

*Full Length Research Paper*

## **Who Framed the Women? Measuring the Public Relations Impact on the Media's Framing of the U.S Supreme Court Nominees**

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**This study seeks to determine if Presidents frame female nominees to the highest court differently than their male counterparts in ways consistent with other female leaders. Entmen (1993) defines framing as process whereby certain aspects of a perceived reality are selected and made more salient in communication. This work further examines how U.S. Presidents select and highlight certain aspects of their U.S. Supreme Court nominees' background, experience and personal attributes in public relations materials. By analyzing frames in public relations materials and comparing them to those found in testimony by third parties and in newspaper coverage, the study will determine the effectiveness of the Presidents to influence others to utilize his frames.**

**Keywords:** Bush, frame, framing, gender, Obama, public relations, Supreme Court

### **Introduction**

Those who sit in the Supreme Court interpret the laws of our land and truly do leave their footprints on the sands of time. Long after the policies of Presidents and Senators and Congressmen of any given era may have passed from public memory, they'll be remembered. – Ronald Reagan (Reagan, 1981).

In 1981, President Ronald Reagan nominated Judge Sandra Day O'Connor to become the first female Associate Justice on the U.S. Supreme Court. In his announcement, Reagan (1981) remarked:

...she is truly a person for all seasons, possessing those unique qualities of temperament, fairness, intellectual capacity, and devotion to the public good which have characterized the 101 brethren who have preceded her. I commend her to you, and I urge the Senate's swift bipartisan confirmation so that as soon as possible she may take her seat on the Court and her place in history. (para. 9)

In 1987, President Reagan nominated Judge Robert Bork to become an Associate Justice on the U.S. Supreme Court. Conversely, for this nominee, Reagan (1987) said:

Judge Bork is recognized as a premier constitutional authority. His outstanding intellect and unrivaled scholarly credentials are reflected in his thoughtful examination of the broad, fundamental legal issues of our times. When confirmed by the Senate as an

appellate judge in 1982, the American Bar Association gave him its highest rating: 'exceptionally well qualified.' On the bench, he has been well prepared, evenhanded, and openminded. (para. 2)

These two announcements are examples of how U.S. Presidents "frame" their nominees for the highest court in the land. According to Entmen (1993) "Framing essentially involves selection and salience. To frame is to select some aspects of a perceived reality and make them more salient in a communicating text, in such a way as to promote a particular problem definition, causal interpretation, moral evaluation, and/or treatment recommendation for the item described" (p. 52). Related to this study, Richard Davis explains in his book, *Electing Justice: Fixing the Supreme Court Nomination Process*, Presidents use framing as a way to "sell" their candidate to the many constituencies who must be convinced to support a particular nominee. Davis (2005) noted, "'Selling' requires creating an image of a nominee. Because an image inevitably will form, the nominee and the White House want to be the first to shape it" (p. 130).

As Davis explained, the President is merely the first player in the Supreme Court nomination process to define the imagery of a nominee. Congress, legal organizations, interest groups, and the media also take turns framing the nominee, which helps form the American public's perception of a candidate. Further, Davis (2005) pointed out:

Supreme Court appointments are well designed for image making because nominations often begin with a blank slate in terms of public awareness of the nominee. Over more than 200 years, few Supreme Court nominees have been widely known to the public when they were nominated. (p. 135)

Indeed, as Graber (1980) explained,  
...of the three branches of government, the federal judiciary receives the least publicity for its officials. Aside from initial appointments to the federal bench, justices are rarely in the limelight in a way which would be comparable to chief executives or members of the legislature. Judges infrequently grant interviews, almost never hold news conferences, and generally do not seek or welcome media attention. (p. 216)

Given these dynamics, the images formed for the public through the framing of a nominee will be done during the nomination process. And, as Davis (2005) reminds us,

Presidents know that their image-making strategies can be ruined if others can set images first, hence the importance of establishing a frame for a nominee at the outset. This frame is the story of the nominee...administrations extract from personal backgrounds those parts of the past that would be viewed as appealing to the general public (p. 131).

Justice O'Connor and Judge Bork provide two contrasting images of nominees. However, these are not simply two different people in two different years. These two justices are female and male and the contrast in the framing of their qualifications appear to reflect America's gendered political realities. While Justice O'Connor is described as having a good temperament and being devoted to the public good, Judge Bork is described as having been a premier Constitutional authority with an outstanding intellect.

Clearly the frames chosen for these nominees evoke different images and emotions. One of the questions this current study seeks to answer is whether the differences in framing female nominees are notably different from male nominees. In addition, the current study sought to discern if the President, as the key player in the nomination process, succeeds in framing a candidate in a way that attracts the attention of the media and ultimately the public.

### **Framing Research**

The current study analyzed and compared the frames proffered by individuals and groups in the nomination process. However, it did not analyze the work of an individual public relations practitioner, but instead acknowledged their import as the crafting agent of the 'frames' being analyzed. In other words, the research did not analyze the public relations practitioner or the process but instead scrutinized their product.

By Hallahan's (1999) definition, a "frame limits or defines [a] message's meaning by shaping the inferences that individuals make about the message. Frames reflect judgments made by message creators or framers." (p. 207) According to Entman (2008), "framing is an omnipresent process in politics and policy analysis. It involves selecting a few aspects of a perceived reality and connecting them together in a narrative that promotes a particular interpretation" (p. 391) Importantly, Entman (2008) continues, "frames introduce or enhance the availability and apparent importance of certain ideas for evaluating a political object" (p. 391).

As Entman (2008) noted, "Skilled politicians and other actors frame communications to highlight and weave together those dimensions of a situation most likely to sway potential allies to become actual supporters" (p. 392). While this is accomplished in many ways, one of the most important methods is through the mass media.

