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Imprisoned by Partisanship?

A Critical Discourse Analysis of Media Bias of United States
Print and Online Media in Reporting of Bipartisan Issues
through the First Step Act

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ABSTRACT

This study investigates the relationship between media bias and reporting on bipartisan legislation through the analysis of journalism during the passage of the First Step Act. It specifically looks at the American political context of media bias to answer the research question, 'Does media bias of different print/online outlets in the United States affect their reporting and framing of bipartisan/non-partisan issues such as the First Step Act of 2018?'

This research does not aim to address issues with 'fake news' or purposefully misleading news, but instead publication and reporting bias itself. The goal is to evaluate the extent to which bias and slant affect the reporting of moderate and non-hyperpartisan issues.

Discourse analysis was conducted from three to four print/online publications from each the left, right, and center of the political spectrum. These publications include The New York Times, Wall Street Journal, The Daily Caller, Vox, Huffington Post, and The Hill, among others, and were selected with a methodology based on bias scores and independent research.

This study shows the primary differences were in both the language used and content covered. For instance, there was a keen focus on policy entrepreneurs and advocates such as Jared Kushner, and Kim Kardashian on all parts of the spectrum with similarities and differences in regards to descriptions and positive/negative language, but other activists were left out. Additionally, a majority of coverage of democratic criminal justice policy was from a presidential election context, with very few mentions during the policy process. The results also revealed much infighting between Republicans on this legislation, including President Trump and his advisors and members of the Congress, but glossed over any democratic disagreements.

Results are affected by the influence of the Trump presidency, and may not be comparable to another, less divisive, administration. Further research will need to be conducted regarding the generalizability of these arguments.

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INTRODUCTION

Public policymaking in the United States is convoluted by the fragmentation and dispersion of power by political practice and constitutional rules (Anderson, 2015). Separation of powers was aimed to prevent intrusion by the government on individual liberties and abuse of power, but created consequences: decentralization of power and the need for branches of government to cooperate in order for the government to act effectively (Anderson, 2015). The United States government frequently takes decades to address contentious issues such as civil rights, welfare reform, and medical care (Anderson, 2015).

The United States criminal justice system also reflects this decentralization as powers are split between state, local, and federal government bodies (Lacey, 2020). However, criminal justice reform has come to the forefront of American public policymaking in the past few years, as a response to previous 'tough on crime' federal policies from the late 1980s to early 1990s (Prison Fellowship, 2018). Between 1980 and 2009, the federal prison population increased by over 700 percent (Shjarback and Young, 2018), Ronald Reagan declared a 'war on drugs' and Clinton's administration continued to fight against 'lawlessness' (Wakefield et al, 2016). 'Tough on crime' policies during this period included the *Anti-Drug Abuse Act* (1986) that aimed to halt international drug trading but also imposed mandatory minimum sentences for the usage of drugs such as crack cocaine and added funding pools for the construction of prisons (GovTrack, 2019). In 1996, Congress passed the *Prisoner Litigation Reform Act* (1996) that removed many litigation options for prisoners in the United States court system and made it more difficult for prisoners to file lawsuits (ACLU, 2019; Belbot, 2004; D'Andrea, 2017). Arguably the most notorious piece of legislation during this period is the *Violent Crime Control and Law Enforcement Act* (1994) that is commonly referred to as the '1994 Crime Bill' (Brooks, 1994; Shjarback and Young, 2018). This legislation aimed to increase funding for prevention programs, prisons, and police officers but also included stricter gun control provisions and a three-strike rule (Brooks, 1994). Other examples may be found in Figure 1 of the appendix.

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In 2003, legislation under the 'smart on crime' definition began to appear on a federal level. It included *Prison Rape Elimination Act (2003)*, *Justice Reinvestment Initiative*, *Second Chance Act (2007)*, *Fair Sentencing Act (2010)*, and the *Brown v. Plata Decision* in 2011 (Prison Fellowship, 2018; PREA, 2021; BOP, 2012; CSG Justice Center. 2018; Congress .2008; Durbin, 2010; ACLU, 2021; Newman, 2012). President Barack Obama during his Administration commuted sentences of drug offenders as a symbolic reach towards change with allies including Sen. Cory Booker (D-NJ), Sen. Rand Paul (R-KY) and the Koch brothers, and this showed a hint for bipartisan support (Wakefield et al, 2016).

Criminal justice reform on a state level has evolved in response as well. For instance, as of November 2019, 30 states and 150 cities and localities had passed fair chance hiring regulations (also known as 'banning the box') that remove questions about criminal background on job applications (Burton, 2019). These types of policies have support across the spectrum and in corporate America, with companies such as Starbucks, Walmart, Facebook, and Target following fair chance hiring policies (NELP, 2017).

Mass incarceration, and excessive sentencing for minor crimes, not only increase prison populations but also have societal effects such as expanding the achievement gap in minority and urban communities (Morse & Rothstein, 2017). For example in 2014, over 700,000 inmates across the United States 'were serving sentences a year or longer for non-violent crimes' and 'on any given day, 10 percent of African American schoolchildren have an incarcerated parent; 25 percent have a parent who is or has been incarcerated' (Morse & Rothstein, 2017).

These actions and changes in popular culture have spurred activists to push for change (Obama, 2017; Felsenthal, 2018; We, 2013; Lartney, 2016; Yolkey, 2015). President Trump caused dramatic unrest and increased polarization in the United States (Tervo and Skocpol, 2020; Abramovitz, 2019; Smith, 2018) and was identified as a potential 'hard on crime' candidate for president (Lartney, 2016). Even so, the First Step Act was passed in December 2018 with a Senate vote of 87-12, and a final House tally of 358-36 (GovTrack, 2018; Collins, 2018) and was signed into law by President Trump (BOP, 2021; Trump, 2019).

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The First Step Act created a risk and assessment system to be used by the Bureau of Prisons (BOP) to assess recidivism risk and needs of all federal prisoners, and help to place them in risk reducing activities and programs (BOP, 2021; James, 2019). In addition to expanded partnerships and inmate support guidance, the legislation reforms the existing good time credit earning program and allows non-violent inmates to earn time towards pre-release custody (BOP, 2021; James, 2019). It also bans solitary confinement for juveniles in all facilities, requires inmates to be housed close to their primary residence if possible, provides additional de-escalation training for correctional officers, bans restraints on pregnant inmates, and requires free female hygiene products for prisoners (BOP, 2021; James, 2019). Finally, the First Step Act includes sentencing reforms such as reducing mandatory minimums for some drug offenses, expanding the safety valve provision to allow low-level drug offenders less than the mandatory minimum sentence, and making the provisions in the Fair Sentencing Act retroactive (BOP, 2021; James, 2019).

Research previous to this legislation (2016) on public opinions of rehabilitation over incarceration found a robust public appetite for this type of policy, even among those who live in 'red states' and those presumed to be the least supportive of less punitive policy options: conservative white males (Drakulich and Kirk, 2016; Thielo et al, 2016).

The issue drew a variety of advocates from Kim Kardashian-West to evangelical Christians to marijuana legalization advocates. Prominent conservative and libertarian thought leaders including the Charles Koch Foundation (CKI, 2019), Cato Institute (Cato, 2021; Vanderslice, 2018; Brown, 2018; Blanks, 2018), and the Heritage Foundation (Seibler, 2018) released statements and blog posts in support of the legislation. Law enforcement organizations such as the Fraternal Order of Police, National District Attorneys Association, National Organization of Black Law Enforcement Executives, and International Association of Chiefs of Police also stated their support for the legislation (Seibler, 2018; IACP, 2018a; IACP 2, 2018b; IACP 3, 2018; NDAA, 2018; Bumpers, 2018).

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The debate over potential bipartisanship (and whether it can continue in our society) in these policy making situations is partnered with the debate over media bias in communications studies research and popular culture. Researchers, journalists, and consumers alike have been questioning for years if media bias exists, and if there is a negative effect. If this bias is as present as some believe, I hope to explore whether it equally affects the coverage of non-partisan or bi-partisan issues as it does partisan ones, as there is little research on the prevalence of bias on bipartisan issues.

LITERATURE REVIEW

Discussion of media bias is part of popular culture across the world (Ferguson, 2016) but especially in the United States. Previous research in the media and communications field addresses definitions and measurement of media bias, the possibility of overall liberal bias in the US media market, reporters as biased actors themselves, and media bias as a cause of polarization in the general populace. It does not fully document whether the established media bias of specific publications is an ever-present feature of their reporting, or only applies to the most partisan of content.

