

A Social Media Platform Model of Supreme Court News

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Abstract

An economic model of news contends that the pressures of limited column space and market competition force media actors to be strategic concerning which notable events receive exhaustive coverage, if any at all. Applying this framework to the Supreme Court can explain why coverage of the Justices' decision-making has historically been sensationalized and reserved for decisions sure to have a pronounced effect on public discourse. However, the emergence of social media as a practical alternative for mass media dissemination raises notable questions, chief among them being whether the economic framework fully extends to this newer medium. In this study, I analyze media coverage of the Court's decisions using Twitter and observe important distinctions among environments for news dissemination. I argue that the apparent reduction in the economic costs associated with coverage dissemination and consumption on social media platforms like Twitter requires viewing Supreme Court news in these environments through an amended theoretical framework.

Keywords

supreme court, media, social media

Introduction

Decisions by the United States Supreme Court represent an interesting dichotomy. Cases reviewed by the Court have the potential to influence numerous subsets of American law, though the degree of public notoriety they will garner varies considerably. Some become an everlasting presence in public discourse while others are ultimately relegated to obscurity. Given the disconnect between the public and the Court, the masses rely on popular media to provide coverage of decisions as a prerequisite for public awareness. Indeed, an exhaustive literature exists that draws on the intersections between the Court's salient decision-making, media behaviors, and public awareness or recall (e.g., [Brenner and Arrington 2002](#); [Clark, Lax, and Rice 2015](#); [Collins and Cooper 2012](#); [Epstein and Segal 2000](#); [LaRowe and Hoekstra 2014](#); [Sill, Metzgar, and Rouse 2013](#); [Strother 2017](#)).

However, many of these studies are restricted to analyses of media heavyweights and observe sporadic or over-sensationalized trends of covering the Court. Central to this dynamic is recognizing that media actors often navigate within the constraints of an economic framework ([Hamilton 2004](#); [McManus 1988](#); [Vining and Marcin 2014](#)). In this environment, financial and other market forces coexist with oversight restrictions to elicit strategic

behaviors among media actors in deciding whether and how to provide coverage of notable events. Appending the elements of this framework to the Supreme Court can explain why coverage of the Justices' decisions are often limited to those sure to have some pronounced effect on public discourse ([Graber 2002](#); [Strother 2017](#)). Yet, advances in technology have facilitated the development of new media alternatives. This development is of particular interest, insofar as platforms like social media networks provide an unlimited stream of content for their users and have become increasingly useful tools for news dissemination and consumption. As such, while traditional news mediums are forced to navigate market competition and other restrictions, social media can potentially alleviate many of these constraints. If so, these platforms might provide an avenue for covering the Court's decision-making in greater volumes and across a broader variety

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of decisions that would otherwise be relegated to obscurity.

I develop and test an amended economic framework for understanding coverage of the Court's decisions in social media environments like Twitter.¹ To accomplish this, I employ a voluminous dataset of more than 80 media actors and institutions representing a broad ideological demographic and varying degrees of institutional prestige to analyze broader trends in media behaviors toward coverage of the Court's decision-making between the 2018 and 2021 terms. This approach represents a framework to illustrate the theoretical distinctions between the conditions that frame the economic model in other forms of media from those that frame the dynamic on social media.

I begin by introducing the core tenets of the economic model as they have been identified for print and (more recently) digital media coverage—both generally and as it directly pertains to the Supreme Court (Hamilton 2004; McManus 1988; Vining and Marcin 2014), after which I provide a discussion that highlights why an amended set of theoretical conditions are needed to better understand the dynamic on social media platforms like Twitter. I subsequently conduct a descriptive analysis using coverage of the Court's decisions between the 2018 and 2021 terms (October 2018 to July 2022) to highlight the significant volumes of coverage disseminated on social media. I then tailor my analysis to provide both descriptive and quantitative analyses using a collection of prominent media outlets to analyze the variation in coverage across alternative mediums (i.e., print and digital) and social media platforms.² I conclude by noting that without the need to reconcile with the constraints outlined in the economic model framework (Hamilton 2004; McManus 1988; Vining and Marcin 2014), indisputable case salience no longer serves as a necessary condition for providing coverage.

An Economic Model of Supreme Court News

An analysis of contemporary trends reveals that the Court is likely to grant review to approximately one percent of the total petitions it receives in any given year. Even then, while each granted petition bears a degree of importance to some sector of the legal community, not every case will find its way into the public discourse. That is, while every case relays some form of *legal salience*, insofar as it purports to provide some influence on the “development of the law” (Bailey, Kamoie, and Maltzman 2005, p. 79),³ most of the Justices' decision-making fails to provide definitive *political salience*, whereby the public is intuitively drawn to some profound social or political

implications of the case itself. With this dramatic imbalance in relative salience, it is perhaps unsurprising that “Of the three branches..., only the judiciary [is] sparsely covered” by popular media (Graber 2002, p. 310). In many respects, cases primed to exhibit strong recall with the public are often restricted to those associated with mass appeal, a condition which social scientists generally attribute to the latent salience underpinning the issues at stake in the Court's review. Indeed, prior literature has engaged in exhaustive attempts to unravel the cues that represent latent case salience (Brenner and Arrington 2002; Clark, Lax, and Rice 2015; Collins and Cooper 2012; Epstein and Segal 2000; LaRowe and Hoekstra 2014; Sill, Metzgar, and Rouse 2013; Strother 2017). Consensus among these studies reveal how cases considering substantive social or political issues can often be used to explain the separation in public recall among prominent cases like *Roe v. Wade* (1973) from those whose importance might only be reserved to a niched legal community. However, it could be argued that the dynamic linking a case to its recall in the public discourse is not as simple as the existence of latent salience. Rather, the public's knowledge of the Court—like most political institutions—stems in large part from the dissemination of information, perspectives, and other critical analysis by popular media (Zaller 1992).

Prior literature has routinely observed the importance of media outlets as agenda setters and gatekeepers of political information (Graber 2002; McCombs and Valenzuela 2020; Shoemaker 1991), and these considerations are perhaps even more pronounced as it relates to the Supreme Court. They often find that the means by which media actors chose to frame the Justices' decisions exhibit significant influence on the public's specific and diffuse support regimes (Linos and Twist 2016; Spill and Oxley 2003). For example, Baird and Gangl (2006) found that members of the public are more likely to respond negatively to reports of a politicized Court. This is troubling given how media outlets and political elites have historically been known to sensationalize the Court's decisions by highlighting ideological divisions in attempts to spur attentiveness and readership (Hitt and Searles 2018; Krewson, Lassen, and Owens 2018; Zilis 2015).⁴ Given this, it bears to question why the public is so reliant on media actors to serve as intermediaries between them and the Court.

