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Before the Court and in the Press: Newspaper Coverage of Creationism and School Prayer Movements' Legal Framing

James E. Stobaugh[1], Sean Huss[1]

[1]Department of Behavioral Sciences, Arkansas Tech University, Russellville, AR, USA

Correspondence: James Stobaugh, Department of Behavioral Sciences, Arkansas Tech University, Russellville, AR 72801, USA. Email: jstobaugh3@atu.edu

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Abstract

During the last century, social movement organizations have mobilized around what role religion should play in school. These struggles have focused on teaching creationism and evolution in the science classroom and the appropriateness of school prayer and Bible reading in public schools. Court cases like *Scopes* and *Engel* are infamous in American history, while others are much less well-known. This project explores media coverage of social movements that do not engage in typical protest activity and instead choose to operate in more institutional contexts. This paper will begin by presenting the coverage patterns of each movement across the twentieth century, illustrating how the media's focus is primarily influenced by movements either initiating legal action, being compelled to appear in court, or reacting to judicial proceedings. Next, it will present a typology of coverage that these legal-based movements received. A movement's legal framing is carried in and through the media, and sometimes, the framing is all that is reflected in media attention, making this type of reporting so attractive to movement organizations. The legal constraints over framing and legitimate actors account for some of the media exposure, which was likely to be equitable in tone and quantity to both the creationism and school prayer movements. To understand media coverage of social movements, scholars must begin to account for the cycles and patterns of coverage likely to occur when a movement ends up in court.

Keywords: creationism, intelligent design, school prayer, framing, courts, media, social movement

1. Introduction

The U.S. Supreme Court has significantly influenced the debate over the separation of church and state in response to social movements that have turned to the courts to either limit or protect the role of religion in schools. Its rulings in the early 1960s ignited cultural shifts and a "culture war," resulting in changes within public schools. These changes encompass moments of silence, student-led prayers at events, and controversies over the display of the Ten Commandments. The Court's nuanced approach has led to a variety of decisions, some of which appear contradictory. While it consistently opposes the teaching of creationism, it permits student-led prayers.

The media plays a critical role in shaping the debate on religion in schools. This was particularly apparent in the Dover, PA Intelligent Design case, where the media highlighted the disparity between a board member's religious motives and their secular justifications in court, ultimately contributing to the prohibition of intelligent design instruction.

This study focuses on the framing of social movements within the legal environment and the impact of such framing on media attention and coverage. Social movement frames are interpretive schemas that underscore grievances, suggest solutions, and rally support (Snow, Rochford, Worden, & Benford, 1986). These frames often have effects that extend beyond their original context, as demonstrated in Dover, where the media's adoption of a particular frame led to legal consequences for the teaching of intelligent design in schools. This emphasizes the significant influence that media framing can have on the outcomes of social movements.

Our research delves into the factors that drive media coverage of social movements, a topic that is ripe for academic exploration. Previous research has concentrated on protest tactics and the capacity of organizations, but we examine the media's portrayal of movements rooted in legal disputes, particularly those involving creationism/intelligent design and school prayer (Earl, Martin, McCarthy, & Soule, 2004; Gamson 1990; McCarthy and Zald 1977; Rohlinger 2002). We contend that legal actions are an underrecognized yet powerful trigger for media attention. Our work suggests that court

cases can effectively broadcast social movement frames. We introduce a typology of media coverage in legal contexts and discuss the importance of legal strategies in enhancing the visibility of social movements in the media.

2. Literature Review

Media coverage has emerged as a critical factor in the success and visibility of social movements. Initially, studies concentrated on the relationship between protest events and media attention, revealing that disruptive movements often receive the most coverage. However, recent scholarship has expanded this view, exploring a range of activities beyond protests that can attract media attention to social movements. This exploration includes strategies such as highlighting specific social issues or presenting unique local perspectives. The significance of a movement's organizational structure in gaining media coverage has also been acknowledged. A notable area of contemporary research investigates how movements use media coverage to project or advance their definition of social issues. Consequently, media framing by movements extends their influence beyond mere visibility, shaping public understanding and discourse around their causes.

Media exposure is frequently seen as a vital metric and coveted outcome for social movements. Amenta and colleagues (Amenta, Care, Olasky, & Stobaugh 2009) notably used media coverage as a proxy for general social movement activity, considering it a standard measure to assess movement success throughout the twentieth century. They argued that this metric effectively reflects organizational action, noting that the largest and most disruptive movements, or those influencing favorable policy changes, are more likely to receive media attention. Similarly, Corbett (1998) focused on media coverage in her study of environmental movements, while Andrews and Caren (2010) and McCarthy et al. (1996) examined the relationship between movements and their success in attracting media coverage.

