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# *One Voice Among Many: The Supreme Court's Influence on Attentiveness to Issues in the United States, 1947–92*

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*Theory:* As with other United States political institutions, the Supreme Court confers and withdraws benefits, both material and symbolic, and can under some circumstances rearrange the ecology of political influence. When these effects occur in the extreme, the result can be an expansion of conflict and a shift in system-wide attention to the underlying issues.

*Hypothesis:* “Politically significant” Supreme Court decisions produce large and enduring shifts in system-wide attention to the underlying issues.

*Methods:* We evaluate the effects of all “politically significant” decisions, gauged by the *CQ Guide to the US Supreme Court*, on systemic attention to the underlying issues. We measure systemic attention using monthly indicators of media coverage of school desegregation, freedom of speech/censorship, and church/state issues. Box-Tiao (1975) methods are used to evaluate the impact of these decisions on systemic attention.

*Results:* We find long-term shifts in issue attention associated with four decisions, dealing respectively with school desegregation, flag-burning, religious instruction in public schools, and public school prayer. Each decision conferred and withdrew benefits, rearranged the distribution of political influence, and significantly expanded the scope of conflict for the underlying issues.

## **Introduction**

Schattschneider's (1960, 68) declaration that the definition of alternatives is the “supreme instrument of power” pointed to the importance of agendas in politics. Of equal political significance, if only because it precedes the specification of alternatives, is the ability to draw attention to particular problems or issues. Since political attention to issues is limited by a law of scarcity, attentiveness to one problem is often purchased at the expense of ignoring others. The economy of attention thus becomes an important concern for political science, one at the center of research on problem identification, and agenda setting processes more generally (Baumgartner and Jones 1993; Cobb and Elder 1983; Kingdon 1984; Rochefort and Cobb 1994). These processes are not static, of course. Attention to issues changes over time. Rising and falling attention corresponds with changes in the visibility of issues and, thus in Schattschneider's terms, expand or contract the scope of conflict in policy arenas. Shifts in attention also activate different

preferences which introduce further instability and change into democratic politics (Jones 1994).

In this study we focus on the United States Supreme Court as a bellwether of systemic attention to policy issues. In *Federalist* 78, Hamilton offered his by now famous and often repeated opinion that the Court would be “the least dangerous branch.” Without the power of the sword or purse at its disposal, the Court’s authority in American politics would ultimately depend on its ability to persuade. The Supreme Court, however, may be more effective in drawing attention to issues and identifying problems than in changing preferences about them (cf. Franklin and Kosaki 1989; Hoekstra 1995). The judicial venue may increase issue visibility and legitimacy for issue advocates. As with other United States political institutions, Supreme Court decisions confer and remove benefits, both material and symbolic, and can under some circumstances rearrange the distribution of political influence. When decisions rearrange political benefits and influence, the response is predictably a continuation of conflict. Decisions that rearrange political benefits or influence in the extreme, as for example in cases involving school desegregation, flag-burning, or public school prayer, often expand the scope of conflict by activating new groups and accentuating old rivalries. These processes may, in turn, draw other political institutions into the fray, as well as amplify both public and media attention. Thus, under certain circumstances the Supreme Court may profoundly affect the agenda setting process in the United States, and in doing so constitute an institutional source of change in American public policy and politics.

Yet, the Supreme Court has largely been ignored in the general literature on agenda setting. This study marks the first effort at modeling the Supreme Court’s impact on systemic attention to policy domains in which the Court is especially active. To determine whether the Supreme Court influences the national agenda over time, we look at clearly defined, active issue areas for which reliable and appropriate time series data are available. We examine three specific issues in the Court’s civil rights and civil liberties policy domains over the past four decades—school desegregation, church-state relations centering primarily on establishment questions, and freedom of speech and obscenity matters. The Supreme Court’s involvement in these issues reflects broader changes in the Court’s institutional agenda and its policy emphases.

In the years following the New Deal and World War II, the Court turned away from such traditional matters as economic and business regulation and shifted its focus toward questions dealing with civil rights and civil liberties (Pacelle 1991, 1995). Evidence of this shift is revealed by changes in the Court’s docket. At the height of the New Deal, First Amendment issues

made up only 1.2% of the cases heard by the Court; cases raising equality questions under the Fourteenth Amendment were only slightly higher at 1.4%. By the mid-eighties, the two proportions had reached 10.7% and 16.6% respectively (Pacelle 1991, 56). After World War II, the Court opened up new policy domains for itself where it could play a vigorous policy-making role through decisions like *Sweat v. Painter* (1950) and *McLaurin v. Oklahoma* (1950) dealing with the separate but equal doctrine in education, *Everson v. Board of Education of Ewing Township* (1947) questioning government support of parochial education, and *Roth v. United States* (1957) regarding obscenity.

The Supreme Court did not cut these issues from whole cloth. Public debates over racially segregated schools, censorship, and government support of religion were all part of the national discourse prior to the Court's involvement. The intensity of the debate waxed and waned with events, public opinion, or media attention; and these dialogues continued after the Court began to express its views. Interest groups, acting both as a stimulus to these changes as well as a response to the Court's evolving role, increasingly appeared before the justices as sponsors of cases and as *amicus curiae* in these policy areas (Kluger 1975; Kobylka 1991, 1995; Sorauf 1976; Tushnet 1987). Litigating groups also courted the media and reporters assigned to the Supreme Court in hopes of drawing attention to the groups' positions (Davis 1994). The Court's involvement in these issues frequently ran against the grain of public opinion, the preferences of entrenched interests, and dispositions of majoritarian political institutions.

The Supreme Court *chose* to become increasingly involved in the national dialogue over school desegregation, separation of church and state, and freedom of speech. To what degree was it a dominant voice that altered the level of systemic attention to these issues? One approach to answering this question is to observe the impact of critical Supreme Court decisions on long-term media attention.<sup>1</sup> Relations between the media and flows of systemic attention are obviously related, but reciprocal in nature. The media faces market incentives to follow events and develop stories that attract audiences. At the same time, systemic concerns over issues reflect in part the

<sup>1</sup> An alternative approach would be to trace the ebbs and flows in public opinion in relationship to the Court's decisions. Unlike comparable research on the president's ability to shape the national agenda (Cohen 1995), this option with a few notable exceptions like abortion (e.g., Franklin and Kosaki 1989; Wlezien and Goggin 1993) is not available for understanding the Court's agenda setting influence in most of the Court's active issue areas. Continuous, regularly collected public opinion data over extended periods of time with regard to the three issue areas in this study either do not exist or are inadequate. For a review of polling data relevant to Supreme Court decisions in various issue areas that illustrates the problem of selective attention, short time-series, and irregular polling intervals, see Epstein et al. (1994, 587–609).

media's coverage (Neuman, Just, and Crigler 1992). Media attention is a continuous progression that shifts according to a law of scarcity and media definitions of what deserves coverage. As a consequence citizens' assessments of the importance of issues vary in part with the amount of coverage the issues receive from the media (Iyengar and Kinder 1987). This is particularly true in the instance of the Supreme Court where press and television attention greatly influence popular knowledge of Court decisions (Franklin and Kosaki 1995). Media attention, then, offers a surrogate indicator of what issues the system is attending to at any point in time.