History of Media Bias and Related Research

The appearance of media bias has a historical basis in economics and competition, and one reason partisan outlets appeared is that they were paid for and run by political parties (Lelkes, 2020). Previous to the Civil War, parties subsidized many newspaper operations through direct funds or government printing contracts, and readers were not educated about this source of funding (Baughman, 2011; Lelkes, 2020). When funding was cut off, parties lost their control of publications because newspapers instead had to become independent and increase their reliance on paid advertising, or fail to compete with other commercial papers (Hallin & Mancini, 2004; Besley & Prat, 2006; Bagdikian, 2004; Lelkes, 2020; Petrova, 2011).

Another ongoing historical economic debate is whether competition increases or decreases

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media bias (Lelkes, 2020). Gentzkow and Shapiro (2008) state that increased competition actually provides a check on biased media through the possibility of reputational harm but Mullainathan and Shleifer (2002) believe that due to varying preferences from consumers, outlets are forced to differentiate in order to compete and thus bias increases. Even though biased outlets have emerged, the media market in the United States is still considered objective by some researchers (Budak, Goel, & Rado, 2016) and outlet-based research generally agrees that commercialization has decreased media bias (Lelkes, 2020). Arguments against this point usually argue that commercialization allows objective media to coexist with non-objective content (Allern & Blach-Orsten, 2011; Lelkes, 2020).

Historical and modern shifts in journalist culture towards more objectivity could be due to greater loyalty to the audience and themselves as members of the journalism culture compared to publisher's preferences (Schudson, 2001; Lelkes, 2020). Additionally, many journalists hold an adopted group of professional rules and norms such as the Society of Professional Journalists' Code of Ethics (SPJ, 2014).

Media bias has been a constant feature in many countries, but the re-emergence of partisan media in the United States has caused a rise in academic interest (Lelkes, 2020). Research on media bias has increased in the last ten years, with of the works between 1956 and 2020, 72% being published post-2010 (Lelkes, 2020).

Defining Media Bias

Two traditions of studying media bias tend to exist in past research: 1) quantitative work at the outlet level and 2) qualitative work at the country level, and both have corresponding definitions of media bias (Lelkes, 2020). For instance, in single nation studies that usually focus on what does/does not get printed, some researchers argue that media accounts are always based on the same underlying set of facts but 'by the selective omission, choice of words, and varying credibility ascribed to the primary source, each conveys a radically different impression of what actually happened' and that their definition of media bias is the choice to slant information in this way (Gentzkow and Shapiro, 2006: 281; Lelkes, 2020). Others such as

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Groeling (2013: 133) define media bias through coverage that is not randomly but 'significantly and systematically' distorted.

In comparison, researchers on an outlet level commonly discuss selection bias and content bias as their two different forms. Selection bias is also referred to as agenda bias (Eberl, Boomgaarden & Wagner, 2017) or gate-keeping bias (D'Alessio & Allen, 2000), and it occurs when news platforms publish articles that are unfavorable/favorable to a specific political party (Lelkes, 2020). An example of this is how the New York Times has been found to devote more coverage to traditionally Democratic Party owned issues such as civil rights and health care over traditionally Republican issues such as defense and crime (Puglisi, 2011; Lelkes, 2020). Media outlets can also give additional attention to information that is favorable to one particular party (Lelkes, 2020) such as newspapers that were more likely to endorse the Democratic party's candidates devoting increased amounts of coverage to Republican scandals and vice versa (Puglisi & Snyder, 2011), and papers that usually endorse Democrats to report more on high unemployment rates under Republican presidential administrations (Larcinese *et al*, 2007).

Content of the story rather than subject choice is another form of media bias, and Groeling (2013) defines this as presentation bias, or 'consistent patterns in the framing of mediated communication that promote the influence of one side in conflicts over the use of government power' (Entman, 2007: 166). A primary example of this is newspaper and publication editorial sections that tend to lack a diversity of viewpoints or generally endorse the same party (Butler & Schofield, 2010; Ho, 2008; Puglisi & Snyder, 2015; Lelkes, 2020).

Media bias can also be viewed by the use of language by outlets that is similar to partisan actors (Lelkes, 2020) through the prevalence of quotes from intellectuals or organizations of a specific political stance (Groseclose & Milyo, 2005; Gans & Leigh, 2012) or if the language used resembles extremist members of the United States Congress (Gentzkow & Shapiro, 2010).

Known Bias of Specific Publications

Research has established that American media platforms sit on a spectrum (Mitchell et al, 2014)

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such as Fox News on the right (DelaVigna, 2006). Organizations such as Ad Fontes and AllSides have created rating methodology to rank the partisanship and reliability of specific publications (Ad Fontes, 2021; AllSides, 2021; Sheridan, 2021). AllSides uses crowd-sourcing, surveys, internal research, and third party sources such as research from Groseclose to create their system (UofMich, 2021; AllSides, 2021). These platforms are primarily used for media literacy efforts but can give researchers a view into bias ratings of publications.

Media Bias Through Sourcing, Editorial Choices, and Personal Views

Reporters and editors use their best news judgment to decide how to frame stories, interview subjects, title articles, choose photographs, and generally approach their writing process (Harcup, 2019; McGregor & Molyneaux, 2018; Karlson & Clerwall, 2013; Carlson, 2017). However, that doesn't mean that individual bias can't affect even the most advantageous reporter or publication. Research establishes ways in which we can measure media bias, through sourcing, journalists' personal views, or newsroom decision making.

In 'A Measure of Media Bias,' Groseclose and Milyo (2005) used sourcing from think tanks by different publications and compared it to the usage of that same information by politicians to create a spectrum. They excluded opinion content and focused on news content from both print and broadcast formats (Groseclose & Milyo, 2005). Their model showed that Fox News and The Washington Times leaned right and CBS Evening News and The New York Times scored far left of center (Groseclose & Milyo, 2005). Their most centrist findings were USA Today, PBS Newshour, CNN's Newsnight, and ABC's Good Morning America (Groseclose & Milyo, 2005). Their research acts as a model in multiple other studies and media literacy projects as explained previously.

Analysis of how journalists' personal views may positively or negatively impact the bias of a story has also been conducted (Jamieson, 2000; Crouse, 1974; Hassell, 2020). Crouse (1974) discussed the purposeful offsetting of personal opinions by reporters in US media. In 'Boys on the Bus,' Crouse (1974) states findings that most reporters at the time identified as moderate or liberal democrats but they went out of their way to be 'fair to conservatives' in order to offset

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their natural biases. Crouse (1974) says, 'reporters can sense a social barrier between themselves and more conservative candidates; their relations are formal and meticulously polite' but they loosen up with more liberal candidates (p.355-356). He found the more journalists liked and agreed with the candidate personally, the harder they stated they judged the politician professionally (Crouse, 1974). Whether this phenomenon still exists, especially in the Trump era, is in question and other research establishes that things have changed. A plethora of modern research has surrounded whether individual reporters are biased actors. For instance, Jamieson (2000: 188) states, 'One might hypothesize instead that reporters respond to the cues of those who pay their salaries and mask their own ideological dispositions. Another explanation would hold that norms of journalism, including 'objectivity' and 'balance' blunt whatever biases exist'. Hassell, *et al* (2020) argue that while a majority of journalists personally identify as liberals/Democrats, and there is a low trust of media due to thoughts of bias, there is little evidence that the personal ideology influences their coverage of important events.

Past literature has varying points about the prevalence of overall publication bias as well. D'Alesso and Allen (2000) conducted a meta-analysis using 59 quantitative studies with data regarding partisan media bias during presidential election campaigns from 1948 onwards. They considered three types of bias: gatekeeping bias, coverage bias, and statement bias. They defined gatekeeping bias as 'preference for selection stories from one party or the other,' coverage bias as bias regarding the 'relative amounts of coverage each party receives' and statement bias as a focus on 'the favorability of coverage towards one party or the other' (D'Alesso & Allen, 2000: 133). Their study found that there were 'no significant biases' in the newspaper or newsmagazine industry, and that television network news had small but 'probably insubstantial coverage and statement biases' (D'Alesso & Allen, 2000: 133). Studies like this one are of interest to my particular method, but I question if the further development of news networks such as Fox News and CNN, and the increase in online, more niche, publications have pushed bias to a limit not seen in this study due to the year (2000). Additionally, in some cases, they state their research is premature to create an outcome due to

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the low sample sizes.

