

Co-Opting the Court: Partisan Actors, Mobilization, and the Supreme Court on Digital Media

Levi Bankston
University of Wisconsin-Madison
110 North Hall
lbankston@wisc.edu

Marcy Shieh
University of Wisconsin-Madison
110 North Hall
mshieh2@wisc.edu

[Version prepared for Communication Crossroads 2020]

The authors wish to acknowledge Barry Burden, Ryan Owens, and Richard Vining for their helpful feedback on earlier versions of this paper.

Abstract

Co-Opting the Court: Partisan Actors, Mobilization, and the Supreme Court on Digital Media

We explore how partisan actors used the Supreme Court nomination and confirmation of Associate Justice Brett Kavanaugh to mobilize supporters on Facebook. Drawing on a dataset of 50,267 unique paid ads bought by 1,652 groups, we test expectations related to our theory of Supreme Court co-optation. This theory posits that partisan actors seize on the saliency of the institution and link it to other partisan issues to mobilize likely supporters. We analyze the groups, messages, and targets of these ads with manual and automated content analyses along with statistical modeling to produce our key findings. We find that partisan actors bought the overwhelming majority of Kavanaugh-related ads, and nearly all of their messages were mobilization appeals intended to induce political participation. These messages also went beyond the sexual assault allegations to include other partisan issues and were targeted at individuals most likely to respond. We discuss the implications of these findings as they relate to judicial legitimacy and political participation.

(supreme court, facebook, mobilization, participation, judicial legitimacy)

How do political actors use the fate of the Supreme Court to mobilize their supporters? Supreme Court nominations and confirmations are a contentious issue in American politics. Long gone are the days of presidential deference where the Senate would accept whoever the president nominated (Binder and Maltzman 2002; Johnson and Roberts 2004). Today, the confirmation process is an intense partisan and ideological battle over the fate of the institution (Epstein et al. 2006). News media reinforce this conflict by covering the institution in mostly partisan terms (Clawson and Waltenburg 2003; Kazyak and Stange 2018) and emphasizing which side is winning and which side is losing as the result of a confirmation or decision (Hitt and Searles 2018). And both politicians and the public place high importance on the political and partisan leanings of nominees (Owens et al. 2014; Primo, Binder, and Maltzman 2008; Sen 2017; Shipan and Shannon 2003).

This emphasis on the ideological and partisan makeup of the Supreme Court has important implications for mobilization. Extant literature demonstrates that political actors engage in variety of traditional outreach efforts to get the public involved in politics over the ideological makeup of the Supreme Court. Yet prior research has almost entirely focused on one actor – interest groups – and their ability to mobilize only a small subset of political participation activities, such as legislator contact and financial contributions, by taking advantage of Americans perceptions of the Supreme Court as both a political and legal institution (Austen-Smith and Wright 1994; Caldeira, Hojnacki, and Wright 2000; Caldeira and Wright 1998; Goings 1990; Solberg and Waltenburg 2006). Even fewer studies investigate how digital media and the availability of user-generated trace data may affect how and who groups try to mobilize with appeals related to the Supreme Court (Vining 2011).

In this paper, we build on extant research related to the Supreme Court and mobilization and examine how political actors use the saliency of the Supreme Court to mobilize various participation activities with a study of Facebook ads related to Associate Justice Brett Kavanaugh's confirmation. Rather than focusing on just interest groups, we expand our analysis to include a wider range of political actors, including politicians, parties, news media, and other political groups. Likewise, we broaden the scope of potential participation outcomes to not only include legislator contact and contribution but also voting, volunteering, and attending events.

In addition to this broader examination of mobilization linked to the Supreme Court, we also develop a more generalized theory to explain how political actors will appropriate the institution for political purposes. Our theory of co-optation posits that *partisan* actors seize on the saliency of the institution, regardless of the event that originally brought it to the public's attention, to mobilize their supporters to do a variety of participation activities. We hypothesize further that the appeals sent by these partisan actors should reflect the underlying partisan and ideological stakes of whatever issues are expected to be in front of the Supreme Court and that these appeals should be targeted at individuals most likely to respond to them.

Our final contribution to the Supreme Court and mobilization literature is our focus on social media. To our knowledge, this is the first systematic examination of how political actors use social media platforms like Facebook to mobilize political participation linked to the fate of the Supreme Court. While prior research has shown that Court-related mobilization has long occurred through more traditional outreach methods, we argue that these digital platforms provide political actors with a lower cost option to mobilize political participation and have unique capabilities to target specifically tailored appeals at different subpopulations.

Our data are 50,267 unique ads related to Kavanaugh's confirmation bought by 1,652 groups viewed up to 735 million times and costing up to \$19 million. Kavanaugh's deeply divisive nomination brought the fate of the Supreme Court to the attention of the American public. Allegations of sexual assault against the nominee combined with deep partisan divisions to make the confirmation fight a salient political event that piqued the interest of the public. As a result, the nomination and subsequent confirmation of the 102nd Associate Justice of the United States became a prime opportunity for political actors to emphasize the political ramification of the institution and attempt to mobilize supporters to engage in politics.

We analyze the groups, messages, and targets of these ads to test specific expectations related to our generalized theory of Supreme Court co-optation. We use manual coding to classify the partisanship and types of these groups, automated content analyses, including sentiment analysis and keyword matching, to measure the tone and categorize the subject of the messages, and statistical modeling to assess how the message tone and targets of these ads depend on the partisanship of the group who bought them.

In support of our theory, we find that the overwhelming majority of groups that bought ads related to Kavanaugh's confirmation are partisan actors, such as candidates, parties, and interest groups, that send mobilization messages that go beyond allegations of sexual assault, which originally drew wide-spread public attention, to include other general partisan language and issues. Additionally, the tone of these messages was conditional on the partisan implications of the confirmation with Democrats being overwhelmingly negative and Republican being positive. Finally, these messages were targeted at subpopulations more likely to respond with Democrats targeting women at higher rate than Republicans.

The paper follows in six sections. We first review the circumstances surrounding our case study of Kavanaugh's confirmation. The second section reviews literature related to Supreme Court mobilization, partisan cues and the institution, and digital media. Next, we explain our theory of Supreme Court co-optation and delineate several hypotheses specific to our case study. The fourth section reviews our Facebook ad data, coding, and methods. The fifth reviews the results. Finally, we conclude and discuss the implications of our study as they relate to mobilization and judicial legitimacy.

Kavanaugh's Confirmation

Kavanaugh's nomination and confirmation was the culmination of a bitter two-year fight between Democrats and Republicans over the fate of the Supreme Court. The fight began in 2016 after the death of Associate Justice Antonin Scalia when the Obama administration nominated Merrick Garland, and the Republican-controlled Senate refused to hold confirmation hearings. When Democrats lost the White House in 2016, the Trump administration quickly nominated conservative Neil Gorsuch to the Supreme Court, and the Senate, still in Republican hands, then voted largely along partisan lines to confirm Trump's nominee.

The fight over the Supreme Court intensified after Associate Justice Anthony Kennedy, the Court's ideological median and swing vote, retired in June 2018. The Trump administration nominated conservative Brett Kavanaugh to fill the open seat. Soon after, the Democratic majority declared united opposition against Trump's nominee and attempted to delay the confirmation.¹ Shortly before the first confirmation hearing, Christine Blasey Ford accused

¹ Democrats demanded thousands of documents from Kavanaugh's time serving in the George W. Bush administration, which would have taken significant time to release. Democrats alleged that the Trump administration was deliberately withholding over 100,000 documents via executive privilege to stonewall Senators' review of the nominee.

Kavanaugh of sexual assault publicly, which eventually led the Judiciary Committee in charge of the proceedings to hold additional hearings where both Ford and Kavanaugh testified.² After the second hearings, the Senate then voted to confirm Kavanaugh as the 102nd Associate Justice of the Supreme Court on a narrow partisan vote of 50-48, ultimately shifting the ideological makeup of the Court in a conservative direction.

The Kavanaugh hearings represent a high-water mark in judicial branch salience in the United States, joining the ranks of the contested nomination battles of Robert Bork and Clarence Thomas (Epstein et al. 2006; Hutchings 2001). More than 20 million people tuned in to watch the second set of hearings (Bauder 2018), and the testimonies were widely reported by a variety of news media outlets (Novkov 2019; Traynor 2018). Various partisan actors played a role in shaping public opinion about the nominee, and many politicized the Court in attempts to mobilize supporters. The present research investigates this contentious confirmation battle through an analysis of related Facebook ads to explore how political actors co-opt the Supreme Court to mobilize participation activities. We review literature related to Supreme Court mobilization, partisan cues and the institution, and digital media to situate our research.

Political Actors, Partisan Cues, Mobilization, Digital Media, and the Supreme Court

Our review of extant literature reveals three important aspects related to mobilization and the Supreme Court in the current digital context. First, existing research has largely focused on how interest groups attempt to mobilize the public to contact their Senators and make financial contributions to the exclusion of other activities like voting, volunteering, and attending events. Second, political actors often take advantage of public perceptions that the Supreme Court is a

² Ford first notified Democratic Senator Dianne Feinstein of her accusation against Kavanaugh on July 30, 2018, but it was not until September 16 that the allegations became fully public and identified Ford as the accuser.

political institution to mobilize participation activities with partisan cues, and these partisan cues are important signals to a public with little knowledge about the institution. Third, digital media provide these political actors with a low-cost means of mobilizing participation that leverages available voter and user trace data to microtarget³ appeals at individuals most likely to respond. We build on this extant research by expanding both the types of political actors and participation activities examined and then provide the first empirical examination of how these political actors mobilize participation related to the fate of the Supreme Court on social media.

Political Actors, Mobilization, and the Supreme Court

Various political actors attempt to affect the composition of the Supreme Court. In the formal process, the traditional actors used to account for the result of a confirmation are the president, Senators, and the justices themselves. Bargaining models of advice and consent conceptualize both the president and pivotal Senators as acting strategically in response to the current ideological makeup of the Court, a factor that has grown in importance over time (Epstein et al. 2006; Primo, Binder, and Maltzman 2008; Segal, Cameron, and Cover 1992). Interest groups also play a role in both the Supreme Court confirmation and its decisions. These pressure groups attempt to influence the composition of the Supreme Court through congressional testimony, lobbying, campaigning, and mobilization (Austen-Smith and Wright 1994; Caldeira and Wright 1998; Flemming, Macleod, and Talbert 1998; Lane and Schoenherr 2019; Maltese 1998). They also attempt to influence the Court more directly through providing amicus briefs, which have been shown to influence its decisions (Collins 2008; Collins, Corley, and Hamner 2015; Kearney and Merrill 2000). Likewise, parties engage in this same type of direct influence and have impact on the outcome of cases (Corley 2008; Spriggs and Wahlbeck 1997).

³ Microtargeting is defined as targeting users based on individual-level characteristics with customized messages.

While various actors play a role in the Supreme Court, existing research has largely ignored this diversity when it comes to mobilization related to the institution. The focus of judicial politics literature has almost entirely concentrated on the role that interest groups play in mobilizing grassroots efforts to shape the confirmation votes of Senators. Interest groups help to resolve uncertainty about policy and politics by providing information to senators and constituents in the hopes of influencing their opinions (Caldeira and Wright 1998). For the public, these groups often attempt to mobilize constituents through traditional outreach efforts like direct mail or radio, television, and newspaper ads (Caldeira, Hojnacki, and Wright 2000; Gibson and Caldeira 2009a). These types of mobilization efforts have increased over time and shifted from an emphasis on the qualifications of nominees to a focus on their ideology (Cameron et al. 2018).

Extant literature has identified the goals of these interest groups when mobilizing grassroots support or opposition to be two-fold. First, groups want to affect public opinion and get constituents to signal their opinion to their legislator through letter-writing, phone calls, or emails (Caldeira and Wright 1998; Vining 2011). Since Senators care about constituent opinion, the groups hope that these coordinated signaling efforts will affect their vote (Caldeira, Hojnacki, and Wright 2000; Kastellec, Lax, and Phillips 2010). The second goal of these interest groups is organizational maintenance (Solberg and Waltenburg 2006). Interest groups leverage the salient Supreme Court confirmation process to “demonstrate that they are active, recruit new members, and raise funds” (Vining 2011, 791).