Of course, media coverage of the Court, when compared to the presidency and Congress, is episodic, selective, and less intense (Danielian and Page 1994, 1063–5; Graber 1993, 290–1). As a result, the media may provide the Court with an unreliable link to the public, presumably weakening the Court's ability to affect the intensity of national concerns. If newspapers or television outlets pay limited attention to the Court, the Supreme Court's decisions will unlikely be able to dominate what the public views as important. Indeed, Rosenberg (1991), upon analyzing media coverage of civil rights and abortion issues, raised fundamental questions about the Court's ability to shape national debates over important issues. He argued that the Supreme Court's ability to activate and lead public opinion, and thus the direction of legal change, pales in significance when compared to the pervasive, more powerful influences of the events and incidents that make up what he calls the "tide of history." Rosenberg's challenge is especially sharp in light of the fact that the media concentrate their limited coverage of the Court to decisions dealing with civil rights and First Amendment questions (Danielian and Page 1994, 1074; Franklin and Kosaki 1995; O'Gallaghan and Dukes 1992), the two policy domains where the Court has been especially active over the past 45 years or so.

Filtered by media coverage, there are reasons to expect that the Supreme Court has a weak hand in moving issues onto the systemic agenda and holding them there. Media attention to Court decisions is less intense and more irregular than attention to the presidency and Congress. This means that the Court's concerns are unlikely to arouse the public to the same degree as presidential pronouncements or congressional activities. It is also possible, as Rosenberg argues, that the Court's voice regarding major controversies cannot be heard over the rush of history. These reservations are an advantage to this research since the answer to the question about the Court's influence over the systemic agenda is not preordained and the issue remains problematic. In effect they establish the grounds for an initial null expectation that no relationship exists between the Supreme Court's decisions and changes in issue attentiveness by the media and system.

### Measuring "Issue Attentiveness" in American Politics

Recent research on agendas in American politics has relied on *The Readers' Guide to Periodical Literature* to develop quantitative measures of the printed media's coverage of issues over long periods of time (e.g., Baumgartner and Jones 1993; Flemming, Wood, and Bohte 1995; Rosenberg 1991).<sup>2</sup> The *Readers' Guide* surveys a wide assortment of general interest and specialized publications with a combined readership far greater than the circulation of any single prominent newspaper like the *New York Times* or the *St. Louis Post-Dispatch* or even newsweeklies like *Time* or *Newsweek*. Because of the size and diversity of the markets served by the periodicals included in the *Readers' Guide*, the combined editorial emphases of the general interest magazines and more specialized journals can be presumed to be more representative of concerns on the systemic agenda than measures resting on narrow, selective samples of the print or electronic media.

We developed three indicators of systemic attention based on the number of references to articles listed in the *Readers' Guide* dealing respectively with school desegregation and church/state issues for the period from 1947–1990, and freedom of speech/censorship for the period from 1947–1992.<sup>3</sup> There were a total of 8,179 references in the *Readers' Guide* to articles dealing with the three issue areas over these periods. The total number of articles pertaining to school desegregation was 2,700; for freedom of speech/censorship, the number was 3,075; and for church/state issues, the total was 2,024. The *Readers' Guide* keywords for the school desegregation measure were: Negroes in America, Education; Negroes in America, Segregation; and Public Schools, Desegregation. For the freedom of speech policy domain, the following keywords were used: Freedom of Speech; Censorship; Immoral Literature; Obscenity; and Obscenity, Trials. For the third policy domain, church/state relations, the keywords were: Church and State; Prayer in Schools; Public Schools and Religion; and Taxation, Exemption. These keywords are consistent with the corresponding issue categories listed in the *Supreme Court Database* (Spaeth 1993), but more im-

<sup>2</sup>As Baumgartner and Jones (1993, 253–66) explain, indicators of long-term trends in the visibility of issues using the *Readers' Guide* are valid, reliable measures that correlate highly with changes in attention to issues more generally. They report (1993, 257–59) the results of several studies indicating high correlations among indexes based on newspaper, magazine, and electronic media. For example they found a correlation of .88 in the trends between their *Readers' Guide* index measuring attention to child abuse and a similar index based on the *New York Times*. In turn they also note the high correlations between major newspaper coverage of issues and television attention to these issues..

<sup>3</sup>The freedom of speech/censorship series is longer than the other two series because a critical Supreme Court decision, *Texas v. Johnson* (1989), occurred late in the series. In order to have sufficient observations for statistical analysis we extended this series for two additional years.

portant they also appear regularly in the *Readers' Guide* for the entire study period.<sup>4</sup>

We aggregated the monthly number of references for each issue to produce time series that describe fairly different levels and patterns of media attention over four decades. We used the month as the temporal unit of analysis for two reasons. First, most of the periodicals listed in the *Readers' Guide* are published on a weekly or monthly basis. The month is, therefore, a natural unit of analysis. The second reason is both methodological and analytical. Discrete time series data aggregated on the basis of longer time spans would reflect the combined influence of many events and activities during these periods making it very difficult to identify or evaluate the effects of any one event. The longer the time period the greater the number of potentially confounding influences we can expect surrounding the time of particular Supreme Court decisions.<sup>5</sup>

This is the problem Rosenberg (1991) encountered when he relied on annual data to examine the impact of *Brown v. Board of Education* (1954) on the national agenda regarding civil rights.<sup>6</sup> Expecting to find an increase

<sup>4</sup>Each article reference under a keyword was recorded on a spreadsheet listing the day (when appropriate), month, and year when the article was published, the leading page number, and the periodical in which it appeared. This time-consuming procedure enabled us to preclude double-counting articles that might be listed under more than one keyword, and also allowed us to preserve the option of aggregating the data by different time periods.

<sup>5</sup>Of course, aggregating to the month does not completely resolve this issue. For example, multiple Supreme Court decisions can occur during the same month. This is not an infrequent occurrence because as Table 1 indicates the Court often combines and hears cases raising similar or common substantive questions. For example, the Court issued opinions in *Kunz v. New York* and in *Feiner v. New York*, two major free speech cases, on the same day in January 1951. An earlier example occurred in *Sweatt v. Painter* and in *McLaurin v. Oklahoma State Regents* which were handed down on the same day in 1950, and, of course, *Brown v. Board of Education of Topeka* was accompanied by *Bolling v. Sharpe* when the Court made its momentous announcement on May 17, 1954 declaring public school segregation unconstitutional. Although this analysis indicates the first two pairs of decisions did not produce statistically significant changes in media attention, simultaneous announcements require close scrutiny of how the media reported the decisions if one of them is considered by authorities to be more influential than its twin. In the instance of the two sets of *Brown* decisions, each set is simply referred to by the name of the lead case and most of the time are treated collectively as one decision.

<sup>6</sup>There were also other problems with Rosenberg's analysis. One problem was the inclusiveness of his measure for the media. He used an article count of references under the *Readers' Guide* keyword, "Negroes in the United States" to reach the surprising conclusion that *Brown v. Board of Education* had no easily or readily identifiable impact on media coverage of civil rights. This keyword includes 16 different subcategories. Virtually all the stories dealing with school desegregation during 1952–56, however, are located under just two subcategories, "Negroes in America - Education" and "Negroes in America - Segregation." Rosenberg's inclusive operationalization creates a heterogeneous measure that is consistent with arguments that *Brown I* was a critical moment in mobilizing the civil rights movement. At the same time, however, the measure's heterogeneity reduces

in media attention in the years after *Brown*, Rosenberg discovered instead that he was unable to determine the decision's effects because they could not be disentangled from the competing impacts on media attention of the Montgomery bus boycott, violent racial incidents elsewhere in the South, and the 1956 presidential election (Rosenberg 1991, 111–6). The Montgomery bus boycott, for example, began six months after *Brown I*. Annual measures of turbulent policy domains where one event after another follows rapidly on the heels of others will not be sufficiently sensitive to isolate the Court's influence on media coverage. By shortening our temporal unit of analysis, it is much easier to determine if another event or incident occurring close to the time of a Court decision is an alternative explanation of a decision's apparent impact.