Creating events or situations that draw media attention is often a tactic of social movements. For example, research primarily examines the link between protest events and media coverage. Scholars like Earl et al. (2004), McCarthy et al. (1996), and Gamson (1990) observed that disruptive movements often garnered the most media attention. This focus included using newspaper data, deemed a reliable measure of social movement protest activity, to assess the extent of media coverage given to protest groups. Other researchers expanded the scope of inquiry to explore various activities that attract media coverage to social movements. Andrews and Caren (2010) highlighted strategies employed by local movements, such as emphasizing social or economic aspects of an issue or presenting local perspectives, to capture media interest. Studies by Gamson and Wolfsfeld (1993) and Rohlinger (2002) underscored the importance of a movement's organizational structure in securing media attention. Amenta et al. (2009) identified a blend of factors - disruption, the number of organizations within a movement, and policy enforcement - as key to attracting media coverage.

The overarching goal for movements is to use media coverage to “project” or share their positions on social issues with the broader public. While some researchers, like Amenta et al. (2009), suggest that any media coverage is generally beneficial, others, such as Snow, Vliegenthart, and Corrigall-Brown (2007), and Gamson et al. (Gamson, Croteau, Hoynes, & Sasson 1992), emphasize the success of movements that effectively project their frames in the media. The distinction lies in a movement's ability to not only gain mention in the media but also to advance its definition of the problem and desired outcomes to a broad audience. Ryan et al. (Ryan, Anastario, & Jeffreys 2005) have observed that as a movement's media presence increases, so does its capacity to project its framing. Additionally, the temporal aspect of movement frames in media coverage, as found by Snow and colleagues (Snow et al. 2007) in their study of the French riots, suggests that the presence and influence of these frames can vary over time and must be considered.

These previous studies provide significant insights into movements and media, yet they overlook the varying impacts of different types of coverage. While general media visibility is beneficial, the most effective coverage for a social movement is one that accurately and sympathetically portrays its issues, grievances, and demands. This nuanced media attention is crucial, as it's not just about visibility, but about how a movement is perceived and understood by the public. Coverage that empathetically conveys a movement's core messages is pivotal in creating a sympathetic understanding of its cause, which can garner greater public support and potentially influence legal outcomes.

Recognizing the strategic importance of media coverage, social movements are incentivized to craft their narratives and activities to align with their goals. This includes engaging in a variety of activities beyond traditional protests, such as community events, advocacy campaigns, or legal actions, to create diverse opportunities for coverage that more effectively communicates their messages. Such a strategic approach to media engagement is essential for ensuring that the coverage received furthers the movement's objectives and resonates with a broader audience.

The coverage of social movements in legal contexts is an area of growing interest. Legal activities often serve as primary drivers of media attention for some movements, likely resulting in more balanced coverage due to the legal framework's nature, where both sides present their cases. This setting offers an effective platform for movements to include their framing in media coverage. Understanding the dynamics of how, when, and why movement frames are

carried through the media, particularly in legal environments, is crucial to grasping movement framing, strategy, and activity, as well as their effect. Clear examples and understanding of this process could uncover key strategies for movements to gain favorable media representation and advance their causes, filling a significant gap in existing literature and highlighting the importance of studying legal contexts and framing in understanding movement activities.

3. Methods

Content analysis was carried out using a grounded methodology to code and identify themes in various sources, including news reports, court records, transcripts, and legislative archives, facilitated by Atlas.ti software. Each document underwent meticulous line-by-line coding to capture every notable point of discussion and argument. This meticulous process was pivotal in revealing the underlying frameworks that shaped the strategies of the movements. Central to this analysis was pinpointing recurring themes and amalgamating associated codes. For instance, regular citations of the First and Fourteenth Amendments, coupled with terms like “freedom of speech” and the “equal protection clause” across a spectrum of legal documents, pointed to a constitutional framework. These instances, all connected to the interpretation of or appeal to the Constitution for protection, were categorized within this specific framework. This methodical organization into themes granted a more lucid insight into the strategic framing used by the movements in their legal discourses, markedly enhancing the comprehensive understanding of the legal tactics employed by activists and the wider implications of these approaches.

The data for this study originated from an array of archives. Westlaw was a major source, providing a wealth of data, including legal briefs from both state and federal courts. In total, the study incorporated 160 legal briefs, with 59 pertaining to the creationist movement and 101 associated with the school prayer movement. Petitions and motions submitted to courts, accessed via Westlaw, were instrumental in shedding light on the movements' framing techniques. To obtain detailed information on the stances and assertions made by the movements during testimonies and trials, depositions and trial transcripts were content analyzed, as long as they were accessible through online repositories. The legal documents underwent coding specifically for the legal framework and issue at stake. Over time, as noted by Stobaugh and Snow, these frameworks have evolved in reaction to legal setbacks, the nature of the court in question, and as a counter to the opposition's framing strategies (2010). Legislation that was proposed and passed was also scrutinized in full when accessible, particularly concerning efforts surrounding school prayer, with data gathered from the National Conference of State Legislatures archives. In instances where the complete text was unobtainable, published accounts from monographs or newspapers that detailed the content or verbiage of the policies were coded and analyzed.