Our review of the literature related to political actors mobilizing the public with issues related to the Supreme Court suggests that, though a diverse set of actors attempt to influence the institution, existing research has not taken into account the full universe of potential actors,

instead focusing almost entirely on the role that interest groups play. In a similar vein, we contend that current literature has mostly overlooked other forms of participation that political actors may link to the Court and attempt to mobilize. Both in our theory of Supreme Court co-optation and analyses, we expand the range of political actors to include politicians, parties, news media, and other political groups and participation activities to include voting, volunteering, and attending events.

Partisan Cues and the Supreme Court

The public holds competing views about the Supreme Court. The first is that the Supreme Court is a legal institution outside of “politics as usual” (Caldeira and Gibson 1992; Clark 2009; Gibson and Nelson 2014; Tyler 2006). The public thinks of the institution as a legal entity that primarily makes its rulings based on law and precedent. The second view, which contradicts the first, is that the Supreme Court is a political institution that sometimes makes decisions about divisive issues with obvious political and even partisan implication (Armaly 2018; Gibson and Caldeira 2011; Nicholson and Hansford 2014; Scheb and Lyons 2000; Sen 2017). The public recognizes that the Supreme Court plays an important role in American politics even if their decisions are often cloaked in legal language.

Existing literature has identified that when political actors get involved in contentious issues surrounding the Supreme Court, they sometimes leverage the public’s desire for an independent Court while other times they focus on the ideological and partisan implications of the institution. The deciding factor is often whether they support the nominee (Caldeira and Wright 1998). For instance, interest groups and nominating presidents often engage in “crafted talk” and emphasize judicial nominees’ professional qualifications and positive personal qualities

rather than their ideological commitments (Caldeira and Wright 1998; Cameron and Park 2011; Jacobs and Shapiro 2000). On the other hand, interest groups who oppose the nominee are the most vocal critics, often highlighting the partisan and ideological consequences of their nominations (Caldeira and Wright 1998a; Cameron et al. 2018; Lane and Schoenherr 2019).

These partisan and ideological cues, whether explicit or implicit, are important to whether people participate in politics. The public has limited knowledge about politics and knows even less about the Supreme Court (Delli Carpini and Keeter 1997; Gibson and Caldeira 2009b; Kinder and David 2010). In tests of political knowledge, the public has historically performed poorly on questions about judges, law, and courts (Kritzer 2001). While the public is knowledgeable about contentious Supreme Court confirmations (Caldeira and Smith 1996; Gimpel and Wolpert 1996) and cases that directly affect them (Hoekstra 2000, 2003), their occasional knowledge about Court-related issues does not overshadow the fact that many scholars believe the public is ignorant about what they *ought* to know. Since people have limited information, they often have to rely on partisan cues to make decisions about politics, especially on complex issues that may come in front of the Court (Bartels 2000; Broockman and Butler 2017; Bullock 2011; Carsey and Layman 2006; Hetherington 2001; Kraft, Lodge, and Taber 2015; Taber and Lodge 2006; Zaller 1992). These cues are crucial to participation in judicial politics and beyond. For instance, in state judicial elections where the partisanship of judicial is disclosed, electoral participation is higher (Gann Hall and Bonneau 2013; Klein and Baum 2001). And even when these cues are not obvious, voters still rely on them to make decisions (Lewkowicz 2006; Rock and Baum 2010).

Our review of the literature suggests that political actors can take advantage of Americans' dual view of the Supreme Court, particularly the perception that it is a political

institution, to mobilize political participation. While extant research suggests that the language these actors employ – focusing either on qualifications or ideology – is dependent on whether the group is supportive of the candidate. We expect that both supporters and opponents of the nominee should use partisan language and focus on the ideology of candidates and the partisan implications of their life-long tenure on the Court. This expectation is grounded in observations concerning political polarization and partisan sorting, especially among elites. Over the past half-century, Americans – but elites especially – have sorted into more ideologically cohesive and homogeneous party groups (Abramowitz, Alexander, and Gunning 2006; Abramowitz 2011; Fiorina 2011; Levendusky 2009). In contrast to prior periods in the Court’s history, justices and their ideologies are intertwined, both explicitly and implicitly, with sorted and polarized networks of partisan actors (Devins and Baum 2017). As a result, we expect that both sides, whether they support the nominee or not, should emphasize the ideological implications of the Supreme Court when attempting to mobilize their supporters.

Digital Media and the Supreme Court

Digital media represent a shift in the context of political mobilization (Bimber 2017). This context is defined by two central features. First, digital media have drastically reduced the cost of both outreach and participation. Organizations can rely on digital platforms to provide a low-cost means of mobilizing political engagement (Bimber, Flanagin, and Stohl 2012; Karpf 2010, 2012; Kreiss 2016). And digital media provide individuals with a variety of low-cost participation activities to engage more easily in politics than the past (Bennett 2008; Bimber 2017; Bode 2017; Gil de Zúñiga, Jung, and Valenzuela 2012; Oser and Boulianne 2019). The second feature of the current digital context is the ability to use big data on voters, including digital trace data, to microtarget appeals at different subpopulations (Blaemire 2012; Hersh 2015;

Issenberg 2013; Nickerson and Rogers 2014; Pearlman 2012; Thorson et al. 2019). Both voter data and user trace data are widely available to even low-resourced campaigns. Particularly on Facebook, anyone one who purchases a digital ad is given access to an array of targeting features including, demographics, geographics, media consumption, political profiles, and issue interests (Kim et al. 2018).

The implications for this digital context on how political actors attempt to mobilize supporters with outreach related to the Supreme Court has yet to be fully explored. To our knowledge, Vining's (2011) investigation into the use of email by interest groups to mobilize supporters in response to Supreme Court nominations is the only study to date that discusses how new information technologies may change the incentives of these actors to mobilize individuals with Court-related issues. He argues that interest groups use these outreach efforts as both an opportunity for mobilization of constituents to put pressure on their Senator and organizational maintenance in the form of fundraising.

We build on this work with an investigation of Facebook ads related to Kavanaugh's confirmation. Nearly 70% of U.S. adults use Facebook (Pew 2019), making it a prime platform for political actors to reach out to the public. Facebook also provides a litany of microtargeting features available to anyone who purchases an ad on its platform. Political actors on digital media rely on these features to drill down to key subpopulations with specifically tailored messages (Aldrich et al. 2016; Hersh 2015; Kim et al. 2018; Kreiss 2016; Perloff 2014). Additionally, users have multiple opportunities to engage with political actors via the social media platform. While our investigation of this platforms by no means captures all the potential forms of outreach that political actors engage in when mobilizing the public with issues related to the Supreme Court, we believe the present research contributes both to our understanding of

how actors use widely available voters data, which is also used to target offline appeals, and provides insights on the mobilization strategies on similar digital platforms.

Given the availability of user trace data, political actors should strategically target their appeals at individuals identified to be most likely to respond to a given message. As a result, we expect differences in targeting strategies across actors depending on their underlying partisan affiliation. Along these lines, we also expect that actors should differ in the language they employ to mobilize individuals with the Supreme Court. Political actors should construct appeals with either more negative or positive language depending on the ideological and partisan implications related to the Supreme Court.

Theory of Supreme Court Co-optation

Building on extant literature, we develop a generalized theory of Supreme Court co-optation that goes beyond our single case to explain the increasing tendency of partisan actors to attempt to mobilize the public over the fate of the institution. We then apply our theory to our case study and develop specific, testable hypotheses about the groups, messages, and targets of Facebook ads related to Kavanaugh's confirmation. We hypothesize that partisan actors will seize on the saliency of the Supreme Court, regardless of the original event that brought it to the public's attention, to mobilize their supporters to do a variety of participation activities. Additionally, these appeals sent by partisan actors should reflect the underlying partisan and ideological stakes of whatever issues are expected to be in front of the Supreme Court, and the appeals should be targeted at individuals most likely to respond to them.

Why and when do actors seize on the saliency of the Supreme Court to mobilize political participation? The makeup of the Supreme Court is an important political issue to both elites and voters. For elites, they recognize that with the increasing gridlock in Congress that more and

more political issues are going to be decided by the judicial branch (Barkow 2002; Devins 2016; Healy, Malhotra, and Mo 2010). Elites' focus on the judicial branch's increasing role in American politics is reflected both by the growing importance of ideology as a consideration for judicial nominees overtime (Cameron, Cover, and Segal 1990; Epstein et al. 2006) and the bigger role of partisan elite social networks for grooming and identifying appointees to federal courts (Devins and Baum 2017). The public is also placing a greater emphasis on who sits on the bench. In 2016, for example, 65% of voters identified Supreme Court appointments as one of their top issues that motivated their vote (Pew 2016). In 2018, about an equal number of voters said that Kavanaugh's confirmation was an important factor affecting their vote (Gallup 2018).

This greater importance placed on the ideological composition of the Supreme Court has important implications for traditional models of why and when political actors seize on the institution's saliency. While traditional models have explained that the primary role of political actors is to resolve uncertainty about how a nominee will behave on the Supreme Court (Caldeira and Wright 1998), the growing trend in ideological vetting of nominees means that Senators and the public are much more confident about how a nominee will vote in future cases. With this uncertainty largely resolved, political actors have shifted their focus from predicting how a nominee will behave to concentrating on the political implications of a confirmation.

Since the public has latent attitudes about the importance of the ideological makeup of the Supreme Court, political actors will seize on the saliency of the institution whenever an event piques the interest of the public to mobilize participation activities. Regardless of the event that brings the Supreme Court to the public's attention, political actors will co-opt it and instead focus on the partisan and ideological issues that are expected to be in front of the Supreme Court, taking advantage of the public's view that the Supreme Court is also a political institution.

Whether or not these actors support the nominee, they will co-opt the institution and provide the public with partisan cues. This focus on the partisan and ideological ramification of the Supreme Court should lead to a diverse set of *partisan* actors, including not only interest groups but also candidates and formal party organizations, to mobilize the public. The goal of these political actors will not only be to exert political pressure on Senators but also to mobilize other political activities, such as contributions, voting, and volunteering.

H1: A diverse set of partisan actors attempt to mobilize supporters with issues unrelated to the initial event that increased the saliency of the Supreme Court.

In our case study of ads related to Kavanaugh's confirmation, we thus expect that the groups that purchased ads will be overwhelmingly partisan and partisan-affiliated group. These groups should be a diverse set of partisan actors beyond only interest groups. Most of their messages will be appeals intended to mobilize political participation. And, most importantly, their messages should go beyond the allegations of sexual assault, which originally drew widespread public attention, to highlight the political consequences of Kavanaugh's confirmation by focusing on other partisan issues expected to come before the Court.

Since political actors focus on partisan and ideological ramifications when attempting to mobilize the public with the fate of the Supreme Court, the language they employ should reflect the underlying political consequences. Appeals should take into account the both audience's predispositions and competing messages from other partisan actors (Iyengar and Simon 2000). Just as news media cover the Court in terms of partisan victories and defeats (Hitt and Searles 2018; Linos and Twist 2016; Salamone 2018; Searles, Ginn, and Nickens 2016), political actors

who are perceived to benefit should emphasize the positive political consequences while those perceived to be losing should concentrate on negative aspects.

H2: Partisan actors who are perceived to benefit from an issue related to the Supreme Court will use more positive language than those perceived to be losing.

In the case of Kavanaugh's confirmation, we expect that Republican groups should employ more positive language than Democratic groups given the partisan stakes of a more ideologically conservative Supreme Court.

While these types of negative and positive appeals may have in the past inadvertently mobilized individuals that hold conflicting views with the political actors who promote them, data availability today, especially the user trace data on digital media platforms, allows political actors to limit this kind of inadvertent exposure and target their appeals at individuals perceived to be most likely to respond. When mobilizing the public with the Supreme Court, political actors should identify those who are first perceived to be important the party coalition (Axelrod 1972; Erikson, Mackuen, and Stimson 2002) and second individuals who are likely to be mobilized in response to the issues that are likely to come before the Court.

H3: Partisan actors target their appeals at individuals perceived to be most likely to respond.