For one, the substantive legal knowledge of any individual might be insufficient to fully comprehend the Court's decisions, either legally or substantively. As a result, media actors serve to translate complex or eccentric legal language into consumable dictations for a lay audience. Second, the reluctance of the Court to engage with the public often means that much of its decision-making is not relayed to the public without some intermediary force

bringing it to attention. Unlike members of the elected branches, the Justices lack an incentive to pursue Mayhewian (2004) goals that bolster an incumbency advantage for future electoral endeavors. Barring appearances on the lecture circuit or authoring books and memoirs, the fullest extent of any advertising efforts will be the publishing of opinions to the public record. As a result, the dissemination of Supreme Court news hinges on media actors to both bring attention to the Court's decision-making and translate it into a format that is comprehensible to the average consumer.

With this comes a considerable degree of power and strategic choices. In serving as gatekeepers of Supreme Court news, these actors engage in agenda-setting behaviors that determine which cases might be presented to the public at large, as well as how they will be framed. At their core, "the press...sells news reports, not the events themselves. There is a general tendency to make their product as attractive as possible" (Shoemaker 1991, p. 27). The practical restrictions of column space compel media actors to reconcile their supposed desire to report on the Court with the reality that publishing coverage is plagued by resource scarcity. With this, outlets often restrict their coverage to only those cases with robust degrees of latent salience that would promote readership. Collectively, this dynamic underpins the economic model of Supreme Court news (Vining and Marcin 2014; Vining, Wilhelm, and Collens 2015).

Proponents of the economic model as a general framework for understanding sophisticated media strategies contend that these actors provide coverage of newsworthy events that, by and large, preference attractiveness to a broad audience for the sake of survival in the marketplace (Hamilton 2004; McManus 1988). In effect, it recognizes that media actors face both inter and intra-agency competition. The former is self-evident, insofar as outlets are perpetually competing among themselves for readership, and this pursuit often requires tailoring coverage to stories that attract audiences. Alternatively, the latter contends that journalists themselves compete with their coworkers for a limited volume of column space. This is not to say that the economic model is the only sufficient framework to understand sophisticated media behaviors, but rather that it represents media endeavors as restricted by the practical limitations of the marketplace.

Translating this framework to coverage of the Supreme Court is recognizing that the Justices' decisions are another form of political news. Although the public may be drawn to the daily happenings of the president or other prominent elected officials, the Court's decisions often provide an array of unique features that might repel inclinations to provide similarly exhaustive coverage. Chief among them is the realization that attracting audiences requires cases to relay definitive, often political salience,

which many—if not most—of the Court's decisions fail to achieve. Not every case will contend with a deeply rooted social or political debate that audiences will be drawn to irrespective of the complex legal language and concepts underpinning the decision. The economic model purports that outlets recognize the imbalance of salience associated with the Court's decision-making and routinely choose to reserve coverage—and especially high-profile or exhaustive coverage—to those that display overt political salience.

Social Media as a Platform for Supreme Court News

While the economic model framework is rooted in analyses of strategic media behaviors, especially as it relates to the Supreme Court, it raises an interesting notion. Namely, while the abundance of editorial constraints and oversight restrictions emerging from inter and intra-agency competition are surely an obstacle to providing comprehensive coverage of the Court's decision-making, would media behaviors change if these constraints were alleviated? Indeed, the core elements of economic framework are firmly realized,⁵ but most scholarly works devoted to analyzing coverage of the Court follow similar observation strategies. If anything, recent decades have seen the emergence of literature expanding on the volume of observations, rather than amending the observation strategy itself.

To illustrate, Epstein and Segal (2000) represent the "dominant approach in the extant literature" (Clark, Lax, and Rice 2015, p. 38) by framing latent case salience as whether the decision received front-page coverage in *The New York Times*. Owing to the concerns of a limited observation strategy, Collins and Cooper (2012) built on this earlier approach by considering post-decision coverage at any level by the *Chicago Tribune*, *The Washington Post*, and the *Los Angeles Times*. Clark, Lax, and Rice (2015) subsequently reduced their observations to *The New York Times*, *The Washington Post*, and *The Los Angeles Times*, but employed text automation tools to consider whether coverage was provided at different stages of a case's progression from the granting of certiorari to the releasing of an opinion. More recent works by Strother (2017) and others have likewise built on these approaches and reached similar conclusions concerning the perceptions of political and legal importance as indicative signals of newsworthiness. Nonetheless, these analyses generally follow a similar set of observational strategies curtailed to measure media coverage in its most traditional form—print media—which we can understand is going to be constrained by an economic framework. Yet, it should be recognized that although media

heavyweights like *The New York Times* still serve an important role as agenda setters of the national discourse, they are no longer the sole domineering presence in the media landscape.

Instead, recent years have given way to emerging new media alternatives from the perspectives of both new outlets and new mediums to disseminate coverage. While print media remains the dominant observation strategy for understanding media behaviors toward the Court, new media alternatives like social media provide an increasingly useful alternative. For example, social media platforms like Twitter have asserted themselves as synonymous with contemporary political discourse (Kwak et al. 2010) and the dissemination of political news. Indeed, surveys continue to illustrate an increasing reliance on social media as the primary avenue for obtaining political news.⁶ This development presents a unique opportunity to observe media behaviors toward the Court in a networked environment whose structural limitations are theoretically alleviated in comparison to alternative media environments. However, framing the media environment on platforms like Twitter requires an additional set of considerations.

First, what is the volume and variety of the media's presence on these platforms? Countless media outlets, journalists, commentators, and pundits actively employ these platforms to disseminate political information. Especially as it relates to the Supreme Court, a considerable population of reporters across the ideological spectrum microblog the Court's decision-making in real-time. It is possible that among the first to learn the outcome of any case might be the social media followers of Nina Totenberg at *NPR* or Greg Stohr at *Bloomberg News*, both of whom report on the Court's beat. Even more, their reporting is reinforced by legal commentators and correspondents who provide extended analyses.