We defined the three measures in broad terms by including references to all articles pertaining to the particular policy domain. We were not concerned with case-specific media coverage of Supreme Court decisions, but with whether the Court can enduringly shift national attentiveness to the broader issue domains over time. The question we seek to answer is whether the Court's decisions definitively shaped the national dialogue about school desegregation and First Amendment controversies during the period of the study.<sup>7</sup>

### Identifying “Politically Significant” Supreme Court Decisions

If the Supreme Court is America's “schoolmaster” on constitutional questions and an important agent in leading political change, then its decisions ought to influence the nation's dialogues about these questions (Franklin and Kosaki 1989). Not all of the Court's decisions can be expected to have this impact, however; too many address narrow issues, straighten out technical details, clarify previous opinions, or settle lower court conflicts. In contrast, decisions that overturn long-standing precedents, create new precedents or establish new rights, push the Court into new areas of constitutional

its sensitivity to events directly affecting school desegregation. Thus, an independent count of the 926 stories under the general “Negroes in the United States” keyword for 1952–56 found that only 306 dealt with the topic of race and education. Sizable shifts in media attention to this topic could occur without producing noticeable changes in this inclusive measure. In addition to this problem, Rosenberg may have undercounted media attention regarding school desegregation because he overlooked or ignored a related, highly relevant *Reader's Guide* category. Under the heading “Public Schools in America” there is a subcategory entitled “Public Schools - Desegregation.” Over time, this subcategory grows so large that it swamps the number of articles in the two school-related subcategories from the “Negroes in America” category. In short, most stories on school desegregation in the *Reader's Guide* are found under a heading that Rosenberg does not include in his analysis.

<sup>7</sup>The data and programs used in the subsequent analyses are available from the authors upon request.



law, or alter political relationships between individuals, groups, or institutions are the kinds of decisions that presumably reshape national dialogues. These distinctions are easily made in the abstract. Other than such obvious cases as *Brown v. Board of Education* (1954), however, judicial scholars do not agree on the criteria and procedures that might reliably identify “major,” “important,” or “politically significant” decisions (Cook 1993).

Bickel and Schmidt (1984, 85) suggested that decisions that touch “with particular immediacy the main question of the day” are important. This means that the importance of decisions varies with the context of the time when the Court issues them. To borrow Lippman’s famous metaphor, such decisions focus more intently the beacon of the press or the media’s spotlight on current controversies and give them greater visibility, thus altering the priorities of the systemic agenda. Court opinions also might draw attention to issues on the fringes of the systemic agenda or perhaps occasionally bring new issues into the limelight. In either case, one might argue these decisions at least establish a necessary precondition for change even if the odds of change depend on many other factors and the actual impact occurs much later (Johnson and Canon 1984). Hindsight, of course, easily reveals the latent importance of an opinion. The historical importance of decisions, however, must not be confused with or allowed to overshadow contemporary appraisals of which opinions were significant and which were not.<sup>8</sup> The identification of contemporaneous politically significant cases raises various difficulties, not all of which can be satisfactorily resolved (Cook 1993).

Lacking a ready solution, we restricted the set of possible decisions for consideration by using *Congressional Quarterly’s* list of “major decisions” published in the *CQ Guide to the US Supreme Court* (Witt 1979, 1990). Cook (1993) shows that this list is a valid, reliable, and simple way of identifying “politically significant” decisions. When compared to other compilations of landmark cases (e.g., Epstein et al. 1994, 81–94), the *Congressional Quarterly* list includes fewer decisions. The value of *CQ’s* short list is that it reduces the obvious statistical risks of searching for an impact of numerous Supreme Court decisions; the greater the number of possible interventions in a time-series the greater the likelihood of falsely rejecting the null hypothesis. The list also is more contemporaneous than relying on compilations based on casebooks, and it emphasizes the political as opposed to legal

<sup>8</sup>An interesting and intriguing illustration of how contemporary and historical perspectives differ as to the significance of Supreme Court cases can be found in Chief Justice Warren’s ranking of *Brown* as second in importance to *Baker v. Carr* (1962). Warren at the time of his retirement in 1969 thought the reapportionment decision was “the most important case we decided in my time” (Abraham and Perry 1994, 20).

significance of Court opinions (Cook 1993). The decisions used in this analysis are shown in Table 1.<sup>9</sup>

Restricting the list of Supreme Court decisions to the *CQ* list does not eliminate the potential problem of tautological operationalization, but it at least reduces the peril of selecting decisions through hindsight. The *CQ* list also does not get us theoretically to the place where we can hypothesize that all decisions should have had system-wide or enduring effects on issue attention. Many of the *CQ* decisions did not sufficiently rearrange political benefits or influence, or invoke sufficiently broad political conflict to produce prolonged attention to the underlying issue. Of course, the media often single out particular decisions for extensive coverage, but this enhanced coverage may not lead to greater coverage of the underlying issues or the related policy domain. Thus, some of these “politically significant” decisions may have received only minimal or temporarily increased media attention to be later lost in the din associated with normal systemic noise.<sup>10</sup>

Which particular Supreme Court decisions from the *CQ* list should have produced enduring changes in national attention? Conflict and controversy are key contextual conditions for expecting Supreme Court decisions to reshape the national agenda. Intense and continuing conflict or opposition to a decision by the public, organized interests, the president, or Congress will supply stories that fuel media attention and sustain its attention beyond what Supreme Court decisions normally receive. Immediate political opposition creates a spurt of media coverage, but this heightened level of coverage persists over time because the Court’s decision is seen in terms of fundamental cleavages or national values around which there are established interests or around which political interests mobilize and then polarize. Long-term

<sup>9</sup>In two instances, we had to prune the *CQ* lists to include only those opinions that were relevant to or consistent with the policy domains. For the civil rights list, all cases involving school desegregation, particularly busing, were retained. Other cases less directly linked to this issue domain were dropped, such as *Bob Jones University v. United States* (1983) which is arguably a decision involving free exercise of religion questions (Epstein and Walker 1995, 97–8). We also edited the list pertaining to freedom of speech decisions. We excluded opinions dealing with the Smith Act and the Communist Party (i.e., *Dennis v. United States* (1951) and *Yates v. United States* (1957)) because the *Readers’ Guide* did not catalog articles dealing with these decisions under the rubrics used to measure attention to free speech issues. The final list includes cases dealing with free speech in public forums, symbolic speech, freedom of expression, and obscenity. No cases were dropped from *CQ*’s freedom of religion list because all decisions dealt in one way or another with establishment questions, the dominant issue of the church-state policy domain during the past five decades.

<sup>10</sup>For example, Franklin and Kosaki (1995) show that coverage of five important Court decisions by the *St. Louis Post-Dispatch* and a local affiliate of a national television network rose at the time the decisions were announced. This coverage quickly disappeared after a day or two unless a decision became controversial in which case the coverage lingered for a while before fading away. Franklin and Kosaki, like virtually all researchers in this area, used short-term measures based on counts of articles or reports dealing specifically with the Court and particular decisions.