More recently, Shultziner and Stukalin (2020) critiqued previous literature on media bias such as Herbert Gans' book, *Deciding What's News* (1980), which conducted research throughout the late 1960s and 1970s, saying ideological differences have become much more prevalent. They argue partisan bias can be caused through production tools that 'emphasize or deemphasize the content of articles keeping it aligned with the outlet's news ideology' and/or 'editorial decisions [that] influence the share of positive, neutral and negative content types, i.e. description bias' (Shultziner & Stukalin, 2020). By studying coverage of the 2011 Occupy protest movement in Israel, they found that reporting was tilted towards outlets' news ideology and that production mechanisms like the sizing of articles, headlines, visuals, and protestors' perspectives were strategically employed in the coverage (Shultziner & Stukalin, 2020). This research focused on Israel, but their methodology and ideas about bias are interesting to the United States and international context.

Consumer Choice and Partisanship

Consumers have the ability to choose where they will get their news, and whether it has a specific, known bias or not. This is especially true since consumers have a tendency to seek out media that confirms and conforms to their own ideology (Nie, *et al*, 2010).

Research on differences between consumers of different types of media has been occurring for years. For instance, Davis and Owen (1998) used data from the 1996 American National Election Study to compare the attitudes of consumers of radio, television, and internet news and found each group had distinct differences in their political viewpoints (Nie, *et al*, 2010). Additionally, Mardenfeld *et al.* (2006) conducted research based on survey data to find that those who identified as conservative were more likely to choose Fox News and those who were 'liberal' were more likely to choose CNN, NBC, or CBS to get their television news (Nie, *et al.*, 2010). While it could be a case of correlation vs. causation, research shows that individuals' political beliefs are linked to their media exposure, and this pattern occurs on multiple different platforms and media types (Stroud, 2008; Nie, *et al*, 2010).

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Conservatives tend to cluster around a single news source, Fox News, with 47% saying that it is their main source of political news (Mitchell *et al*, 2014). Additionally, they express a greater amount of distrust than trust for a majority of news sources but consistently (88% of respondents) trust Fox News (Mitchell *et al*, 2014). In comparison, more liberal individuals tend to be less unified in their media loyalty and read a wider range of outlets, including some that are less popular such as NPR (Mitchell *et al*, 2014). They also generally trust more than distrust major media outlets, and some research shows that NPR, PBS, and the BBC are the most trusted news sources for those that are American liberals (Mitchell *et al*, 2014). Additionally, research shows evidence that both conservatives and liberals associate media sources of the opposing views (left-wing like CNN or right-wing like Fox News) with 'fake news' regardless of content (Linden *et al*, 2020).

The Idea of A Liberal Bias of Media

The basis for liberal bias in news is a focus, especially for some conservative researchers, on subjects such as opinion polling on how conservatives and liberals perceive media bias (Hamilton, 2011) and analysis of economic reporting based on political and administrative factors (Hassett & Lott, 2014). Hassett and Lott (2014) of the American Enterprise Institute and Crime Prevention Research Center respectfully, used economic news headlines in multiple presidential administrations to perceive bias based on positive or negative coverage. They controlled for data reported by the government and an independent variable for the party in the executive seat, and found that nine out of 10 major newspapers were more likely to report economics negatively if Republicans controlled the White House (Hassett & Lott, 2014). Hamilton (2011) focuses on Pew Center surveys surrounding media bias to see how audiences interpret bias. He found that those who identify as conservatives tend to think there is a liberal bias but those with a liberal identity think the opposite (Hamilton, 2011). Hamilton (2011) posits that individuals are more likely to perceive news sources as slanted away from them, but conservatives are more sensitive to this phenomenon. Sutter (2012) also conducted research but instead on US Newsmagazine circulation by taking an audience perspective. He

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evaluated the media bias in an indirect way by looking at the demographics of readership and specifically found that more liberal regions were consuming certain publications more.

In comparison, Edward Herman and Noam Chomsky published 'Manufacturing consent: the political economy of the mass media' (2002) that uses research to show the news media is actually far to the right of the American people due to the media's reliance on corporate interests. They do this through the use of the propaganda model to support their ideas about how the media supports special interests (Chomsky & Herman, 2002).

Many studies that look at bias and focus on presidential administrations and campaigns find little evidence of consistent bias (D'Alessio & Allen, 2000; Niven, 2002; Entman, 2007). Entman (2007) notes that other scholarship does find the news giving preference to one side and examples of this content bias include media coverage of foreign policy (Entman 2004) and image choice of minorities (Entman & Rojecki, 2000; Kang, 2005; Entman, 2007). Entman (2007) questions if agenda setting and framing of content for audiences follow a politically relevant pattern.

Statement of theoretical/conceptual framework

Lelkes (2020) splits research in media bias into two specific subsets, as identified above. These two previous traditions are qualitative work at the country level and quantitative work at an outlet level. My research bridges the gap between the two, as it focuses heavily on the individual outlets in the United States, and comparing their content specifically, to look at American coverage of criminal justice as a whole. It is also qualitative instead of quantitative. Similarly, my research relates the two definitions of media bias that according to Lelkes (2020) are common in these two subsets of research. Lelkes states that single nation studies generally focus on what is and isn't printed, but outlet centered research tends to have a primary focus on selection and content bias.

My definition of media bias includes purposeful changes that as Groeling (2013) says are 'significantly and systematically' distorted compared to a random distortion, but also includes

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those that are subconscious. Media production includes a lot of instinctual and 'news judgment' type decisions that may not be as systematic. As such, I am using a combination of the media bias definition from Gentzkow and Shapiro above (that refers to a choice to slant information based on selective omission and choice of words, etc), and emphasis on selection bias (also known as agenda bias or gatekeeping bias) and content bias or presentation bias (Gentzkow and Shapiro, 2006; Lelkes, 2020; Eberl, Boomgaarden, & Wagner, 2017; D'Alessio & Allen, 2000; Groeling, 2013; Entman, 2007).

As I am using discourse analysis, I am going to be looking at what gets printed but also the language and background as to why certain information was selected. This analysis can be done by looking at the topics covered and how it is presented, but also on a deeper level through the quotes used and how they are quoted (Groseclose & Milyo, 2005; Gans & Leigh, 2012).

By combining these theories and ideas of media bias, I am going to interpret my results on this policy subject based test of United States media outlets. My research aims to focus on media bias from the producer side in comparison to the audience side.

My hypothesis was that there would be a general basis of the same underlying facts, as Gentzkow and Shapiro (2006) find in their research, but that the slant will appear through the word and source choices, in addition to selection bias (also known as agenda bias or gatekeeping bias) and content bias or presentation bias (Lelkes, 2020; Eberl, Boomgaarden, & Wagner, 2017; D'Alessio & Allen, 2000; Groeling, 2013; Entman, 2007).

Since this combination of qualitative/quantitative and level of media bias research is not as common, there are limitations to understanding the possible outcomes for the framework I've selected. No one or select group of theories seem to explain the background of this process since it's unique.

Statement of the objectives of the research

The purpose of this qualitative case study is to examine and analyze the approaches of

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journalists to report on the First Step Act's passage at media outlets across the political spectrum in the United States during the Trump administration.

The objectives of my research are to evaluate if the conservative or liberal bias of slanted publications is as prominent as researchers assume, and see if the subject matter of content causes variation in the level of bias presented. For example, if when reporting on bipartisan issues, conservative media still referred to Democrats in a negative context or only featured information, quotes, or references to conservative politicians or groups. My hypothesis is that there will be small differences in what events/actions are reported, but that the primary differences will be between language, quotes, photos, and headlines used to convey messages to the reader.

I used the example of criminal justice reform through the First Step Act passage because it gained support from both Republicans and Democrats in the United States Senate and House of Representatives amid the unrest and increased polarization of the Trump Administration (Tervo and Skocpol, 2020; Abramovitz, 2019; Smith, 2018). As President Trump recently left office in January 2021, this issue is historical but still recent history with relevance to the current United States media market.

I believe this research will provide a more modern example of bias research on an online and print outlet level. Many pieces of literature were published pre-2010, and use samples from 2005 and before. They do not account for changes in the media or the American political landscape. Additionally, researchers have not specifically focused on nonpartisan/bipartisan issues when conducting this kind of research, but instead on a more general topic or partisan policy.