Media coverage underwent a similar content analysis. News pieces were sourced from the ProQuest Historical database, which houses archives from five prominent national newspapers: The New York Times (1851-2008), The Washington Post (1877-1995), The Chicago Tribune (1849-1988), The Los Angeles Times (1881-1988), and The Wall Street Journal (1889-1994). The media analysis disclosed an extensive corpus of articles: between 1900 to 2005, there were 1,373 articles about creationism and 1,725 on school prayer. A more concentrated examination from 1925 to 2005 revealed even higher numbers, with 12,222 articles on creationism and 1,688 on school prayer. The New York Times, providing consistent coverage throughout the focal period for both movements, emerged as a key resource. Despite some coverage gaps in certain newspapers, especially in the later years of the studied timeframe, the overall reporting was found to be exhaustive.

4. Findings

4.1 Media Attention

The coverage of the creationist movement by the media was predominantly triggered by the movement's court cases or by policymakers' reactions to previous legal rulings. As depicted in Figure 1, the New York Times' coverage of the creationist movement spans from 1900 to 2005. Although our analysis began in 1925, marking the start of legal opposition to creationism, we have included data from as early as 1900 to illustrate the minimal attention granted to the movement prior to the Dayton, TN, trial. The peaks in coverage—occurring in 1925, 1981, and 2005—align with significant events: the Scopes trial, the enactment of creation science bills in Arkansas and Louisiana, the McLean trial, and the Dover intelligent design case.

The school prayer movement exhibited a comparable media pattern, as shown in Figure 2. The New York Times provided the most coverage during three key periods: the Engel and Schempp cases, the Jaffree case alongside the Equal Access Act, and the Republican-led initiative under Newt Gingrich to pass a school prayer amendment. Intervals between these pivotal events typically involved local parents or students contesting school prayer, which, though less sensational than Supreme Court cases, still contributed to the movement's media visibility.

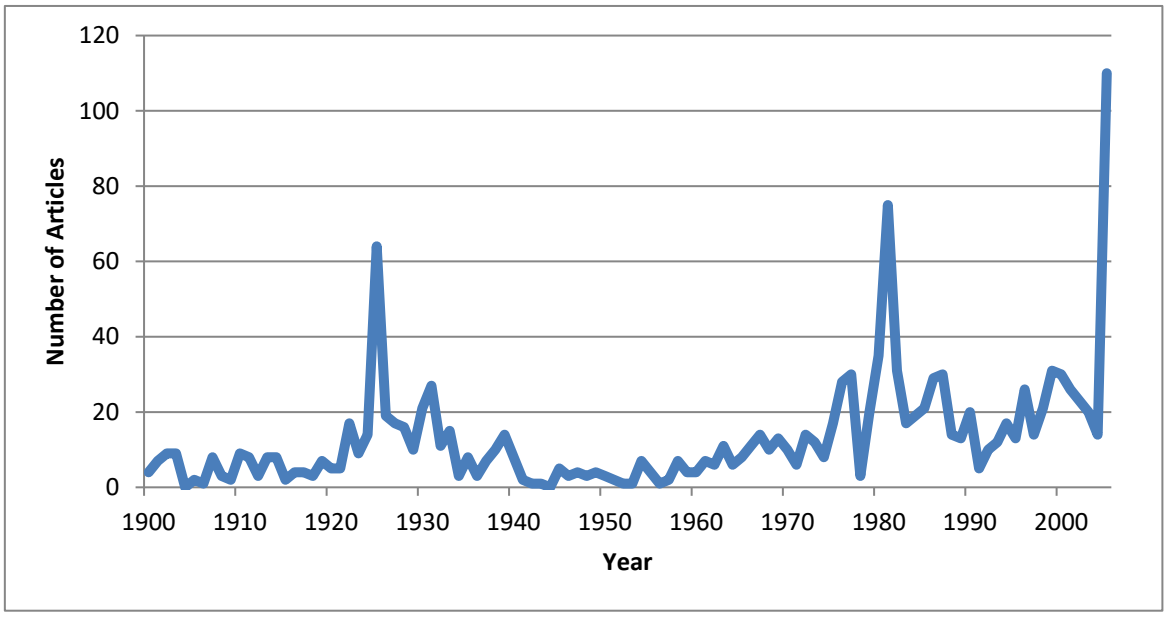

Figure 1. *New York Times* Coverage of creationism, creation science, and intelligent design, 1900—2005