### **Mass Media**

How the media characterize an issue can have an effect on how the audience understands and comprehends the issue (Scheufele & Tewksbury, 2007). This concept is particularly relevant to the Supreme Court nomination process, where, as noted earlier, the nomination process is not widely understood, and the nominees themselves are unfamiliar to the general public. The media defines the players and the issues, conveying the framing of the nominees by the various political leaders who seek to influence public opinion for or against a particular nominee's confirmation.

Media outlets select certain frames and emphasize those frames that are congruent with the outlets' perspective or understanding. For example, Graber (1980) asserted that "media not only survey the events of the day and make them the focus of public and private attention; they also interpret their meaning, put them into context, and speculate about their consequences" (p. 7).

Altheide (2006) concurred:

The mass media are significant for our lives because they are both form and content of cultural categories and experience. As form, the mass media provide the criteria, shape, rhythm, and style of an expanding array of activities, many of which are outside the 'communication' process. As content, the new ideas, fashions, vocabularies, and myriad of types of information (e.g., politics) are acquired through the mass media. (p. 47)

According to Graber (1980):

Media images are especially potent when they involve aspects of life that people experience only through the media, rather than directly in their own neighborhoods. Popular images of politicians and their work habits, criminals and crime, big business activities, moon

walks and space flights – and their impact on ordinary people – are not generally experienced firsthand. Rather they are shaped largely by the images portrayed in news and fictional stories in print and electronic media. (p. 3)

As mentioned, the same could be true then for Supreme Court nominations. Further,

Graber (1980) asserted:

Media coverage is the lifeblood of politics because it shapes the political perceptions which form the reality on which political action is based. Media images define situations for nearly all participants in the political process because direct contact with political actors and situations is limited. (p. 195)

Altheide (2006) agreed, noting “Mass-mediated experiences, events, and issues are particularly salient for audiences lacking direct, personal experience with the problem” (p. 62).

It should be noted the framing of an issue does not necessarily have a singular and direct effect on any given audience. It is part of a complex tapestry of factors that can influence opinion. And, of course, the effect can be different on individuals within an audience. While most studies focus on the effect frames have on the media consumer, the current study focuses on the nature of the frames constructed by various groups as well as the media as a consumer of the information and frames. This type of analysis follows Scheufele’s definition of a “frame-setting” study (Scheufele D. , 2000).

### **Public Relations**

Public relations practitioners develop and promote frames that characterize a candidate, product or organization. Knight (1999) determined “frames represent powerful mechanisms through which public relations practitioners can mediate debate related to public policy” (p. 381). Hallahan (1999) went further asserting, “public relations practitioners fundamentally operate as frame strategists...framing decisions are perhaps the most important strategic choices made in a public relations effort” (p. 224).

This concept is important to the public relations practitioner, as it is a primary goal to positively influence media coverage. Ultimately, by influencing media coverage, public relations practitioners attempt to influence public opinion. However, the first priority is to influence the media.

Strong scholarly work has been done to understand the impact of public relations efforts, in the form of information subsidies, on news coverage. Indeed several works have examined how candidates have adopted each other’s framing of issues and events within a single political campaign.

Most studies focus on the public’s views of the Supreme Court itself and its decisions, or the nomination process itself. Few, if

any, have analyzed the actual framing or “image-making” process by which players in the process frame a Supreme Court nominee, specifically as framing relates to gender.

Therefore, the current study focuses on the frames themselves and how each is used relating to the gender of the nominee as well as their success in influencing the media’s coverage of the nominee. This type of analysis is a second-level analysis focusing more on the quality and success of the frame(s) and assuming through the myriad of other research studies, the effects the frame, by virtue of media coverage, has on public opinion.

### **The Supreme Court**

Given that the Supreme Court and its nominees are not well known or understood, using framing as a tool helps an individual, such as the President or a Senator, connect concepts not always naturally linked in the public’s mind. The result of doing so produces what is called the “applicability effect.” In other words, the framer helps individuals connect two concepts such as “temperament” and “doing the public good” with Supreme Court justices. And, if successful, the individual accepts those concepts should be linked (Scheufele & Tewksbury, 2007).

Sapiro and Soss (1999) studied the frames that emerged and swayed public opinion during the confirmation hearings of Supreme Court nominee Clarence Thomas. In this case, they analyzed the frames associated with Justice Thomas and those associated with Anita Hill (a former employee who alleged that Justice Thomas had sexually harassed her when she worked for him). They determined public opinion was not moved by a singular dimension (or frame) and in fact, the dimensions guiding the responses either “for” or “against” each of the protagonists in this saga “differed in their content and in their complexity” (Sapiro & Soss, 1999).

In a different study of the Thomas/Hill hearings, Robinson and Powell used a framing analysis to determine the rhetorical/symbolic content of the media images of both Justice Thomas and Ms. Hill as constructed by the opposing political ideologies and actors in their attempts to influence public opinion. Guided by the concepts of agenda-setting, priming, and framing as it relates to mass media, they analyzed the news coverage of the hearings themselves in *The Washington Post* and *The New York Times* (Robinson & Powell, 1996).

Robinson and Powell identified the two dominant themes of support and opposition for each. They found that Ms. Hill was either framed as an “innocent victim of sexism” or a “political/racial persecutor,” while Justice Thomas was framed as either a “sexual persecutor” or “innocent victim of racism” (Robinson & Powell, 1996). They concluded:

...this mediated symbolic contest took the form of a public-image management battle in which victory for

each camp depended on being able to effectively construct a positive, credible impression of the personality of its own 'witness' for public consumption, while simultaneously denigrating the character and downplaying the credibility of the opposition's 'witness'. (p. 297)

The researchers determined the Thomas forces "won" the battle by virtue of him winning confirmation, while the Hill camp did capture a longer-term victory by raising issues that resonated with significant portions of the American public (Robinson & Powell, 1996).

