

Letter

Gender, Race, and Interruptions at Supreme Court Confirmation Hearings

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In this research letter, we examine whether gender and racial bias affect interruption rates at one of the most visible events in American politics: US Supreme Court confirmation hearings. Using original data from 1939 to 2022, we find that male and white participants are more likely to interrupt women and person of color speakers, respectively, relative to male and white speakers. This finding holds for both senators and nominees as interrupters. Our results provide evidence that biased interruptive behavior occurs in even the most public and salient of political settings and that it can be mitigated (or intensified) by shared (or opposite) partisanship among speaking pairs. We also find interruption inequalities are not isolated to women as the interrupted, revealing that people of color in political and legal settings are subject to heightened rates of interruptions as well.


INTRODUCTION


US Supreme Court confirmation hearings before the Senate Judiciary Committee are incredibly important. With high levels of public interest and gavel-to-gavel television coverage, the hearings provide a unique opportunity for the world to observe and develop opinions about senators, nominees, and the usually opaque Supreme Court. For nominees, the hearings are their primary chance to defend their judicial record or develop credibility—all of which can help gain senator confirmation votes and develop public support for their service on the Court. For senators, the Judiciary Committee is a coveted assignment, and Supreme Court confirmation hearings offer them an excellent opportunity to increase constituent support, raise their national profile, and even launch a White House bid (Collins and Ringhand 2016; Schoenherr, Lane, and Armaly 2020).

But not all hearing participants have equal opportunity to speak unimpeded, as Supreme Court nominee Ketanji Brown Jackson found out during her 2022 hearing. In the course of just minutes of questioning

from Senator Graham (R-SC), Jackson was interrupted three times.¹ Some senators also have this experience. For example, in her 2018 questioning of Brett Kavanaugh, Senator Hirono (D-HI) was interrupted multiple times by the nominee.

In this high-profile setting, interruptions matter, especially when disproportionately directed to the speech of women and person of color senators and nominees. Interruptions silence the original speaker and elevate the power of the interrupter, which may aggravate the challenges already facing women and people of color in high-profile settings. Women and person of color senators are at a numerical disadvantage in Congress and face challenges in winning elections and governing once elected (e.g., Holman, Merolla, and Zechmeister 2011; McDermott 1998; Palmer and Simon 2006; Shah 2015). Interruption inequities can be an additional blow. For the nominees, being interrupted may stall their efforts to overcome the competence bias women and people of color face in interviews across professions (Boyd, Collins, and Ringhand 2018; Christensen, Szmer, and Stritch 2012; Haynie 2002; Lawless 2004; Nelson 2015). More broadly, since legitimacy and public support rest on representative inclusion in governing institutions (Badas and Stauffer 2018; Barnes 2016; Clayton, O'Brien, and Piscopo 2018; Harris and Sen 2019; Means, Eslich, and Prado 2019; Scherer 2023; Stauffer 2021; Widner 2023), public displays of bias against women and people of color can result in lower rates of ambition for members of those groups (Fox and Lawless 2014; Williams

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¹ See the Supplementary Appendix for this and other hearing transcript excerpts referenced in the text.

2008) and aggravate a sense that our government does not represent them (Campbell and Wolbrecht 2006).

We examine interruptions coming from societal majority group members like men and white people and the likelihood that they will occur more frequently for women and person of color participants in Supreme Court confirmation hearings, particularly when those participants are of the opposite party of the would-be interrupter. We utilize almost 40,000 senator and nominee statements from 1939 to 2022 to analyze confirmation hearing interruptions. Our findings indicate that cross-party women and people of color face substantially higher rates of interruptions than others.

These results are an important addition to the existing literature in three ways. First, we are the first to show that biased interruptions come from both senators *and* nominees. Even in a situation in which male and white individuals are presumptively in a position of less power than their senatorial interrogators—testifying for a coveted Supreme Court seat for which they need senatorial votes—they *still* interrupt female senators and senators of color at higher rates than others. Second, while prior political science literature studying interruptions has, to our knowledge, exclusively focused on gendered patterns, our findings confirm that nominees and senators of color are also subject to heightened interruption rates. Third, we show that bias in interruptions occurs even in high-profile settings that garner substantial media attention and interest from the American public.

INTERRUPTIONS, RACE, GENDER, AND PARTISANSHIP

Whether in Congress, the courtroom, or elsewhere, turn-taking—where a single person serves as the speaker while others act as listeners—is the norm in group speaking situations (Beattie 1982). Allowing speech without interruption signals respectful discourse (Bresnahan and Cai 1996; Goldberg 1990) and is cognitively necessary since we struggle to “talk and listen simultaneously” (Beattie 1982, 93). Interruptions break conversational turn-taking norms. When another person interrupts before the prior speaker’s turn is finished, the interruption stops the speaker from continuing and disorganizes the future speech (Smith-Lovin and Brody 1989). Interruptions thus can be a conversational “power play” (Mendelberg, Karpowitz, and Oliphant 2014) that control or alter speech and grant dominance to the interrupter (Karpowitz, Mendelberg, and Mattioli 2015; Leman and Ikoko 2010).