RESEARCH DESIGN AND METHODOLOGY

Research Strategy

I chose discourse analysis for its qualitative nature. The quantitative nature of other methods such as content analysis provided concerns about assumptions of meaning. For instance, under content analysis, I could count the number of times the word 'bipartisan' was used but that does not directly tell me about the slant of coverage. I wanted a method that allowed me to look at articles from multiple levels such as authors, organizations or experts cited, statistics cited, the publication itself, and language and audience.

I looked at a multitude of textual parts through the three dimensions of Fairclough's CDA, starting with the textual dimension including sentence structure and word choice, and then the discursive dimension that includes the type of speech used and how (indirect quotes, direct, etc), and then finally the socio-cultural/societal dimension that includes items as communities and the public sphere (Fairclough, 1995; Fairclough, 1989).

Fairclough's framework asserts that there is a relationship between language and power, and it depends 'on the description of discursive practices but also on the interpretation and explanation of how discourse is shaped by relations of power and ideologies' (Ghazali, 2007). According to Janks (n.d.), the CDA model consists of 'three interrelated processes of analysis tied to three inter-related dimensions of discourse' (p.1). The three interrelated dimensions include the object, the processes 'by means of which the object is produced and received' and the socio-historical conditions which oversee these processes (Janks, n.d.; Fairclough, 1989; Fairclough, 1995). Different kinds of analysis are required based on the dimension and they include interpretation for processing analysis, description for text analysis, and explanation for social analysis (Janks, n.d.).

Jones, et al (2015: 4) defines discourse analysis in the digital world as:

'the study of the ways different 'technologies of entextualisation' (including semiotic systems like languages as well as media like televisions and computers)

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affect the kinds of meanings people can make in different situations, the kinds of actions they can perform, the kinds of relationships they can form, and the kinds of people they can be'.

Their description of the method includes four primary focuses that include 1) actions and interventions 2) power and ideology 3) contexts and 4) texts (Jones, et al, 2015: 4). Jones, et al (2015: 4) define actions and interactions as 'what people do with texts, especially what they do with and to each other' and contexts as the social and material situation wherein these individual texts are created, consumed and exchanged. Power and ideology are stated by Jones, et al (2015) as the ways that texts are used by individuals to control others and to develop new or specific versions of reality. Different analysts may take different approaches and focus on these four factors to varying extents, but every approach looks at all the elements and seeks to understand how they work together (Jones, *et al.*, 2015).

Jones, et al (2015: 4) state that each approach seeks:

in some way to understand the relationship between the 'micro' level of discourse (having to do with the ways texts are put together and used to take specific actions in specific situations) and the 'macro' level of discourse (having to do with the way texts reflect and help perpetuate certain social orders).

However, while this is an interesting concept, and the points made about perpetuating certain power relations and social orders could specifically relate to media bias, I decided to use Fairclough's critical discourse analysis approach.

Rejection of Other Methods

As stated previously an alternative method could have been content analysis, as it is quantitative in origins and provides me with hard data I could interpret (Neuendorf, 2004). Content analysis provides researchers with information on the number of times specific words, features, or attributes are found in sample texts (Neuendorf, 2004). It also allows for broad observations through finding meaning in patterns inside and across categories, and in the number of times something is said or done (Neuendorf 2004). Primarily focusing on the

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language used without acknowledging the reasoning and background can eliminate some meaning behind the emotional language. I believe situational context is important to better understand the implications of media bias, as I am analyzing a political situation with years of legislative history, debates, and changes in ideological power.

There are positives to the content analysis method. The first is that content analysis requires a secondary coder to check intercoder reliability, and this adds a second layer of protection from influence from my own personal understanding and reality as the primary researcher (Neuendorf, 2004). Additionally, using critical discourse analysis allowed me to have a more ideological focus to my research question, but it was limited in the lack of quantitative data. Another positive is the generalizable quality of using a large number of examples, and that property can be applied to a large variety of texts (Neuendorf, 2004).

Other qualitative methods such as interviews could be one sided based on the subject choice such as only journalists.

Unexpected Issues/problems that arose

While this research was being conducted about a period during the Trump presidential administration, the goals of this research were not to focus on Trump above coverage of the policymaking process. Trump is a large part of the process, as he signed the legislation into law, but he is not the only factor.

Evaluating the discursive dimension was fairly simple as it involved identifying direct and indirect quotes but identifying the type of speech was difficult in modern online journalism where tweets, interviews, press conferences, etc. are all cited similarly.

Another source of issues was emotionally grounded or descriptive language, as they can be subjective. There are concerns that what I deemed as 'emotionally charged language' may not be the same as another individual, but I tried to be as objective as possible.

My research's primary focus was to use discourse analysis to evaluate ideological bias in the reporting of bipartisan issues in online and newspaper media in the United States, specifically

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criminal justice reform. I decided to use Fairclough's critical discourse analysis because it evaluated a variety of topics such as relationships between sources, authors, and the audience, background information, and the differences between direct and indirect quotations. As they are all newspaper or online media articles with similar editorial standards and style (i.e. Associated Press style) other pieces used in analysis such as sentence structure are not as important.

One issue that came up during research that solidified my usage of discourse analysis in comparison to content analysis was realizing the variety of ways an author or publication could describe a bill being bipartisan. The ability to interpret texts beyond simply the direct words written was important in this case. Journalists were not just referring to bipartisanship through the word bipartisan, and could reference voting patterns, whipping of votes, partnerships, or amendments to the bill to discuss the issue.

Summary of methods and procedures

The sampling and selection of data

For this research, I chose to analyze newspaper articles regarding the First Step Act from a variety of publications across the spectrum using my framework. I developed my own framework through multiple publications and research organizations such as AllSides' August 2021 framework and Ad Fontes Media's January 2021 media bias chart (Sheridan, 2021; AllSides, 2021; Ad Fontes, 2021). Ad Fontes (2021) uses their methodology to individually score publications on reliability (from 0-64) and bias (from -42 to +42, with zero being most neutral and higher scores on either side being more left or right). Ad Fontes (2021) say they consider anything above 24 on reliability to be 'generally acceptable' and above 32 as 'generally good.' The appendix includes data sets on the following: publications on the spectrum, newspaper bias scores, left leaning publications, right leaning publications and middle publications that I used as part of this analysis.

Expert Kelly McBride, chair of the Craig Newmark Center for Ethics and Leadership at Poynter, points out, the charts can give consumers an 'undue trust in outlets' and she states,

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Overreliance on a chart... is going to probably give some consumers a false level of faith. I can think of a massive journalistic failure for just about every organization on this chart. And they didn't all come clean about it. (Sheridan, 2021)

These charts and frameworks are not the only basis for my research framework and by using lists of publications in print and online, I conducted background research on the publication's founding and historical coverage, social media following, and where relevant, subscription numbers.

Some potential publications did not cover the First Step Act passage in comparison to those selected. This meant that they were excluded from the research, not on the basis that they weren't representative of a certain bias on the spectrum, but because there was not enough content to get a full picture of their position.

Another goal of my research was to ensure there was a variety of publications on the conservative side to make sure the research was representative of both the left and right. While they are highly consumed, I wanted to expand beyond the most commonly discussed 'right wing' publications of Fox News and Breitbart (Sherman, 2014; DellaVigna, 2007; Hoewe *et al*, 2021; Arceneaux, 2015; Morris, 2005; Cope & Crabtree, 2018; Tandoc *et al*, 2018; Clinton, 2014; Cammaerts, 2021; Newman, 2018; Dempsey *et al*, 2021; The Economist 2016). Yglesias (2018) does make a strong case for studying Fox News and understanding its power and relations to the Republican Party, but that is not the focus of this research. The focus of this research is to get a view of multiple media outlets across the political spectrum. I used the bias frameworks discussed above and my personal knowledge of American conservative outlets to pick publications of interest.

Other reasons for exclusion were based on publication medium. For instance, I excluded publications that rely heavily on integrating their broadcast output into their online content including Fox News and NPR. Publications such as the National Review, The New Yorker, The Atlantic, and Jacobin were excluded because they publish online but are primarily magazines.