Robinson and Powell concluded:

In this brave new world of virtual politics, whoever effectively frames the context of 'reality' perception via the electronic media 'wins' and the 'critical element in political maneuver for advantage' becomes the ability to successfully manufacture popular consent by inventing mesmerizing images capable of legitimizing favored courses of action to mass publics. (p. 300)

Johnson and Roberts (2004) analyzed the strategic public relations decisions Presidents make in determining how and when to use their political capital to secure the confirmation of their Supreme Court nominee. They contend the decision to 'go public' - meaning making direct public appeals in order to put pressure on the Senate - is made easier in Supreme Court nominations because they are entirely at the discretion of the president. In addition, Johnson and Roberts asserted:

...in contrast to public statements about other domestic policies, public statements about Supreme Court nominees always present the president's position in unambiguous terms, and the mass media tend not to alter the frame with which presidents discuss their nominees. (p. 666)

Johnson and Roberts (2004) focus on the strategic aspect of the public relations campaign and analyze presidential statements that focused on a nominee's qualifications; claims of public opinion in favor of the nominee; and calls for the Senate to act fairly and quickly during the confirmation process so that the Court can continue its work with a full complement of justices.

### **Gender Frames**

Scholarly studies have analyzed the framing of women political candidates and show news coverage to be gender biased, perpetuating stereotypes traditionally associated with females. While most focus on the coverage itself, few have focused on how the candidates themselves (or more accurately the public relations specialists working on behalf of the campaign) frame themselves.

In their study on the effect of race and gender on campaign coverage, Major and Coleman (2008) found "Significantly more coverage of the female candidate's gender, marital status, and

parenthood than the male candidate's during the gubernatorial runoff in the 2003 Gubernatorial election in Louisiana" (p.324). Additionally, they found "Significantly more positive newspaper coverage about the female candidate's ability to handle feminine issues and the male candidate's ability to handle masculine issues" (p. 324).

The authors credited Kathleen Blanco, the female candidate, for the press' coverage of her gender, noting:

...press frequently described Blanco as a mother, grandmother, and wife. The overwhelmingly positive tone of the coverage may indicate an awareness of this by her campaign staff, and their ability to manipulate it to the candidate's advantage. Blanco herself drew attention to her gender, repeatedly calling herself the "Cajun grandmother." She also emphasized her appearance by exclusively wearing a signature blue suit throughout the campaign. It is difficult to blame the media entirely for this stereotypical portrayal. Although the media did accord more coverage about gender roles to Blanco, journalists provided the public with the description offered by the candidate herself. (p. 325)

This finding inadvertently displayed a positive relationship between the candidate's frame of herself and the resulting media coverage. In a study of how the media frames women gubernatorial candidates, Devitt (2002) contends that framing research found:

...a pattern in the differences in coverage between female and male candidates and public officials. Compared to their coverage of men, journalists tend to highlight the personal in reporting on women. This includes mentioning their appearance, attire, marital status, and whether or not they have children. By contrast, the news media focus on the professional in covering men. This means highlighting their experience, accomplishments, and positions on issues. (p. 449)

Devitt (2002) overall, newspapers paid more attention to female candidates' personal characteristics (when compared to their male opponents), such as age, personality, and attire. Female candidates received less coverage outlining where they stood on public policy issues such as education, health care, and taxes. However, on the whole, female candidates received more issue than personal coverage (Devitt, 2002).

While not constitutionally political in the sense of a traditional election campaign, many have suggested that the Supreme Court nomination process mirrors a traditional election campaign. Indeed, Davis (2005) agrees with this characterization noting:

Judicial selection has become a public process prone to the same emphases as other public selection processes such as elections and executive branch appointments - that is,

image making to shape mass perceptions. As presidential campaigns seek to shape voters' images of a candidate, so Supreme Court nominations have become an attempt by the White House to secure certain perceptions of the nominee in the minds of elites and the public. (p. 129)

Therefore, studies of coverage of women political candidates are germane to this study. One such study examines how Secretary of State, then Presidential candidate, Hillary Clinton was covered during the New Hampshire primary. Dimitrova and Gieske (2009) analyzed news coverage from *The New York Times* and *USA Today* to determine if candidate Clinton was framed in the traditional sexist ways other female politicians have been covered. They found Clinton was framed in a predominantly masculine way. While Clinton was not framed as a traditional female, this masculine framing may have backfired. They noted that voters may find female politicians "too aggressive and too masculine, even though those traits also tend to help women in political office compete with their opponents more effectively" (p. 18).

During the same election cycle, Sarah Palin was chosen as a Vice Presidential candidate for Senator John McCain. A study was conducted to determine how Palin was characterized in the media, which helped form the first (and perhaps lasting), impression of her in the general populous. This study is relevant in that Palin was an unknown entity, much like most Supreme Court nominees, and Americans had to rely heavily on the media to gain information and form an opinion of her.

Harp, Loke, and Bachmann (2010) found that Palin was successful in navigating the dicey gender waters that many female politicians are thrown into when being introduced to a national audience. Unlike Clinton, Palin was initially viewed as being untraditionally "tough" without being viewed as harsh. However, the researchers found Palin's unique characteristics of beauty queen and mother offset her "toughness." Harp, Loke, and Bachmann (2010) concluded that women "are accepted as tough only when they can uphold ideal forms of femininity" (p. 304).

Dabbous and Ladley (2010) examined newspaper coverage of the first female Speaker of the House Nancy Pelosi. They found the media did cover the significance of a "first" women speaker, however, the "coverage consistently mitigated the event by regurgitating a number of gender-biased frames traditionally associated with female politicians, thereby reflecting the hyper-masculinized conception of government and public affairs" (p. 182). Similar to the earlier Devitt study, Dabbous and Ladley (2010) attributed coverage not only to the traditional media bias, but also to "the manner in which Pelosi herself chose to gender her transition to Speaker of the House" (p. 182).