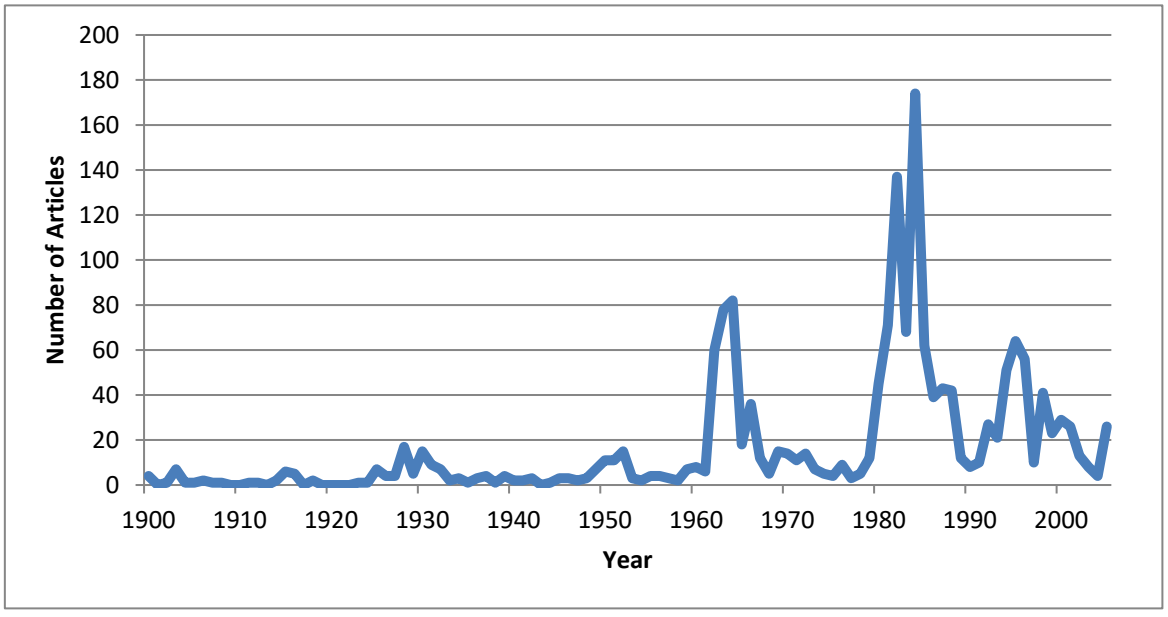

Figure 2. *New York Times* Coverage of School Prayer and Bible Reading, 1900—2005

Our research indicates that legal actions or reactions to legal decisions are the primary catalysts for media attention for certain movements, particularly those not engaged in extensive or persistent protest or disruptive actions. These two movements, deeply embedded within the legal system, influenced the opportunities for media exposure. Social movement scholars should acknowledge legal mobilization as a crucial strategy for media coverage. Understanding this coverage is imperative for grasping a movement's public perception and its efficacy in garnering societal support. We will now explore the nature and consequences of this coverage.

Having identified the drivers of heightened media exposure, we present a typology of articles incorporating or depending on legal narratives associated with social movements. This analysis is instrumental in dissecting media portrayal of court-involved movements. Despite unique patterns of coverage peaking in different years for the two cases, the underlying causes of coverage share instructive commonalities, offering insights into when legally engaged movements are apt to capture media attention. Based on an eighty-year span encompassing 1,222 articles about creationism, creation science, and intelligent design, and over forty years including 1,516 articles about school prayer,

we have delineated four types of coverage where the intersection of movements and legal context is evident: 1) Original cases; 2) Pre-trial and trial proceedings; 3) Post-trial developments; and 4) Presidential and policy-related focus.

While the occasion for coverage is significant, accurate media representation of a movement's message is another crucial facet of its success (Rohlinger 2002). We proceed to delineate each occasion and scrutinize the transmission of the movement's legal narrative through the media, and in certain instances, how this legal narrative alone spurred coverage and steered the journalists' storytelling.

4.2 Original Cases

This first coverage category might be unique to the two movements we examined. In the *Scopes* case, an epic battle between Bryan and Darrow captivated the public's interest. The *New York Times* published ninety-seven articles about the *Scopes* trial in July 1925, which averages out to about three articles daily. This case indeed did have what we now consider in today's cable news environment: wall-to-wall coverage.

The Scopes trial drove the early coverage of the creationist movement. The coverage of the Scopes trial centered on the more significant battle over religion, God, and the right to protect a biblically based worldview. *The New York Times* presented both sides on the eve of the trial:

> If evolution and freedom of teaching be upheld in this case, and Mr. Scopes wins, Bryan has said, Christianity is doomed unless the people rise in their might to overrule the courts and force the acceptance of the Bible as the literal word of God and the foundation of government and society. If Scopes loses, says the defense, liberal thought and teaching in the schools may receive a death blow, and education will degenerate into the conventionalizing of the minds of the young. (“Dayton keyed up”, 1929, p. 1)

One of the most common media occurrences that resulted from the original creationist trial was the continued comparison of each subsequent case to the original Scopes trial. Each time the case was heard again in court, the headlines and articles allude to the Scopes trial being redone again.