In the case of Kavanaugh's confirmation, we expect that Democrats should be more likely to target their appeals at women both because they are perceived to be part of the party coalition and because many of the issues expected to become before the Court, particularly abortion and the fate of *Roe v. Wade*, implicate women. While targeting of gender groups is not

as precise compared to the targeting of racial minorities or individuals who support specific issues, groups nevertheless perceive that women care more about abortion, even if their attitudes on average do not differ from their male counterparts (Verba, Burns, and Schlozman 1997). As a result, we expect Democratic groups to target women at higher rates relative to Republican group, but we also expect that these differences should persist even after controlling for messages about the allegations of sexual assault and abortion because of the perception among political actors that women should be more likely to respond.

Facebook Ad Data, Coding, and Methods

To test our hypotheses, we draw on ad data from Facebook and analyze the groups, messages, and targets of these ads related to Kavanaugh's confirmation. We perform manual coding of groups, sentiment and keyword search analysis of the messages, and construct generalized linear models to test the effect of partisan group affiliation on the tone and targets of these messages.

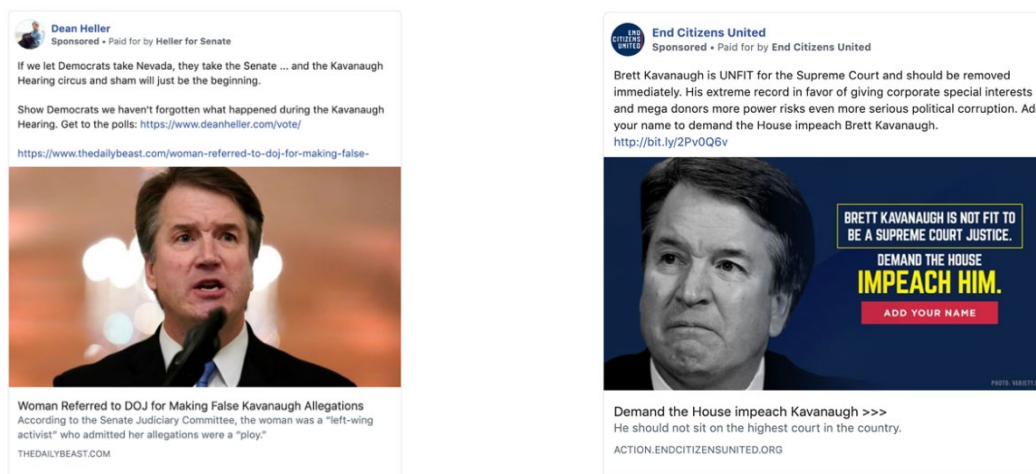
Facebook Ad Data

We used the Facebook API to access all ads purchased between Kavanaugh's nomination on July 9, 2018 and midterm election day on November 6, 2018. All ads mention the word "kavanaugh."⁴ And Facebook identified them to be about politics or issues related to politics (Facebook 2019). In total, we collected 50,268 unique ads bought by 1,656 unique groups.⁵ A unique ad is each time a group purchased an ad.

⁴ We only searched for ads that mention "kavanaugh" because we wanted to limit the investigation to ads strictly related to his confirmation and limit the chance of including irrelevant ads in the analysis.

⁵ Groups are semantically the same as "page" and "actor."

Figure 1. Examples of Kavanaugh-Related Facebook Ads.



The ad data contain group, message, targeting, and meta-information.⁶ The group information includes the page's display name, page identification number, and the purchaser of the ad. We manually code group partisanship and type information.⁷ Partisanship's coding includes whether the group was officially connected to the party or likely connected to the party. The latter likely category was intended to capture partisan groups who have close ties to one party or the other (Cohen et al. 2008). For example, Planned Parenthood is closely aligned with the Democratic party, and the NRA often works with the Republican party. Groups without clear partisanship were coded as either "independent" or "other." In our analyses, we collapse officially connected and likely connected groups into a single category and generate binary variables for whether the group is Republican, Democratic, or independent.

Our manual group coding scheme categorizes the entire universe of groups that purchase ads related to Kavanaugh's confirmation. The typology is based on Kim and colleagues (2018).

⁶ For a list of all search parameters fields, see Appendix A.

⁷ For the codebook and more coding information, see Appendix B.

They investigated the groups and targets of political Facebook ads during the 2016 election. We classify the Facebook pages into nine categories: candidate, party, PAC, nonprofit, news, questionable news, movement, suspicious, or other. “Candidate” captures current federal, state, and municipal officeholders as well as individuals officially listed on the ballot. Groups were coded as “party” if they are official organs of the formal party organization (e.g., DNCCC or RNC). “PACs” are groups that are required to report their contributions and spending to the FEC but are neither candidates nor parties, while “nonprofits” are organizations with official IRS tax-exempt status. Groups were coded as “news” if their primary function is to report politics and current events. If the news organization has questionable reporting practices or exhibits extreme bias in its reporting, it was coded as “questionable.” Groups that did not fit these categories were coded as either movement, suspicious, or other. “Movement” is a group that can be categorized as “grassroots” because they are not formally registered in any way with either the FEC or IRS. “Suspicious” groups, on the other hand, are groups that seem to have only existed during the confirmation and, at the time of coding, had vanished. Suspicious groups no longer have an online presence of any kind and no information exist elsewhere about them. All remaining groups, which make up less than 5% of the groups in our data, were classified as “other.” These remaining groups included things like clothing companies, meme groups, law firms, and authors. For a full description of the coding procedure, see Appendix B.⁸

Our data also provide meta-information and information on the messages and targets of the ads. The data include the message, title, amount spent, number of impressions, ad start time,

⁸ Appendix B contains the final version of the coding scheme and book. We produced several iterations of the coding scheme and updated instructions to increase validity. Each iteration, a random sample of unique groups were drawn, and each author coded them independently. Next, intercoder reliability was calculated, discrepancies discussed, and the coding scheme updated. Most of the discrepancy for group type was because of the authors misclassifying nonprofits as PACs and vice versa, as many nonprofits have associated PACs.

ad stop time, and a URL to an ad snapshot. Both the amount spent and the number of impressions are provided by Facebook in intervals rather than exact numbers. Since we do not know aggregate distributions of either measure, we provide both their lower and upper bounds in our analyses concerning the groups and restrict our GLM analyses of the tone and targets of the ads to the upper bound.⁹ The targeting data includes aggregate estimates of state-level geographic, gender, and age information on the targets of these ads. Our targeting analyses focus on gender, measured as the proportion of females who were targeted by a given ad.

Keyword Search

We perform a keyword search to classify each message into a relevant category. Our unit of analysis is the ad's text, title, and the description of any link to an external website (if present). Before performing the search, we pre-processed the text data. We removed unwanted characters, punctuations, and stop words¹⁰ from the ads' messages. We then broke up the remaining sentence structure into individual words. In this sense, we employ a "bag of words" approach to text analysis (Grimmer and Stewart 2013; Miner et al. 2012; Queiroz et al. 2019).

We employ an inductive and iterative method to develop our list of keywords. We started with a preliminary analysis of the text. We examined the 1,000 most common words present in the text unit as a starting point to develop our relevant message categories and populate them with terms (Guo et al. 2016). Keywords were selected to be unique enough to reliably classify a

⁹ Since the variation between the upper and lower bound is the same, the restriction to only the upper bound should not affect the accuracy of our effect estimates.

¹⁰ Stop words are common words, such as 'the', 'a', 'an', 'and', 'in'. We carefully curated the list to guarantee words of potentially relevant words like 'her' (in relation to the sexual assault allegations) would not be removed. We also specified stop words that convey no meaningful information because they are about our overarching topic of interest – ads related to Kavanaugh. These included words like 'kavanaugh', 'appointment', and 'nomination'. Additionally, we removed all words that had fewer than two characters. A full list of our stop words can be found in *Appendix C*.

message to a category but not too unique that they miss a large portion of a category's texts. Next, we drew a random subset of unique text units to generate more categories and populate them with appropriate terms (Conway 2006).¹¹ We then performed an initial keyword search and assessed the quality of the classification. Each author independently reviewed a random sample of the results and proposed additions and removals to the list of keywords. Finally, we performed an additional keyword search after making the edits. The final list of categories and terms are in *Appendix C*.

The output of our keyword search is the classification of the ads' messages into 14 categories: mobilization, Ford, news media, president, political corruption, partisanship, candidates, abortion, healthcare, guns, environment, immigration, civil rights, and education. "Mobilization" captures a variety of political activities, including calls for contacting legislators, contributions, voting, volunteering, and attending events. The Ford category identifies ads that refer specifically to the sexual assault allegations made by Christine Blasey Ford. The news media category classifies messages that refer to prominent media outlets or their coverage. The president category captures messages that refer to presidents or presidential candidates, including Obama, Trump, and Clinton, as well as the office itself. Political corruption includes keywords that refer to the impact of special interests on the political process. The partisanship category is designed to capture ads that emphasize either ideological or partisan implications of Kavanaugh's confirmation. The candidate category lists all candidates running for federal office. The remaining categories include keywords designed to identify messages about the issues of abortion, healthcare, gun rights or reform, environmental regulation, immigration, civil rights, and education. In our analyses, we report the proportion of ads classified into each of these

¹¹ Our random sample comprised approximately 8% of the unique text units. We reviewed 450 out of 5,551 unique messages.

categories. Since ad messages can be about multiple issues, some of the ads are classified into multiple categories. Thus, our reported proportions do not sum to one.

Sentiment Analysis

We performed a sentiment analysis to measure the tone of the messages. The sentiment analysis relies on Linguistics Inquiry and Word Count (LIWC). LIWC is an automated text scoring tool that produces results about the emotional content of words given understanding on human communication and psychological implications (Tausczik and Pennebaker 2010). LIWC uses a word-count strategy and looks at whether the text that it is analyzing matches with the words in their dictionaries. In essence, LIWC matches the words in the text being analyzed to one of the categories created by their group of experts. These categories reflect how people think. The LIWC results indicate a percentage of words that are in each category. LIWC has been widely used in both the study of judicial politics and political communication, making it an appropriate tool for our context (Owens et al. 2014; Owens and Wedeking 2011; Tumasjan et al. 2010). We are interested in using LIWC to look at how positive each message is. Thus, we employ LIWC to examine the proportion of positive language used in each message, leveraging LIWC's "positive emotion" subcategory, which is part of the larger "affective processes" category.

GLM Models

We specify generalized linear models with robust standard errors to understand how both the message tone and the targets of these ads depend on the underlying partisanship of the groups. GLM models are a flexible generalization of OLS regressions models that allows for dependent variables that are not measured continuously. Since our dependent variables are the proportion of

positive words in a message and the proportion of females targeted, we specify the link function as logit and the family as binomial. Our unit of analysis is the unique ad.

To estimate the effect of the group's partisanship on message tone, we specify the following full model with controls:

$$Y_{Tone} = \beta_1 P + \beta_2 F + \beta_{3...8} A + \beta_{9...22} C$$

Y_{Tone} is the proportion of positive emotional language in an ad's message. β_0 represents the model's intercept. $\beta_1 P$ represent the effect of a group's partisanship measured with a binary indicator for a group being Democratic. Republican is the reference category. $\beta_2 F$ is a control variable for the proportion of females targeted. $\beta_{3...8} A$ represent a set of seven age interval control variables. $\beta_{9...22} C$ represents a set of 14 message category control variables. And ε is the unexplained variance.

To estimate the effect of the group's partisanship on targeting, we specify the following full model with controls:

$$Y_{Target} = \beta_1 P + \beta_{2...7} A + \beta_{8...21} C$$

Here, Y_{Target} is the proportion of females targeted by an ad. The only other difference between this targeting model and the tone model reported above is $\beta_1 F$, which is excluded as a control in the targeting model since it becomes the dependent variable.