Similar to the current study, Reeves (2009) compared editorial coverage in *The New York Times* of the 1984 Vice Presidential candidates and the 2008 Vice Presidential candidates. Specifically, the author analyzed female candidates. Reeves discovered both candidate Ferraro and candidate Palin were covered heavily and were framed in terms of their family and gender. Conversely, the study indicated male vice presidential candidates received little to no coverage at all.

At a time when women continue to break glass ceilings in both the political and business sectors, it is important to continue to analyze both the public relations frames as well as the actual media coverage. In the case of the U.S. Supreme Court, the glass ceiling was broken some time ago. In fact, in 2013 three women sit as Associate Justices on the Court. Supreme Court nominations are still taken relatively seriously, and media cover each with somewhat deeper sobriety than traditional political campaigns. Therefore, the gender bias may indeed be subtle.

### **Methodology**

This study used content analysis to measure frames. Content analysis is a central methodology in communications research aimed at analyzing messages in mass communication (Lombard & Snyder-Duch, 2002).

Lim and Jones conducted a thorough survey of public relations research using framing as a basis of research. From 1990 through 2009, they reviewed the main public relations research journals in addition to ancillary journals that regularly contain public relations research work. They identified 39 studies published that used framing to analyze public relations phenomena (Lim & Jones, 2010).

In their survey, Lim and Jones determined that 95% of the studies conducted focused on the "construction of reality" thesis while the remainder on the individual receiver's cognitive principles. They found nearly 60 % of the time public relations research focused on the comparison of messages to news coverage and general analysis of public relations messaging. They further determined only 10 % of the studies analyzed combined both qualitative and quantitative methods and urged researchers to consider doing so to provide additional layers of analysis (Lim & Jones, 2010).

The current study seeks to answer some of the issues raised by Lim and Jones. First, this study will analyze both the frames of the messages and will compare them to media coverage. However, beyond simple comparison, the current study analyzed the differences between frames and the gender of the nominee. In addition, both qualitative and quantitative analysis will be done to analyze the phenomena. By doing so, the current study provides an additional dimension to the growing body of framing research in the Public Relations field.

### **Data Collection**

Nominees were chosen to reflect the most recent vacancies, which occurred during a relatively condensed timeframe. This

condensed timeframe was helpful in that it will not be compromised by societal shifts in opinion, approach, or attitude. These nominees also provided for both gender and political balance. In addition, full documentation was easily accessible and allowed for full analysis, ensuring greater integrity of the study. The nominees in this study include President George W. Bush nominees John Roberts, Samuel Alito, and Harriet Meyers (nominated but not confirmed); and President Barak Obama nominees Sonia Sotomayor and Elena Kagan.

Sources were chosen to include documents that reflected the most obvious opportunities for the various players to frame the nominees. These documents were written prepared statements and were chosen because each was reflective of the public relations process. Statements in the form of quotes in media accounts were considered later as a measure of success in the framing process.

Because Presidents do not make many formal statements about nominees the universe of all available presidential statements were analyzed including statements, news releases, and radio address transcripts. Supreme Court nominee statements and testimony was included in this category along with Presidential statements as they will, by design, reflect the themes presented by the President. Presidential surrogate statements or press comments were not analyzed separately as these statements were examined through the media coverage.

The written testimony of each Senator who testified as part of the judicial committee's confirmation hearings were included. Any Congressman who testified was included as Interested Parties as that is the proper role in these proceedings. The Senate alone is charged with giving advice and consent for judicial appointments. Relevant statements, quotes, etc. by Senators and Congressman were assumed to be caught in the media coverage and therefore not analyzed separately. It was impractical to attempt to gather all formal and informal statements made by members of the Senate on each candidate. The statements made at the confirmation hearings should contain all intentional frames for each nominee and serve as the truest reflection of congressional intention.

Formal written testimony given during Senate confirmation hearings by Interest Groups and Interested Parties were analyzed. As is the case for members of the Senate, it was impractical to collect all statements made by every interest group in support or opposition to each nominee. Therefore, the assumption was made that formal Senate testimony would reflect all intentional frames.

*The Washington Post* and *The New York Times* were chosen as barometer news outlets. Both cover the federal government extensively and have dedicated staff to cover beats including the judiciary. In this study, all articles discovered via LexisNexis were considered. The search criteria included the nominee's name and Supreme Court and the dates from the announcement

of the nominee from the President through their confirmation and swearing in (if applicable).

Articles were scanned to determine if they were materially about the nominee and/or the nomination. If the nominee was simply mentioned in an article about another topic, those articles were not included. Letters to the Editor were not included, but columns and editorials were included. The rationale for excluding letters and including columns and editorials, was that the primary audience studied was the media, not the public directly.

### **Data Analysis**

To avert common reliability problems associated with content analysis, data was analyzed using the Diction software. Diction is a computer-aided content analysis program. Diction was developed by communication and journalism scholars, however the program has been used in a variety of disciplines. It serves as a viable standard against which to measure the frames associated with this study.