The Engel and Schempp cases presented the counterpart to this on the issue of school prayer side. While the volume of coverage was not as great as in *Scopes*, it was unique because of the tone and amount of coverage following the decision relative to the attention paid to it beforehand.

The *Engel* and *Schempp* cases began in 1958 with the ACLU in New York and Pennsylvania challenging the school prayer and bible reading policies. Early articles were hostile to those challenging the law, often identifying the challengers as "Jewish" or "Unitarians" (Weart, 1959, p. 14; “Bible law”, p. 22). The headlines perpetuated this tone, with such phrases as "Bible Law is Attacked" (“Bible law”, 1960, p. 22) and "Groups in Reform Judaism Assail 'Imposing' Creeds on Public Classes" (“School religion”, 1958, p. 12). Using quotes in the second title minimizes their claims that the prayer policy is imposing an imposition on them. Coverage also focused on the minimal numbers of people challenging the policies; articles would point out that it was five students challenging the practice in the New York case or one student and his parents in the *Schempp* case (Silver, 1962; Weart, 1959). This type of media attention resulted in complaints of a vitriolic tone throughout this early coverage period.

The pace of coverage began to pick up once the Supreme Court agreed to hear the case. One example of this is the New York Times Coverage of the case two days after the opinion. In an article titled "Court's Decision Stirs Conflict," the author attempts to place the blame for the ruling at the feet of specific groups by noting that most people opposed the decision except for "Jewish groups, civil liberties organizations, and some Protestant organizations" (Burnham, 1962, p. 1). This article then continues only to quote those opposed to the decision. Representative L. Mendel Rivers, a Democrat from South Carolina, was quoted in an entire paragraph as saying:

> …the court had "officially stated its disbelief in God Almighty." He accused the court of "legislating—they never adjudicate—with one eye on the Kremlin and the other on the National Association for the Advancement of Colored People." (Lewis, 1962, p. 1)

At once, the coverage has tied together those who oppose school prayer with the communist and civil rights agitators. Other quotes reinforced this by mentioning that the only groups that would be happy with this are a "few atheists and world communism" (Lewis, 1962, p. 1).

Beyond the immediate and malicious coverage, there was also some attempt to examine the issue from the perspectives presented in court. As seen in the Los Angeles Times, Bishop Papken, an Armenian Orthodox minister, said that he was shocked by the decision given the "foundation" of the county being 'freedom of religion and conscience and learning.' At the same time, Rabbi Albert M. Lewis, the West Coast president of the American Jewish Congress, reiterated his faith in the "checks and balances" system that protects the individual's rights (“New voices”, 1962).

In response to the Supreme Court’s ruling in the *Engel* case, the media coverage shifted from negative to a neutral

presentation of the issues as presented by both sides. Gone were the headlines about "attacking" religion or accusing opponents of being un-American. Instead, articles started to present voices and framing from both sides. Both sides were afforded roughly equal discursive space in the coverage of the arguments before the Supreme Court. Coverage of the supporter's side focused on the historical traditions:

> "It is so much more than that," Mr. Ward said. "It's our history, our tradition…We think the best place to get our morality is from a book that everyone knows and agrees with."
>
> Everybody?" asked Justice Black in a soft voice.
>
> "The vast majority," Mr. Ward replied. (“High court”, 1963, p. 1)

In presenting the hostility that different groups would feel about the bible reading, the *Chicago Tribune* paraphrases Henry Sawyer, an attorney for those challenging the law, and his assertion that the New Testament "was controversial at the time of their writing and are controversial among religious denominations now. He also asserted that even the Old Testament is not accepted equally by all denominations" (“School bible”, p. 38). *The New York Times* portrayed Edward Lewis Schempp, the father of the student in the Pennsylvania Bible reading case, as sympathetic when he discussed the harm that would be done to students who did not wish to engage in the religious practice and were excused; he mentioned that he did not want his child being labeled as an "oddball" for not participating (“High court”, 1963, p. 1).

The *Scopes* and the *Engel* and *Schempp* trials heralded the arrival of the issue to a national audience. The coverage in each instance was unlike anything that would be seen again. Not since has the coverage been so hostile and vitriolic to the school prayer movement. Scholars looking at media coverage of social movements would be well severed to examine the coverage of early court cases to see how the media reacts and interprets its arrival on the national stage.

4.3 Pre-trial and Trial

Legal framing of the movement was also prevalent in articles immediately before and during each of these precedent setting court trials. We present a few examples to illustrate how this type of coverage allowed the movement to express its framing directly through the media before and during trials.