A second question emphasizes users themselves by considering why they might follow a media-associated account in pursuit of Supreme Court news. Prior research has noted that a user's perceived opinion leadership or prestige on a social media platform motivates other users to follow them (Park 2013). Being viewed as an insider or expert on such a reclusive institution could facilitate perceptions of prestige and motivate users to follow them for Supreme Court coverage. However, perhaps the most enduring reason why a user might turn to a platform like Twitter for information concerning the Court's decisions may be the result of convenience. Posting to social media often demands clear and concise content. With a restrictive character limit and a limited window to attract readership, media-affiliated accounts are forced to condense complex legal opinions into informative posts that might resemble a headline, rather than a comprehensive analysis. Yet, while a character limit might be an obstacle,

it is not entirely debilitating. Expecting average social media users to comprehend a complex legal analysis is unlikely. However, following an elite media user who covers the Court professionally and can condense difficult legal jargon into a clear and concise format is a convenient alternative.

A final question, and perhaps most important, is discerning how media-affiliated accounts decide what to cover. Through the traditional lens of the economic model (Hamilton 2004; McManus 1988; Vining and Marcin 2014; Vining, Wilhelm, and Collens 2015), choices to cover the Supreme Court often lead to sensationalized reporting and only provide for cases that can facilitate engagement with audiences (Krewson, Lassen, and Owens 2018; Zilis 2015). Considering how Americans are increasingly likely to view the Court and its Justices through a partisan lens (Pew Research Center 2022a, 2022b; Vining and Bitecofer 2023), it is unsurprising that popular media coverage of decisions would be most pronounced when they concern prominent social or political issues. Since print or digital column space is a scarce resource for media outlets, they must be strategic in how they decide to report. If the choice is between reserving column space for a perceptively lackluster Supreme Court decision or another story that might stir public interest, the choice for most media outlets would sensibly fall to the latter. However, given that social media is discernably less resource intensive than alternative mediums, there is reason to believe that social media platforms like Twitter might alleviate some of these concerns. Rather than competing for column space or being restricted by other editorial constraints (Shoemaker 1991), any reporter or commentator can post about the Court's decisions at will.

Taken together, I expect that a descriptive and quantitative examination of posts from media-associated users will reveal that the platform provides a convenient alternative to traditional media reporting that will in turn expand rates of coverage for Supreme Court decisions.

Observing Supreme Court News in a Social Media Landscape

To analyze how media actors employ social media platforms to disseminate Supreme Court news, I rely on posts to Twitter between the 2018 and 2021 terms from a voluminous sample of news outlets, journalists, pundits, and other Supreme Court reporters.⁷ The purpose of measuring different actor types—that is, both outlets and individual reporters—is to expand the demographic variation in the observation pool. Social scientists have demonstrated how prominent media elites often set the agenda for the industry as a whole

(McCombs and Valenzuela 2020; Vining and Marcin 2014). That is, the collection of issues and events that emerge in the national discourse is often introduced by news syndicates with a prominent, nationwide readership (McCombs and Valenzuela 2020). Yet, while these media heavyweights are surely important, they do not fully represent the modern media landscape or capture the degree of ideological or editorial variation that can be achieved through a comprehensive analysis of behaviors on social media platforms.⁸ Rather than strictly analyzing media heavyweights like *The New York Times* or others with established and firm roots in the national discourse, I chose to instead incorporate a sample of 82 outlets, pundits, and other journalists. I provide the distribution of coverage by these outlets in Figure 1, which illustrates both the considerable volume of coverage, as well as consistent intra-term trends in coverage behaviors.

As it pertains to sheer volume, I observed 10,135 posts published to the Twitter platform among the sample of users discussing decisions by the Supreme Court between the 2018 and 2021 terms.⁹ As I will demonstrate in later sections, even among media heavyweights like *The New York Times*, *The Washington Post*, and others, coverage and commentary on Twitter substantially outpaced alternative mediums. These data further reveal longitudinal trends that might be expected with coverage of the Supreme Court. For example, although the releasing of decisions may begin as early as late-November or early-December, it is common for a large contingent to be released after the Justices have concluded their oral argument calendar. Indeed, behaviors on Twitter appear to mirror these expectations, insofar as the volume of tweets reflects consistency in coverage coinciding with the release of all opinions. Furthermore, coverage and

commentary online grew considerably in the latter months of all terms. This is likely a reflection of both the general volume of decisions released by the Court in these months, as well as the greater degree of political salience often associated with these decisions.

Yet, this is not to say that behaviors across mediums are identical. It is important to remember that coverage of the Court's decision-making has historically been viewed as sporadic and often reserved for those sure to provide a profound effect on the national discourse (Hitt and Searles 2018; Krewson, Lassen, and Owens 2018; Zilis 2015). Bearing this in mind, it is perhaps unsurprising that several studies have attributed degrees of social and political salience to cases reflective of their coverage in popular media (Clark, Lax, and Rice 2015; Collins and Cooper 2012; Epstein and Segal 2000; Strother 2017). While the variance exhibited online suggests a preference for greater volumes of coverage being reserved for potential landmarks and lesser notable decisions, critical analyses of the data on social media reveal a great consistency of coverage. This especially appears to include cases that would otherwise not raise to the degree of social or political salience. Across the observation period, media actors averaged approximately 124 posts with a median of 98.¹⁰

Comparing Supreme Court Coverage Dissemination Across Mediums

Recent studies by the Pew Research Center depict a noticeable shift from traditional media behaviors. As of 2020, weekly circulation of major American newspapers has fallen below rates not seen since at least the 1940s.¹¹ Alternatively, visitation rates to these outlets' websites

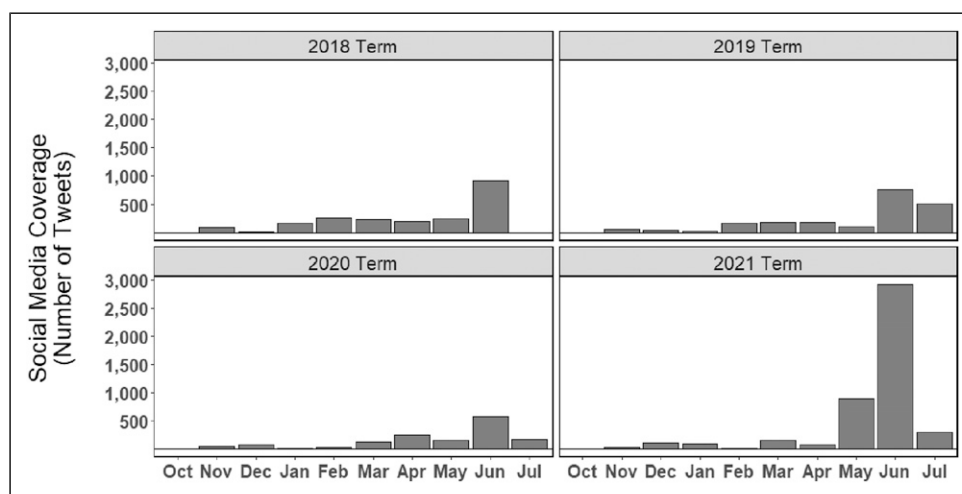


Figure 1. Distribution of coverage on Twitter by Term (2018–2021 terms).