Bligh, Kohles, and Meindl (2004) used Diction software to content analyze the language of leadership using the speeches of President George W. Bush pre-and post-9/11. While highlighting content analysis as a viable research methodology in the field of organizational leadership, the authors further tested the reliability and validity of computerized content analysis versus the traditional method of human coding (Bligh, Kohles, & Meindl, 2004). The study concluded:

...content analysis is highly systematic and reliable, making it ideal for uncovering aspects of language that even the trained human eye might not readily perceive. For this reason, dictionary-based content analysis is likely to be particularly appropriate in situations in which human coders may fail to notice or may give undue weight to certain constructs on the basis of perceptual errors and previously developed schemas. (p. 564)

In the current study, newspaper articles were analyzed using the Journalism normative profile and specifically the Political Reporting analysis. All other "statements" were analyzed using the Politics normative profile and specifically the Public Policy Speeches analysis. Each story, statement, testimony, etc. was examined through Diction, and analyzed. Data was then exported into Excel for further analysis and aggregation. Diction reports all results that fall out of the "normal" range for each normative profile. Within each profile, Diction measured the following frames: Certainty, Tenacity, Leveling, Collectives, Insistence, Numerical Terms, Ambivalence, Self-Reference, Variety, Optimism, Praise, Satisfaction, Inspiration, Blame, Hardship, Denial, Activity, Aggression, Accomplishment, Communication, Motion, Cognitive Terms, Passivity, Embellishment, Realism, Familiarity, Spatial Awareness, Temporal Awareness, Present Concern, Human Interest, Concreteness, Past Concern, Complexity, Commonality,

Centrality, Cooperation, Rapport, Diversity, Exclusion, and Liberation.

The results found to be either *Out of Range High* or *Out of Range Low*, meaning the results are higher or lower than expected for that profile, were counted and analyzed. Results will be considered if they rank in the top 15 % of themes covered. This measurement isolated the top frames covered to answer the hypotheses in the current study. Results were aggregated by gender and category (Senate Testimony, Presidential Statements, etc.). Results were then compared to determine the success and/or prevalence of dominant frames.

### Operational Definitions

**Cognition.** Includes “words referring to cerebral processes, both functional and imaginative” (Digitext, 2000, para. 15).

**Human Interest.** Includes descriptions that “concentrate on people and their activities gives discourse a life-like quality. Included are standard personal pronouns (*he, his, ourselves, them*), family members and relations (cousin, wife, grandchild, uncle), and generic terms (friend, baby, human, persons)” (Digitext, 2000, para. 22).

**Optimism.** Includes language endorsing some person, group, concept or event, or highlighting their positive entailments (Digitext, 2000, para. 34).

**Praise.** Includes “affirmations of some person, group, or abstract entity.” Terms included in this frame describe “important social qualities (*dear, delightful, witty*), physical qualities (*mighty, handsome, beautiful*), intellectual qualities (*shrewd, bright, vigilant, reasonable*), entrepreneurial qualities (*successful, conscientious, renowned*), and moral qualities (*faithful, good, noble*) (Digitext, 2000, para. 5).

**Rapport.** As defined by Diction, this frame describes attitudinal similarities among groups of people. Included are terms of affinity (congenial, camaraderie, companion), assent (approve, vouched, warrants), deference (tolerant, willing, permission), and id entity (equivalent, resemble, consensus) (Digitext, 2000, p. 29).

**Satisfaction.** Satisfaction is defined as “terms associated with positive affective states (*cheerful, passionate, happiness*), with moments of undiminished joy (*thanks, smile, welcome*) and pleasurable diversion (*excited, fun, lucky*), or with moments of triumph (*celebrating, pride, auspicious*). Also included are words of nurturance: *healing, encourage, secure, relieved*” (Digitext, 2000, p. 6).

**Variety.** Variety is measured in Diction using Wendell Johnson’s (1946) Type-Token Ratio, which divides the number of different words in a passage by the passage’s total words. According to Diction developers, “a high score indicates a

speaker’s avoidance of overstatement and a preference for precise, molecular statements” (Digitext, 2000, p. 8).

### Hypotheses

H1: Given the President’s place as the leader in the framing hierarchy, his frames for each nominee will be prominently reflected in the news coverage.

H2: Given the President’s place as the leader in the framing hierarchy, his frames will be prominently reflected in testimony by both Senators and interested parties.

H3: Given the President’s place as the leader in the framing hierarchy, female candidates will be framed stereotypically regardless of perceived equality. Specifically the president will emphasize frames highlighting the personal side of the nominee such as temperament, family, appearance, and personal attributes.

### Results

**H1: Given the President’s place as the leader in the framing hierarchy, news coverage will reflect his frames.**

The President’s frames, as predicted, were reflected in the top 15 % of the media coverage. However, not all Presidential frames were reflected in the news media. The key frames the President used to influence public opinion were Cognition, Optimism and Praise.

### Cognition

When nominating anyone to the highest court in the country, a President would want to make sure they frame their nominee as having high intellectual capacity. In the cases studied this supposition was found to be true.

An example of the President’s frame of high cognition is found in the nomination of Justice Sotomayor. President Obama stated:

While there are many qualities that I admire in judges across the spectrum of judicial philosophy, and that I seek in my own nominee, there are few that stand out that I just want to mention. First and foremost is a rigorous intellect -- a mastery of the law, an ability to hone in on the key issues and provide clear answers to complex legal questions. Second is a recognition of the limits of the judicial role, an understanding that a judge’s job is to interpret, not make, law; to approach decisions without any particular ideology or agenda, but rather a commitment to impartial justice; a respect for precedent and a determination to faithfully apply the law to the facts at hand. (Obama, Remarks by the President in Nomination of Judge Sonia Sotomayor to the United States Supreme Court, 2009, para. 3)

This frame was reflected in the *The New York Times*, which noted:

“The president, as he did in nearly all of his public appearances last week, hailed the biography of Judge

Sotomayor. He called her path from the South Bronx to the federal bench 'a journey defined by hard work, fierce intelligence and the enduring faith that in America all things are possible' (Zeleny, 2009, p. 20)

President Bush characterized Judge Alito's high cognition in several different ways. He portrayed Alito as: "a man of character and intelligence;" having "legal brilliance;" "scholarly;" and as gaining "respect of his colleagues and attorneys for his brilliance" (Bush, 2005, para. 2). This characterization was reflected in both the *The Washington Post* and the *The New York Times*. For example in a *Washington Post* column Alito was noted as "a nominee who has a 15 year judicial track record and an intellectual capacity they (Democrats) don't dispute" (Hinderaker & Mirengoff 2005, p. B03). And, in a *New York Times* article, Alito was remembered by colleagues for his "his superior research powers, his probing brain, his wrestling with the questions and his disinclination to see any issue as a slam dunk," (para. 3) and "as disinclined toward small talk but brilliant in debate" (Scott, 2005, para. 9).