In political settings, interruptions enable control over the discussion and achievement of outcome goals. In congressional hearings, for example, interruptions loudly signal conflict among participants, with policy conflict likely to emerge thereafter (Miller and Sutherland 2023). During Supreme Court oral arguments, justices’ interruptions prevent their colleagues from coordinating or signaling their preferences (Black, Johnson, and Wedeking 2012; Johnson, Black, and Wedeking 2009) and reduce the likelihood of justices voting together (Jacobi and Rozema 2018).

Race and Gender Bias

Interruptions can happen among any speaker pairings. However, when majority group members (like men and white people) are the would-be interrupters, interruptions may be particularly likely to be targeted at women and person of color speakers. The combination of bias, status, negative stereotypes, and incentives to grow power and derogate subordinates can result in powerful group members inferring (consciously or not) entitlement to seize the conversational floor from women and person of color speakers (Anderson and Leaper 1998; Christensen, Szmer, and Stritch 2012; Moyer et al. 2021; Smith-Lovin and Brody 1989). Inequities in who is interrupted may further entrench the power of majority classes and signal weakness among those with less power (Mendelberg, Karpowitz, and Oliphant 2014).

Women and people of color face more interruptions than male and white speakers in many settings (e.g., Leman and Ikoko 2010). This pattern holds in political and legal contexts, although political science research to date has largely focused on gendered interruptions and ignored race-related effects. Women—including congresspeople (Miller and Sutherland 2023) and witnesses (Mattei 1998)—are interrupted more than men during congressional hearings (but see Kathlene 1994). In courts, female judges, justices, and lawyers are interrupted more than men (Bogoch 1999; Cortina et al. 2002; Feldman and Gill 2019; Jacobi and Schweers 2017; Patton and Smith 2017).

The Conditioning Effect of Partisanship

The activation of inequalities in interruptions is likely dependent on the relationship status and worldview perspectives of the speaker and would-be interrupter. Individuals who do not know each other well are more likely to have higher interruption levels (James and Clarke 1993). By contrast, “friends” interrupt each other less frequently and alternate speaking turns (Bresnahan and Cai 1996; Smith-Lovin and Brody 1989). This has been confirmed in Supreme Court oral arguments, where interruptions rise among ideological foes (Johnson, Black, and Wedeking 2009) and when justices’ ideology and gender are different (Jacobi and Schweers 2017).

On the Judiciary Committee, we expect that shared party will lessen the gendered and racial effects of majority group members’ interruptive behavior, while opposite-party affiliation will heighten such effects. The modern Senate is highly partisan, and its committees rely on party-based teamwork (Lee 2009). Senators will be more likely to view shared-party nominees as “friends” than those appointed by opposing-party presidents (regardless of race or gender). The same should hold for nominees interacting with senators. With shared party, there will be little hostility to the nomination and less need for aggressiveness in exchanges. By contrast, opposite-party speakers may be seen as “different,” without the mitigating salve of a shared partisanship. Questioning senators are incentivized by partisan loyalties to behave assertively, and

TABLE 1. Expected Directions of Independent Variables

	Male or white senator interruptions of nominees	Male or white nominee interruptions of senators
<u>Interruptions of nominees</u>		
(Baseline: Male nominee or white nominee, same party)		
Female nominee or nominee of color, same party	+	NA
Female nominee or nominee of color, different party	+	NA
Male nominee or white nominee, different party	+	NA
<u>Interruptions of nominees</u>		
(Baseline: Male senator or white senator, same party)		
Female senator or senator of color, same party	NA	+
Female senator or senator of color, different party	NA	+
Male senator or white senator, different party	NA	+
<u>Control variables</u>		
Nominee qualifications	-	-
Prior judicial experience	+	+
Partisan replacement	-/+	-/+
Ideological extremism	+	-
Nominee scandal	+	-
Committee chair	-/+	-
Seniority	+	-
Majority party member	-/+	-
Special session	-/+	+
Committee polarization	+	+

nominees will instinctively view cross-party senators as foes. These opposite-party, female and person of color speakers, are thus likely to receive a higher rate of interruptions than their shared party counterparts.