**Table 1. Supreme Court Decisions Used in Analysis**

Issue Area	Decision	Date
School Desegregation:	<i>Sweatt v. Painter</i> (339 U.S. 629)	June 1950
	<i>McLaurin v. Oklahoma</i> (339 U.S. 637)	June 1950
	<i>Brown v. Board of Education of Topeka</i> (347 U.S. 483)	May 1954
	<i>Brown v. Board of Education of Topeka</i> (349 U.S. 294)	May 1955
	<i>Cooper v. Aaron</i> (358 U.S. 1)	September 1958
	<i>Griffin v. County School Board of Prince Edward County</i> (377 U.S. 218)	May 1964
	<i>Green v. County School Board of New Kent County Va.</i> (391 U.S. 430)	May 1968
	<i>Swann v. Charlotte-Mecklenburg County Bd of Education</i> (402 U.S. 1)	April 1971
	<i>Keyes v. Denver School District No. 1</i> (413 U.S. 189)	June 1973
	<i>Milliken v. Bradley</i> (418 U.S. 717)	July 1974
	<i>Runyon, McCrary, Fairfax-Brewster School, Inc. v. Gonzales Southern Independent School Association</i> (427 U.S. 160)	June 1976
	<i>Pasadena City Board of Education v. Spangler</i> (427 U.S. 424)	June 1976
	<i>Columbus Bd of Education v. Penick Dayton Bd of Education v. Brinkman</i> (443 U.S. 449)	July 1979
Freedom of Speech:	<i>Terminiello v. Chicago</i> (337 U.S. 1)	May 1949
	<i>Kunz v. New York</i> (340 U.S. 290)	January 1951
	<i>Feiner v. New York</i> (340 U.S. 315)	January 1951
	<i>Edwards v. South Carolina</i> (372 U.S. 229)	February 1963
	<i>Tinker v. Des Moines Independent Community School District</i> (393 U.S. 503)	June 1969
Freedom of Expression:	<i>Bd of Education, Island Trees Union Free School District #26 v. Pico</i> (457 U.S. 853)	July 1982
	<i>Texas v. Johnson</i> (491 U.S. 397)	June 1989
Obscenity:	<i>Roth v. United States, Alberts v. California</i> (354 U.S. 476)	June 1957
	<i>Miller v. California</i> (413 U.S. 15)	June 1973
Church-State:	<i>Illinois ex. re. McCollum v. Board of Education</i> (333 U.S. 203)	March 1948
	<i>Engel v. Vitale</i> (370 U.S. 421)	June 1962
	<i>Lemon v. Kurtzman</i> (403 U.S. 602)	June 1971
	<i>Mueller v. Allen</i> (463 U.S. 388)	June 1983
	<i>Lynch v. Donnelly</i> (465 U.S. 668)	March 1984
	<i>Wallace v. Jaffree</i> (472 U.S. 38)	June 1985
	<i>Aquilar v. Felton</i> (473 U.S. 402)	July 1985
	<i>Edwards v. Aguillard</i> (482 U.S. 578)	June 1987
	<i>Allegheny County v. ACLU, Greater Pittsburgh Chapter</i> (488 U.S. 816)	July 1989

Source: *CQ Guide to the US Supreme Court*.

agenda change occurs when landmark decisions “hit the nation like a fire alarm in the middle of the night” (Johnson and Canon 1984, 257).

For many observers *Brown v. Board of Education* offers the quintessential illustration of this phenomenon (e.g., Kluger 1975). Too often, however, the argument for *Brown* is grounded in anecdotal evidence and the historical narrative teeters precariously close to the *post hoc, propter hoc* fallacy as key events in the civil rights movement and subsequent federal legislation in the 1960s are attributed in whole or in part to this landmark decision. Rosenberg’s skepticism that *Brown* actually had an impact on the nation’s agenda arises from his reading of the quantitative indicators he developed to measure agenda attention over a lengthy period of time. His controversial conclusions, however, rest on a visual interpretation of these data; he does not use rigorous statistical methods or models to analyze his data. Because he could not rule out alternative explanations to *Brown* for the media’s shifting attention to civil rights, he concluded that the turbulence of the civil rights era, rather than *Brown*, redirected the national agenda.

Because the Court’s history is marked by many cases like *Brown*, it is difficult to dismiss the prospect that some Supreme Court decisions produce enduring impacts on the national agenda if they happen to rearrange the ecology of public issues. Such decisions should produce a “step” effect in media attention through time. That is, they should lead to abrupt and enduring shifts in media coverage of the issue area. Instead of quickly fading away, coverage remains at a higher level because of the system-wide controversy that arises in the wake of the decisions.

### Method of Analysis and Findings

Media attention is a socially organized process with its own dynamic qualities. We do not attempt to explicitly model this process since the primary concern is whether particular Supreme Court decisions produce enduring changes in media attention through time. Rather, we model the impact of the Supreme Court’s decisions using Box-Tiao (1975) impact assessment methods. The Court’s opinions are thus treated as interventions capable of disrupting and changing the series dynamic of media coverage. The statistical model takes the following form:

$$Y_t = f(I_t) + N_t$$

where:

$Y_t$  = time series for media coverage

$I_t$  = intervention event(s) [Court decisions(s)] at time  $t$

$N_t$  = ARIMA noise model for stochastic processes and trends

The impact assessment design differs from the typical regression design in that there is less concern for specifying all covariates of the dependent series. One is purely interested in determining whether an event at some time  $t$  produced change in the dependent series at time  $t$  or  $t + n$  ( $n$  being the number of periods into the future). Campbell and Stanley (1963), in assessing the strengths and weaknesses of various research designs, conclude that the impact assessment design has only one threat to internal validity, history. "[T]he rival hypothesis exists that not  $X$  but some more or less simultaneous event produced the shift" (Campbell and Stanley 1963, 37). Thus, as long as one incorporates adequate controls for history, this quasi-experimental design is extremely powerful.

The histories associated with the media series are undoubtedly driven by inertia, as well as various extraneous events that produce temporary changes through time in media coverage.<sup>11</sup> Box-Tiao (1975) impact assessment methods deal with problems of history through the prior construction of Box-Jenkins (1976) ARIMA models ( $N_t$  above). ARIMA models explicitly control for stochastic fluctuations in a dependent series by identifying and estimating autoregressive and moving average components. Because ARIMA models are dynamic, relative to the typical regression model they account for much larger proportions of series variance, provide stronger statistical control, and also track extremely well through time even without interventions. The assessment of hypothesized interventions takes place only after these historical effects have been identified and fully modeled. In time series jargon, the dependent series must be "white noise" prior to hypothesis testing.

We developed an appropriate ARIMA model for each of the three series. In order to satisfy the time series assumptions of variance stationarity, each series was also logged prior to testing. We then represented each Supreme Court decision as a binary (0–1) variable with a switch in level occurring in the month the decision was announced, the point of intervention in the time series. Variables to reflect temporary impacts were represented as pulses, coded "on" for the month of the intervention and "off" for all other months. Variables to reflect enduring effects were represented as steps, coded "off" for all months prior to the intervention, and "on" for all other months. We used transfer functions to assess the impact of the interventions on the dependent series. Transfer functions provide flexibility for testing hypotheses about temporary or enduring effects by reflecting the dynamics associated with abrupt and gradual changes (e.g., see McCleary and Hay 1980, 172 for graphical examples). Again, short-term agenda changes can be modeled as pulses while long-term effects can be modeled

<sup>11</sup>Indeed, Rosenberg (1991) claims that the tide of history is the motivating force behind media attention to civil rights issues and associated changes.

as steps, with dynamic transference from the interventions determined empirically through the model estimates.<sup>12</sup>

The effect of each *CQ* decision was then evaluated for both temporary and permanent changes in media attention through time. Since the data on media coverage are monthly, consideration was restricted to current and one month lagged effects. A one month lag was consistent with the fact that Court decisions are announced at any time during a month and because of the schedules of many publications. If lagged effects were not considered, the impact of opinions released late in the month would not be captured by the model nor would the model take into account the coverage of many periodicals published on a monthly basis. We restricted consideration to no more than a one month lag to remain conservative in hypothesis testing. Longer lags could bias the analyses in favor of rejecting the null hypothesis of no effect even though other events or incidents occurring after the decision account for the apparent changes in media attentiveness. Thus, restricting the analysis to no more than a one month lagged effect is an added control for history and the threat to validity discussed by Campbell and Stanley (1963).