### **Praise**

With respect to high praise as a Presidential frame, President Bush's nomination of Justice John Roberts provides a strong example. In the statement announcing his choice of Roberts, Bush (2005) stated:

Before he was a respected judge, he was known as one of the most distinguished and talented attorneys in America. John Roberts has devoted his entire professional life to the cause of justice and is widely admired for his intellect, his sound judgment, and personal decency. (para. 4)

The frame is reflected in *The WashingtonPost's* reference to Justice Robert's qualities:

Roberts became known for his astute political judgments in the Reagan administration and his cordial personal relations with many liberal attorneys during his years as a Supreme Court advocate. In a role in which he will have few means of forging majorities other than persuasion and tact, that could make Roberts an effective force for conservatism on the court. 'A committed conservative with interpersonal skills equal to or superior to Rehnquist's would be a far more effective chief justice than a nominee of equal intellect who lacks those graces,' said David J. Garrow, a professor of law at Emory University (Lane, 2005, para. 3-4)

President Obama used praise in good measure to describe Justice Sotomayor. President Obama introduced Judge Sotomayor saying, "Over a distinguished career that spans three decades, Judge Sotomayor has worked at almost every level of our judicial system, providing her with a depth of experience and a breadth of perspective that will be invaluable as a Supreme Court justice." (Obama 2009, para.7) He further praised her declaring:

Along the way she's faced down barriers, overcome the odds, lived out the American

Dream that brought her parents here so long ago. And even as she has accomplished so much in her life, she has never forgotten where she began, never lost touch with the community that supported her. What Sonia will bring to the Court, then, is not only the knowledge and experience acquired over a course of a brilliant legal career, but the wisdom accumulated from an inspiring life's journey. (para. 17)

*The Washington Post* followed the President's praise frame noting:

...the 55-year-old appeals court judge, who is to begin her confirmation hearing tomorrow before the Senate Judiciary Committee, would bring to the court a sensibility shaped by a set of experiences -- and an immense network of people -- far more eclectic than those of most sitting justices. (Goldstein, 2009, para. 5)

*The New York Times* also adopted the frame saying:

Sonia Sotomayor, who would be the Supreme Court's first Hispanic justice, brings to the confirmation experience the kind of rich personal story that has always been deeply gratifying to Americans, the journey from humble beginnings to a respected position of great influence. As she was presented by President Obama at the White House on Tuesday morning, she referred to herself as 'a kid from the Bronx...But it was Mr. Obama who provided many details of her history as a child of a city housing project who lost her father at an early age and saw her mother work two jobs to put her and her brother through professional schools. Mr. Obama said that he had wanted to select a person who had 'a common touch and a sense of compassion.' (Lewis, 2009, para. 1-3)

### **Optimism**

President Bush used his weekly radio address to the nation to discuss his nomination of Judge Samuel Alito. In this address, he expressed strong optimism as defined in this study declaring:

The United States Senate will now exercise its constitutional responsibility to advise and consent on Judge Alito's nomination. The process is off to a good start. Since I announced his nomination, Judge Alito has met with many senators, and they are learning more about his great character, accomplishments, and ability. Our nation is fortunate to have a man of Judge Alito's intellect and integrity willing to serve. I look forward to the Senate voting to confirm Judge Alito as the 110th Justice of the Supreme Court of the United States. (Bush, 2005, para. 7)

The President's frame of optimism for Judge Alito was reflected in *The Washington Post* when columnist David Broder proclaimed:

Whatever slim chance the Democrats had of defeating his nomination -- and it was never really plausible -- disappeared on the second day of questioning, when the liberals focused on Alito's membership in that controversial Princeton University alumni organization and on his failing to recuse himself in a case involving the Vanguard investment firm. By shifting the focus from his judicial philosophy to his character, the Democrats set up Alito to play to his strength. (Broder, 2006, para. 6-7)

Bush nominee Harriet Miers, who withdrew from the nomination after it became clear that she was opposed by members of the President's own party, provided a valuable contribution the current study. Her failed candidacy was included to provide political balance to the female nominees. This balance was necessary to reduce political bias as a potential reason for stereotypical framing as defined in Hypothesis 3.

Overall this hypothesis was partially supported. While several of the President's top themes were reflected, others were rejected indicating an influence on the news but not a direct effect on the coverage of the nominees.

***H2: Given the President's place as the leader in the framing hierarchy, his frames will be prominently reflected in the testimony of Senators and interested parties.***

The President's frames for both females and males were reflected in part in both Senate and interested party testimony. However, framing success was more pronounced for females than males. Both the Senate and interested parties reflected the themes for females of high optimism, low tenacity, high variety, low accomplishment, high cognition, and low certainty. Interested parties also reflected the President's high variety theme.

For male nominees, the President's frames were reflected in only one measure, Cognition, for both the Senate and the Interested Parties. The frames of high variety and low tenacity were also seen but only within the testimony of interested parties.

These findings offer a mixed conclusion. Both male and female nominees are characterized with high variety within the testimony of interested parties. This frame may reflect the nature of interested party testimony, more than an actual reflection of a presidential frame. Interested parties by their nature are concerned with a few specific issues and therefore adjust their testimony to judge the candidate's stance and/or record on those specific issues. This factor may be cloud the results in the current study.

For example, Dr. Charmaine Yoest, President and CEO of Americans United for Life, the oldest national pro-life public-

interest law and policy nonprofit organization, testified against Justice Kagan and reserved the majority of her comments about Kagan's philosophy on pro-life issues. Her opening statement noted, "based on our research, we believe that Solicitor General Kagan will be an agenda-driven judge on the Court, and that she will strongly oppose even the most widely-accepted protections for unborn human life" (Yoest, 2010, para. 2).