nearly doubled between 2014 and 2020, and younger generations continue to display an increasing reliance on the internet as their primary source of political news.¹² The withering newspaper industry continues to face substantial obstacles to maintaining operations, both at the local and national levels, and these concerns were only exacerbated by the COVID-19 pandemic.¹³ Those that were able to withstand the pandemic were often forced to dramatically curtail their printing operations in favor of digitization, and many local outlets were forced to sell to larger publishing conglomerates.¹⁴

The purpose of illustrating these contemporary trends is to underscore a stark reality. The accumulation of our understandings concerning media behaviors toward the Supreme Court is contingent on a media landscape that has since evolved. Even 10 years ago, deriving inferences about media behaviors toward the Court could be reasonably accomplished through a strict analysis of print media. Today, however, this is no longer an assurance. Outlets continue to face obstacles toward maintaining functionality while recognizing that the operational costs associated with traditional circulation and the changing consumer preferences of their readers are forcing them to adapt. These conditions surely compound the economic model of Supreme Court news as the already-limited volume of physical column space forces media actors to increasingly relegate coverage to those decisions with heightened degrees of political salience. Yet, the previous section demonstrates a considerable degree of media activity on social media platforms like Twitter. Combined with contemporary data that consumers are increasingly focusing their attention online, I expect that *Supreme Court news coverage on social media will significantly outpace print and digital mediums*. Meaning that the total volume of coverage by media actors will be greater on social media than the alternative mediums.

Apart from the sheer volume of coverage, the prior section alluded to a broader scope of cases receiving coverage. Existing theories posit that the sporadic nature of coverage observed in alternative mediums is the result of strategic considerations by media actors and often precludes their ability to cover the full breadth of the Court's decision-making. Instead, the economic framework appears to guide outlets to toward coverage of only those cases sure to have some pronounced effect on public discourse (Graber 2002), which tends to coincide with indicators of latent case salience (Clark, Lax, and Rice 2015; Collins and Cooper 2012; Epstein and Segal 2000; Strother 2017). Yet, the trends observed in the prior section demonstrate a considerable breadth of coverage constituting a far greater range of the Court's decisions than the traditional theories would anticipate. From these trends, I expect that *coverage on social media comprise a greater assortment of the Court's decisions*. The apparent

reduction in economic costs observed in the prior section gives way to the expectation that these major outlets will retain greater freedom to provide extended coverage online. With this, media actors can not only provide more coverage and across a greater array of the Court's docket, but they no longer appear bound to restricting coverage to salient cases most likely to emerge in alternative mediums bound by a strict economic model.

To date, most published studies concerning media coverage of the Court's decision-making has been limited to print coverage (Clark, Lax, and Rice 2015; Collins and Cooper 2012; Epstein and Segal 2000) or, to a diminished extent, digital and broadcast media (Houston, Johnson, and Ringsmuth 2023; Vining and Marcin 2014; Zilis 2015). As a result, much of our contemporary intuition about these media behaviors centers on this diminishing medium. Yet, as Houston, Johnson, and Ringsmuth (2023) demonstrate, media behaviors toward the Court are multifaceted and emerge across several mediums. By employing a similar structure of analysis across forms on media dissemination, I consider how trends in media coverage of the Court's decision-making emerge across print and digital environments versus social media.

To accomplish this comparison across mediums, I again rely on media posts to Twitter between the 2018 and 2021 terms. However, unlike the previous section, I am forced to restrict my observations to a sample of prominent news outlets and Supreme Court reporters that they employ. Given that only a small number of the media population maintain a presence in print, digital, and social media spaces, the purpose of this limitation is to ensure that observations can be sufficiently compared across mediums. Deciding which outlets and reporters to employ was done by considering prior literature. As noted previously, prominent media elites often set the agenda for the industry as a whole. That is, while local news coverage might exhibit greater degrees of editorial discretion, the collection of issues and events that tend to gain broader appeal in the national discourse is often set by news syndicates with a prominent, nationwide appeal (McCombs and Valenzuela 2020).

I chose to build on research by Epstein and Segal (2000), Collins and Cooper (2012), and Clark, Lax, and Rice (2015) by considering coverage provided by *The New York Times*, *The Washington Post*, *The Wall Street Journal*, and *USA Today*, as well as the primary Supreme Court correspondent for each outlet.¹⁵ These data were collected using ProQuest's multi-database advanced search query parameters, which provide information on coverage observed in the outlets' printed circulation, as well as their digital publications. I specifically tasked the search engine with retrieving print and digital coverage published within 48 hours of a Supreme Court decision using variations of the case's identifying parties.

I provide the relative volumes of coverage and commentary for the Court's decisions across each of the respective mediums in Figures 3–4. As expected, there is a distinctive trend of coverage and other commentaries on Twitter outpacing the alternative mediums. In particular, I find that approximately 61% more coverage was posted to Twitter than through their print or digital publications.¹⁶ This not only reflects greater volumes of comparative coverage (see Figure 2), but longitudinal trends demonstrate this expectation across all but 2 months between the 2018 and 2021 terms (Figure 3). Even more, owing to my second hypothesis, I not only find a greater breadth of coverage online during periods when the Court releases opinions, but there are entire months observed where coverage is either only observed through social media, or alternatively the distribution favors social media to such a degree that coverage volumes from the alternative mediums are dwarfed by comparison.

However, these descriptive results raise important questions concerning whether these outlets and reporters are still confined to an economic model of news. First, if media outlets face fewer restrictions to provide coverage on social media, will this in turn produce more coverage of cases that otherwise would not meet the thresholds for print and digital column spaces? Second, even if perceptively unimportant cases receive coverage on these

platforms, is there still a preference to provide more coverage about cases that do exhibit heightened political salience? To analyze this, I develop and estimate a Poisson model that considers how conditions of latent salience mediate the volume of tweets posted by the outlets and reporters.