During the *Scopes* trial, the defense lawyers attempted to frame evolution as not threatening or harmful to religion. They argued that evolutionary theory does not pose a risk to the student's religious beliefs. The media picked up this framing as a critical part of the defense team's strategy in the run-up to the trial:

> …the defense is building a large part of its case on the theory that there is no conflict between evolution as taught by science and the origin of man as taught in the Bible. They make their case a constructive harmonizing argument rather than a destructive and agnostic contention.
>
> …
>
> "There are thousands of teachers of religion and clergymen who do not find evolution inconsistent with the Bible," [Darrow] continued. "I don't see any inconsistency." (“Colby” 1925, pg. 1).

During the trial, newspapers picked up on this framing and continued to project it. In describing the case that Darrow was making in court about the purview of the Bible and religion, the New York Times reported:

> "That is the province of religion, and we haven't the slightest fault to find with it, not the slightest in the world. One has one thought and one another, and instead of fighting each other as in the past, they should support and help each other" (“Arguments” 1925, p. 2).

The media is projecting two frames here; one is that evolution should be allowed in the school, and the second is that there does not have to be hostility between the two perspectives.

The debate over what constitutes science was one of the most used narratives in the post-1968 media coverage during the trials. In the newspaper articles in the years following this case, the battle between religion and evolution was now cast in terms of two sides battling for control of defining science. The media relied upon the movement's framing of science presented in the court.

In the *Edwards v. Aguillard* case in 1987, the battle over defining science was evident in the New York Times coverage:

> In its Supreme Court appeal, the state argued that "creation science consists of scientific evidence and not religious concepts" and is a legitimate alternative to the theory of evolution, which the state said had not been proven correct.
>
> Many prominent scientists have joined parents, school officials, the American Civil Liberties Union, and others who sued to invalidate the law in arguing that it represents a religiously motivated effort, dressed in

> pseudoscientific garb, to distort the teaching of science (Taylor, 1986, p. A1).

In these back-to-back paragraphs, the framing of each side was clear; the state argues that creation science was scientific while also trying to discredit evolution by asserting that it had "not been proved correct" (Taylor, 1986, p. A1). Their opponent's position was presented in the next paragraph with some biting characterizations of creation science.

Science was not a prominent framing strategy by the creationists during the Edwards case; instead, supporters of the Louisiana law used the constitutional and academic freedom frames the most. The media did not ignore these, but they were presented in a secondary role to the question of what is and is not scientific. Proponents would attempt to present these other frames:

> The Louisiana law's purpose is not to promote religion, they say, but to "protect academic freedom" and to ensure that scientific evidence for creation theory be taught whenever the evidence for evolution is taught (Kamen, 1986, pg. A1).

The article quickly returns to the debate over what is and is not scientific. This battle over control of the science narrative was something that supporters of the policy wished they could avoid. Still, given the dominant media narrative framing, it ultimately could not be avoided.

Proponents had to present themselves as scientific at all times or risk confirming the evolutionist's accusations that they were, in fact, religious. In the Dover case, this danger was highlighted by the experience of Dover School Board Member William Buckingham, who was quoted in the paper about why the school board needed to introduce intelligent design:

> Nearly 2,000 years ago, someone died on the cross for us. Shouldn't we have the courage to stand up for him?" (Bernhard-Bubb, 2004, p. 1).

While not admitting that intelligent design was a religious theory, his quote reveals the motivation of some school board members to adopt intelligent design. The Thomas More Law Center, a conservative Christian law center representing the school board, argued that he had made those comments in 2003 in a dispute over the Pledge of Allegiance. This debate over the quote would rage on throughout the coverage of the intelligent design case. The New York Times would repeat this quote and credit it as concerning intelligent design:

> Two newspapers in York reported the remark. But the defendants say Mr. Buckingham was misquoted (Goodstein, 2005, pg. A19).

Running away from any appearance of religious intent was necessary for intelligent design proponents. This was clear in the judge's decision, where he found that two school board members had "defended the proposed curriculum change in the media in expressly religious terms" (*Kitzmiller v. Dover Area School District*. 400 F. Supp 2d 707, Docket no. 4cv2688, 2005). The media coverage was crucial in undercutting the assertion that intelligent design was not religious, making it much harder for other proponents to make that case.

The New York Times coverage of the McLean decision by the Federal District Court in their news summary section illustrates the straightforward reporting of the trial and how the movement frames were still being presented even when they were being dismissed, all within three paragraphs. In the second of these, it is stated:

> The opinion in the case of McLean v. Arkansas Board of Education was unequivocal on the key points. Judge Overton concluded that creationism, whose tenets include the relatively recent creation of all things by a supernatural force, "has no scientific merit or educational value." He disagreed with the defendant's argument that a belief in sudden creation is not necessarily religious, and he criticized the state's "Balanced Treatment Act" for distorting the theory of evolution as "a hodge-podge of limited assertions, many of which are factually inaccurate" (“Creationism”, 1982, pg. E1).

While the judge's ruling was scathing, this short mention still includes a presentation of the framing the movement used in court and projects it to the public.