In addition, both males and females were characterized with low tenacity. While males were characterized this way only within interested party testimony, this measurement was true for females in both Senate and interested party testimony. This may reflect a willingness on the part of Senators to follow the President's lead in framing female nominees, but rejecting those frames for the males.

**Rapport**

The Senate had a high rapport ranking. This may indicate a higher comfort level with the male nominees over the females. For example, Senator Dick Lugar commented:

Judge Roberts' path would lead first to Harvard, and then to serving his fellow citizens in numerous important posts in our Nation's Capital. But as one friend remarked when his nomination was first announced, "If you ask John where he's from, he says Indiana." One of my friends, a native Hoosier who worked alongside him in the Reagan White House

Counsel's Office, also testifies to Judge Roberts' open appreciation of and pride in his Indiana roots. I know Committee members will understand my observing that our State takes a certain pride of its own in his nomination by the President to lead our Nation's highest court. (Lugar, 2005, para. 3)

Another example is found in the testimony of Senator Mike DeWine during Justice Robert's confirmation hearings:

While preparing for this hearing, I came across a statement from a sitting federal judge that neatly sums up this philosophy. Deciding cases, this Judge said, 'requires an essential humility grounded in the properly limited role of an undemocratic judiciary in a democratic republic, a humility reflected in doctrines of deference to legislative policy judgments and embodied in the often misunderstood term 'judicial restraint.' Judge Roberts, those words are yours. And, in my opinion, they are very wise words indeed. You have the talent, experience, and humility to be an outstanding member of the Supreme Court. And, I expect that these hearings will show that you have the appropriate philosophy to lead our Nation into the future as the 17th Chief Justice of the United States. (DeWine, 2005, para. 23)

**Optimism**

The President claimed optimism as the leading frame for both males and females. However, this frame was only reflected in Senate testimony and through testimony of interested parties for females. Again, a mixed result showed Senators and Interested Parties followed the President's lead for females but rejected this frame for males signaling less confidence in the confirmation of the male nominees.

As an example of the President's optimism, Republican Senator Sheldon Whitehouse declared in his testimony regarding Justice Kagan:

I think it's fair to say that some of my Republican colleagues aren't so favorably disposed to your nomination. We've already heard a lot about their concerns. But let's not lose the big picture here. You are the Solicitor General of the United States – the lawyer for the United States before the Supreme Court – and the former Dean of Harvard Law School – a school to which I suspect every one of us on this Committee would be proud to have our children attend. Your nomination to the Supreme Court has to be among the least surprising ever made. And I don't want to take any suspense out of these proceedings, but things are looking good for your confirmation. (Whitehouse, 2010, para. 2)

Marcia Greenberger, Co-President, National Women's Law Center, testified in support of Justice Kagan, concluding:

With the confirmation of Solicitor General Kagan to the Supreme Court, this country rightfully continues on the road to doing better. Our country's history is a history of barriers being broken, of remarkable individuals being the first, to be followed by seconds and thirds, and finally of reaching a point where the additions are no longer of note. It is in keeping with the proud tradition of this country to have such an accomplished woman as Elena Kagan confirmed to join the two other distinguished women currently on the Supreme Court. (Greenberger, 2010, para. 16)

The Presidential frame of high cognition, was found to be a leading frame for male candidates in testimony of both Senators and interested parties. An example of this includes testimony from former New Jersey Governor Christine Todd Whitman in her support of Justice Alito. Governor Whitman noted:

Sam Alito has been a model as a Federal Appeals Court Judge. He has shown that he has the intellect, the experience and the temperament to serve with true distinction. I have every confidence he will be a balanced, fair and thoughtful Justice. I urge this Committee to favorably report his nomination to the U.S. Senate. (Whitman, 2006, para. 12)

Senator Ted Kennedy's testimony during Justice Roberts' confirmation hearings reflected a high cognition frame. Kennedy

stated, "Judge Roberts you are an intelligent, well-educated and serious man. You have vast legal experience and you are considered to be one of the finest legal advocates in America. These qualities are surely important qualifications for a potential Supreme Court Justice" (Kennedy, 2005, para.19).

Given these factors, the second hypothesis was partially supported. However, additional research should be conducted to more clearly answer this question and better understand the inter-player agenda-setting that may exist among the participants within the nomination process.

**H3: Given the President's place as the leader in the framing hierarchy, female candidates will be framed stereotypically regardless of perceived equality. Specifically the president will emphasize frames highlighting the personal side of the nominee such as temperament, family, appearance, and personal attributes.**

Within Diction's normative profiles, the frames of praise, satisfaction, and human interest most closely represent what the literature has deemed as more stereotypical for females. Following that assumption, Hypothesis 3 was partially supported. Praise was reflected higher and more often for females than males but was not exclusively female. For instance, *The Washington Post's* coverage also included the frame of praise in the top 15 % for males. Presidential statements included the frame of satisfaction for both females and males, although stronger for females. However, the newspapers did not adopt this frame in their coverage. And, human interest was not featured in the top 15 % for females or males in either the President's statements or in media coverage.