These conditions include whether the case concerned a salient issue, which I define as those concerning *The First Amendment*, *Civil Rights*, or *Privacy*, as defined by the Spaeth et al. Supreme Court database,¹⁷ as well as whether the Justices were split in the decision.¹⁸ Likewise, to consider whether the presence of politically salient litigants motivates coverage, I incorporated a term denoting whether the case concerned a *Government Party*, which include state and federal executives or department heads in their official capacities, as well as state and federal departments and agencies. Finally, to alleviate concerns about inflated coverage estimates on days where multiple decisions were released,¹⁹ I include a control term that considers the presence of multiple releases on the same day.

I drew on these substantive variables in particular because they would theoretically represent the most sensationalized aspects of the Court's decision-making. Indeed, prior research has noted through different approaches of measuring salience that these case types—for example, *U.C. Regents v. Bakke* (Civil Rights), *Roe*

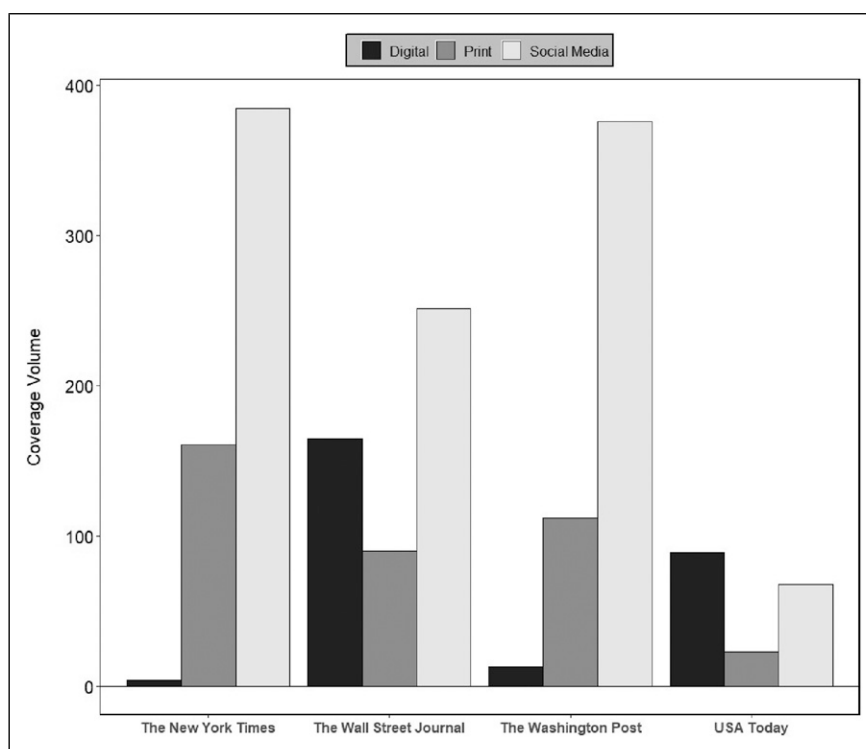


Figure 2. Comparison of Supreme Court coverage by outlet and medium.

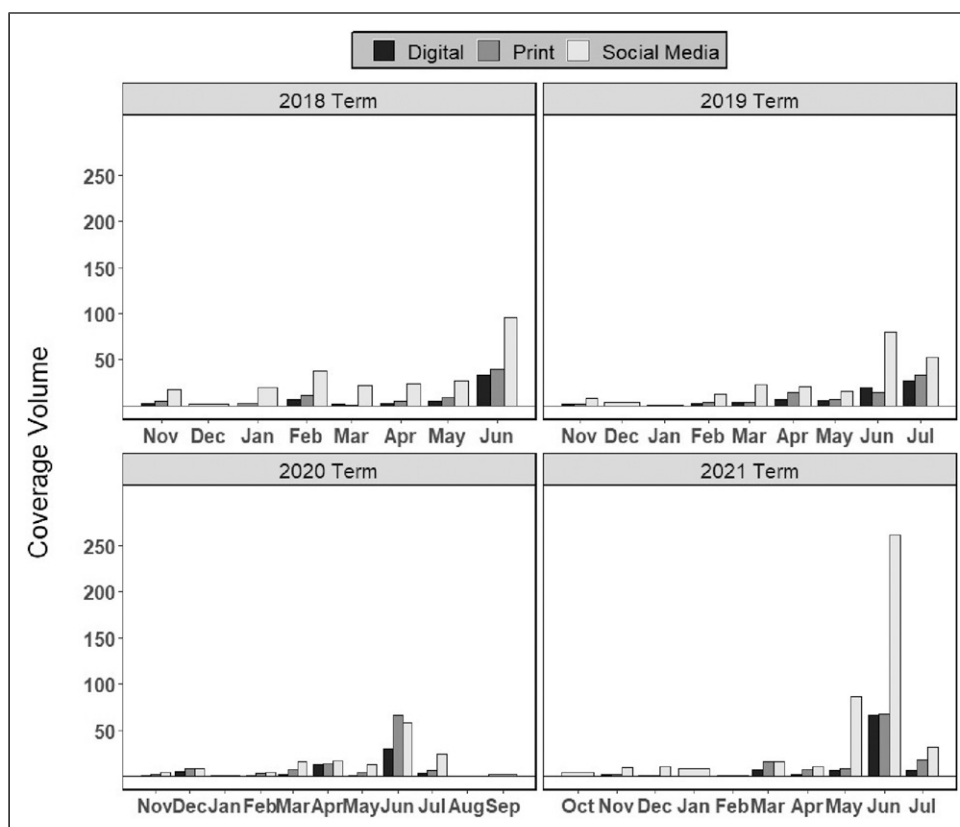


Figure 3. Comparison of Supreme Court coverage by outlet and medium across terms.

v. Wade (Privacy), and *Texas v. Johnson* (First Amendment)—routinely find their way into media headlines and the public discourse (e.g., [Clark, Lax, and Rice 2015](#); [Grosskopf and Mondak 1998](#)). Furthermore, recent cases like *Trump v. Vance* (2020) and *Trump v. Mazars* (2020), which directly included President Donald Trump as a party to the litigation, provide anecdotal evidence that cases concerning prominent political figures often find their way into the national discourse.²⁰ Unraveling the complexity of Supreme Court decisions is often difficult, even for seasoned reporters, so it is understandable why coverage is often found more often in cases that are “relatively easy to grasp and [present] emotionally stirring stor[ies]” ([Graber 2002](#), p. 313). Indeed, if any cases might be expected to receive coverage from popular media, those concerning generational social and political issues or prominent figures would almost surely be among the most likely. Media actors can present a comprehensible foundation for their audiences to grasp these cases, as well as provide an engaging narrative that focuses on the political ramifications and controversies that often emerge.