We considered for inclusion in the models all decisions listed by *CQ* that were relevant to the issue areas discussed above. Because including all decisions in a single model would be cumbersome, we report final models constructed from only those decisions that resulted in model improvement using an information criterion approach. We used Schwarz's (1978) Bayesian Criterion in choosing between lagged and unlagged specifications, as well as whether a Supreme Court decision belonged in the final model.<sup>13</sup> The following sections present results of hypothesis tests concerning how

<sup>12</sup>In Box-Tiao modeling there is always some duplicity between specifications involving steps and pulses. For example, a first-order pulse specification with a very slow rate of change parameter (i.e., large  $XX$ ) is virtually identical to a zero order step. Therefore, one bases the decision as to using a pulse or a step on 1) substantive theory and 2) model parsimony. We used a bit of both in deciding between steps and pulses. Schwarz's Bayesian Criterion was used to choose statistically between alternative models. Theoretically, we were predisposed toward steps, since we were interested in enduring changes. However, for purposes of statistical control we were also obligated to control for pulses that were found statistically significant.

<sup>13</sup>Schwarz's Criterion converges to the "true" model more often than any other dimension reducing criterion (Geweke and Meese 1981). The statistic is given:

$$SBC = \ln(L) - \frac{1}{2} K \ln(T)$$

where: *SBC* = Schwarz's Criterion

*L* = the likelihood function

*K* = the number of explanatory variables

*T* = the number of time points

Schwarz (1978) showed mathematically that his criterion leads to the true model asymptotically with unit probability. However, other model selection criteria can also be shown to lead asymptotically to the true model. For a survey of the available criteria, see Judge et al. (1985, 870–5).

the remaining Supreme Court decisions affected media coverage of issue attentiveness in the three policy domains. For each issue area, the final model is presented in both tabular and graphical form.

### *School Desegregation*

The final model for school desegregation which is reported in Table 2 and Figure 1 includes three cases—*Brown v. Board of Education* (1954), *Cooper v. Aaron* (1958), and *Griffin v. County School Board of Prince Edward County* (1964). By far the largest shift in media attention was that associated with *Brown*; this was also the only one of the three cases having a step effect on media attention. Given the overarching importance of *Brown*, the statistical analysis disclaims Rosenberg's skepticism about the impact of *Brown* on systemic attention to civil rights issues.

In the month prior to *Brown* there were only three *Reader's Guide* stories that concerned school desegregation. In the month of the decision there were 29 stories followed by a long-term shift in systemic attention to this issue. Interpreting the long-term change in equilibrium requires that we transform the logged estimates. With logged data we can obtain a percent change due to the first order intervention using the transformation

$$\%Change = 100 \left[ \exp \left( \frac{\omega_0}{1 - \delta_1} \right) - 1 \right] \quad (\text{McCleary and Hay 1980, 174}). \text{ Thus,}$$

*Brown* produced a lasting increase in media coverage of school desegregation issues of about 128%. A large spike occurred immediately after *Brown*, reflecting contemporaneous media attention to the decision, but while attention to school desegregation issues then receded somewhat it remained significantly higher than during the preintervention portion of the series. The negative first-order transfer function denominator for *Brown* ( $\delta_1 = -0.58$ ) suggests some oscillation in media coverage before it reached the new equilibrium.

In contrast to *Brown*'s enduring effect, the other two decisions were best modeled as temporary changes, producing only transitory shifts in media attention to school desegregation issues. *Cooper* was best modeled as a first order transfer function, indicating some persistence through time, while *Griffin* was best modeled as a zero order transfer function, indicating only a one month shift. During the month prior to *Cooper* there were 16 stories dealing with school desegregation; in the month of the decision there were 39. Tracking out the dynamics of *Cooper* mathematically through time reveals that media coverage declined exponentially after the initial shock to about half the peak coverage after about four months, to about one-fourth after eight months, and to very near the preintervention level after about 12

**Table 2. The Impact of Supreme Court Decisions on Media Coverage of School Desegregation Issues**

Model Component	Parameter	Estimate	t-statistic
<i>Brown I</i> ( $I_{t1}$ )	$\omega_{01}$	1.29	3.14
	$\delta_{11}$	-0.56	-1.70
<i>Cooper</i> ( $I_{t2}$ )	$\omega_{02}$	1.47	2.95
	$\delta_{12}$	0.78	5.21
<i>Griffin</i> ( $I_{t3}$ )	$\omega_{03}$	1.21	2.16
First Order Moving Average	$\theta_1$	0.75	19.00
First Order Autoregressive	$\phi_1$	0.96	55.38
Mean	$\mu$	0.98	3.79

Measures of fit: residual mean square (noise only), 0.359; residual mean square (full model), 0.345; autocorrelation of residuals, Q = 27.38 with 22 degrees of freedom. N = 528. *Brown* was modeled as a step input. *Cooper* and *Griffin* were modeled as pulse inputs.

months.<sup>14</sup> In contrast, *Griffin* produced only a one month shift in media coverage from nine stories in the month prior to the decision to 29 stories in the month of the decision and back to 11 stories a month later. Thus, *Cooper* appeared to focus systemic attention to school desegregation issues for a longer period and more intensely than *Griffin*.

Figure 1 shows graphically the step effect in media attention after the first *Brown* decision in May 1954 and the two transitory changes in media coverage associated with *Cooper v. Aaron* in September 1958 and *Griffin v. Consolidated School Board of Prince Edward County* in May 1964. The story of *Brown I* is sufficiently well-known that a detailed reprise is unnecessary here. Its impact on media attention to school desegregation was substantial and prolonged. The decision itself overturned the “separate but equal” doctrine established by *Plessy v. Ferguson* (1896) and laid the groundwork for challenging Jim Crow laws in the South and Border states. The reaction to the decision, of course, moved the issue of school desegregation into the

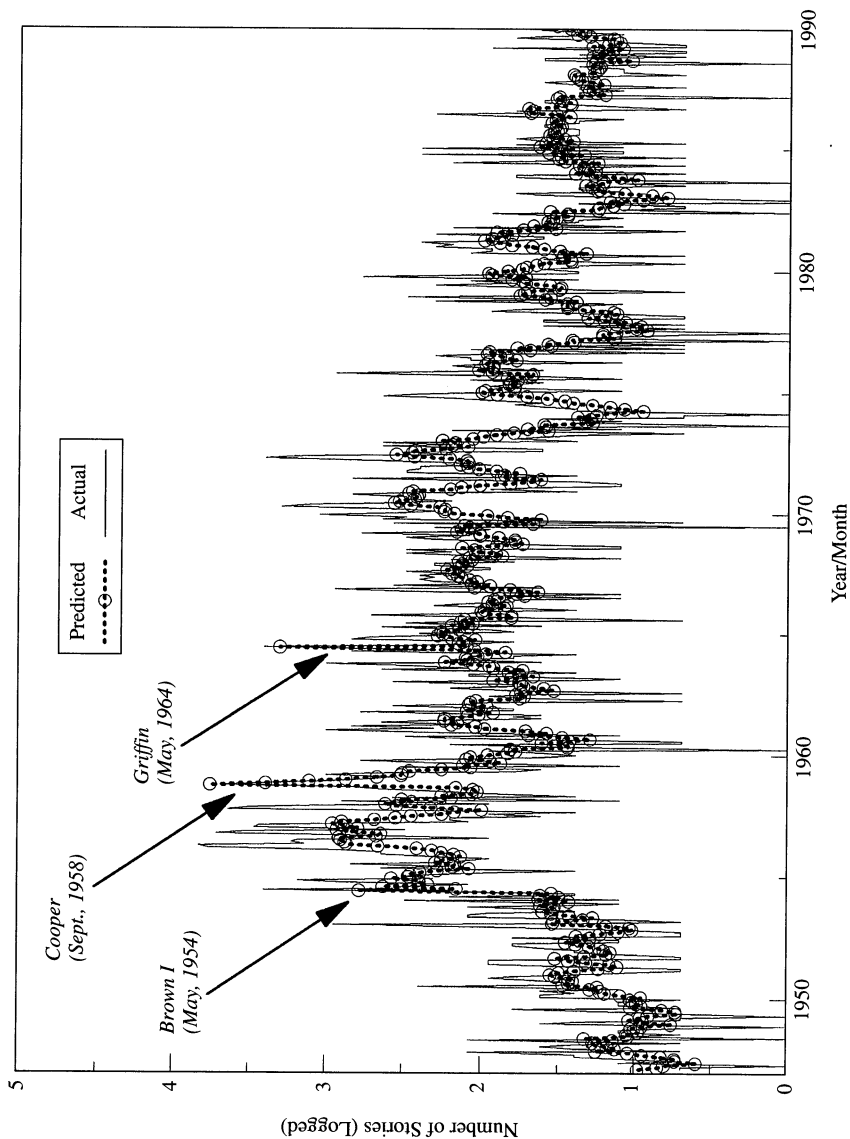
<sup>14</sup>The intervention is tracked out recursively to produce these numbers. At any particular time period the series level is computed:

$$y_t = \delta_1 y_{t-1} + \omega_0 I_t$$

where:  $y_t$  = series level  
 $I$  = the intervention series  
 $\omega_0$  = transfer function numerator  
 $\delta_1$  = transfer function denominator



**Figure 1. The Impact of School Desegregation Decisions  
on Monthly Media Coverage of School Desegregation Issues, 1947–90**



limelight. Although a Gallup poll at the time of *Brown I* showed a majority of Americans (54%) supported the Court's decision (Epstein et al. 1994, 593), resistance to desegregation quickly surfaced in the Deep South. Reactions ranged from state activities to preserve all-white schools, the formation of white Citizens' Councils, a revival of the Ku Klux Klan, economic reprisals against those who challenged segregation, plus violence (Nieman 1991, 154–5). A year after *Brown I* the Court released *Brown II* mandating that desegregation proceed with all deliberate speed. In March 1956, southern members of Congress issued the "Southern Manifesto" pledging to reverse the Court's desegregation decisions.

Although in the years immediately following *Brown I* the Court proceeded to strike down other aspects of racial segregation, it made no further rulings involving school desegregation until *Cooper v. Aaron* in September 1958. This case arose out of the Little Rock high school crisis in September 1957 and the resistance to integration led by Arkansas' governor Orville Faubus. On September 25 President Eisenhower sent federal troops to Little Rock to enforce a lower court order requiring admission of black students to the school. In February 1958 a federal district court agreed to postpone further desegregation efforts. At the start of the 1958 school year, on September 12, the Supreme Court issued a *per curiam* opinion in *Cooper* affirming an appellate court reversal of the lower court. In reaction, Arkansas closed the four high schools in Little Rock. On September 29 the Court, sharply rebuking the governor and state legislature for their obstructionism, issued a unanimous formal opinion which, in a break with tradition, was individually signed by each of the nine justices. The timing of the events involved in *Cooper* is such that it appears the decision independently prompted additional media coverage of school desegregation.

The influence of *Griffin* seems more questionable when put into historical context. In *Griffin* the Supreme Court ruled that Virginia could not close its public schools and replace them with all-white private academies to avoid integration. The decision was announced on May 25, 1964 during a time of high political drama and conflict. Southern Democrats, trying to block a vote in the Senate on the Civil Rights Act of 1964, conducted a record-breaking filibuster that was finally cut off on June 10. Roughly 10 days later, the president signed the bill into law. The act was linked to the issue of school desegregation through Title 4 which gave the government and courts additional powers to implement school integration orders. The title's language regarding transportation to achieve racial balance in schools would later figure prominently in the 1971 busing case, *Swann v. Charlotte-Mecklenburg* (Graham 1992, 174–9). Most constitutional law textbooks give *Griffin* short shrift (e.g., Abraham and Perry 1994, 238; Epstein and Walker 1995, 730; O'Brien 1991, 1299). In this instance hindsight may pro-

**Table 3. The Impact of Supreme Court Decisions on Media Attention to Free Speech and Censorship Issues**

Model Component	Parameter	Estimate	<i>t</i> -statistic
<i>Texas v. Johnson</i> ( $I_{t1}$ )	$\omega_{01}$	0.78	4.05
First Order Moving Average	$\theta_1$	0.71	12.15
First Order Autoregressive	$\phi_1$	0.90	24.62
Mean	$\mu$	1.73	27.12

Measures of fit: residual mean square (noise only), 0.265; residual mean square (full model), 0.258; autocorrelation of residuals,  $Q = 27.20$  with 22 degrees of freedom.  $N = 570$ . *Texas v. Johnson* was modeled as a step input.

vide the best assessment of the decision's importance. It is quite possible that the one month pulse effect associated with *Griffin* reflected the politics surrounding the 1964 Civil Rights Act.<sup>15</sup>