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To represent the right, I chose The Daily Caller, The Federalist, and Townhall. The Daily Caller, founded by Tucker Carlson (now on Fox News), is a publication highly supported by more populist and Trump supporting demographics (Benkler, 2018). Their stance is not necessarily 'conservative' in a traditional sense. In comparison, The Federalist demographic is more a modern traditional conservative, and their stances tend to be a bit more pro-life, pro-military intervention, and in support of traditional family values, with an entire section on religion (Federalist, 2021). They rely less on click bait type titles, quizzes, and social media memes/stunts than their Daily Caller (DC Instagram, 2021). Townhall was founded by Katie Pavlich with the Heritage Foundation but is now owned by Salem Media (Ad Fontes, 2021, Townhall, 2021). Salem Media also supports Regnery Publishing, a leading conservative publishing house, multiple conservative talk radio stations across the country, and a selection of religious websites (Salem, 2021).

For the left of the political spectrum, I chose POLITICO, Huffington Post, and Vox. Politico was my choice to represent a slightly left leaning demographic, whereas Huffington Post and Vox are more liberal.

For the center of the political spectrum, I chose The New York Times (NYT), Wall Street Journal (WSJ), and The Hill. While I understand that some consider the New York Times leans slightly left of center and the Wall Street Journal (WSJ) slightly right of center (Ad Fontes, 2021), I believe they are the two most relevant US daily newspapers and create a balance. In some ways, WSJ is considered more to the center by AllSides (2021) and Ad Fontes (2021). Pew found that the WSJ is the only news source that is considered more trusted than distrusted by individuals of all ideologies on the political spectrum (Mitchell, 2014; UofMich, 2021). I chose The Hill over the Washington Post because of its more moderate stance (Ad Fontes, 2021). Like The Washington Post, it has a higher relevance and proximity to the legislative process in comparison to other major US daily papers such as The Philadelphia Inquirer, Boston Globe, LA Times, and Chicago Tribune (Ad Fontes, 2021).

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Specific publications required judgment calls in regards to what is 'news articles' on their websites. Anything explicitly labeled opinion or written by a columnist was excluded from my research pool, but there was some questionable news type content. I excluded entries from POLITICO's many insider newsletters but included articles published by their journalists.

In order to ensure I was accessing as many of the past articles as possible, I created a spreadsheet to track entries. I searched on Google with keywords of the publication name and First Step Act in addition to website's of individual publications and logged those into my spreadsheet. The spreadsheet tracked articles in the following categories: publication, the title of the article, journalist/author(s), date published, news or opinion, presence of a paywall, and link to the article. I used the spreadsheet to see which publications on different parts of the spectrum covered the issue most in the 'news' category.

Due to time restraints, I couldn't analyze every publication to see how much they covered the topic, but I could look at the publications with large followings or specific viewpoints in the different parts of the spectrum. I originally intended to only analyze a standardized six month period of coverage but some liberal publications did not cover this issue as much, which resulted in extending my time period.

Design of research tools

Discourse analysis has many methods including thematic analysis, Fairclough's critical discourse analysis, and narrative analysis but I chose Fairclough's (1995) method because of its three interrelated dimensions. Between these three dimensions and Fairclough's interest in ideology and power, I felt this method was most relevant to the subject of media bias in political reporting.

Examples of annotated articles under this method are shown in the appendix, as I color-coded specific parts and wrote long to organize my observations. Color-coded identifiers and notes that I used in my analysis included: Republican or right-leaning source, Democrat or left-leaning source, negative/positive mention of Democrats or progressives, positive/negative mention of Republicans or conservatives, discussion of/use of the word

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bipartisan/bipartisanship, quoting or paraphrasing the legislation, using a direct/indirect quote. All three dimensions are present in the identifiers used (i.e. indirect/direct quote is an example of the discursive dimension) (Fairclough, 1995; Farclough, 1989).

I created annotated PDFs first by evaluating the textual dimension such as sentence structure and word choice. I followed this by analyzing the discursive dimension including how communications are used (direct quotes, indirect, etc) and the type of speech used. Finally, I evaluated the societal or socio-cultural dimension by analyzing the presence of communities and the public sphere.

Ethics and reflexivity

By targeting specific publication groups from the start, I eliminated some of my ability to see if other publications better represent my projected sample. In future research, it may be preferable to conduct my publication search without having targeted specific publications. However, I believe my chosen method guarantees that my sample does not skew in a particular direction.

Both the American political left and right are very expansive in their beliefs so I chose three examples of publications on each part of the spectrum to further eliminate any additional influence based on my own beliefs.

In my searches I did not mention the names of specific politicians or advocates, either on the Republican, Democrat, or non-partisan sides. This was to ensure that my search results were not skewed towards criticism or praise for those politicians, but instead were representative of the coverage as a whole as I was specifically looking for coverage of the legislative process. Eliminating this search tactic may have skewed the articles found, but I did use articles that contained these critiques, just only when relevant to the passage of the legislation.

Another possible skew in search results may have occurred by using Google to find articles. I primarily used the publications' websites when I targeted a specific outlet but preliminary searches were done using Google with a VPN, and these results may have been different than

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other search tools due to prominence (Burgeut, 2015; Bar-Ilan, 2007; Baye, 2016). Some websites' (including Vox) had search bars that did not target the correct search terms and this resulted in targeted Google searches.

In order to avoid the paywall, I had to use a VPN (Nord) and collect articles in waves over time. This research may not be able to be replicated by a general individual without using a VPN, using a news database, or having subscriptions to some of the selected publications due the implementation of a paywall (Myllylahti, 2014; Russell, 2020; Sjøvaag, 2016).

Finally, many articles only briefly specifically mentioned the First Step Act (one to four sentences) and then moved on to related subjects like activists involved or next steps. They were still used in this study, as it is still a discussion of the legislation's passage.

RESULTS AND INTERPRETATION

My research overall found that bias in the reporting of bipartisan issues is not as straightforward as other previous literature assumes. As stated in the literature review, prominent single nation studies tend to focus on what does and does not get printed, and there are arguments that reporting is based on the same set of facts however, they convey a radically different message of what happened by 'the selective omission, choice of words, and varying credibility ascribed to the primary source' (Gentzkow & Shapiro, 2006).

My primary findings were that coverage of policy entrepreneurs and advocates varied in content and speech in a similar way as Gentzkow and Shapiro (2006) describe. There were some cases of major differences between the subjects reported though. In some cases, such as infighting amongst Republicans or coverage of Jared Kushner or Kim Kardashian's advocacy efforts, the primary differences were in how the subjects were reported and not if they were reported at all. However, in other cases such as other policy advocates involved or how this

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legislation fit into presidential campaigns, the content covered at a base level tended to be completely different. This exemplifies examples of agenda bias.

Overall, there was also some coverage bias, statement bias, and gatekeeping bias as defined by D'Alesso and Allen (2000) at the more hyper-partisan publications, especially right leaning publications. For example, statement bias occurred regularly in coverage of more liberal policy actors by conservatives because it generally involved rebuking criticism or furthering compliments to Republicans (Baumann, 2020; O'Brien 1, 2019; O'Brien 2, 2019; Morefield, 2018).

Additionally, production tools were key in the differences between publications across the spectrum. Similar to Shultziner and Stukalin (2020), I found that reporting was tilted using mechanisms such as headlines and perspectives through editorial decisions.

Discussion of Bipartisanship

The terms 'bipartisan' or 'bipartisanship' were used widely at platforms across the political spectrum. However, through my research design of discourse analysis, I was able to explore the meaning behind these words and other explanations of bipartisanship from publications. Publications explained the efforts in different ways, perhaps for different audiences or contexts, but this means the relationship between parties is conveyed through more than just the term 'bipartisan.'

One way that publications conveyed bipartisanship was through reader explanations that were high in detail and possibly superfluous information. For example, Politico described the bill as 'a sweeping criminal justice reform bill that eluded previous administrations and has earned celebrity support' (Orr & Lippman, 2019). Reader's may not necessarily need to know that celebrities support the legislation, but it may add to the appeal and cross cultural context of the First Step Act.