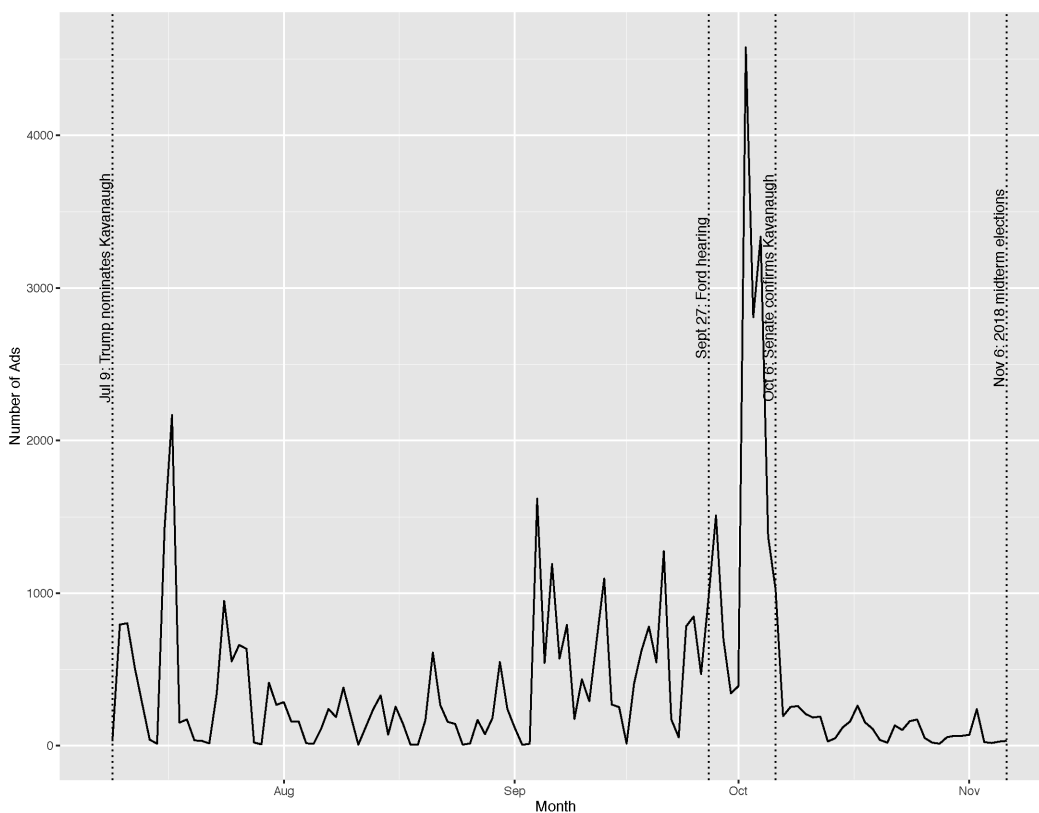
Additionally, we restrict both models to only partisan groups since our expectations concern the relative difference in message tone and targeting as it depends on the underlying partisanship of the group.

Results

Our results provide support for our three hypotheses and reveal that a diverse set of mostly partisan actors seized on the saliency of the Supreme Court, especially leading up to and during the Senate hearings, to mobilize a variety of participation activities with partisan language and issues that go beyond the allegations of sexual assault. Additionally, the results of our GLM models provide support for our expectations that appeals reflect the underlying partisan and ideological consequences of the confirmation and were targeted at individuals most likely to respond to them.

In Figure 2, we show that groups bought ads at critical junctures of Kavanaugh's nomination process. In July, shortly following the nomination, groups on Facebook bought over 10,000 Kavanaugh-related ads. Groups continued to buy ads but at lower rates until a large surge in the number of ads following the hearings about the sexual assault allegations on September 27th and Kavanaugh's confirmation on October 6th. In this short 10-day period, groups purchased over 14,000 ads. Following the confirmation, groups purchased less than 6,000 ads in the lead up to election day. The number of ads overtime reveals that groups seized on the saliency of the events surrounding Kavanaugh's confirmation, especially during the sexual assault hearings when over 20-million people tuned in to watch the proceedings on live television (Bauder 2018).

Figure 2. Number of Ads Between Nomination and Confirmation



Note: Figure 1 shows the number of unique ads between Kavanaugh’s nomination on July 9, 2018 and election day on November 6, 2018. It reveals that groups on Facebook especially took advantage of the public’s attention to the hearings about the allegations of sexual assault.

Groups

What kinds of groups purchased these ads? We hypothesized that the groups who bought Kavanaugh-related ads would be a diverse set of partisan actors, including not only interest groups but also political candidates and formal party organizations. Our classification of the partisanship and types of groups behind these ads supports our expectations.

Table 1 reveals total spending and impressions for Kavanaugh-related ads across the group’s partisanship. In total, groups on Facebook spent somewhere between \$4 million and \$19 million on ads related to Kavanaugh, which translates to between 260 and 735 million impressions. These are relatively large numbers. To get a sense, the total amount of television ad

spending around Kavanaugh’s nomination was \$10,369,780 (Brennan Center for Justice 2018). Even if we take the median value of these ranges at \$11.5 million, the results suggest that groups on Facebook alone rivaled aggregate spending on television.

Table 1. Total Spending and Impressions Ranges Across Group Partisanship

Group Type	Spending			Impressions		
	Lower	Upper	%	Lower	Upper	%
Democratic	2,777,200	14,411,247	74.60	176,117,000	508,561,961	69.17
Independent	23,300	153,579	0.80	3,724,000	11,246,379	1.53
Republican	1,063,600	4,538,729	23.50	77,935,000	201,106,040	27.35
Other	54,600	213,592	1.10	5,312,000	14,333,392	1.95
Total	3,918,700	19,317,147	100	263,088,000	735,247,772	100

Note: Table 1 reports the aggregate spending and impressions for Kavanaugh-related ads across groups coded partisanship.

Table 1 also reveals that the overwhelming majority of these groups were partisan actors. To represent the relative impact of different partisan groups, we present the percentages of spending and impressions relative to all groups. Note that impressions and spending are highly correlated ($\rho = 0.9538$). More money spent translates into more ad impressions. Over 98% of the groups that purchased ads related to Kavanaugh’s confirmation had an affiliation with either the Republican or Democratic party. Democratic groups made up nearly 75% of the spending and 70% of the impressions, while Republican group spending made up around 24%, which garnered 28% of the overall ad impressions. In contrast, the ads bought by groups coded “independent” or “other” comprised less than 2% of the overall spending and impressions.

Table 2 reveals that these partisan actors were a diverse set of groups, including not only interest groups but also candidates and official party organizations. PACs make up the largest proportion of both spending and impressions with around 40%. Candidates and officeholders also had a presence with about 25% of the spending and 21% of the impressions. Nonprofits

comprised about 10% of the spending and impressions, while official party organizations made up around 7%. If we combine the categories of PACs and nonprofits as an indicator of interest groups and compare them to official party organizations and candidates, we see that, while these pressure groups were responsible for around 50% of the spending and impression, these other partisan actors rivaled their presence being responsible for more than 30%. The remaining group types make up around 20% of the spending and impressions. They are news, questionable news, movements, and other groups. News makes up more than half of the spending and impressions within the remainder, and the rest includes groups that are not formally registered.

Table 2. Total Spending and Impressions Ranges Across Group Type

Group Type	Spending			Impressions		
	Lower	Upper	%	Lower	Upper	%
Candidate	830,200	4,708,861	24.38	50,652,000	156,367,161	21.27
Party	257,300	1,446,907	7.49	16,955,000	51,887,110	7.06
PAC	1,758,700	7,861,034	40.69	109,266,000	297,916,945	40.52
Nonprofit	416,900	1,846,309	9.56	27,533,000	73,753,111	10.03
News	329,600	1,939,084	10.04	32,193,000	84,818,689	11.54
Questionable	92,800	436,762	2.26	9,353,000	24,926,762	3.39
Movement	80,700	388,733	2.01	4,988,000	12,606,434	1.71
Suspicious	11,300	68,465	0.35	414,000	1,560,866	0.21
Other	141,200	620,992	3.21	11,734,000	31,410,694	4.27
Total	3,918,700	19,317,147	100	263,088,000	735,247,772	100

Note: Table 2 reveals total spending and impressions ranges across group type. Facebook provides ranges rather than exact numbers. We choose to provide the spending and impression percentages of the groups rather than percentages of all groups because these measures better represent their relative impact. Note that spending and impressions are highly correlated and measure the same underlying concept.

Breaking down spending further reveals that a diverse mix of partisan actors bought the most Kavanaugh-related ads. Table 3 shows groups whose total spending is above the 99th percentile (\$217,189) for all groups in our study. Candidates and PACs dominate. Notably, three 2020 Democratic presidential candidates leveraged Kavanaugh's confirmation to increase their prominence early on in the competition. President Trump also spent a good bit on ads related to

Kavanaugh. Various PACs on both sides spent money to mobilize supporters on their respective issues.

Table 3. Facebook Pages Spending Above the 99th Percentile

Page Name	Partisanship	Group Type	Spending	Impressions
Kamala Harris	Democratic	Candidate	\$2,230,378	51,223,378
Planned Parenthood Action	Democratic	PAC	\$1,346,427	55,151,628
Donald J. Trump	Republican	Candidate	\$1,120,961	34,840,065
Be A Hero	Democratic	PAC	\$1,021,320	31,246,520
NRCC	Republican	Party	\$838,992	25,251,695
NARAL Pro-Choice	Democratic	PAC	\$694,504	21,030,104
MoveOn	Democratic	PAC	\$571,951	24,405,853
Elizabeth Warren	Democratic	Candidate	\$510,121	30,238,821
Demand Justice	Democratic	PAC	\$506,603	19,056,704
Americans for Prosperity	Republican	PAC	\$450,429	18,659,731
The Daily Show	Democratic	News	\$438,253	22,000,854
Judicial Crisis Network	Republican	PAC	\$435,237	23,419,938
Stand Up America	Democratic	PAC	\$382,134	84,15,434
Winning For Women	Democratic	PAC	\$367,779	10,034,779
Democratic Party	Democratic	Party	\$270,179	6,327,879
Tom Steyer	Democratic	Candidate	\$267,609	9,480,409
End Citizens United	Democratic	PAC	\$217,189	6,936,789
Total			\$11,670,066	397,720,581

Note: Table 3 shows groups that spent greater than the 99th percentile (\$217,189) on ads that mention Kavanaugh. The results reveal that more than half of the spending and user impressions came from these 17 groups. Additionally, the groups are credible organizations, being either official candidates, parties, or PACs.

The summary statistics thus reveal partial support for our first hypothesis. They confirm that political actors who attempt to mobilize supporters are overwhelmingly partisan and are a diverse set of actors beyond interest groups.

Messages

What kinds of messages did these diverse set of partisan actors send? We hypothesized that these partisan groups would send mostly mobilization messages that would go beyond the allegations of sexual assault to include other partisan issues. Additionally, we hypothesized that partisan actors who are perceived to benefit from Kavanaugh's nomination, in this case Republicans,

should use more positive language than Democrats perceived to be losing, given the partisan implications of a more ideologically conservative Supreme Court.

To test our hypotheses, we classified messages into 14 categories. Figure 3 reveals these categories and the number of ads associated with each. The messages are overwhelmingly about mobilization at 90% of all ads. Figure 4 reports a breakdown of these mobilization activities across different types of mobilization (i.e., contributions, contacting a legislator, voting, volunteering, and attending an event). More than half of the messages attempt to mobilize contributions and contact. However, these groups also mobilized other participation activities, such as voting, volunteering, and even attending events.

Finally, Figure 3 reveals that ads go beyond allegations of sexual assault to include other partisan language and issues. These ads frequently employ partisan and ideological language at 30% of all ads, which is the second most frequent category. The high prevalence of partisan language implies that groups highlighted the partisan implications of the confirmation. The ads also often mention the president and other candidates, which echoes the previous findings that these ads implicated a more diverse set of actors than just interest groups and suggest that putting pressure on Senators is often a goal of these ads. This category that captures partisan language exceeds the proportion of messages classified into “Ford,” which is less than 20%. This category that identifies ads related to the allegations of sexual assault is roughly equivalent to the proportion of ads that mention the partisan issue of abortion. Additionally, ads mentioned a range of other partisan issues that had nothing to do with the sexual assault allegations, including healthcare, civil rights, gun rights, education, immigration, and the environment.