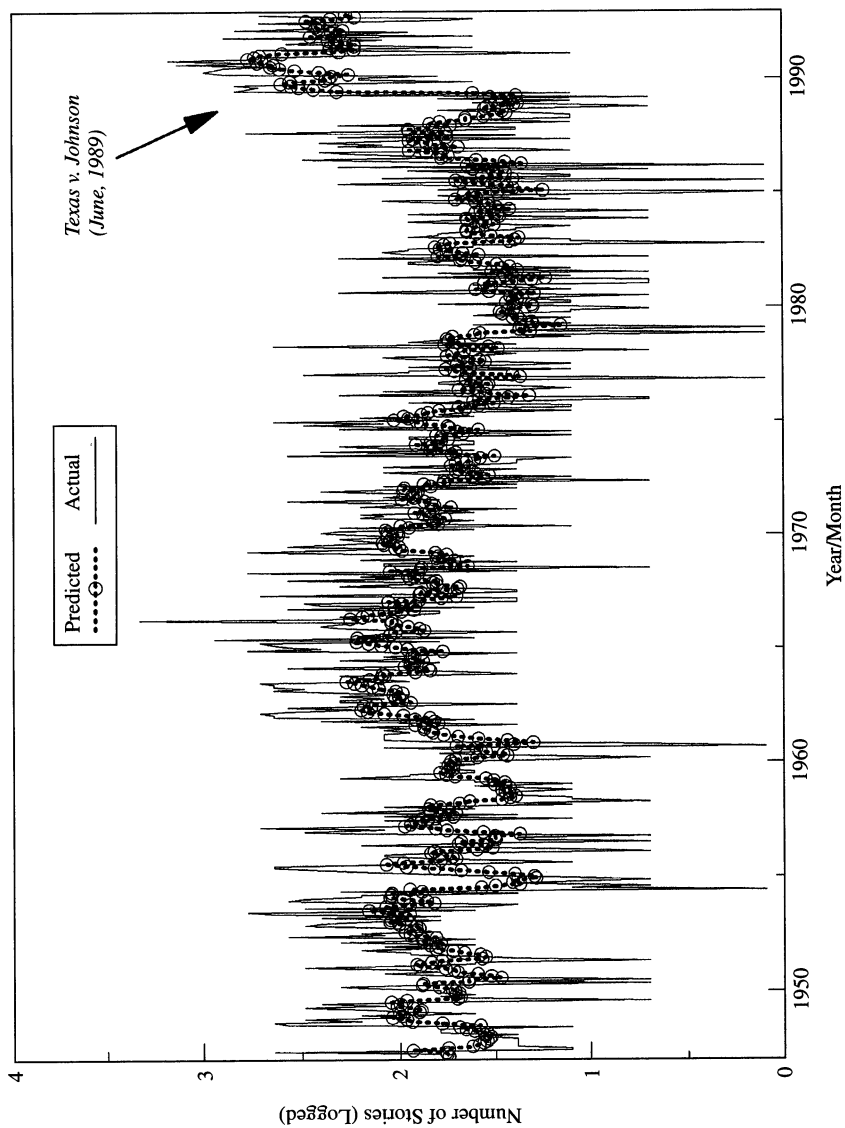
### *Free Speech And Censorship*

The free speech and censorship policy domain includes several notable Supreme Court cases that are commonly considered precedent setting. The final time series model, however, includes only *Texas v. Johnson* (1989) in which the Court ruled 5–4 that the First Amendment precludes states from punishing individuals for desecrating the American flag. In *Texas v. Johnson* a member of the Revolutionary Communist Youth Brigade soaked an American flag with kerosene and set it aflame outside the convention hall in Dallas where the 1984 Republican Convention was being held. As the model and figure indicate, the Supreme Court's opinion in *Texas v. Johnson* produced an enduring effect on media attentiveness to this policy domain. Results of the analysis are reported in Table 3 and Figure 2.

The Court's "flag burning" decision and ensuing political reaction produced a step effect in media attention. In the month prior to *Johnson* there was only one *Reader's Guide* story dealing with free speech and censorship issues. In June 1989 when the decision was announced there were 15 stories. The long-term shift in coverage of free speech/censorship issues was about 118% and remained at this new level for the 42 remaining months of the

<sup>15</sup>It appears based on a visual inspection of the publication dates of the article references before and after *Griffin* and for the period following passage of the Civil Rights Act that the media's attention rose after this law was enacted. The jump in attentiveness to this issue area does not seem to be due to the Court's actions.

**Figure 2. The Impact of Free Speech/Censorship Decisions  
on Monthly Media Coverage of Free Speech/Censorship Issues, 1947-92**



series. Figure 2 shows the sharp change due to *Johnson* and the model's predicted values. It bears noting that in contrast to *Brown* where the effect was gradual but enduring, the effect of *Johnson* was immediate, suggesting the extreme public outrage over the Court's failure to protect the flag. In this case the Supreme Court was a catalyst, sparking system-wide concern over an issue that previously was not under active consideration by other institutions. The decision mobilized the media and a concerned public, which in turn resulted in increased attention both by the president and Congress.

The Court's surprising and unexpected decision caused an immediate uproar that ignited demands for federal action. Public opinion polls showed a 3 to 1 majority in favor of a constitutional amendment overturning the decision (Baum 1995, 151). President Bush and members of Congress promptly condemned the Court's ruling. On the heels of the decision, Congress passed and the president signed into law the Flag Protection Act of 1989. Within a year, however, the Court struck down the act in *United States v. Eichman* (1990) on the same constitutional grounds used in *Texas v. Johnson* which fueled further and continuing controversy. *Eichman* met with no more favor than *Johnson*, and during the ensuing years various constitutional amendments were proposed by members of Congress intended to overturn these decisions.

### *Freedom of Religion and Establishment Questions*

Church and state cases involve questions about aid to parochial schools, prayer in public schools, and religious symbols in public settings. The final model for this issue area includes three cases dealing in various ways with each of these questions: *Illinois ex. rel. McCollum v. Board of Education* (1948), *Engel v. Vitale* (1962), and *Lynch v. Donnelly* (1984). Table 4 and Figure 3 present results for this model.

Of the three decisions, *Lynch* was modeled as a temporary effect, while *McCollum* and *Engel* were modeled as abrupt, permanent shifts. In *Lynch*, the Court, by a 5–4 margin upheld the constitutionality of including a crèche purchased by the city of Pawtucket in a Christmas display partially funded by the city. This March 5, 1984 decision by the late Burger Court was one of three decisions in two years where a narrow majority of justices that emerged after the appointment of Justice O'Connor took an "accommodationist" stance regarding establishment issues (Kobylka 1995). Following *Lynch*, media attention jumped immediately from 10 stories in the month prior to the decision to 24 stories during the month the decision was handed down. However, the effect of *Lynch* was exceedingly transitory. Tracking the dynamics mathematically through time shows that the effect was virtually negligible three months after the decision when there were only four stories on this issue.

**Table 4. The Impact of the Supreme Court on Media Attention to Church and State Issues**

Model Component	Parameter	Estimate	t-statistic
<i>McCollum</i> ( $I_{11}$ )	$\omega_{01}$	0.66	2.37
<i>Engel</i> ( $I_{12}$ )	$\omega_{02}$	0.87	3.15
<i>Lynch</i> ( $I_{13}$ )	$\omega_{03}$	1.19	2.27
	$\delta_{13}$	0.52	1.69
First Order Moving Average	$\theta_1$	0.88	41.09
Mean	$\mu$	-0.00	-0.71

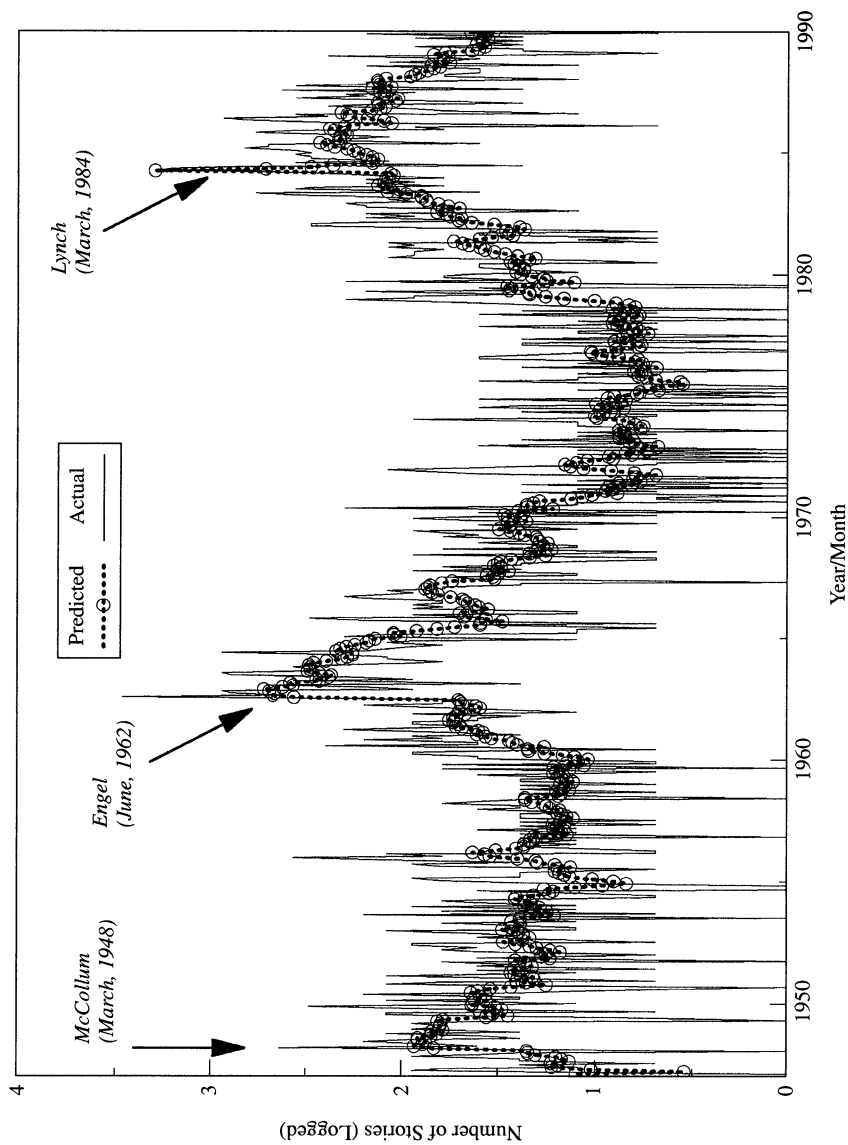
Measures of fit: residual mean square (noise only), 0.327; residual mean square (full model), 0.317; autocorrelation of residuals,  $Q = 25.16$  with 23 degrees of freedom.  $N = 528$ . *McCollum* and *Engel* were modeled as step inputs. *Lynch* was modeled as a pulse input.