In addition to the general mention of bipartisanship and definitions that occurred in a majority of the articles across the spectrum, other language techniques and mentions were used to

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convey bipartisan action. Use of political mechanisms to explain bipartisanship to readers were common. Coverage from The Daily Caller (citing CNN) mentioned the Problem Solvers Caucus of 48 lawmakers that endorsed the legislation and the House Judiciary vote to move the bill forward of 25-5 (Morefield, 2018). Other coverage include vote tallies from committee meetings, general voting numbers (Bobic & Delany 2018) or mentioning co-sponsorship of the legislation by Republicans and Democrats to emphasize their point (Wheeler, 2018). It even includes Huffington Post writing the following: ‘The legislation is backed by a broad bipartisan coalition that includes ‘tough on crime’ types like President [Donald Trump](#) and Sen. Ted Cruz (R-Texas), as well as Democratic presidential hopefuls like Sens. Cory Booker (D-N.J.) and Elizabeth Warren (D-Mass.). The outpouring of support helped convince a wary Senate Majority Leader [Mitch McConnell](#) (R-Ky.) to finally allow it to come to the floor for a vote this week’ (Bobic & Delany, 2018).

Quotes selected by some platforms displayed how difficult it was to come to an agreement on criminal justice reform. The Huffington Post (representing the left) quotes Alex Gudich of #Cut50 stated that his organization feels it’s ‘harder than it’s ever been’ to work across the aisle (Reilly, 2018). He stated that this compromise should not be the end of criminal justice reform since neither party is getting everything they want from the compromise (Reilly, 2018). Gudich says,

‘People who say that if Congress does this now they won’t return to this for years or decades to come, I just don’t buy that because I just don’t think everybody is getting everything that they want here. The Democrats are not getting sentencing reform, but Republicans are not getting mens rea. They’re not getting civil asset forfeiture. They’re not getting things that touch on the criminal justice system that are listed as their priorities’ (Reilly, 2018).

This shows a perspective of how difficult the legislation was to pass, and displaying these differences can inform the public on conflict, but also display the overall coming together of parties to make something happen.

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Huffington Post consistently called the legislation ‘the so-called First Step Act’ which combined with other comments undermined an ideal of bipartisan support by implying it was a slightly unfavorable piece of legislation. This type of language also provides a call to action towards lawmakers to make this legislation a jumping off point for more action.

Citations of Experts, News, and Partisanship

In addition to the more general citation of Republicans across Congress and the multiple branches, many think tanks, organizations, publications and researchers were part of the policy process regarding criminal justice.

Surprisingly, quotes from more liberal publications and sources were used by conservative publications as citations of fact from their reporting. Generally, the only time comments were used in a negative connotation is if someone was critiquing the President or Republicans, and even then, it was rare (Kruta, 2020).

The hyper-partisan type outlets on either side of the spectrum that I analyzed (such as Vox, The Federalist) were also more likely to imbed tweets from various sources including policy advocates and policy entrepreneurs.

Coverage of Policy Entrepreneurs

Based on Kingdon (1984), Mintrom (2000), and Brouwer (2017), policy entrepreneurs can be defined as ‘highly talented and exceptional bureaucrats, who, just like their private counterparts, are constantly alert for new opportunities (for policy change) and have the capacity to ‘sell’ and ‘market’ new ideas’ (p. 1259). Policy entrepreneurs are different from others in the policymaking process because they have a higher willingness to take risks and they are involved throughout the policy change process (Brouwer, 2017).

Jared Kushner

Publications on all sides of the spectrum focus much of their content on one policy entrepreneur, Jared Kushner. Kushner, President Donald Trump’s son-in-law, could also be defined as a policy entrepreneur based on his focus on this particular issue and was seen by

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some journalists as a major push point with the president on the bill (Everett & Johnson, 2019; Reilly, 2018; Orr & Lippmann, 2019). Policy change processes can be constrained and guided by structure, but policy entrepreneurs exhibit personal agency when they are working towards changing policy (Bouwer, 2017). Kushner engaged in his own outreach both on Capitol Hill and with advocates such as Kim Kardashian, and regularly leveraged ‘conversation opening’ presentations, and flashy private meetings at the White House and his home to engage individuals (Johnson & Everett, 2019).

Coverage of Jared from the left-skewed publications was less united with titles claiming the ‘Jared Kushner-Backed Bill’ could be the ‘last shot’ for criminal justice reform on the federal level in the 2017-2018 Congress (Reilly, 2018; Schorr, 2018; Caygle, 2018). However, subtitles such as ‘The president's son-in-law has been a ‘driving force’ of the legislation, which focuses on the re-entry of federal prisoners. Many say it doesn't go far enough’ (Reilly, 2018). The article includes a number of quotes of praise for Kushner such as calling him ‘a driving force behind the scenes’ and saying he has accomplished numerous goals for criminal justice reform (Reilly, 2018).

The NYT and HuffPost attributed the compromise of Jeff Sessions not intervening to Kushner and mentioned his past and father’s prison sentences as his empathetic reasoning for pushing for reforms (Reilly, 2018; Apuzzo, 2018). Huffington Post even quoted his op-ed in the Wall Street Journal (Reilly, 2018; Kushner, 2018).

The New York Times called Kushner’s advocacy a ‘whiplash approach’ and contrasted between ‘the president’s reform-minded son-in-law and senior adviser’ and Jeff Sessions as ‘a hard-liner whose views on criminal justice were forged at the height of the drug war’ (Apuzzo, 2018). They use quotes from liberal policy centers like the Brennan Center for Justice that further push this comparison between Kushner as a well-meaning individual and Sessions as a foe such as,

‘I do believe that Jared Kushner is earnest in his desire for criminal justice reform but Jeff Sessions is still stuck in 1980. He hasn’t moved along with everyone else,

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including top prosecutors and police chiefs, who realize that tough-on-crime doesn't work' (Apuzzo, 2018).

Coverage from center publications such as the New York Times also tried to humanize Jared's advocacy for the issue, talking about how his dad was placed in jail and his personal beliefs (Karni, 2018).

Positive articles stated how he may be 'snubbed' by the president for his work (Orr & Lippman, 2019). However, others such as Politico used contrasting language from Republican supporters and critics of Kushner to juxtapose opinions of his character. For instance, Johnson and Everett (2019) quote Senator Ron Johnson (R-Wisconsin) as saying Kushner 'worked outside groups and he cracked the code' in regards to the First Step Act but compare that with a critical senator stating he his 'cookie-cutter' approach won't work long term, he doesn't have the 'magic touch,' and his primary role was to 'get his father-in-law on board' (Johnson & Everett, 2019).

This mix in coverage of Kushner shows a variety of coverage across the spectrum that doesn't seem to follow strict ideological patterns.

Other Policy Entrepreneurs

Other policy entrepreneurs on this issue are not generally mentioned by anyone across the spectrum in their reporting on the First Step Act's passage, and these include both Republicans and Democrats.

Senator Rand Paul (R-KY) has been an advocate for criminal justice reform for years. He has introduced 25 criminal justice bills, and many are cosponsored by members of the opposing party (Ragusa, 2021). This includes more recently the Breonna Taylor Act to ban no-knock raids (Ragusa, 2021). For example, in a statement, Sen. Paul stated the following regarding the 'War on Drugs':

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‘Our current system is broken and has trapped tens of thousands of young men and women in a cycle of poverty and incarceration. It is my hope that my criminal justice reform legislation will help many of these young people escape this trap by reforming our criminal justice system, expunging records after time served, and preventing non-violent crimes from becoming a permanent blot on one’s record’ (Paul n.d.).

Previous coverage of Paul and op-eds show his past efforts with criminal justice, including advocating for the Republican party to take on criminal justice as one of their issues (Lind, 2015), bettering addiction services to prevent jail time (Cohen, 2015), partnering with current democratic Vice President, Kamala Harris on reforming bail practices (Hamilton, 2017; Paul & Harris, 2017), and recently, demilitarizing the police (Paul, 2020). Paul was not mentioned in reporting on any part of the spectrum outside of two articles from conservative publications, with one featuring his wife primarily in the Daily Caller (Fordham, 2018), and the other being about the First Step Act and criminal justice reform following passage during the presidential race in Townhall (Bufkin, 2020).

Democratic policy entrepreneurs such as Sen. Cory Booker (D-NJ) and Rep Hakeem Jeffries (D-NY) were also overlooked by many publications (Paul, n.d.). I will explain this further later on in my results analysis.

Coverage of Policy Advocates

In comparison to ‘policy entrepreneurs’ as explained above, policy advocates are ‘those who mainly translate ideas into proposals’ (Brouwer, 2017). They are generally not bureaucrats, but instead other members of society (Brouwer, 2017).