Figure 3. Proportion of Ads by Message Categories

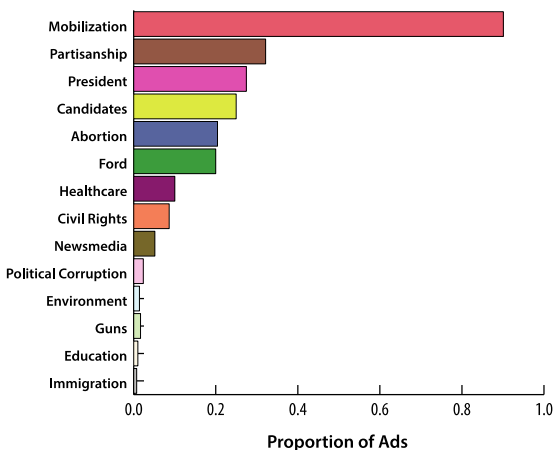
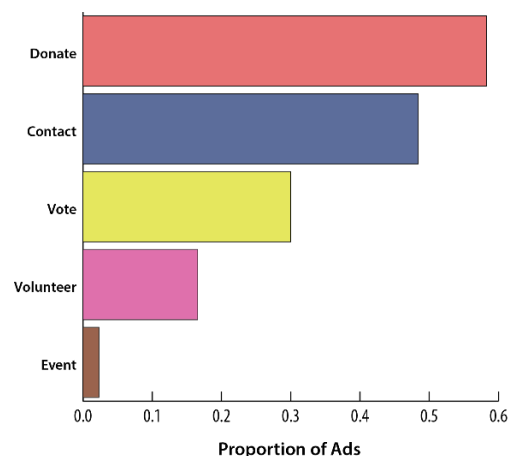


Figure 4. Proportion of Mobilization Ads by Type of Mobilization



Combined, figures 3 and 4 provide additional support to our first hypothesis. Political actors sent mostly mobilization messages designed to encourage a variety of political participation activities, and these messages went beyond the salient allegation of sexual assault to include partisan language and other partisan issues.

To evaluate our second hypothesis, we regress the proportion of positive words on group partisanship to assess whether Democratic and Republican groups differ in their use of positive emotional language. We then add demographic targeting and message category controls to reduce the effects of confounding variables. Table 4 reports the results of our GLM models with robust standard errors excluding groups coded as “independent” or “other” where the effect estimates are reported as odds ratios.

Table 4. The Effect of Group Partisanship on Positive Emotional Language				
	(1)	(2)	(3)	(4)
Democrat	0.79* (0.03)	0.79* (0.03)	0.77* (0.03)	0.76* (0.03)
% Female		1.08 (0.09)		1.09 (0.09)
% 18-24		0.88 (0.13)		0.87 (0.13)
% 25-34		0.96 (0.13)		0.96 (0.13)
% 35-44		0.99 (0.15)		1.02 (0.16)
% 45-54		1.09 (0.17)		1.06 (0.16)
% 55-64		0.86 (0.12)		0.83 (0.12)
% 65+		1.00 (0.12)		0.92 (0.11)
Mobilization			1.16* (0.07)	1.16* (0.07)
Ford			0.91* (0.04)	0.91* (0.04)
Newsmedia			0.91 (0.07)	0.91 (0.07)
President			1.17* (0.04)	1.18* (0.04)
Political			1.52* (0.14)	1.52* (0.14)
Partisanship			0.93* (0.03)	0.93* (0.03)
Abortion			0.90* (0.04)	0.90* (0.04)
Healthcare			1.28* (0.07)	1.29* (0.07)
Guns			0.64* (0.09)	0.64* (0.09)
Environment			1.03 (0.15)	1.03 (0.15)
Immigration			0.82 (0.17)	0.81 (0.17)
Civil Rights			0.84* (0.05)	0.84* (0.05)
Education			0.77 (0.14)	0.77 (0.14)
Candidate			0.80* (0.03)	0.80* (0.03)
Constant	0.14* (0.004)	0.14* (0.01)	0.13* (0.01)	0.13* (0.01)
Observations	49,817	49,817	49,817	49,817

*p<0.05

As expected, we find that Republicans are more likely to use positive emotional language than Democrats, which we interpret as reflecting the partisan implications of Kavanaugh's confirmation. As seen in the first model, a Democratic group is 21% less likely to use positive emotional language relative to a Republican group, which is our reference category. This relative difference in the amount of emotional language persists even after controlling for demographics and targeting in the second model and message categories in third model. When controlling for both demographic targeting and message categories simultaneously in the fourth model, we see that a Democratic group is 24% less likely to use positive language.

Across a variety of specifications, we find that Republican groups are more likely to send positive emotional messages than Democrats. We interpret these results to confirm our second hypothesis that partisan actors send messages that reflect the underlying partisan implications of the Supreme Court. In this case, Democratic groups were more negative in their messages than Republican, reflecting the partisan implications concerning the conservative shift in the ideological composition of the Supreme Court with Kavanaugh's confirmation.

Targets

Finally, we investigate the targets of the ads. We hypothesized that partisan actors should target their ads at individuals perceived to be most likely to respond. In this case, we expected that Democrats should be more likely to target their appeals at women because they are perceived to be part of the party coalition and because many issues expected to come before the Court implicate women. The results of the GLM models where we regress the proportion of females targeted on the partisanship of the group support this hypothesis.

Across various specifications, we find that Democrats are more likely to target women than men, as reported in Table 5. Substantively, this means that the odds of a Democratic group targeting female Facebook users are about 20% to 50% higher than the odds of a Republican group. The effects remain after adding various control variables, attenuating the most with message controls. These findings persist even after excluding ads related to the sexual assault allegations and abortion (see Appendix D).

Table 5. The Effect of Group Partisanship on the Proportion of Females Targeted

	(1)	(2)	(3)	(4)
Democratic Group	1.51* (0.03)	1.44* (0.03)	1.21* (0.03)	1.24* (0.03)
% 18-24		17.24* (1.43)		17.30* (1.45)
% 25-34		15.13* (1.20)		14.63* (1.18)
% 35-44		17.89* (1.63)		18.42* (1.69)
% 45-54		5.60* (0.53)		5.95* (0.57)
% 55-64		15.93* (1.29)		15.96* (1.30)
% 65+		17.76* (1.16)		17.56* (1.16)
Mobilization			1.63* (0.06)	1.48* (0.05)
Ford			0.86* (0.02)	1.17* (0.03)
Newsmedia			0.91* (0.04)	0.96 (0.05)
President			0.83* (0.02)	0.89* (0.02)
Political Corruption			0.66* (0.04)	0.87* (0.06)
Partisanship			1.05* (0.02)	1.02 (0.02)
Abortion			1.23* (0.03)	1.34* (0.04)
Healthcare			0.92* (0.03)	0.98 (0.04)
Guns			0.91 (0.06)	1.05 (0.08)
Environment			1.25* (0.10)	1.07 (0.10)
Immigration			0.61* (0.07)	0.75* (0.09)
Civil Rights			1.21* (0.04)	0.98 (0.04)
Education			0.80* (0.08)	0.89 (0.09)
Candidate			0.91* (0.02)	0.95 (0.02)
Constant	0.82* (0.01)	0.11* (0.004)	0.66* (0.02)	0.08* (0.004)
Observations	49,817	49,817	49,817	49,817

*p<0.05

Our investigation into the targets of political ads linked to Kavanaugh thus supports our third hypothesis. Partisan actors are more likely to target their messages at individuals perceived to be the most likely to respond. In this case, Democrats targeted the perceived coalition group of women at much higher rates relative to Republicans.

Discussion and Conclusions

Our findings contribute to understanding how political actors use the fate of the Supreme Court to mobilize supporters in the current digital context. Drawing on a dataset of 50,267 unique Facebook ads related to the contentious confirmation process of Associate Justice Brett Kavanaugh, we test expectations derived from our general theory of Supreme Court co-optation. This theory posits that partisan actors seize on the saliency of the institution, regardless of the event that originally drew the public's attention, to mobilize their supporters to do a variety of participation activities. We hypothesized further that these mobilization appeals would be reflective of the underlying partisan implications at stake and targeted at individuals most likely to respond to them.

Our results provide support for this theory and reveal that a diverse set of partisan actors, including not only interest groups but also candidates and official party organizations, co-opted the public's interest in Kavanaugh's confirmation, particularly the allegations of sexual assault, to mobilize supporters to contribute financially, contact their legislator, vote, volunteer, and attend events. Their appeals included partisan language and attempted to mobilize the public with issues that went beyond the allegations. And they targeted these appeals at individuals perceived to be the most responsive with Democrats groups targeting women at higher rates than Republicans.

We recognize that Brett Kavanaugh's confirmation may be a high-water mark in Supreme Court saliency but argue that our co-optation theory has implications outside of the most divisive judicial fight in recent memory. We expect that partisan actors should continue to seize on the saliency of the judicial branch whenever it becomes relevant. While we do not argue that the Supreme Court will become the perennial issue of American politics by any means, our

argument is that when its saliency waxes, partisan actors should attempt to mobilize their supporters and highlight its ideological and partisan implications.

The implications of this kind of partisan mobilization related to the Supreme Court are double-edged. First, when political actors provide partisan cues about the Supreme Court, they have the potential to increase the public's knowledge about the institution and provide the public with additional opportunities to become engaged. The public has limited political knowledge and knows even less about the Supreme Court (Delli Carpini and Keeter 1997; Gibson and Caldeira 2009b; Kinder and David 2010). By co-opting the Court when ever the public is paying attention, these actors have the potential to increase knowledge about the institution, increasing the number of people who know what role the institution plays in American politics and who sits on it. Likewise, the availability of these partisan cues, especially when linked to the Supreme Court, provide people information shortcuts that make participation in politics easier. Since acquiring the knowledge necessary to participate in politics is itself a cost of participation (Downs 1957), these political actors, through their direct outreach and targeted messages, lower the barrier of entry and increase overall rates of participation by providing people with more opportunities to get involved, even if this participation may be concentrated among the already politically engaged (Norris 2001; Rosenstone and Hansen 2002).

The second implication of partisan mobilization linked to the Supreme Court concerns the institution's legitimacy. The Supreme Court has long been "different" from the other branches of government. Even though the public may have a dual perception that institution is both a legal and political, the Court has maintained high and stable levels of support and legitimacy throughout its history (Caldeira and Gibson 1992; Gibson 2007; Gibson and Nelson 2014). Recent evidence suggest, however, that when political actors, especially co-partisans,

politicize the Court and highlight its partisan and ideological implications that it can threaten the institution's legitimacy (Armaly 2018; Christenson and Glick 2015; Nelson and Gibson 2019).

The fear is that if the Supreme Court is seen as part of "politics as usual" that faith in the institution will be undermined and leave the judicial branch open to structural changes or outright disregard for its rulings. It may be a trite reminder that the judiciary has neither the power of the "sword" nor the "purse," but as partisan actors continue to drag the court into politics, the Supreme Court may begin to lose its "reservoir of favorable attitudes [and] good will" (Caldeira and Gibson 1992; Easton 1965, 637; Gibson and Nelson 2014).

While determining the impact of mobilization linked to the Supreme Court on knowledge, participation, and legitimacy is outside the scope of our present research. We see opportunities for future research to understand how the kinds of documented partisan appeals in this study affect these other outcomes.

References

- Abramowitz, Alan, Brad Alexander, and Matthew Gunning. 2006. "Don't Blame Redistricting for Uncompetitive Elections." *PS: Political Science and Politics* 39(1): 87–90.
- Abramowitz, Alan I. 2011. *The Disappearing Center: Engaged Citizens, Polarization, and American Democracy*. Erscheinungsort nicht ermittelbar: YALE UNIV PR.
- Aldrich, John H. 1995. *Why Parties?: The Origin and Transformation of Political Parties in America*. 1 edition. Chicago: University Of Chicago Press.
- Aldrich, John H, Rachel K Gibson, Marta Cantijoch, and Tobias Konitzer. 2016. "Getting out the Vote in the Social Media Era: Are Digital Tools Changing the Extent, Nature and Impact of Party Contacting in Elections?" *Party Politics* 22(2): 165–78.
- Armaly, Miles T. 2018. "Extra-Judicial Actor Induced Change in Supreme Court Legitimacy." *Political Research Quarterly* 71(3): 600–613.
- Austen-Smith, David, and John R. Wright. 1994. "Counteractive Lobbying." *American Journal of Political Science* 38(1): 25–44.
- Axelrod, Robert. 1972. "Where the Votes Come From: An Analysis of Electoral Coalitions, 1952-1968." *The American Political Science Review* 66(1): 11–20.
- Barkow, Rachel E. 2002. "More Supreme than Court - The Fall of the Political Question Doctrine and the Rise of Judicial Supremacy." *Columbia Law Review* 102(2): 237–336.
- Bartels, Larry M. 2000. "Partisanship and Voting Behavior, 1952-1996." *American Journal of Political Science* 44(1): 35–50.
- Bauder, David. 2018. "More than 20 Million People Watched Kavanaugh Hearing." *AP NEWS*. <https://apnews.com/caa510f21dcd4c569a4c8ea91f587a44> (February 28, 2020).
- Bennett, W Lance. 2008. "Changing Citizenship in the Digital Age: Civic Life Online: Learning How Digital Media Can Engage Youth." In *Civic Life Online: Learning How Digital Media Can Engage Youth.*, Cambridge, Mass: The MIT Press.
- Bimber, Bruce. 2017. "Three Prompts for Collective Action in the Context of Digital Media." *Political Communication* 34(1): 6–20.
- Bimber, Bruce, Andrew Flanagin, and Cynthia Stohl. 2012. *Collective Action in Organizations: Interaction and Engagement in an Era of Technological Change*. Cambridge University Press.
- Binder, Sarah A., and Forrest Maltzman. 2002. "Senatorial Delay in Confirming Federal Judges, 1947-1998." *American Journal of Political Science* 46(1): 190–99.