The coverage of school prayer issues from 1958 to 2002 reveals a general pattern of coverage of social movements going into court. In the articles we examined post-Engel, the media took care to present the framing of both sides. Social movements were careful to project the exact framing they would use in court to the media immediately before the trial. It worked to distance the movement from its religious origins and project the framing used in court. Before the trial, we found that movements focused on projecting the same frames they would use in court. While short and usually lacking the same narrative foundation as the longer articles, they still always present the framing of both sides.

4.4 Post-Trial and Policy Response

Following a final decision by a court, the movement experiences a spike in their movement coverage. An example of

this was seen following the Supreme Court's decision in *Edwards*, with the movement continuing to reiterate the exact framing they used in court. The day after the decision was handed down, the New York Times reported:

> Wendell R. Bird of Atlanta, the lead attorney in the defense of the statute, said in a telephone interview from Atlanta that he was disappointed. "But I'm delighted that they made a narrow ruling that did not question the constitutionality of teaching scientific creationism," he said (Marcus, 1987, pg. 7).

Bird's response shows how he clings to the academic freedom frame he used in court. Even in defeat, he still saw his framing successfully protecting the right to teach scientific creationism. He was not looking ahead and crafting a new framing so close to the trial.

Another example was seen in the aftermath of the *Schempp* decision. Articles during this period focused heavily on the losers in the previous round, often articulating their feelings of being defeated and fearing for our national character. The Chicago Tribune's coverage of the House hearings on the constitutional amendment presented the supporters' side this way:

> Becker declared that "the forces" setting to "outlaw devotion in our schools" were determined to remove chaplains from the armed services and legislative assemblies, bar the singing of the "Star Spangled Banner," and "create in the minds of our young people the feeling that a tribute to God is a misdemeanor if not a crime." (Edwards, 1964, p. A27)

This appeal to the danger that the decision posed for our national heritage and practices was seen throughout the coverage of school prayer supporters.

While most of these articles were devoted to this presentation of those dangers, opponents were given a chance for rebuttal in the articles of this period. An example of this comes from an article focusing on the American Legion's support of the school prayer amendment, which is heavily focused on the framing of the issue by the supporters. However, in the last two paragraphs, the opponents of the amendment are given a chance for rebuttal:

> A former rabbi of Berlin during the Nazi era testified that religious instruction in German schools had failed to prevent the rise of Hitler and the excesses of Nazism. The rabbi, Dr. Joachim Prinz of Newark, N. J., spoke as president of the American Jewish Congress.
>
> "Every Sanctioned encroachment," he said, "would be used to justify another encroachment. A constitutional amendment in the direction of an establishment of religion, or of an infringement of religious liberty, is an amendment ultimately destructive of these principles." (Trussell, 1964, pg. 6)

The dangers are framed here by comparing what school prayer proponents advocated to Nazi policies; this was done to show the dangers that opponents feared. The conclusion of a court case did not mean that the movement no longer used legal framing. Instead, movements continued to project these frames through the media, even in defeat.

4.5 Presidential/Policy Attention

Presidential and policy attention was the final type of media coverage related to legal cases. The media also pays attention when schools or state legislatures consider new policies, especially when those policies are controversial.

The media did not pay much attention to the school prayer movement during the 1960s and the 1970s because the 1964 amendment failed and no new court cases were brought nor were drastic policy changes considered. Supporters presented school prayer as one way to protect this country and return it to the greatness that it once held. They viewed the removal of prayer from schools as another sign that America was in danger.

Reagan would also drive the issue of school prayer back before the media in 1982 when he called for a constitutional amendment allowing school prayer (Neal, 1982). Reagan wanted to allow "voluntary prayers" back into public schools because he felt the First Amendment had been misinterpreted (Raines, 1982, p. B10). The framing of the articles during this period focused on how the court had wrongly interpreted the Constitution, as well as the need to restore religion to the public schools. Opponents tried to frame the proposals regarding what the amendment would not do since it only called for voluntary prayer, and no specific sect or denomination could be favored. Religious groups such as the Southern Baptist convention joined with traditional civil liberties groups in opposing the Reagan amendment because it “muddles the issue by prescribing no religion in particular” while others opposed it, such as ACLU president Norman Dorsen, because they felt that the president was “moving to destroy the Constitution” and that his proposal was “antithetical to fundamental principles of civil liberty” (Raines, 1982, p. B10).

Due to the president’s support of this amendment and the Helm amendment, which would strip away the courts right to review school prayer cases, along with his own proposed school prayer amendment the coverage of school prayer coverage exploded in 1982 but would be surpassed by the 1984 coverage when a perfect storm of events happened at the same time, the high court heard the *Jaffree v. Wallace* case concerning the Alabama moment of silence law and

congress passed the Equal Access Act allowing for religious groups to use school facilities if secular organization were allowed access. In the run-up to the case, the framing projected by both sides focused on the perceived constitutionality or unconstitutionality of the law. In reviewing this case on the upcoming court docket supporters of the policy are presented in the following way:

> Moment-of-silence laws "need not be viewed as a 'guise' for evading this court's decisions," the brief said. "Rather, the statute can more fairly be understood as an attempt--even if a grudging attempt--to comply with them." (Barbash, 1983)

The constitution frame was projected with the protect children framing to show why it is not only a permissible policy but one that protects the rights of Christian children and their beliefs.