Reporting of the prominent policy advocates varied across the spectrum, with most emphasis across the board being on Kim Kardashian. Conservative publications heavily reported on support from traditionally liberal individuals such as Van Jones, and they also featured former inmates advocating on the issue. Liberal and moderate outlets did not really acknowledge

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these special interests, and instead focused more on the policy process and democratic candidates for president.

While all the publications covered criminal justice reform and its passage through the First Step Act in some form, they seem to select their featured activists, and the language used to speak about them very specifically.

Kim Kardashian

Kim Kardashian is an example of a policy advocate who gets no personal gain from her advocacy for criminal justice reform. Her celebrity creates traction with the press due to her businesses and reality television career.

Publications on all parts of the spectrum covered Kardashian's advocacy, but in different ways. Articles from Vox claimed 'Kim Kardashian wants to change that.' in regard to high unemployment for former inmates with a photo of her making a speech at the White House podium (Kim, 2019). Huffington Post called Kardashian an 'adept lobbyist with the Trump administration' (Delbyck, 2019) and a 'businesswoman' who has 'built an empire around her family's reality show' (Madani, 2018). In an article about freeing A\$AP Rocky, they compared her status as a 'makeup mogul' to successfully petitioning President Trump to commute prisoner Alice Johnson's life sentence, and appearing at a White House press conference regarding efforts to hire early release prisoners under the First Step Act (Delbyck 2019). It's noted that the start of her interest was sparked by a group of high-profile, controversial sentences against women including Cyntoia Brown and Alice Marie Johnson (Madani 2018). In these meetings, Huffington Post still refers to the president and Kardashian as a pair of 'reality TV stars' (Madani, 2018).

Equally in the middle and right-leaning publications she was praised for her efforts, and spoken of in a positive manner. Right-leaning publications praised both her efforts and her ability to thank the President and conservatives for their work. Townhall cites Kim Kardashian's work when announcing Kanye's run for president saying 'President Trump has been receptive to Kim Kardashian and her activist work to free criminals from prison, which

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is part of the reason we got the First Step Act.' (Stocking, 2020). They also titled one of their articles with, 'Kim Kardashian Circumvents the Mainstream Media to Share the Positive Impact a Trump Policy Is Having' (Baumann, 2020). Hyperpartisan right publications such as The Daily Caller and The Federalist also mimicked these compliments with headlines such as 'Kim Kardashian Continues Her Prisoner Release Advocacy With Incredible Offer' when she offered to pay expenses for Matthew Charles, the first inmate released under the First Step Act (Jerkovich 2019) and ['Kim Kardashian Praises White House, Offers Ridesharing For Former Inmates'](#) (Clark, 2019). The Federalist began one of their articles with: 'Kim Kardashian West has an important lesson to teach Americans: how to get along with people with whom you don't always agree' (Clark, 2019).

Of the moderate publications, Wall Street Journal didn't really focus on Kim Kardashian much in their reporting, and in comparison, The Hill highly covered Kardashian's efforts for reform (Kurtz, 2019; Gstatler, 2019; Folly, 2019; Samuels, 2019) and the New York Times mentioned her regularly in coverage (Fortin, 2019; Herndon, 2019; Karni & Haberman 2020; Eligon & Karni, 2021; Baker et al, 2020; Blinder & Dewan, 2018; Karni, 2018; Haberman & Karni, 2019). The Hill's headlines especially discuss Kardashian 'helping' to secure release for inmates on multiple occasions (Gstatler, 2019; Samuels, 2019).

Publications on the hyper-partisan left and right conducted a lot of their reporting about Kardashian's efforts in their 'Entertainment' sections instead of politics. This included Huffington Post (Madani, 2018) and The Daily Caller.

Van Jones

Van Jones was an active member of the criminal justice reform fight as he is a CNN contributor and co-founder of #cut50 (O'Brien 1, 2019) and former Obama White House employee (Berbash, 2009). However, coverage of his efforts was patchy, especially in comparison to Kim Kardashian or Jared Kushner.

Conservative news outlets praised Jones highly for his support of the First Step Act. Townhall spoke positively of Mr. Jones with an exclusive interview including information about his

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work and praises for Trump's legislative work (O'Brien 1, 2019). The headlines emphasize his compliments of the president such as 'Trump-Approved Prison Reform Bill Passes, Gets More Praise from Van Jones' (O'Brien 1, 2019; O'Brien, 2018; Osburn, 2019). They also mention his appearance at the Conservative Political Action Conference and state that while Jones is 'no conservative' he will be participating to talk about criminal justice reform on a panel moderated by the Daily Caller (O'Brien 2, 2019). #Cut50 is a bipartisan initiative 'to reduce the number of people in our prisons and jails while making communities safer' (O'Brien 2, 2019). Hyperpartisan, conservative platforms such as The Federalist defended Jones for backlash after his CPAC appearance, making him appear as an ally (Osburn, 2019). Their very editorialized response included the line, 'Apparently it's bad to call for bipartisan solutions when it comes to fixing our broken criminal justice system, according to liberal pundits.' when defending Van Jones against comments from the public and journalists online, including writers from liberal publications like Vox (Osburn, 2019). Other articles showed Jones speaking negatively about Obama and Biden's history in criminal justice, and positively of Trump (Davis, 2019; Morefield, 2018). Only one conservative publication (The Daily Caller) noted that Jones complained about being 'teased' by the president at their meeting, but also stated, 'and yet, on this issue, they have managed to find common ground' (Morefield, 2018).

Other than two mentions of Van Jones on The Hill's articles on The First Step Act, the moderate publication choices do not mention Jones. The liberal publications I chose to evaluate also did not really mention Van Jones, if at all. Especially not the extent of coverage of Jared Kushner or Kim Kardashian.

Other Activists

Alice Marie Johnson was one activist in these efforts that were not covered similarly between the publications. Conservative outlets covered her comments in regards to Kim Kardashian's efforts but especially after her speech at the Republican National Convention (Safi 1, 2020; Safi 2, 2020; Safi 3, 2020). The Hill did mention her work as a former inmate (Concha, 2020; Anapol, 2019) but more liberal outlets did not mention her advocacy efforts.

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A similar situation occurred with Matthew Charles, another prominent advocate on this issue, especially following the passage of the legislation. Charles was the first individual to be released under the new provisions, and completed speaking engagements across the country to explain the issue as reported by Townhall (Petrizzo, 2019). He received some press from other middle bias media when Kim Kardashian offered to pay his rent and living expenses, after he couldn't find a place to live post-release (Griffith, 2019). Otherwise, his speaking across the country (Burton, 2019) and advocacy efforts were not covered.

Conservative In-fighting

Liberal leaning moderate publications such as the New York Times and liberal publications such as Huffington Post feature arguments from Sen. Tom Cotton (R-Arkansas) and Sen. John Kennedy (R-Louisiana). These 'hard-on-crime' conservatives rallied against the legislation and proposed multiple amendments to possibly derail the legislation (Bobic & Delany, 2018). Huffington Post quotes Cotton as saying the bill would 'free child molesters and murderous carjackers who would then commit more crimes' and the authors add, 'imperil the re-election of every senator who votes for it' (Bobic & Delany, 2018). They also quoted Kennedy as saying that he felt the bills were 'a violation of American public safety' (Bobic & Delany, 2018).

Politico and The Hill both reported extensively on this infighting between 'hard on crime' conservatives as well (Carney, 2018; Everett & Schorr, 2018; Levine, 2018; Daugherty, 2018; Everett, 2018). Coverage from Politico frames the infighting as a war for influence between Cotton and Trump (Everett, 2018) and other coverage mirrors this. In comparison, there was only some mention in right leaning publications like Townhall regarding organizations speaking out against the Cotton and Kennedy amendments (Petrizzo, 2018) but not a lot of coverage from the right otherwise.

Due to the differences in coverage between the political slants, I would argue this is an example of agenda bias.

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Lack of Coverage of Democrat Politicians or Organizations

The primary source of coverage on this issue for Democrats begins after the passage of the bill when evaluating possible candidates for president and their platforms (Hatch & Reilly, 2019; Blumberg, 2019; Lopez, 2019). This specifically includes historical references to the 1994 Crime Bill and Biden's campaign for conservative outlets (Davis, 2019). Some outlets even used language and quotes from liberal contributors like Van Jones to critique democratic candidates, and an example of this is mentioning,

'Jones also said that Biden will have to answer for this previous tough-on-crime stance on the campaign trail, such as his support for the 1994 crime bill, which Jones claims accelerate mass incarceration in the US' (David, 2019).

