118, p = .732$. There was also no significant effect of framing on the manner participants answered pre to posttest, $F(1, 224) = 1.620, p = .204$.

The results showed that there was no significant effect of framing or generation on the level of which subjects believed that the Supreme Court should be removed. Generation was not significant in the manner participants answered pre- and posttest, $F(1, 225) = 1.536, p = .216$. There was no significant effect of framing on the manner participants answered pre- to posttest, $F(1, 225) = 1.695, p = .194$.

Our last result examined the effects of generation and framing on the level that subjects believed that the jurisdiction of the Supreme Court should be reduced. Generation was not significant in the manner participants answered pre- and posttest, $F(1, 225) = 1.825, p = .178$. There was no significant effect of framing on the manner participants answered pre- to posttest, $F(1, 225) = 1.953, p = .164$.

Discussion

First, the effect of media framing and generation seem to do little to affect public support, both specific and diffuse support. The lack of effect on specific support, meaning subjects level of agreement with the Court's decision in *Andrew*, comes as a surprise. Specific support is less resistant to change, so it would seem that the way in which the decision was framed would have an influence on the subjects' opinion. Perhaps the fact that the decision was made unanimously by the justices nullified the effects of the legal and political frame.

Among all subjects, the absence of any influence from framing and generation on their level of diffuse support for the Court suggests that subjects are not influenced by the political nature of the Court. The hypothetical politically framed article demonstrated the political and ideological inclinations of the sitting justices as well as the judicial nominee, Neil Gorsuch. It seems that people are comfortable or accustomed to the fact that the Court is political in nature, though it often portrays itself as not being so. These results seem to support Gibson and Caldeira's (2009) study that found people seem comfortable with the idea of a justice having political or ideological inclinations, so long as they are not controlling or overbearing. These results also relate to Baird and Gangl's (2006) findings discussed earlier in which there was not a significant negative effect of framing the Court through a political process lens. Learning that the Supreme Court's decision in *Andrew* was being considered by justices who have traditionally been known to vote a certain way because of their ideology or political affiliation may not have had an influence because those justices were not heavily

influenced by their political beliefs in this case, as was shown through the unanimous ruling.

Although framing and generation did not have an effect on the majority of subjects' pre and posttest answers, there was a significant result found regarding generation and the level of trust participants had for the Court. The results did not find the effect of a specific frame significant among the two generations; however, the Millennials trust for the Court increased and Generation X's trust for the Court decreased after reading the hypothetical article. This finding relates to recent core public relations research completed by Edelman. Every year, Edelman publishes its study on the Trust Barometer which examines the public's trust in government, media, businesses and NGOs. The 2016 Trust Barometer provided findings that relate to the results in this study.

The 2016 Edelman Trust Barometer found that the Millennials are even more trusting of the digital media than the rest of the population. The digital platform is where Millennials turn to reinforce their findings and they trust these digital sources more than the general. The subjects were shown the hypothetical article through a digital device (computer, phone, or tablet). population. The hypothetical articles shown in this study are considered to be digital media because participants perceived them in that manner. After reviewing the hypothetical article, Millennials' trust for the Court increased and Generation X's trust decreased, which matches the findings of the Edelman Trust Barometer.

Conclusion

This research sought to establish how media framing of the Supreme Court influences support for the Court among Millennials and Generation X. What emerged was a surprising conclusion - neither generation is affected by the way in which the media frames its stories about the Court. Given the general public's reliance on the media to learn anything about the Court, what is most significant about this study is the lack of significance regarding the effect of various frames on public perception regarding specific and diffuse support. This brief exploration yields several points that warrant greater questions and research.