I provide the results in [Tables 1 and 2](#), where coefficient estimates are disseminated to consider coverage across Twitter and alternative mediums. Both

models employ a dependent variable that measures the volume (count) of media coverage posted to social media or alternatively released via print or to the outlet’s digital website. The first model employs an aggregate approach, whereby variance in the medium used to report coverage is included as a control term, while the second model instead filters the observations to a particular medium.

As it relates to an economic model of news, my results yield two notable inferences. First, estimates across mediums in both models indicate a significantly greater propensity for publishing coverage on social media. Even as the relationship appears negative across individual outlets for social media coverage in [Table 2](#), an illustration of the predicted counts demonstrates that this is perhaps misleading. Coverage on social media is predicted to significantly outpace print coverage, and nearly the same for digital ([Figure 4](#)).²¹ During any given observation period, it can be expected that these prominent outlets will disseminate approximately 46% more coverage and commentary to social media.²²

Second, my results reveal an interesting dichotomy related to the presence of political salience in the Court’s decisions. As noted in the previous section, the sheer volume of coverage posted to social media

Table 1. Saliency Conditions as a Motivator of Supreme Court Reporting (*Poisson Regression*).

Area	Variable	Coef.	S.E.	Sig
Case salience	Government party	0.589	(0.08)	***
	Salient issue area	0.780	(0.05)	***
	Multiple decisions	0.370	(0.06)	***
	Split Court	−0.082	(0.05)	
Coverage medium	Print coverage	−0.473	(0.08)	***
	Social media coverage	0.350	(0.07)	***
Media outlet	<i>The Wall Street Journal</i>	−0.441	(0.06)	***
	<i>The Washington Post</i>	−0.157	(0.06)	*
	<i>USA Today</i>	−0.761	(0.10)	***
	Constant	0.266	(0.12)	*
	(Cragg-Uhler) R ²		0.77	
	AIC		2,910.52	
	BIC		2,951.63	

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$ with Two-Tailed Test.

Observation Periods = 91 (Within 48 Hours of Supreme Court Decision, 2018 to 2021 Terms).

Table 2. Saliency Conditions as a Monitor of Supreme Court Reporting (*Poisson Regression, Disseminated by Coverage Medium*).

Variable	Print			Digital			Social Media		
	Coef.	S.E.	Sig	Coef.	S.E.	Sig.	Coef.	S.E.	Sig
Government party	0.473	(0.18)	**	0.348	(0.24)		0.643	(0.10)	***
Salient issue area	0.610	(0.12)	***	0.659	(0.15)	***	0.903	(0.07)	***
Multiple decisions	0.588	(0.16)	***	0.766	(0.22)	***	0.242	(0.07)	**
Split Court	0.046	(0.10)		−0.040	(0.12)		−0.170	(0.06)	**
WSJ	−0.295	(0.13)	*	0.568	(0.51)		−0.478	(0.08)	***
WAP0	−0.409	(0.12)	**	0.840	(0.57)		−0.084	(0.07)	
<i>USA Today</i>	−0.723	(0.22)	**	0.491	(0.51)		−1.323	(0.20)	***
Constant	−0.175	(0.20)		−0.836	(0.54)		0.616	(0.11)	***
(Cragg-Uhler) R ²		0.43			0.51			0.84	
AIC		621.38			461.89			1800.97	
BIC		645.83			481.89			1827.59	

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$ with Two-Tailed Test.

Observation Periods = 91 (Within 48 Hours of Supreme Court Decision, 2018 to 2021 Terms).

demonstrated how much of the Court's decision-making garners coverage and other commentary. This was especially pertinent among those cases that would otherwise not be expected to receive an abundance of coverage, if any at all. Yet, I find that the presence of salience conditions, insofar as the decisions concern *The First Amendment*, *Civil Rights*, or *Privacy*, produces a significant and positive effect across all outlets. This could reasonably lead us to believe that the importance of salience as a prerequisite of coverage ultimately negates the expectation that social media reduces the burdens of the economic model, insofar as cases will still receive coverage irrespective of their underlying salience. However, an analysis of the predicted counts reveals that this fear is unpronounced. While the presence of salient legal issues might produce

greater rates of coverage similar to the alternative mediums, a reduction in potential salience nonetheless results in effectively the same volume of predicted social media coverage as salient cases in print (Figure 5). In essence, while the absence of political salience reduces predicted coverage, we can anticipate that these cases will nonetheless garner attention on social media at a rate akin to situations of politically salient cases covered in print. This not only supports my final hypothesis but highlights the broader array of cases we might expect to receive coverage in a social media environment like Twitter. Even if case salience is a reliable predictor of expected coverage volumes online, the fact that omitting this indicator does not effectively eliminate the propensity for coverage underscores how social media encourages reporting on

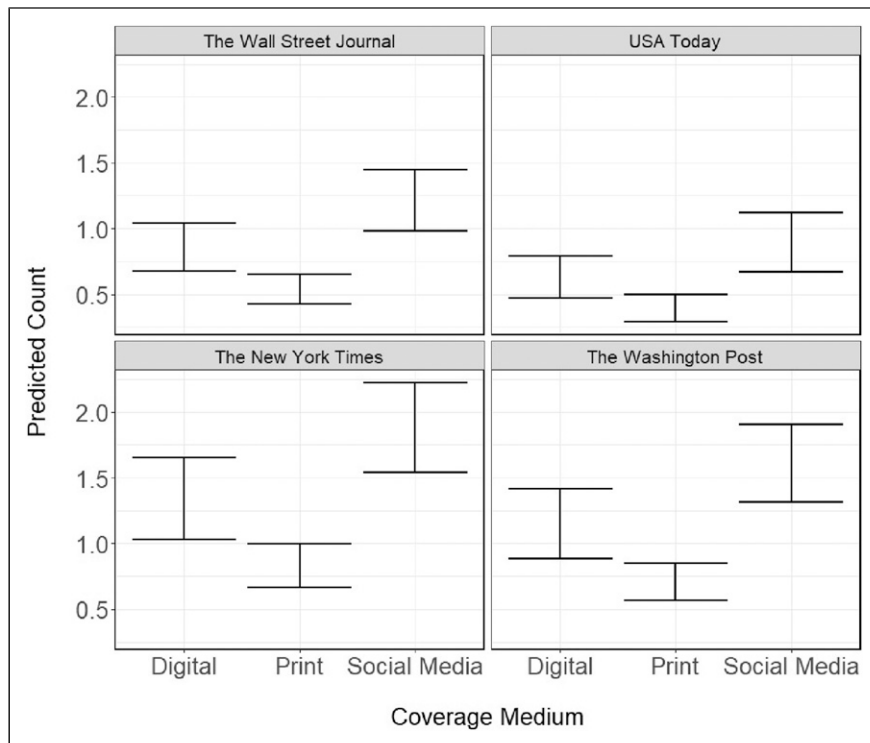


Figure 4. Predicted counts of coverage medium across major media outlets.