### **Praise**

A relevant example of the President using praise to frame a nominee is found in President Obama's characterization of Justice Elena Kagan. In his introduction of Kagan as a nominee, the President said:

Elena is respected and admired not just for her intellect and record of achievement, but also for her temperament -- her openness to a broad array of viewpoints; her habit, to borrow a phrase from Justice Stevens, 'of understanding before disagreeing'; her fair-mindedness and skill as a consensus-builder. These traits were particularly evident during her tenure as dean. At a time when many believed that the Harvard faculty had gotten a little one-sided in its viewpoint, she sought to recruit prominent conservative scholars and spur a healthy debate on campus. And she encouraged students from all backgrounds to respectfully exchange ideas and seek common ground -- because she believes, as I do, that exposure to a broad array of perspectives is the foundation not just for a sound legal education, but of a successful life in the law. (Obama, 2010, para. 6)

Another example was found in *The Washington Post* coverage of the nomination of Harriet Miers. *The Washington Post* noted:

Harriet was blond, pretty and athletic -- she captained the tennis team as a senior, and was voted "best all around in sports" -- but she was known as more serious than social. While the cool girls wore bouffant hairdos, she wore a long braid wound modestly around her head. And she was one of the few students outside the in crowd elected to class offices. 'Harriet? was popular, but popular in a certain way -- very efficient, very dependable, and as sweet as anybody in our class,' said Denny Holman, a Dallas real estate developer who was president of the senior class of 1963 while Miers was treasurer. (Grunwald, 2005, para. 12)

*The New York Times* also featured the praise frame in its coverage of Justice Sonia Sotomayor. In an article titled, "The Empathy Issue," David Brooks asserts:

The crucial question in evaluating a potential Supreme Court justice, therefore, is not whether she relies on empathy or emotion, but how she does so. First, can she process multiple streams of emotion? Reason is weak and emotions are strong, but emotions can be balanced off each other. Sonia Sotomayor will be a good justice if she can empathize with the many types of people and actions involved in a case, but a bad justice if she can only empathize with one type, one ethnic group or one social class. (Brooks, 2009, para. 10)

In a Washington Post column regarding Justice Kagan's preparation for her confirmation, Alexandra Petri noted:

It's that day every little girl dreams of. It will mark the beginning of a new life as part of something bigger than herself. Centuries of tradition have determined what she'll wear, what she'll say. Some have objected, but they'll hold their peace on the Big Day. Forget Chelsea's wedding! I'm talking about Elena Kagan's confirmation as a Supreme Court justice. (Petri, 2010, p. A13)

When applied to male nominees, the praise frame is used differently. For example, in a column about the nomination of Justice Roberts, *Washington Post* writer Robin Givhan noted:

There they were -- John, Jane, Josie and Jack -- standing with the president and before the entire country. The nominee was in a sober suit with the expected white shirt and red tie. His wife and children stood before the cameras, groomed and glossy in pastel hues -- like a trio of Easter eggs, a handful of Jelly Bellies, three little Necco wafers. (Givhan, 2005, para. 2)

This commentary focused more on the nominee's wife and children and their "image" over Justice Robert's personal attributes or image. In another example, *The New York Times*

published a story on Justice Alito titled, "Alito Team Says He Lacks Polish, But Grit Is a Plus." This article noted:

...two of Judge Alito's supporters who participated in the murder boards, speaking about the confidential sessions on condition of anonymity for fear of White House reprisals, said they emerged convinced that his demeanor was a political asset because it gave him an Everyman appeal. 'He will have a couple hairs out of place,' one participant said. 'I am not sure his glasses fit his facial features. He might not wear the right color tie. He won't be tanned. He will look like he is from New Jersey, because he is. That is a very useful look, because it is a natural look. He's able to go toe-to-toe with senators, and at the same time he could be your son's Little League coach.' (Kirkpatrick, 2006, para. 5-6)

This reference is more closely related to that of the females however, it is twisted to "spin" his lack of physical appeal as an advantage.

### Discussion

One goal of this study was to determine how successful Presidents are in gaining adoption of their frames of Supreme Court nominees by the news media and in testimony of Senators and other interested parties. For practitioners, understanding if, and how, public relations frames are adopted by the media is an important concept. Equally as important is discovering who, beyond the media, those frames may influence. In the field of political public relations, this knowledge can help make the difference in the success of political appointment or election to high office.

While not conclusive, the study found some key frames offered by Presidents were reflected in the newspaper coverage of the nominees studied. While it is easy and obvious to determine success by whether direct quotes from Presidents are used, the success of reproducing underlying frames within news stories is a deeper, more meaningful discovery. Understanding the nature of the frames, and the potential for their adoption by target audiences can assist a practitioner in better framing their issue or candidate.

The President's top frames were reflected in news coverage, but not entirely. This may be because the news media has its own agenda and has already established set of frames with which it uses to cover nominations. For example, a great deal of coverage was spent analyzing strategies of various players highlighting process itself. The President was able to influence, but not dictate the coverage frames. This is particularly relevant for a nominee not well known to the media or to the public. By associating successful frames with a little known nominee at the outset, may indeed hold the key to the overall success of the nomination.

The effect of the President's frames on others such as members of the Senate and other interested parties was partially supported.

The results show the President's influence was stronger for females than males. While the reason is not entirely clear, one possible explanation may be that members of the Senate did not know the female nominees as well as the males. I draw this conclusion based in part on the high rapport measured in the Senate testimony for males.

Another potential explanation may be the public record of the male nominees was more extensive, resulting in more information to discuss rather than focusing on personal attributes for male nominees. Further research into these dynamics would be worthy of study. By delving deeper, those practitioners engaged in the political and governmental practice of public relations may find more guidance and subsequent success.

In addition to determining the success of presidential frames, the material was analyzed to determine if Presidents would frame female nominees stereotypically. The research partially upheld this hypothesis. The Presidents offered stereotypical frames about the female nominees to target audiences, and both *The Washington Post* and *The New York Times* covered females with an emphasis on traditionally gendered frames. This finding differs from other studies that focus on and assign blame to the media for stereotypical coverage. In fact, this study should sound a warning to public relations practitioners to be cautious and sensitive to stereotypes when developing frames for female leaders.

As women leaders continue to gain critical mass in politics and public office, those who represent them as public relations practitioners, bear responsibility to offer frames respectfully reflective of their leadership, and less focused on personal matters of little consequence to their achievement.

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