The lack of influence from media framing brings to the forefront the role of the Court in society. The Supreme Court has traditionally enjoyed a high level of support and approval ratings, but where that stems from is still an element to be explored. The fact that there was no significant effect of framing on levels of support points to the inherent legacy that the Court carries. We earlier discussed the role of the Public Information Office and the small portion of tasks it performs. If there is no effect from the way the media is relaying information to the public regarding the Court, then perhaps the PIO is doing its job well. The PIO is staying out of the way while letting the media and public interpret the Court's legal ruling and form opinions of their own. Unlike a traditional public relations office, the PIO does not need to put a "spin" on the information it is distributing because the Court's legitimacy is not influenced by the frame that is put on its decisions.

Limitations and Future Research.

Certainly, as with any study there are limitations and opportunities with this research. The first limitation is that Millennials were overrepresented. Among the 228 participants, only 35 were from Generation X. While the significance tests account for disparities of representation, rerunning this study to ensure more-equal representation would be merited.

Due to the fact that the pretest and posttest questions were similar, for future research it would be beneficial to either include an unrelated task after reading the hypothetical article or stretch this study out so that subjects encounter multiple articles over a longer period of time. In this study, subjects were shown the posttest questions right after reading the hypothetical article. The lack of time between these two segments of the study creates an unrealistic environment which can be better compensated for in a future study. When individuals read the news, their opinions do not shift immediately, rather it takes time and they go through a complete thought process. So while none of the results regarding the pretest and posttest results were affected by framing, if a longer study was done, the results might have been affected, especially because diffuse support is more resistant to change. A longer study could include subjects who were shown articles for multiple weeks and then assessed via a pretest and posttest.

Another study that could add to this topic would look at the success of different frames utilized by the media. During the posttest of the study, participants would evaluate how successful each article was. The results would indicate potential editorial opportunities and hurdles in conveying news about the Court. These results would

demonstrate which frame is more palatable for the public to understand the legally complex decisions that the Court puts out.

Fourth, the *Andrew* decision was ruled on unanimously by the Court and was not very controversial. For future research, it could be beneficial to utilize a decision that was had more of a split vote. A decision with a closer vote could play a role in the way that participants of the study view the role of politics in the Court, perhaps creating more of an effect from the politically framed article.

Appendices

Appendix A: Survey

What is the purpose of this study?

You are invited to participate in a research study. This study will investigate how media framing of a relatively non-controversial Supreme Court decision affects support for the Supreme Court among Millennials and Generation X. The data gathered will help organizations, journalists, and the academic community better communicate about the Supreme Court.

What will happen if you take part in the study?

If you agree to participate in this study, you will be asked to complete a confidential online survey that will take approximately 15 minutes to complete. You will then be compensated \$0.85 for your time.

Benefits and Risks

There are no foreseeable risks for participants in this study. Participation is voluntary; refusal to participate will involve no penalty or loss of benefits to which the subject is otherwise entitled, and the subject may discontinue participation at any time without penalty or loss of benefits to which the subject is otherwise entitled. Responses to this survey will provide an important foundation regarding how to communicate information about the Supreme Court and its decisions to the public.

Confidentiality

All responses to the online survey are anonymous and no personal information will be collected or stored. Direct quotes pulled from responses to open-ended questions may be used, in which case any identifiable information will be removed. All research materials will be stored securely in locked office space at the conclusion of the project and all survey data will be maintained on a private computer. Subjects should print a copy of this page for this page for their records.

What if you have questions about this study?

This study was approved by the University of Oregon's Research Compliance Office. If you have questions at any time about the study or the procedures, please contact the principle investigator, Niharika Sachdeva at niharika@uoregon.edu. You also may contact Research Compliance at researchcompliance@uoregon.edu, or 541-346-2510.

Consent To Participate

"I have read and understand the above information. I agree to participate and understand that I can stop participating at any time without penalty or loss of benefits to which I am otherwise entitled."