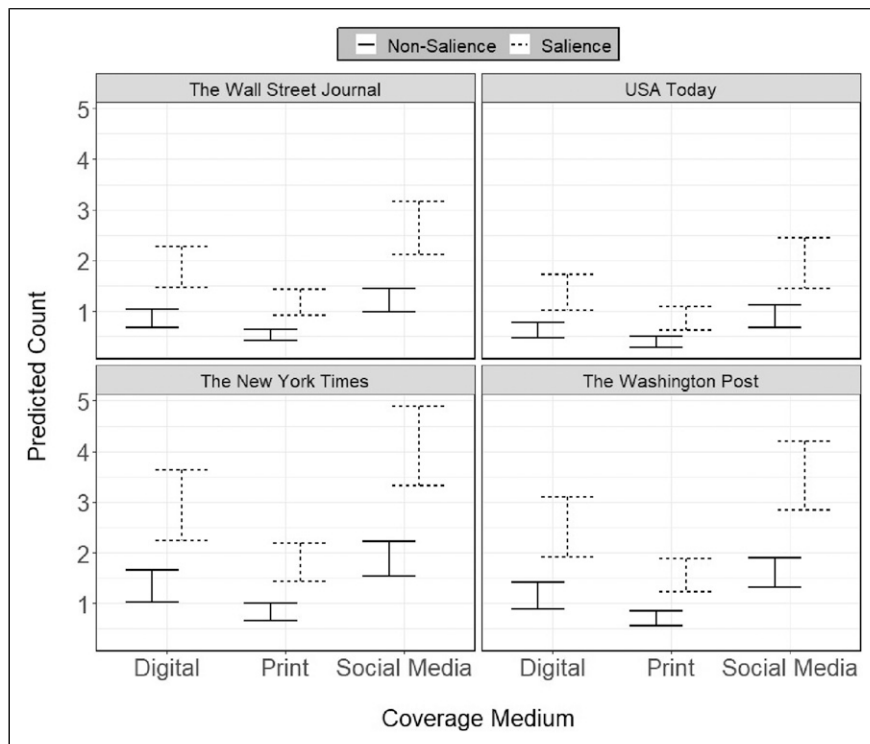


Figure 5. Predicted counts of issue area salience across major media outlets.

cases that would otherwise likely be relegated to obscurity in an environment restricted to print.

Discussion

Social media represents the evolving horizon for the dissemination of political news. It has provided countless individuals, outlets, and other commentators with an avenue to capitalize on a growing market of consumers pursuing concise, yet informative insights on breaking and developing stories that shape contemporary politics. Studies have historically attributed the Supreme Court's lack of consistent spectacle and the Justices' reluctance to engage in political discourse beyond the confines of the courtroom to explain why popular media coverage of their decision-making is considerably sparse and sporadic (Graber 2002; Zilis 2015). Other scholars, most notably Vining and Marcin (2014), depicted media behaviors toward the Court's decision-making as an extension of the theoretical frameworks underpinning an economic model of news (Hamilton 2004; McManus 1988).

Yet, the core intuition underpinning the economic model is theoretically bound in large part to aging and evolving mediums. Intra-agency competition, whereby media actors actively compete for readership, is sure to exist across any medium. Yet, the core pillar of the economic framework assumes that actors themselves face a considerable degree of inter-agency competition for limited physical column space in an attempt to ensure that they are promoting coverage and commentary of the most socially and politically salient news. My research analyzed this framework in a social media environment that could potentially diminish the economic costs associated with reporting in physically published periodicals. I theorized, and my results support, a social media environment for covering the decision-making of the Supreme Court that is less restrictive than traditional alternatives.

I began by developing a theoretical framework for analyzing the conditions underpinning Supreme Court news in social media environments like Twitter. My approach contends that the traditional economic model requires an amended set of conditions to frame media behaviors toward the Supreme Court in a social media environment (Vining and Marcin 2014). In particular, the limiting of these economic constraints, aided by the ever-growing population of consumers reliant on these platforms for political news, would be demonstrated by a comparatively greater volume of the Court's decisions being covered on social media, as well as a greater comparative volume of cases that would otherwise not reach the threshold of political salience needed to ensure print coverage (Bailey, Kamoie, and Maltzman 2005; Clark, Lax, and Rice 2015). I approached these expectations using two sets of analyses.

First, I observed the coverage behaviors toward the Court's decision-making by media outlets, journalists, and pundits on Twitter. I specifically chose Twitter as my primary observation tool because of the platform's presence in contemporary political discourse (Kwak et al. 2010), as well as its diverse and voluminous population of users and media outlets. Analyzing coverage behaviors within 48 hours of the Court's decision-making reveals a considerable degree of activity on par with my theoretical expectations. Among the media population, I retrieved approximately 10,100 observations of coverage and additional commentary concerning the Court's decisions between the 2018 and 2021 terms. This volume is not only considerably greater than what we might expect to exist among alternative print and digital mediums but also speaks to the richer assortment of cases receiving coverage.

Second, to provide a more succinct comparison between coverage on social media versus alternative mediums, I compared the behaviors of four major media outlets (*The New York Times*, *The Washington Post*, *The Wall Street Journal*, and *USA Today*). Using a Poisson count model, I observe evidence of significantly greater dependence on social media. Not only are coverage and other commentaries more frequent on social media, but the traditional indicators of case salience and other factors do not negate the inferences drawn from this relationship.

Barring decisions with discernible indicators of political salience, coverage of the Supreme Court has traditionally been relegated to obscurity. Yet, the growing dependence on social media platforms—both from the perspective of consumers and media producers—continues to shape the new media landscape. While theoretical frameworks contending with strategic media behaviors toward the Court provide a sturdy foundation, they do not fully encapsulate the conditions framing social media. Instead, I find that this economic relationship is best expressed through the lens of an amended model, which contends that coverage on social media is quickly becoming a practical avenue for news dissemination due to the diminishing of economic constraints and the considerable (and growing) consumer population. Future studies should devote themselves to expanding on this framework, insofar as additional observation periods and expanding the pool of comparable outlets and social media platforms will continue to enrich our understanding of the evolving conditions motivating coverage of the Supreme Court.²³ Granted, the capacity to achieve these future research goals are dependent upon the expectation of transparent access to social media data, which of course faces greater scrutiny today than when the data for this research was collected. Social scientists have committed themselves to demonstrating the public good that

scholarship using these data provides, though this remains an uphill—but important—effort.