- Blaemire, A. 2012. "An Explosion of Innovation: The Voter-Data Revolution." In *Margin of Victory: How Technologists Help Politicians Win Elections*, ed. Nathaniel G. Pearlman. Santa Barbara, Calif: Praeger.
- Bode, Leticia. 2017. "Gateway Political Behaviors: The Frequency and Consequences of Low-Cost Political Engagement on Social Media." *Social Media + Society* 3(4): 205630511774334.
- Brennan Center for Justice. 2018. "Follow the Money: Tracking TV Spending on the Kavanaugh Nomination | Brennan Center for Justice." <https://www.brennancenter.org/our-work/research-reports/follow-money-tracking-tv-spending-kavanaugh-nomination> (February 19, 2020).
- Broockman, David E., and Daniel M. Butler. 2017. "The Causal Effects of Elite Position-Taking on Voter Attitudes: Field Experiments with Elite Communication." *American Journal of Political Science* 61(1): 208–21.
- Bullock, John G. 2011. "Elite Influence on Public Opinion in an Informed Electorate." *American Political Science Review* 105(3): 496–515.
- Caldeira, Gregory A., and James L. Gibson. 1992. "The Etiology of Public Support for the Supreme Court." *American Journal of Political Science* 36(3): 635–64.
- Caldeira, Gregory A., Marie Hojnacki, and John R. Wright. 2000. "The Lobbying Activities of Organized Interests in Federal Judicial Nominations." *The Journal of Politics* 62(1): 51–69.
- Caldeira, Gregory A., and Charles E. Smith. 1996. "Campaigning for the Supreme Court: The Dynamics of Public Opinion on the Thomas Nomination." *The Journal of Politics* 58(3): 655–81.
- Caldeira, Gregory A., and John R. Wright. 1998. "Lobbying for Justice: Organized Interests, Supreme Court Nominations, and the United States Senate." *American Journal of Political Science; Austin, Tex.* 42(2): 499.
- Cameron, Charles M., Albert D. Cover, and Jeffrey A. Segal. 1990. "Senate Voting on Supreme Court Nominees: A Neoinstitutional Model." *American Political Science Review* 84(2): 525–34.
- Cameron, Charles M., Cody Gray, Jonathan P. Kastellec, and Jee-Kwang Park. 2018. *From Textbook Pluralism to Modern Hyper-Pluralism: Interest Groups and Supreme Court Nominations, 1930-2017*. Rochester, NY: Social Science Research Network. SSRN Scholarly Paper. <https://papers.ssrn.com/abstract=3087987> (February 27, 2020).
- Cameron, Charles, and Jee-Kwang Park. 2011. "Going Public When Opinion Is Contested: Evidence from Presidents' Campaigns for Supreme Court Nominees, 1930-2009." *Presidential Studies Quarterly* 41(3): 442–70.

- Carsey, Thomas M., and Geoffrey C. Layman. 2006. "Changing Sides or Changing Minds? Party Identification and Policy Preferences in the American Electorate." *American Journal of Political Science* 50(2): 464–77.
- Christenson, Dino P., and David M. Glick. 2015. "Chief Justice Roberts's Health Care Decision Disrobed: The Microfoundations of the Supreme Court's Legitimacy." *American Journal of Political Science* 59(2): 403–18.
- Clark, Tom S. 2009. "The Separation of Powers, Court Curbing, and Judicial Legitimacy." *American Journal of Political Science* 53(4): 971–89.
- Clawson, Rosalee A., and Eric N. Waltenburg. 2003. "Support For A Supreme Court Affirmative Action Decision: A Story in Black and White." *American Politics Research* 31(3): 251–79.
- Cohen, Marty, David Karol, Hans Noel, and John Zaller. 2008. *The Party Decides: Presidential Nominations Before and After Reform*. Chicago: University of Chicago Press.
- Collins, Jr Paul M. 2008. *Friends of the Supreme Court: Interest Groups and Judicial Decision Making*. 1 edition. New York: Oxford University Press.
- Collins, Paul M., Pamela C. Corley, and Jesse Hamner. 2015. "The Influence of Amicus Curiae Briefs on U.S. Supreme Court Opinion Content." *Law & Society Review* 49(4): 917–44.
- Conway, Mike. 2006. "The Subjective Precision of Computers: A Methodological Comparison with Human Coding in Content Analysis." *Journalism & Mass Communication Quarterly* 83(1): 186–200.
- Corley, Pamela C. 2008. "The Supreme Court and Opinion Content: The Influence of Parties' Briefs." *Political Research Quarterly* 61(3): 468–78.
- Delli Carpini, Michael X., and Scott Keeter. 1997. *What Americans Know about Politics and Why It Matters*. New Haven: Yale University Press.
- Devins, Neal. 2016. "Why Congress Does Not Challenge Judicial Supremacy Judicial Supremacy v. Departmentalism Symposium." *William & Mary Law Review* 58(5): 1495–1548.
- Devins, Neal, and Lawrence Baum. 2017. "Split Definitive: How Party Polarization Turned the Supreme Court into a Partisan Court." *The Supreme Court Review* 2016: 301–65.
- Downs, Anthony. 1957. *An Economic Theory of Democracy*. 1st edition. Boston: Harper and Row.
- Easton, David. 1965. *A Systems Analysis of Political Life*. Wiley.

- Epstein, Lee, René Lindstädt, Jeffrey A. Segal, and Chad Westerland. 2006. "The Changing Dynamics of Senate Voting on Supreme Court Nominees." *Journal of Politics* 68(2): 296–307.
- Erikson, R, M Mackuen, and J Stimson. 2002. *The Macro Polity*. New York: Cambridge University Press.
- Facebook. 2019. "Ad Library."
https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US (August 18, 2019).
- Fiorina, Morris P. 2011. *Disconnect: The Breakdown of Representation in American Politics*. Norman: Uni. of Oklahoma Press.
- Flemming, Roy B., Michael C. Macleod, and Jeffery Talbert. 1998. "Witnesses at the Confirmations? The Appearance of Organized Interests at Senate Hearings of Federal Judicial Appointments, 1945-1992." *Political Research Quarterly* 51(3): 617–31.
- Gallup, Gallup. 2018. "Top Issues for Voters: Healthcare, Economy, Immigration." *Gallup.com*.
<https://news.gallup.com/poll/244367/top-issues-voters-healthcare-economy-immigration.aspx> (February 29, 2020).
- Gann Hall, Melinda, and Chris W. Bonneau. 2013. "Attack Advertising, the White Decision, and Voter Participation in State Supreme Court Elections." *Political Research Quarterly* 66(1): 115–26.
- Gibson, James L. 2007. "The Legitimacy of the U.S. Supreme Court in a Polarized Polity." *Journal of Empirical Legal Studies* 4(3): 507–38.
- Gibson, James L., and Gregory A. Caldeira. 2009a. *Citizens, Courts, and Confirmations: Positivity Theory and the Judgments of the American People*. Princeton University Press.
- . 2009b. "Knowing the Supreme Court? A Reconsideration of Public Ignorance of the High Court." *Journal of Politics* 71(2): 429–41.
- . 2011. "Has Legal Realism Damaged the Legitimacy of the U.S. Supreme Court?" *Law & Society Review* 45(1): 195–219.
- Gibson, James L., and Michael J. Nelson. 2014. "The Legitimacy of the US Supreme Court: Conventional Wisdoms and Recent Challenges Thereto." *Annual Review of Law and Social Science* 10(1): 201–19.
- Gil de Zúñiga, Homero, Nakwon Jung, and Sebastián Valenzuela. 2012. "Social Media Use for News and Individuals' Social Capital, Civic Engagement and Political Participation." *Journal of Computer-Mediated Communication* 17(3): 319–36.
- Gimpel, James G., and Robin M. Wolpert. 1996. "Opinion-Holding and Public Attitudes Toward Controversial Supreme Court Nominees." *Political Research Quarterly* 49(1): 163–76.

- Goings, Kenneth W. 1990. *“NAACP Comes of Age”: The Defeat of Judge John J. Parker*. Bloomington: Indiana University Press.
- Grimmer, Justin, and Brandon M. Stewart. 2013. “Text as Data: The Promise and Pitfalls of Automatic Content Analysis Methods for Political Texts.” *Political Analysis* 21(3): 267–97.
- Guo, Lei et al. 2016. “Big Social Data Analytics in Journalism and Mass Communication: Comparing Dictionary-Based Text Analysis and Unsupervised Topic Modeling.” *Journalism & Mass Communication Quarterly* 93(2): 332–59.
- Healy, Andrew J., Neil Malhotra, and Cecilia Hyunjung Mo. 2010. “Irrelevant Events Affect Voters’ Evaluations of Government Performance.” *Proceedings of the National Academy of Sciences* 107(29): 12804–9.
- Hersh, Eitan. 2015. *Hacking the Electorate: How Campaigns Perceive Voters*. New York, NY: Cambridge University Press.
- Hetherington, Marc J. 2001. “Resurgent Mass Partisanship: The Role of Elite Polarization.” *The American Political Science Review* 95(3): 619–31.
- Hitt, Matthew P., and Kathleen Searles. 2018. “Media Coverage and Public Approval of the U.S. Supreme Court.” *Political Communication* 35(4): 566–86.
- Hoekstra, Valerie J. 2000. “The Supreme Court and Local Public Opinion.” *American Political Science Review* 94(1): 89–100.
- . 2003. *Public Reaction to Supreme Court Decisions*. Cambridge ; New York: Cambridge University Press.
- Hutchings, Vincent L. 2001. “Political Context, Issue Salience, and Selective Attention: Constituent Knowledge of the Clarence Thomas Confirmation Vote.” *The Journal of Politics* 63(3): 846–68.
- Issenberg, Sasha. 2013. *The Victory Lab: The Secret Science of Winning Campaigns*. Reprint edition. New York: Broadway Books.
- Iyengar, Shanto, and Adam F. Simon. 2000. “New Perspectives and Evidence on Political Communication and Campaign Effects.” *Annual Review of Psychology* 51(1): 149–69.
- Jacobs, Lawrence R., and Robert Y. Shapiro. 2000. *Politicians Don’t Pander: Political Manipulation and the Loss of Democratic Responsiveness*. 1 edition. Chicago, IL: University of Chicago Press.
- Johnson, Timothy R., and Jason M. Roberts. 2004. “Presidential Capital and the Supreme Court Confirmation Process.” *Journal of Politics* 66(3): 663–83.