Yes - I consent to participate in the study

No - I do not consent to participate in the study (you will exit survey)

1. How many times in the last week have you read the national news?

- 0 times a week
- 1-2 times a week
- 3-4 times a week
- 5-6 times a week
- Every day

2. How many times in the last week have you discussed politics with friends, family, or coworkers?

- 0 times a week
- 1-2 times a week
- 3-4 times a week
- 5-6 times a week
- Every day

3. How many justices are on the Supreme Court?

- 7
- 8
- 9

4. Do you happen to know who the Senate majority leader currently is?

- Paul Ryan
- Mitch McConnell
- Joe Manchin
- Lindsey Graham

5. On a scale of 1 to 7, where 1 = strong democrat and 7 = strong republican, what is your political party identification?

- 1
- 2
- 3
- 4
- 5
- 6
- 7

6. On a scale of 1 to 7, where 1 = very liberal and 7 = very conservative, what is your ideology?

- 1
- 2
- 3

- 4
- 5
- 6
- 7

Please rate how much you agree or disagree with the following statements on a scale of 1 to 7 (1 = strongly agree and 7 = strongly disagree):

7. I trust the Supreme Court to make decisions for the well-being of the nation.

- 1
- 2
- 3
- 4
- 5
- 6
- 7

8. The Supreme Court should be removed from our government.

- 1
- 2
- 3
- 4
- 5
- 6
- 7

9. The Supreme Court is too mixed up in politics.

- 1
- 2
- 3
- 4
- 5
- 6
- 7

10. The jurisdiction of the Supreme Court should be reduced.

- 1
- 2
- 3
- 4
- 5

- 6
- 7

You will now be shown an article about a Supreme Court decision regarding the education of children with disabilities. Please read the article and then answer the questions that will be shown after the article.

(Participants will be shown either the article with the legal angle (Appendix B) or the political angle (Appendix C))

Please rate how much you agree or disagree with the following statements on a scale of 1 to 7 (1 = strongly disagree and 7 = strongly agree):

11. I agree with the decision the Supreme Court made in the Endrew F. case discussed in the article.

- 1
- 2
- 3
- 4
- 5
- 6
- 7

12. I trust the Supreme Court to make decisions for the well-being of the nation.

- 1
- 2
- 3
- 4
- 5
- 6
- 7

13. The Supreme Court is too mixed up in politics.

- 1
- 2
- 3
- 4
- 5
- 6
- 7

14. The Supreme Court should be removed from our government.

-
- 1
 - 2
 - 3
 - 4
 - 5
 - 6
 - 7

15. The jurisdiction of the Supreme Court should be reduced.

- 1
- 2
- 3
- 4
- 5
- 6
- 7

This final section asks general questions regarding basic demographics. Please respond only as you feel comfortable:

16. In which region are you located?

- Northeast / New England
- Mid-Atlantic
- Southeast
- Midwest
- Southwest
- West Coast / Pacific Northwest
- Other

17. What is your gender?

- Female
- Male
- Transgender woman
- Transgender man
- Gender fluid
- Prefer not to disclose
- Category not listed:

18. Race & Ethnicity (check the category with which you most closely identify) *(categories primarily based on U.S. census, as determined by the U.S. Office of Management and Budget guidelines. Those guidelines "reflect a social definition of*

race recognized in this country and not an attempt to define race biologically, anthropologically, or genetically. In addition, it is recognized that the categories of the race item include racial and national origin or sociocultural groups.”
<https://www.census.gov/programs-surveys/cps.html> The U.S census currently separates the question of Hispanic origin because it is one of ethnicity, not race. I have included as an option here, however, for purposes of the survey.

-
- White
 - Black or African American
 - American Indian or Alaska Native
 - Asian
 - Hispanic / Latino origin
 - Native Hawaiian or Other Pacific Islander
 - Other: _____

19. What best describes your sexual orientation?

-
- Lesbian
 - Gay
 - Straight / heterosexual
 - Bisexual
 - Queer
 - Questioning or unsure
 - Prefer not to answer
 - Category not listed: _____

20. Age?

-
- 18-28
 - 29-38
 - 39-48
 - 49-58

21. Any additional comments / thoughts regarding this survey? Please provide below.

Open ended (please try to not include identifiable information):

Appendix B: Legally Framed Hypothetical Article

In a unanimous decision in the case *Endrew F. v. Douglas County School District*, the U.S. Supreme Court ruled in favor of a higher standard of education for children with disabilities. The case decided Wednesday involves Endrew F., a Colorado boy who was diagnosed with autism at age 2.