Roughly two weeks after the Court handed down *Lynch*, Congress, after failing yet another time to pass a constitutional amendment reintroducing prayer in public schools, gathered the majority needed to pass the Equal Access Act of 1984 which allowed students in secondary schools that receive federal funds to conduct religious activities under certain circumstances. The coincidental timing of the *Lynch* decision and the Senate vote raise questions as to whether the Court’s decision exerted an independent quickening in media attention.<sup>16</sup> It may be that the temporary effect of *Lynch* was due to congressional action, rather than the decision by the Court.

In contrast with *Lynch*, the earlier *McCollum* and *Engel* decisions attracted more attention and resulted in a more persistent systemic reaction. These two decisions reflected the “separationist” tendencies of the Court’s jurisprudence. With *McCollum* the Court for the first time struck down a time-release program for religious instruction in the public schools, while in *Engel* the Court declared New York’s school prayer policy unconstitutional. Both precedent setting opinions were greeted with much furor. After *McCollum*, media coverage rose from three stories in the month prior to the decision to 13 stories in the month of the decision. There was a long-term change in media attention of about 93% after *McCollum*. *Engel*, the more controversial decision, caused a shift from four stories in the month prior to the decision to 31 stories in the month of the decision. The long-term increase

<sup>16</sup>Visual inspection of the article references for the days preceding and following the Court’s decision in *Lynch* and for the period around Congress’ vote on the Equal Access Act of 1984 while not conclusive suggests that the media’s heightened attentiveness to this issue area was prompted by the passage of this law.

**Figure 3. The Impact of Freedom of Religion Decisions  
on Monthly Media Coverage of Church and State Issues, 1947–90**



produced by *Engel* was about 139%. Figure 3 maps the abrupt changes that occurred as a result of these two decisions.

The Supreme Court's time-release opinion in 1948 and school prayer decision in 1962 set off intense national debates. As Sorauf (1976, 5) noted, "Only the furor over desegregation and the rights of racial minorities rivaled the intensity of feeling on prayer in the public schools, or public aid to private religious schools." *McCollum* generated a backlash that prompted Justice Black, the author of the opinion, to write shortly afterward in a related case that "Probably few opinions from this Court in recent years have attracted more attention or stirred wider debate" (quoted in Sorauf 1976, 21). According to Reichley (1985, 147), however, "The wave of condemnation raised against *Engel* made the criticisms...directed at *McCollum*...seem like a summer squall."

The political response to *Engel's* school prayer decision was immediate and enduring. Two days after the Court struck down school prayer, on June 25, 1962, a senator introduced a constitutional amendment to overturn the decision, the first of 56 similar amendments filed during that year. A survey the following year revealed that 70% of the public opposed the Court's decision (Stanley and Niemi 1992, 21). In 1966 the Senate Judiciary Committee conducted hearings on a voluntary prayer amendment proposed by Senate Minority Leader Everett Dirksen. In September the amendment, although supported by a vote of 49 to 37, failed to muster the required two-thirds majority. Congressional enthusiasm for a school prayer amendment waned until 1971 when a congressman at the urging of a grass roots organization managed to bring a bill similar to the Dirksen amendment to a vote in the House. The bill again won a sizable majority, but it fell short of the two-thirds needed for passage. Congress' inability to pass these amendments led to an effort in 1974 to curtail the federal court system's jurisdiction over school prayer.

With the rise of the conservative Christian movement, motivated in part by the Court's decisions dealing with school prayer, came new efforts to overturn the Court's prayer and related decisions (Moen 1989, 1992). By 1987 congressional efforts aimed at restoring prayer or devotional services in public schools totaled more than 600 constitutional amendments and 45 jurisdictional statutes curbing the Court's authority with regard to this issue (Keynes 1989, 174). Efforts to restore school prayer continue to the present time.

### Discussion and Conclusions

This research has attempted for the first time to chart through systematic analysis the extent to which the Supreme Court focuses attention to issues in the United States system. In three different issue areas over a period stretching from 1947 through 1992, four reputedly important Supreme Court deci-



sions prompted the media to increase its coverage of the issues and to sustain this heightened level of attention. Three other decisions produced temporary jumps in media coverage, although in two of these instances the shifts potentially reflect other events occurring at about the same time.

Why did these four particular decisions produce lasting shifts in systemic and media attention? Each decision markedly rearranged the prior distribution of political influence and benefits, either material or symbolic, for various segments of the population. The issues involved in all of these decisions were also highly affective. As a result, the decisions were extremely controversial at the time they were announced. The media participated in expanding the scope of system-wide conflict by publicizing the initial decision and its implications. In each case, the Supreme Court's decision sparked intense national debates that drew in new participants and expanded the scope of conflict through time. The escalating conflict involved not only groups with an interest in benefits and influence, but the broader public, as well as the president and Congress. It also involved the continued interaction of the media which both stimulated and interpreted the expanding conflicts through time. The issues involved in each decision opened wide ideological cleavages among political actors that remain until this day.

The non-finding that most of the *CQ* decisions failed to produce lasting changes in systemic and media attention over time does not necessarily mean that the decisions were unimportant. Rather, it means that these decisions did not have the characteristics required to raise the Supreme Court's voice above the background noise of other factors. One of the problems motivating this study was the apparent contradiction between the obvious fact that some Supreme Court decisions are reputedly important and Rosenberg's (1991) strong assertion that the Court's voice was unheard for two of the Court's most politically charged decisions in the past 50 years (*Brown* and *Roe v. Wade*). Given the results of our analysis, it is unlikely that when the Court speaks in cases involving important questions of the day its voice is routinely ignored or goes unheard. Instead it may mean that as one of many voices calling for the media's attention, the media temporarily make room for the Court's views by substituting stories about the decisions for related competing stories, only to have them replaced shortly afterward by subsequent events. Competition for the media's attention and its limited capacity to construct and produce news stories, as well as its rules for determining the newsworthiness of events, thus, operate as sources of negative feedback that foster homeostatic or equilibrating tendencies in issue attention.

It is clear from the analyses presented here, however, that these periods of stasis or equilibrium can be upset by some Supreme Court decisions. The Court disturbs the equilibrium by interjecting new or rediscovered social problems or policy alternatives into the national dialogue. The decisions *per*

se do not set off cascades of attention by the media or cause a reapportionment of attention to the issues, although a necessary characteristic of these decisions may be that they overturn precedents, create new law, or rearrange political opportunities for groups. Instead the magnitude or scale of the political opposition to the decisions and the issues they raise matters most. Conflict expansion and reactions by groups, the public, Congress, and the president create the positive feedback needed to overcome the homeostatic tendencies of issue attention.

For the most controversial of decisions, the Court's voice in the national dialogue is obviously heard. The dynamics of agenda setting in the United States thus reflects an important top-down influence in which a major governmental institution, the Supreme Court, rearranges the competitive balance among social problems on the system agenda.

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