The intelligent design and creationist movement had a similar experience when George W. Bush, when asked about intelligent design, said he thought all theories should be taught. This set off a storm of media coverage. The New York Times reported that:

> The Discovery Institute in Seattle, the leader in developing intelligent design, applauded the president's words on Tuesday as a defense of scientists who have been ostracized for advancing the theory.
>
> "We interpret this as the president using his bully pulpit to support freedom of inquiry and free speech about the issue of biblical origins," said Stephen Meyer, the institute's Center for Science and Culture director. "It's extremely timely and welcome because so many scientists are experiencing recriminations for breaking with Darwinist orthodoxy". (Bumiller, 2005, p. A14)

The movement used the presidential attention as an opportunity to project its own framing for future court cases, highlighting its assertion that intelligent design was scientific and a matter of academic freedom.

5. Discussion

In this paper, we have mapped out a typology of articles that emerge when social movements enter the judicial arena. Our research indicates that a movement's litigation activities can significantly influence media coverage, especially when the movement refrains from protests or disruptive actions. Furthermore, we have illustrated that legal reporting presents a valuable opportunity for movements to cast their narratives within this identified framework. Beyond this typology, our findings offer essential insights into the representation of legal frameworks in the media, which scholars should consider when evaluating the synergy between legal mobilization and media dynamics.

One key insight for scholars studying social movements and media is the recognition that legal strategies can effectively attract media attention. Notably, while protests and disruptions may benefit some movements, they are not universally applicable, particularly for groups that forgo these methods.

Additionally, our analysis underscores the vital role of media coverage in the context of legal framing. It acts as a bridge to the public, carrying the movement's strategic messages and stances. This transmission empowers movements to communicate their perceptions of the issues at hand and their proposed solutions. However, as evidenced by the Dover case, leveraging media for framing purposes can sometimes have adverse effects.

Our examination of the initial media coverage of court cases pertaining to the creation and school prayer movements demonstrates that these were exceptional occurrences within the media sphere. The Scopes trial, in particular, became a media phenomenon of unprecedented scale, with the volume and fervor of its coverage mirroring the trial's drama. In contrast, the Engel case, pivotal in setting a precedent for school prayer, garnered less attention but was distinctive due to its negative and vitriolic tone. This could be attributed to the era's prevailing biases and the public's shock at the overturning of a practice many deemed a national cornerstone: school prayer. This shift in tone post-Engel might also reflect the media's growing professionalism and liberalization, corresponding with the burgeoning civil rights movement and a rising attentiveness to rights and constitutional safeguards. It remains to be seen if this pattern will be consistent across other legal-centric movements.

Another takeaway is that constitutional arguments, while central in the courtroom, often do not translate with the same significance in media coverage. Newspapers tend to overlook the intricacies of constitutional debates in favor of alternative narratives that are more compelling to their readership.

In sum, the interplay among social movements, legal proceedings, and the press is multifaceted. For movements, particularly those not involved in conventional protests, media coverage can present one of the few chances to disseminate their framing to the wider public and inform them of ongoing legal battles. Grasping this connection between legal activism and media is crucial for appreciating the significance of legal movements beyond the confines of the courthouse.

6. Conclusion

In conclusion, this paper has emphasized the pivotal role of legal action in gaining media attention for social movements, particularly those that do not engage in conventional protest methods. Our analysis underscores the power of media in not only providing visibility to these movements but also in acting as a crucial channel for broadcasting their messages and strategies to a broader audience. The examination of the creationism/intelligent design and school prayer movements, through the lens of media coverage, shows how court cases can effectively project a movement's frame, influencing public opinion and debate. This finding is vital for understanding the dynamics between social movements, legal strategy, and media portrayal.

Furthermore, the study delves into the nuanced relationship between these movements and their representation in the media. It highlights the evolution of media narratives over time and the shifting emphasis on constitutional framing within these narratives. This evolution reflects the changing landscape of both legal discourse and media reporting. The cases of Scopes and Engel provide illustrative examples of how media narratives can shape and are shaped by social movements' legal strategies. The insights gained from this paper suggest the importance of future research in exploring the intricate connections between legal framing in the media and its impact on social movements. This understanding is crucial for movements aiming to utilize legal channels and media coverage effectively to influence public discourse and policy.

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Dr. Stobaugh oversaw the data collection process. Both Dr. Stobaugh and Dr. Huss were responsible for analyzing the data and writing the manuscript. All authors have read and approved the final version of the manuscript.

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