This may have been to counteract coverage of Trump's policy platform, where he at times featured criminal justice reform (Lopez, 2020).

Coverage of the actions of Democrats does not generally occur during the passage process, even though the bill was considered a bipartisan effort in the House of Representatives and Senate. Huffington Post in their coverage does list all the primary sponsors of the bill, both Republican and Democrat in their explanation of the bill (Reilly, 2018).

Any mentions of Democratic legislature members outside of bill cosponsor information was negative in tone in conservative media. For example, Townhall does mention a negative comment towards the Republicans from Rep. Jerrold Nadler of New York, but includes the Republican response (O'Brien, 2018). General mention of liberals is not as negative, as exemplified with compliments of President Trump by Van Jones.

While Democrats were not in power during this time, Republicans were concerned about losing the House of Representatives (Rodgers, 2018) as many presidents do halfway through their terms (McCarthy, 2018), so it is curious that there is little to no mention of them, even in more liberal outlets.

CONCLUSION

This study attempts to better establish the relationship between media bias and reporting on bipartisan legislation in the United States through the analysis of coverage of the First Step Act. The goal of this study was to evaluate the extent of bias and slant in reporting of non-hyperpartisan, moderate issues. Through the lens of the American political context, I created a response to the question, 'Does media bias of different print/online outlets in the United States affect their reporting and framing of bipartisan/non-partisan issues such as the First Step Act of 2018?'.

Key insights of the study show the primary differences in reporting were both language and subject/content based. Between publications across the spectrum, there was coverage of policy entrepreneurs and activists, an emphasis on democratic criminal justice policy only from a presidential election context and a focus on infighting between Republicans over infighting on the Democratic side.

The use of critical discourse analysis to identify relationships and audiences was really useful in this case, especially since I investigated the coverage of a 'relationship' between the Republican and Democratic parties to pass this legislation. This could not have been achieved with a quantitative method.

The results of this research may be limited by the sample size and selection of legislation from during the Trump administration, but we can use this information to evaluate other bipartisan efforts. Further research could be conducted on pieces of 'bipartisan' legislation passed during other administrations, both Republican and Democrat, to create a larger sample and see if these findings are maintained. Until more research is done on the topic, we can not confirm if this precedent is exclusive to the political process in the Trump administration, or is a more general trend.

Other possible further research opportunities could expand their look on 'conservative,' 'right-wing,' and 'Republican' news outlets and their coverage of bipartisan issues. There is a wide

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breadth of conservative publications outside of Breitbart and Fox News that are not referenced in the literature. I tried to expand the 'conservative' wing in research a bit more, to get a better understanding of conservative ideology in the media.

I would also be curious about ongoing coverage of this specific issue (criminal justice reform) because since the passage of the legislation, almost three years ago, there are many lingering challenges to the criminal justice system. The year 2020 involved much civil unrest due to the killing of George Floyd by the police and the pandemic (Chitji, 2020) and we are still facing these issues into 2021 and beyond. Reports in July 2021 show that as agreements can't be made on police reform, senators are exploring a bipartisan addition to the First Step Act (Levine, 2021).

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APPENDIX

Figure 1. Examples of Tough on Crime Legislation (from Shjarback & Young 2017)

Bill	Brief Description	Sponsor and Cosponsors
House.3355 (93-94) Violent Crime Control and Law Enforcement Act of 1994	Largest crime bill in U.S. history; funding to hire 100,000 new police officers, \$9.7 billion in funding for prison construction	S: Jack Brooks (D) CS: 2 Democrats
House.1240 (95-96) Sex Crimes Against Children Prevention Act of 1995	Amended sentencing guidelines to increase punishment severity for sex offenses against children and child pornography	S: Bill McCollum (R) CS: 7 Republicans
Sen.1254 (95-96) A Bill to Disapprove of Amendments to the Federal Sentencing Guidelines Relating to Lowering Crack Sentences...	Did not approve the U.S. Sentencing Commission's amendment to equalize the penalties for crack and power cocaine quantities for trafficking and possession	S: Spencer Abraham (R) CS: 9 Republicans; 1 Democrat
House.4472 (05-06) Adam Walsh Child Protection and Safety Act of 2006	Created a national sex offender registry; created civil commitment provisions	S: James Sensenbrenner Jr. (R) CS: 32 Republicans; 5 Democrats

S sponsor, CS cosponsors, D Democrat, R Republican

Source: Shjarback, J. A., & Young, J. T. N. (2018) The "Tough on Crime" Competition: A Network Approach to Understanding the Social Mechanisms Leading to Federal Crime Control Legislation in the United States from 1973-2014, *American Journal of Criminal Justice*, 43(2), 197-221.

Ad Fontes Publication Comparison Information (Alphabetical Order)

Publication Title	Reliability Score*	Bias Score*	Website Visits Per Month***	General Skew	Reliability Phrase	Notes
Breitbart	30.19	17.11	74 million	Skews right	Mixed reliability	
Buzzfeed	43.38	-7.9	27 million	Skews left	Most reliable	
Chicago Tribune	45.81	-3.15		Middle	Most reliable	
Daily Wire	34.23	14.4	27 million	Skews right	Mixed reliability	
Fox News (Online)	35.93	14.67		Skews right	Mixed reliability	
Huffington Post	39.76	-11.34		Skews left	Most reliable	

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Jacobin	31.63	-22.21	2 million*	Hyperpartisan left	Mixed reliability	*has additional print base of about 60k
LA Times	45.27	-7.28	27 million	Skews left	Most reliable	*The print product has a daily readership of 1.3 million, with 2 million on Sundays
National Review	32.99	14.41	11 million*	Skews right	Mixed reliability	*has additional print circulation of approximately 90,000
New York Magazine	41.82	-9.82	22.3 million	Skews left	Most reliable	*circulation of approximately 400,000 per issue
New York Post	33.17	12.75	79 million	Skews right	Mixed reliability	*average daily circulation of 190,000
Newsmax	27.63	16.92	25 million	Skews right	Mixed reliability	
NPR	46.25	-4.94		Middle	Most reliable	
Politico	43.35	-6.9		Skews left	Most reliable	
Reuters	48.99	-1.6		Middle	Most reliable	
Roll Call	46.6	-2.84	1.2 million*	Middle	Most reliable	*also has 35,000

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						newspaper subscribers
The American Spectator	20.41	23.07	1.6 million	Hyperpartisan right	Somewhat reliable	
The Atlantic	39.61	-9.8	47.5 million*	Skews left	Most reliable	*also has half a million print subscribers
The Daily Caller	30.77	16.29		Skews right	Mixed reliability	
The Federalist	26.61	20.32	8 million	Hyperpartisan right	Mixed reliability	
The Hill	44.87	-0.5		Middle	Most reliable	*print distributed for free around Capitol Hill and reported to reach 24,000 daily
The New York Times	44.76	-8.19		Skews left	Most reliable	*print circulation of 840,000 and a total of 6 million subscribers
The New Yorker	40.43	-12.54		Skews left	Most reliable	*available in both print and online, reaching 1.2 million readers
Townhall Media	24.19	20.37	20 million	Hyperpartisan right	Mixed reliability	
USA Today	45.76	-4.09		Middle	Most reliable	*print edition reaches

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						more than 700,000 worldwide, with more than half a million digital subscribers
Vice	41.62	-11.38	46 million	Skews left	Most reliable	
Vox	40.83	-10.97	43 million	Skews left	Most reliable	
Wall Street Journal	46.15	4.93		Middle	Most reliable	*2.8 million circulation
Washington Examiner	34	15.04	21 million	Skews right	Mixed reliability	*started as newspaper and now weekly magazine, subscription of 45,000
Washington Post	43.73	-7.82		Skews left	Most reliable	
Washington Times	31.33	15.07	10 million	Skews right	Mixed reliability	*daily circulation of 52,000

Notes: *Reliability score from Ad Fontes Media (2021), citations by publication in references. Scores are on a scale from 0-64 with 64 being most reliable and 0 being least. As I stated in my paper, As Fontes (2021) considers anything above 24 to be “generally acceptable” and above 32 as “generally good.”

** Bias score from Ad Fontes media (2021), citations by publication in references. Scores are on a scale from -42 to +42 with -42 being most left and 0 being neutral and 42 being most right leaning.

*** Readership/Viewership information from Ad Fontes Media where provided

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