- Karpf, David. 2010. "Online Political Mobilization from the Advocacy Group's Perspective: Looking Beyond Clicktivism." *Policy & Internet* 2(4): 7–41.
- . 2012. *The MoveOn Effect: The Unexpected Transformation of American Political Advocacy*. 1 edition. New York: Oxford University Press.
- Kastellec, Jonathan P., Jeffrey R. Lax, and Justin H. Phillips. 2010. "Public Opinion and Senate Confirmation of Supreme Court Nominees." *The Journal of Politics* 72(3): 767–84.
- Kazyak, Emily, and Mathew Stange. 2018. "Backlash or a Positive Response?: Public Opinion of LGB Issues After Obergefell v. Hodges." *Journal of Homosexuality* 65(14): 2028–52.
- Kearney, Joseph D., and Thomas W. Merrill. 2000. "The Influence of Amicus Curiae Briefs on the Supreme Court." *University of Pennsylvania Law Review* 148(3): 743–855.
- Kim, Young Mie et al. 2018. "The Stealth Media? Groups and Targets behind Divisive Issue Campaigns on Facebook." *Political Communication* 35(4): 515–41.
- Kinder, Donald R., and Sears David. 2010. "Public Opinion and Political Action." In *Handbook of Social Psychology: Volume One*, eds. Susan T. Fiske, Daniel T. Gilbert, and Gardner Lindzey. Hoboken, N.J: Wiley.
- Klein, David, and Lawrence Baum. 2001. "Ballot Information and Voting Decisions in Judicial Elections." *Political Research Quarterly* 54(4): 709–28.
- Koger, Gregory, Seth Masket, and Hans Noel. 2009. "Partisan Webs: Information Exchange and Party Networks." *British Journal of Political Science* 39(3): 633–53.
- Kraft, Patrick W., Milton Lodge, and Charles S. Taber. 2015. "Why People 'Don't Trust the Evidence': Motivated Reasoning and Scientific Beliefs." *The ANNALS of the American Academy of Political and Social Science* 658(1): 121–33.
- Kreiss, Daniel. 2016. *Prototype Politics: Technology-Intensive Campaigning and the Data of Democracy*. 1 edition. New York, NY: Oxford University Press.
- Kritzer, Herbert M. 2001. "The Impact of Bush v. Gore on Public Perceptions and Knowledge of Supreme Court." *Judicature* 85(1): 32–38.
- Lane, Elizabeth, and Jessica Schoenherr. 2019. "'A Matter of Great Importance': Interest Groups, the Senate Judiciary Committee, and Supreme Court Confirmation Hearings." *Arlen Specter Center for Public Service Research Fellowship*. https://jdc.jefferson.edu/ascps_fellowship/1.
- Levendusky, Matthew. 2009. *The Partisan Sort: How Liberals Became Democrats and Conservatives Became Republicans*. University of Chicago Press.
- Lewkowicz, Michael A. 2006. "The Effectiveness of Elite Cues as Heuristics in Proposition Elections." *American Politics Research* 34(1): 51–68.

- Linós, Katerina, and Kimberly Twist. 2016. "The Supreme Court, the Media, and Public Opinion: Comparing Experimental and Observational Methods." *The Journal of Legal Studies* 45(2): 223–54.
- Maltese, John Anthony. 1998. *The Selling of Supreme Court Nominees*. Baltimore; London: Johns Hopkins University Press.
- Miner, Gary et al. 2012. *Practical Text Mining and Statistical Analysis for Non-Structured Text Data Applications*. 1 edition. Waltham, MA: Academic Press.
- Nelson, Michael J, and James L Gibson. 2019. "How Does Hyper-Politicized Rhetoric Affect the U.S. Supreme Court's Legitimacy? The Journal of Politics, Forthcoming." *Journal of Politics*: 39.
- Nicholson, Stephen P., and Thomas G. Hansford. 2014. "Partisans in Robes: Party Cues and Public Acceptance of Supreme Court Decisions." *American Journal of Political Science* 58(3): 620–36.
- Nickerson, David W., and Todd Rogers. 2014. "Political Campaigns and Big Data." *Journal of Economic Perspectives* 28(2): 51–74.
- Norris, Pippa. 2001. *Digital Divide: Civic Engagement, Information Poverty, and the Internet Worldwide*. First Edition, First Printing edition. Cambridge ; New York: Cambridge University Press.
- Novkov, Julie. 2019. "The Troubled Confirmation of Justice Brett Kavanaugh." In *SCOTUS 2018: Major Decisions and Developments of the US Supreme Court*, eds. David Klein and Morgan Marietta. Cham: Springer International Publishing, 125–41. https://doi.org/10.1007/978-3-030-11255-4_11 (February 27, 2020).
- Oser, Jennifer, and Shelley Boulianne. 2019. "Does Internet Use Affect Engagement? A Meta-Analysis of Research." In *Annual Conference of the American Political Science Association*, Washington, D.C. <https://doi.org/10.1080/10584600902854363> (September 23, 2019).
- Owens, Ryan J, Daniel E Walters, Ryan C Black, and Anthony Madonna. 2014. "Ideology, Qualifications, and Covert Senate Obstruction of Federal Court Nominees." *UNIVERSITY OF ILLINOIS LAW REVIEW* 2014(2): 42.
- Owens, Ryan J., and Justin P. Wedeking. 2011. "Justices and Legal Clarity: Analyzing the Complexity of U.S. Supreme Court Opinions." *Law & Society Review* 45(4): 1027–61.
- Pearlman, Nathaniel G., ed. 2012. *Margin of Victory: How Technologists Help Politicians Win Elections*. Santa Barbara, Calif: Praeger.
- Perloff, Richard M. 2014. *The Dynamics of Political Communication: Media and Politics in a Digital Age*. New York, NY: Routledge.

- Petersen, Michael Bang, Martin Skov, Søren Serritzlew, and Thomas Ramsøy. 2013. “Motivated Reasoning and Political Parties: Evidence for Increased Processing in the Face of Party Cues.” *Political Behavior* 35(4): 831–54.
- Pew. 2016. “Top Voting Issues in 2016 Election.” *Pew Research Center for the People and the Press*. <https://www.people-press.org/2016/07/07/4-top-voting-issues-in-2016-election/> (February 29, 2020).
- . 2019. “Share of U.S. Adults Using Social Media, Including Facebook, Is Mostly Unchanged since 2018.” *Pew Research Center*. <https://www.pewresearch.org/fact-tank/2019/04/10/share-of-u-s-adults-using-social-media-including-facebook-is-mostly-unchanged-since-2018/> (August 15, 2019).
- Primo, David M., Sarah A. Binder, and Forrest Maltzman. 2008. “Who Consents? Competing Pivots in Federal Judicial Selection.” *American Journal of Political Science* 52(3): 471–89.
- Queiroz, Gabriela De et al. 2019. *Tidyttext: Text Mining Using “Dplyr”, “Ggplot2”, and Other Tidy Tools*. <https://CRAN.R-project.org/package=tidyttext> (August 19, 2019).
- Rock, Emily, and Lawrence Baum. 2010. “The Impact of High-Visibility Contests for U.S. State Court Judgeships: Partisan Voting in Nonpartisan Elections.” *State Politics & Policy Quarterly* 10(4): 368–96.
- Rosenstone, Steven J., and John Mark Hansen. 2002. *Mobilization, Participation, and Democracy in America*. 1 edition. New York etc.: Pearson.
- Salamone, Michael F. 2018. *Perceptions of a Polarized Court: How Division among Justices Shapes the Supreme Court’s Public Image*. 1 edition. Philadelphia: Temple University Press.
- Scheb II, John M., and William Lyons. 2000. “The Myth of Legality and Public Evaluation of the Supreme Court.” *Social Science Quarterly (University of Texas Press)* 81(4): 928–40.
- Searles, Kathleen, Martha Humphries Ginn, and Jonathan Nickens. 2016. “For Whom the Poll Airs Comparing Poll Results to Television Poll Coverage.” *Public Opinion Quarterly* 80(4): 943–63.
- Segal, Jeffrey A., Charles M. Cameron, and Albert D. Cover. 1992. “A Spatial Model of Roll Call Voting: Senators, Constituents, Presidents, and Interest Groups in Supreme Court Confirmations.” *American Journal of Political Science* 36(1): 96–121.
- Sen, Maya. 2017. “How Political Signals Affect Public Support for Judicial Nominations: Evidence from a Conjoint Experiment.” *Political Research Quarterly* 70(2): 374–93.
- Shipan, Charles R., and Megan L. Shannon. 2003. “Delaying Justice(s): A Duration Analysis of Supreme Court Confirmations.” *American Journal of Political Science* 47(4): 654–68.

- Solberg, Rorie Spill, and Eric N. Waltenburg. 2006. "Why Do Interest Groups Engage the Judiciary? Policy Wishes and Structural Needs." *Social Science Quarterly (Wiley-Blackwell)* 87(3): 558–72.
- Spriggs, James F., and Paul J. Wahlbeck. 1997. "Amicus Curiae and the Role of Information at the Supreme Court." *Political Research Quarterly* 50(2): 365–86.
- Taber, Charles S., and Milton Lodge. 2006. "Motivated Skepticism in the Evaluation of Political Beliefs." *American Journal of Political Science* 50(3): 755–69.
- Tausczik, Yla R., and James W. Pennebaker. 2010. "The Psychological Meaning of Words: LIWC and Computerized Text Analysis Methods." *Journal of Language and Social Psychology* 29(1): 24–54.
- Thorson, Kjerstin, Kelley Cotter, Mel Medeiros, and Chankyung Pak. 2019. "Algorithmic Inference, Political Interest, and Exposure to News and Politics on Facebook." *Information, Communication & Society* 0(0): 1–18.
- Traynor, Joleen. 2018. "Supreme Court Justice Brett Kavanaugh and Accusations of Sexual Assault in the Media." *POLITICAL ANALYSIS*: 15.
- Tumasjan, Andranik, Timm Sprenger, Philipp Sandner, and Isabell Welp. 2010. "Predicting Elections with Twitter: What 140 Characters Reveal about Political Sentiment."
- Tyler, Tom R. 2006. "Psychological Perspectives on Legitimacy and Legitimation." *Annual Review of Psychology* 57(1): 375–400.
- Verba, Sidney, Nancy Burns, and Kay Lehman Schlozman. 1997. "Knowing and Caring about Politics: Gender and Political Engagement." *The Journal of Politics* 59(4): 1051–72.
- Vining, Richard L. 2011. "Grassroots Mobilization in the Digital Age: Interest Group Response to Supreme Court Nominees." *Political Research Quarterly* 64(4): 790–802.
- Zaller, John R. 1992. *The Nature and Origins of Mass Opinion*. 1st edition. Cambridge England ; New York, NY, USA: Cambridge University Press.

Appendix A: Facebook Search Parameters an Available Fields

Facebook API search parameters:

Parameters (with our specifications)	
Status of the ad	Included both active and inactive ads
Countries the ad reached	U.S.
Type of ad	Political or issue ads
Facebook page IDs	None
Search terms	kavanaugh

Fields available from the Facebook API:

Fields	
Ad creation time	Date and time that ad was created, which is not the same as the date and time Facebook starts running the ad
Ad text	Text that is in the ad
Link caption	Text that is in the link caption
Link description	Text that is in the link description
Title of the ad	Text that is in the ad title
Ad delivery start time	Date and time of when the advertiser wanted Facebook to start posting the ad
Ad delivery stop time	Date and time of when the advertiser wanted Facebook to stop posting the ad
Ad snapshot URL	URL link that displays a rendered ad that Facebook saves
Currency used to pay for the ad	ISO currency code
Demographic distribution	Demographic distribution of people reached by the ad, which contains age and gender Age ranges: 18-24, 25-34, 35-44, 45-54, 55-64, 65+ Gender: male, female, unknown
Funding entity	Name of the person, company, or entity that provided funding for the ad as submitted by the individual who bought the ad
Impressions	Number of times the ad created an impression Impression ranges: <1000, 1K-5K, 5K-10K, 10K-50K, 50K-100K, 100K-200K, 200K-500K, >1M
Facebook page ID	ID of Facebook page that ran the ad
Facebook page name	Name of Facebook page that ran the ad
Region distribution	Regional distribution of people reached by the ad as a percentage and where regions are at a sub-country level
Spend	Amount of money spent on the ad in specified currency Spending ranges: <100, 100-499, 500-999, 1K-5K, 5K-10K, 10K- 50K, 50K-100K, 100K-200K, 200K-500K, >1M

Appendix B: Manual Coding of Group Partisanship and Type

Table A2. Codebook for Partisanship and Group Type	
Partisanship	Official Democratic Likely Democratic Independent Likely Republican Official Republican Unknown
Type of Group	Candidate Party PACs Nonprofits News Questionable/Extreme Bias Movement/grassroots Suspicious Other

Partisanship Coding. Partisanship is a 5-type typology, which differentiates between official and likely partisanship. Official partisanship is when the organization is formally affiliated with the party. They are differentiated from the “extended party network,” which is comprised of interest groups, media, and nonprofits (Koger, Masket, and Noel 2009). These unofficial or de facto partisan groups are what we code as “likely” partisan groups. The final category is independent or unknown organizations. These groups are mostly news media and some issue advocacy organizations. In ambiguous cases, coders defaulted to “Independent” rather than a “likely” partisan affiliation. In cases where coding for partisanship is inappropriate or unknown, coders classified the group as “Unknown.”