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Supplemental Material

Supplemental material for this article is available online.

Notes

1. Note: Data collection efforts for this research was completed in July 2022, which preceded the ascension of Elon Musk as principal owner of Twitter, now known as *X*. For the sake of this research, I will continue to refer to the platform as *Twitter*.
2. Note: I provide a brief discussion on broadcast media in the [Appendix Materials](#). The decision to not include this analysis directly in the manuscript hinges on the lack of observable data necessary to form sufficient and reliable inferences. This is discussed at greater length in [Online Appendix A2](#).
3. See Also, [Collins and Cooper \(2012, p. 397\)](#).
4. See also [Vining and Wilhelm \(2010\)](#). Here the authors illustrate that declarations of unconstitutionality and dissents also promote greater rates of coverage for state Supreme Courts.
5. While the framework itself might not be cited in every work contending with strategic media behaviors toward the Supreme Court, the underlying assumptions of these works routinely contend that media outlets are forced to reconcile with their need to attract readership as their primary goal. With this, abundant coverage of the Court tends to suffer because most of its decision-making fails to engage with readers.
6. Survey analysis by [Pew Charitable Trust \(2022, February 2\)](#) estimates that an average of 55 percent of Americans now use social media for news either *sometimes* or *often*, up from 42 percent in the period coinciding with the 2016 United States Presidential Election.
7. I provide a comprehensive list of the reported outlets, pundits, and other journalists employed in this analysis in the appendix materials ([Table A1](#)). The largest contingent of accounts was drawn from [Barberá \(2015\)](#) and subsequently amended to include more contemporary media users. While the original data collection effort aimed to retrieve posts from 89 media actors, only 82 were recorded as having posted coverage or commentary for at least one of the Court's decisions within the prescribed observation parameters (see Footnote 9).
8. I define *editorial variation* as a collection of indicators, including the breadth of readership, frequency of publishing, primary medium(s) for disseminating coverage and commentaries, social and political prominence, and other factors attributed to individual outlets.
9. To ensure that these posts were pertaining directly to the Court's decision-making, I incorporated three layers of robustness into the data collection effort. First, the assortment of search query parameters ensured that any retrieved posts were issued within 48 hours of a decision and contained any combination of pre-determined keywords most expected to be found in discussions concerning the Supreme Court. These specifically included *SCOTUS*, *Supreme Court*, or their hashtag equivalents. Second, I engaged in a comprehensive analysis of the posts' associated *entity annotations* metadata, which are unique semantic keywords prescribed to individual tweets from topical lists curated directly by Twitter. In short, adjacency feature matches within individual tweets (i.e., specific keywords, terminology, etc.) can be matched with curated lists related to specific topics that are subsequently stored as metadata. This process not only indicates whether tweets are specifically referencing the United States Supreme Court or its Justices but also provides a corresponding probability distribution of the associated annotation's certainty. For these data, I was sure to omit tweets that did not either contain any of the Justices' names or the terms used in the original search query, as well as if the probability associated with a Supreme Court-related annotation was less than 60 percent. Finally, I engaged in an extensive manual coding procedure to ascertain case-specific focuses.
10. Meaning that between the 2018 and 2021 terms, media actors posted approximately 124 posts providing coverage or commentary of the Court's decisions.
11. Weekly circulation was estimated at approximately 24.2 million for weekly publications and 25.7 million for Sunday editions, down from nearly 63.1 million and 51.7 million, respectively, in 1973. For reference, circulation in 1940 was estimated at 41.1 and 32.3 million, respectively (see [Pew Research Center 2022a, 2022b, May 26](#)).

12. Pew reported that 8 percent and 21 percent of 18 to 29-year-olds turn to social media or news websites (or apps), respectively, as their primary source for political news, while only 7 percent rely on print. Alternatively, Americans aged 65 and older rely on social media and news websites (or apps) at rates of only 3 and 12 percent, respectively, while 47 percent still rely on print (see [Pew Charitable Trusts 2020](#)).
13. As noted in *Forbes*, “The newspaper industry has been in steady decline triggered by a loss in readership and ad revenue which have been migrating to other media, most notably digital” ([Adgate 2021](#)).
14. *Forbes* estimates that 25 of the largest publishers now own approximately one-third of all media publications in the United States ([Adgate 2021](#)).
15. As of July 2022, these included Adam Liptak (NYT), Robert Barnes (WAPo), Jess Bravin (WSJ), and John Fritze (*USA Today*).
16. While this study does not directly speak to the substance of media actors’ posts, it is important to acknowledge that approximately 91 percent of these posts included an embedded hyperlink to coverage on their outlet’s website. This is in line with [Sheffer and Shultz’s \(2010\)](#) assessments concerning the capacity for social media to serve as a tool for drawing audiences to extended analysis. However, hyperlinks were rarely the lone content provided in their posts and instead often served as a supplement in addition to the author’s particular commentary or contextual summary of the Court’s decision.
17. For more information, see <https://scdb.wustl.edu/index.php>
18. that is, whether it was a (6-3) or (5-4) decision, reflecting the perceived ideological division on the bench during the 2018 to 2021 terms.
19. The release of multiple opinions on a single day might produce greater rates of coverage as a reflection of the volume of decisions, rather than the latent salience associated with the decisions themselves.
20. [Dunaway and Graber \(2014\)](#) refer to this as the *familiarity* element of newsworthiness, which argues that media coverage is “...attractive if it pertains to well-known people or involves familiar situations of concern to many” (p. 113).
21. The statistically significant and negative estimations across the individual outlets in [Table 2](#) are most likely the result of the fact that the observations are constrained to each coverage medium (i.e., *print* or *digital* versus social media). An analysis of the preceding estimates in [Table 1](#) demonstrates a significant and positive expectation for coverage on social media, which is further compounded by the results in [Figure 5](#) across mediums.
22. Analysis of the predicted counts reveals coverage on social media is significantly greater, with a predicted mean of 1.19 posts online versus 0.52 published via print and 0.85 via digital.

23. While this work explicitly uses data from Twitter, the underlying theoretical elements are structured to be platform agnostic – meaning that they should translate to other existing and emerging platforms with a comparable networking structure and population of Supreme Court commentators.

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