His parents pulled him out of a public school in Douglas County, south of Denver, after his behavior deteriorated dramatically and he made what they said was almost no academic progress. They placed him in private school, where he made rapid progress, and they sought reimbursement for tuition. In 2012, Drew’s parents filed a complaint with the Colorado Department of Education to recover the cost of tuition at the school, which is now about \$70,000 per year. The lower courts ruled on behalf of the school district on the grounds that the intent of the Individuals with Disabilities Education Act (IDEA) is to ensure handicapped kids have access to public education—not to guarantee any particular level of education once inside. But the parents appealed, with the case eventually landing at the Supreme Court.

The case revolved around a central question: Must schools provide a meaningful education in which children show significant progress and are given substantially equal opportunities as typical children, or can they provide an education that results in just some improvement?

In its unanimous ruling, the Supreme Court said that a child’s “educational program must be appropriately ambitious in light of his circumstances” and that “every child should have the chance to meet challenging objectives” even if the child is not fully integrated into regular classrooms.

“When all is said and done, a student offered an educational program providing ‘merely more than de minimis’ progress from year to year can hardly be said to have been offered an education at all,” Roberts wrote. “For children with disabilities, receiving instruction that aims so low would be tantamount to ‘sitting idly . . . awaiting the time when they were old enough to “drop out.” ’ ”

The court stopped short of setting a bright-line rule, deferring to the expertise and judgment of school officials and acknowledging the unique set of circumstances of each child with a disability.

But the justices sent a strong, clear message with their unanimous decision that the 10th Circuit standard was too low. Any standard, the court said, that is not centered on “student progress would do little to remedy the pervasive and tragic academic stagnation that prompted Congress to act” when it passed the 1975 law that provides federal funds to help states cover the cost of educating students with disabilities.

Appendix C: Politically Framed Article

In a unanimous decision Wednesday, the U.S. Supreme Court ruled in favor of a higher standard of education for children with disabilities. The case, *Andrew F. v. Douglas County School District*, involves Andrew F., a Colorado boy who was diagnosed with autism at age 2.

The decision resolves a five-year-old journey, which began when the boy’s parents pulled him out of a public school in Douglas County, south of Denver, after his behavior deteriorated dramatically and he made what they said was almost no academic progress. They placed him in private school, where he made rapid progress, and they sought reimbursement for tuition. In 2012, Drew’s parents filed a complaint with the

Colorado Department of Education to recover the cost of tuition at the school, which is now about \$70,000 per year. The lower courts ruled on behalf of the school district on the grounds that the intent of the Individuals with Disabilities Education Act (IDEA) is to ensure handicapped kids have access to public education—not to guarantee any particular level of education once inside. But the parents appealed, with the case eventually landing at the Supreme Court.

The unanimous ruling came as a surprise to some as several of the more conservative or moderate justices had expressed concerns about the financial burdens that will be placed upon school districts.

“Is there any place to discuss the cost that would be incurred for, say, severely disabled students?” Justice Anthony M. Kennedy asked.

Justice Alito also appeared wary. “No matter how expensive it would be and no matter what the impact in, let’s say, a poor school district would be on the general student population, cost can’t be considered?” he asked.

This decision also injected unexpected, real-time legal drama into confirmation hearings for Neil Gorsuch, President Donald Trump’s nominee to the high court. On the [third day of Gorsuch’s confirmation hearings](#) Democratic senators challenged the nominee on his past opinions in cases involving children with disabilities and the quality of education to which they are entitled. Almost immediately, he was asked about his application in 2008 of the lower 10th Circuit standard. He said that standard was set in a 1996 decision, which determined that services have to be “more than de minimis” or, in other words, result in at least minimal progress by the student.