Group Type Coding. Type of group is a 9-type typology. It mimics Kim and colleagues’ (Kim et al. 2018) typology of Facebook groups during the 2016 election. Candidates are *official* candidates running for office who are either registered with the FEC if running for federal office or officially listed on the ballot if running for lower-level state and municipal election. We verified these candidates by examining their official campaign websites and if they are listed on [Ballotpedia](#), a nonprofit encyclopedia of American politics. Similarly, parties are part of the *official* party organization. For example, these organizations are the DNCCC and the RNC. Note, however, that party leadership are considered candidates for office and not categorized as the “party” in this typology.

PACs are groups required to report their contributions and spending to the FEC but are not candidates or parties. Verification requires a search of the organization’s name on the [FEC’s database](#). Coders searched the officially registered name of the organization, which sometimes may be different from what it is colloquially referred to. For example, Planned Parenthood’s official FEC-registered name is “Planned Parenthood Votes.” Their official registered name was

listed at the bottom of their website or in the `funding_entity` variable, which reports who paid for the ad. In most cases, the names are equally similar, but the coder were prudent and tried different variations of the group names. Also note that PACs officially tied to a candidate, such as “Donald J. Trump for President, INC.” are coded as candidate.

The next group type coded was nonprofits. These organizations often have the official IRS tax-exempt designation of 501(c)(3), 501(c)(4), 501(c)(6). Verification requires a search of the organization’s name on [Guidestar](#), a nonprofit database. Coders were again careful to search the official name and not only the colloquial name. Also note that if an organization has both a PAC and is also classified as a nonprofit, it was coded as “PACs.” On the other hand, news organizations that were registered as nonprofits were coded as “News.”

The next groups coded were those *not* registered with the FEC and also *not* registered as a nonprofit. They make up two categories and are related to news. The primary database for news is [Media Bias/ Fact Check](#). The first category is “News,” which refers to “mainstream” news groups. “Mainstream” news media is best defined best by what they are not. They are not often identified as “fake news” or often reported as “questionable” by fact-checking organizations like [PolitiFact](#), [Factcheck.org](#), or [Snopes](#) (Kim et al. 2018). And they do not have extreme bias, as listed on Media Bias/Fact Check. For example, Fox News would be classified as “News” (with a right bias), but Breitbart would be classified as “Questionable/Extreme Bias.”

The remaining groups are *not* registered with FEC, *not* a nonprofit, and *not* a news outlet of some kind. Movement/grassroots is an organization that can be described as “grassroots” or “astroturf.” They are groups not formally registered in any way. Suspicious groups, on the other hand, are groups that exist only for the election period and then seem to vanish after campaigning ends. To quote from Kim et al. (Kim et al. 2018) directly, a suspicious group meets one of three criteria: “(a) the group’s Facebook page (Facebook page linked to the ad) or landing page was taken down or banned by Facebook... (b) the group’s Facebook page or website exists but shows little activity since Election Day and no information about the group exists elsewhere; or (c) the group’s Facebook page or landing page is accessible, but no information about the group exists elsewhere.” This “exists elsewhere” criterion is usually fulfilled with Google searches for their existence.

These eight categories captured the overwhelming majority of organizations, but everything else was classified as “other.” Examples of “other” include clothing/apparel, meme groups, law firms, authors, musicians, and artists.

To verify each group, coders checked each database in the same order as presented. They first open up tabs with each of the databases. Next, they checked each database sequentially: Ballotpedia (candidates and parties), FEC (FEC-registered groups/PACs), Guidestar (nonprofits), Media Bias/Fact Check (news, questionable news, and news with extreme bias). Groups not in any of these databases were then coded as either an unregistered movement, suspicious, or other.

Appendix C: Stop Words and Keywords

Stop Words:

appointee, appointment, brett, kavanaugh committee, confirm, confirmation, congress, court, garland, judge, judiciary, justice, kavanaugh, kennedy, merrick, nominate, nomination, senate, senator, supreme, between, yourself, but, again, there, about, once, during, very, having, with, they, own, an, be, some, for, do, its, yours, such, into, of, most, itself, off, is, am, or, who, as, from, each, the, themselves, until, below, are, we, these, your, though, nor, me, were, more, himself, this, should, our, their, while, above, both, to, ours, had, all, no, when, at, any, before, them, and, been, have, in, will, on, does, yourselves, then, that, because, what, over, why, so, can, did, now, under, you, herself, has, just, where, too, only, myself, which, those, i, after, few, whom, if, theirs, my, against, a, by, doing, it, how, further, was, than

Keywords:

Mobilization: #bluewave, #redwave, ballot, block, blue, call, chip, contact, contribution, defend, donate, donor, elect, election, email, flood, grassroots, invitation, invite, meeting, message, mobilization, movement, name, november, petition, pledge, protest, rally, red, register, reject, rsvp, send, sign, stop, stopkavanaugh, support, tell, text, ticket, volunteer, vote

Ford: #believesurvivors, #metoo, accuse, accuser, allegation, assault, beer, believe, blasey, bush, calendar, christine, credibility, crime, damon, daughter, documents, drunk, fbi, ford, guilty, harassment, hearing, innocence, investigation, keg, misogyny, oath, rape, sexual, sexually, survivors, testimony, witness

Newsmedia: abc, bloomberg, breaking, cbs, cnet, coverage, exclusive, fox, guardian, hbo, huff post, huffington post, journalism, la daily news, la times, los angeles daily news, los angeles times, media, new york times, news, newsweek, npr, nyt, op-ed, press, radio, report, usa today, vice, wall street journal, washington post

President: barack, clinton, executive, hillary, impeach, impeachment, indict, indictment, maga, make america great again, mueller, obama, pardon, pence, potus, president, trump, white house

Political Corruption: billionaires, boys club, corporation, corruption, crooked, drain the swamp, establishment, mega donors, megadonors, ruling class, russia, special interests, interest groups

Partisanship: balance of the court, circus, communist, conservative, democrat, freedom, gop, horde, leftist, left, liberal, obstructionist, partisan, party, patriot, populist, progressive, republican, right, rightist

Abortion: abortion, anti life, anti choice, antiabortion, antilife, birth control, body, planned parenthood, pro choice, pro choice, pro life, prolife, reproduction, reproductive, roe, wade, womens rights

Healthcare: aca, affordable care, health, healthcare, medicaid, medicare, obamacare, preexisting conditions, premiums, repeal and replace

Guns: nd amendment, arms, firearm, gun, national rifle association, nra, second amendment, weapon

Environment: climate, environment, fracking, warming, pollute

Immigration: alien, asylum, border, daca, defered action, deportation, dreamers, hispanic, ice, immigrant, immigration, invasion, mexico, migration, sanctuary

Civil Rights: adoption, african, civil rights, equality, glbt, human rights, lgbtq, lgbtq, lgbtqi, lgbtqia, marriage, religion, voting rights

Education: betsy, devos, school

Candidates (last names): See FEC.

Appendix C: GLM Targeting Models Excluding Ford and Abortion

Table A3: The Effect of Group Partisanship on the Proportion of Females Targeted, Excluding Abortion

	Dependent Variable			
	Proportion of females			
	None (1)	Demographics (2)	Message (3)	All (4)
Democrat	1.58* (0.04)	1.48* (0.04)	1.30* (0.03)	1.24* (0.04)
% 18-24		16.65* (1.53)		16.74* (1.55)
% 25-34		12.44* (1.13)		12.86* (1.18)
% 35-44		17.50* (1.79)		18.57* (1.92)
% 45-54		5.32* (0.56)		5.36* (0.57)
% 55-64		14.95* (1.34)		14.60* (1.32)
% 65+		16.44* (1.22)		16.75* (1.25)
Mobilization			1.64* (0.06)	1.53* (0.06)
Ford			0.89* (0.02)	1.24* (0.04)
Newsmedia			1.00 (0.05)	0.93 (0.05)
President			0.88* (0.02)	0.86* (0.02)
Political Corruption			0.93 (0.09)	1.02 (0.10)
Partisanship			1.10* (0.02)	1.06* (0.03)
Abortion			1.07 (0.06)	1.10 (0.06)
Healthcare			1.00 (0.09)	0.99 (0.09)
Guns			1.33* (0.12)	1.09 (0.11)
Environment			0.46* (0.09)	0.70 (0.16)
Immigration			0.82* (0.05)	0.97 (0.07)
Civil Rights			0.82* (0.08)	0.87 (0.10)
Education			0.89* (0.02)	0.95 (0.03)
Candidate	0.77* (0.01)	0.10* (0.004)	0.60* (0.02)	0.08* (0.004)
Observations	39,586	39,586	39,586	39,586

Note:

*p<0.05

Table A4: The Effect of Group Partisanship on the Proportion of Females Targeted, Excluding Ford

	Dependent Variable			
	Proportion of females			
	None (1)	Demographics (2)	Message (3)	All (4)
Democrat	1.46* (0.03)	1.37* (0.03)	1.11* (0.03)	1.16* (0.03)
% 18-24		14.52* (1.30)		14.25* (1.29)
% 25-34		13.73* (1.16)		12.69* (1.09)
% 35-44		15.79* (1.54)		15.79* (1.56)
% 45-54		5.10* (0.52)		5.28* (0.54)
% 55-64		13.08* (1.14)		12.58* (1.12)
% 65+		15.11* (1.08)		14.88* (1.08)
Mobilization			1.76* (0.08)	1.58* (0.07)
Ford			0.84* (0.05)	1.01 (0.06)
Newsmedia			0.77* (0.02)	0.89* (0.02)
President			0.63* (0.04)	0.84* (0.06)
Political Corruption			1.18* (0.03)	1.09* (0.03)
Partisanship			1.34* (0.04)	1.42* (0.05)
Abortion			0.89* (0.03)	0.96 (0.04)
Healthcare			0.95 (0.07)	1.09 (0.09)
Guns			1.21* (0.11)	1.12 (0.11)
Environment			0.51* (0.07)	0.70* (0.10)
Immigration			1.21* (0.05)	0.97 (0.04)
Civil Rights			0.97 (0.17)	1.13 (0.21)
Education			0.85* (0.02)	0.95* (0.03)
Candidate	0.89* (0.02)	0.12* (0.01)	0.65* (0.03)	0.09* (0.01)
Observations	39,994	39,994	39,994	39,994

Note:

*p<0.05

Table A3: The Effect of Group Partisanship on the Proportion of Females Targeted, Excluding Abortion and Ford

	Dependent Variable			
	Proportion of females			
	None (1)	Demographics (2)	Message (3)	All (4)
Democrat	1.55* (0.04)	1.40* (0.04)	1.18* (0.04)	1.15* (0.04)
% 18-24		13.19* (1.32)		12.72* (1.28)
% 25-34		10.81* (1.06)		10.36* (1.02)
% 35-44		14.74* (1.64)		14.91* (1.67)
% 45-54		4.60* (0.53)		4.29* (0.50)
% 55-64		11.45* (1.12)		10.36* (1.02)
% 65+		13.00* (1.07)		12.93* (1.07)
Mobilization			1.78* (0.08)	1.64* (0.08)
Ford			0.93 (0.06)	0.99 (0.07)
Newsmedia			0.84* (0.03)	0.87* (0.03)
President			0.94 (0.10)	1.04 (0.11)
Political Corruption			1.21* (0.03)	1.14* (0.03)
Partisanship			1.10 (0.06)	1.18* (0.07)
Abortion			1.12 (0.11)	1.05 (0.11)
Healthcare			1.33* (0.14)	1.17 (0.13)
Guns			0.36* (0.09)	0.58* (0.16)
Environment			0.87 (0.06)	0.97 (0.07)
Immigration			1.10 (0.21)	1.18 (0.23)
Civil Rights			0.82* (0.03)	0.94 (0.03)
Education	0.82* (0.02)	0.13* (0.01)	0.59* (0.03)	0.09* (0.01)
		Candidate		
Observations	30,822	30,822	30,822	30,822

Note:

*p<0.05