“I was bound by circuit precedent,” Gorsuch told the committee, saying that ruling against a child with autism and his parents was “heartbreaking.”

He added that his circuit was unanimously taking the same position in all such cases. Now that the Supreme Court has said that is the wrong standard, he said, “Fine, I will follow the law.”

Bibliography

- About the Supreme Court. (n.d.). Retrieved May 29, 2017, from <http://www.uscourts.gov/about-federal-courts/educational-resources/about-educational-outreach/activity-resources/about>
- Baird, Vanessa A., and Amy Gangl. (2006) "Shattering the myth of legality: The impact of the media's framing of Supreme Court procedures on perceptions of fairness." *Political Psychology* 27, no. 4, 597-614.
- Davis, Richard. (2014) "The Symbiotic Relationship Between the U.S. Supreme Court and the Press." In *Covering the United States Supreme Court in the Digital Age*, edited by Richard Davis. Cambridge University Press, 4-22.
- Edelman, D. J. (2016). Edelman trust barometer 2016: Annual global study.
- Gibson, J. L., Caldeira, G. A., & Spence, L. K. (2003). Measuring attitudes toward the United States Supreme Court. *American Journal of Political Science*, 47(2), 354-367.
- Gibson, J. L., & Caldeira, G. A. (2009). *Citizens, courts, and confirmations: Positivity theory and the judgments of the American people*. Princeton University Press.
- Goffman, E. (1974). *Frame analysis: An essay on the organization of experience*. Harvard University Press.
- Iyengar, S. (1994). *Is anyone responsible?: How television frames political issues*. University of Chicago Press.
- Johnson, Tyler. (2014) "How and Why the Supreme Court Remains Undercovered" In *Covering the United States Supreme Court in the Digital Age*, edited by Richard Davis. Cambridge University Press, 23-41.
- Kiesa, A., Orłowski, A. P., Levine, P., Both, D., Kirby, E. H., Lopez, M. H., & Marcelo, K. B. (2007). Millennials Talk Politics: A Study of College Student Political Engagement. *Center for Information and Research on Civic Learning and Engagement (CIRCLE)*.
- LaRowe, Nicholas and Hoekstra, Valerie. (2014) "On and Off the Supreme Court Beat: Differences in Newspaper Coverage of the Supreme Court and the Implications for Public Support" In *Covering the United States Supreme Court in the Digital Age*, edited by Richard Davis. Cambridge University Press, 126-152.
- Lipton, A., & Flegenheimer, M. (2017, April 7). Neil Gorsuch Confirmed by Senate as Supreme Court Justice. *The New York Times*.

- Nicholson, S., & Howard, R. (2003). Framing Support for the Supreme Court in the Aftermath of Bush v. Gore. *Journal of Politics*, 65(3), 676-695.
- Savage, David. (2014) "How Traditional Journalists Cover the Court in the News Media Age" In *Covering the United States Supreme Court in the Digital Age*, edited by Richard Davis. Cambridge University Press, 173-186.
- Seppanen, Sally. (2012) *The Millennial Generation: Research Review*. Rep. National Chamber Foundation. Web.
- Scheufele, D. A., & Tewksbury, D. (2007). Framing, agenda setting, and priming: The evolution of three media effects models. *Journal of communication*, 57(1), 9-20.
- Sill, Kaitlyn L., Emily T. Metzgar, and Stella M. Rouse. (2013) "Media Coverage of the US Supreme Court: How Do Journalists Assess the Importance of Court Decisions?." *Political Communication* 30, no. 1, 58-80.
- Slotnick, E. E., & Segal, J. A. (1998). *Television news and the Supreme Court: All the news that's fit to air?*. Cambridge University Press.
- Taylor, P., & Gao, G. (2014). Generation X: America's Neglected 'Middle Child.'. *Pew Research Center*.