DATA AND METHODS

To study majority group members' interruption patterns, we examine every public Supreme Court confirmation hearing held before the Senate Judiciary Committee to date (1939–2022).² The unit of analysis is the nominee–senator dyad, with one observation per nominee–senator pair per hearing.³ Our main analysis focuses on intrusive interruptions (attempts to take over the conversation) and excludes

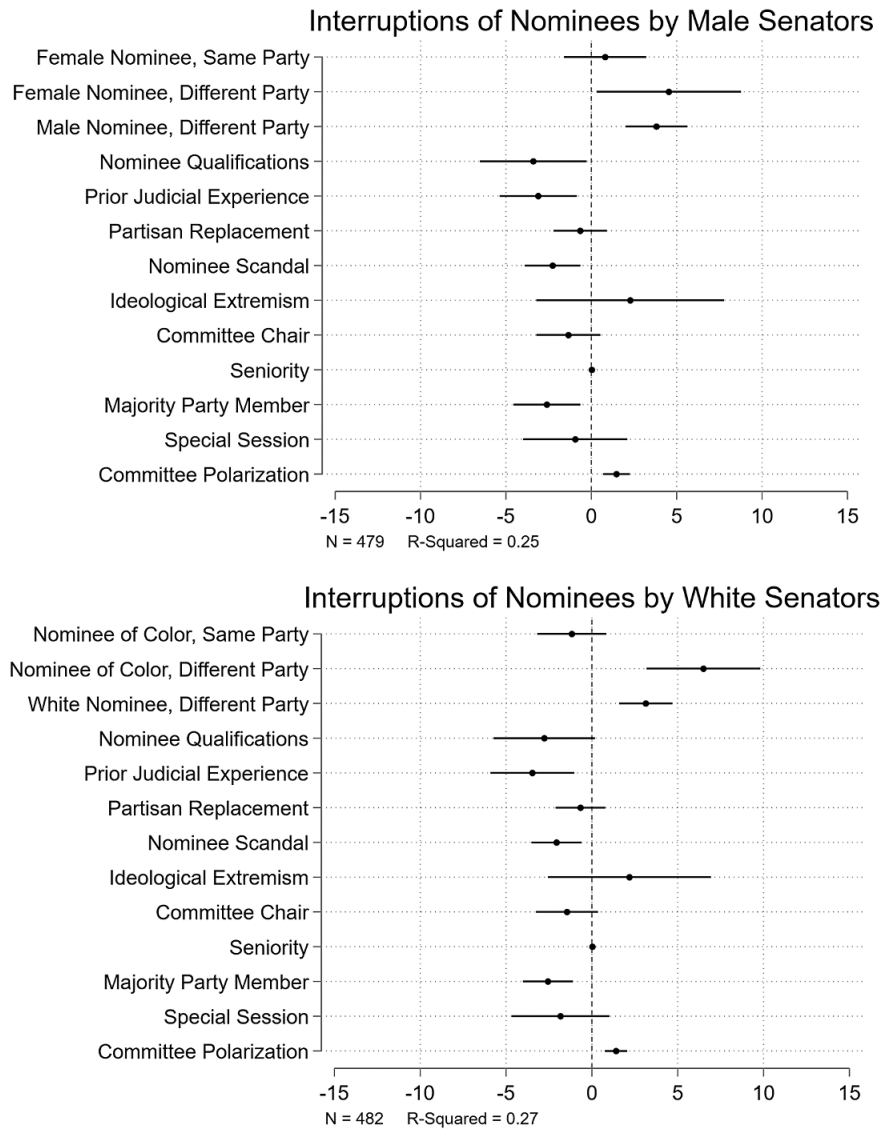
backchannel interruptions (signs of active conversational listening).⁴ The dependent variables are the percentage of time the senator/nominee intrusively interrupted the nominee/senator they were paired with as a function of all statements they made at each hearing. Our primary analysis is limited, for our gender-centric models, to interruptions made by male senators (or nominees) and, for our race-centric models, to interruptions by white senators (or nominees). We estimate ordinary least squares regression models and cluster the standard errors on the would-be interrupter.

We include independent variables that capture the gender/race of the nominee or senator and their party status relative to the individual they are interacting with. For example, in the model that examines interruptions of nominees by male senators, we include three variables: *Female Nominee, Same Party*; *Female Nominee, Different Party*; and *Male Nominee, Different Party* (with *Male Nominee, Same Party* as the baseline category). We expect that all three of these variables will be positively signed relative to the baseline, with female nominees from the opposite party of the questioning senator being interrupted more than all other nominee types. We use a similar modeling strategy for models focusing on interruptions by white senators, male nominees, and white nominees. We also include

² Full details on data sourcing, coding, intercoder reliability, and control variable coding and expectations are provided in the Supplementary Appendix.

³ Miller and Sutherland (2023) instead use a “chunk” unit of analysis approach where each exchange between a senator and nominee is an observation. The Supplementary Appendix further details this alternative strategy and the additional control variables related to the dynamics of the exchange between the speaker and would-be interrupter it permits, replicates our modeling utilizing the “chunk” approach, and explains our rationale for utilizing the “dyad” approach in the main text. Of note, our results are similar using the “dyad” and “chunk” approaches, with differences highlighted in the Supplementary Appendix. In all, the Supplementary Appendix includes the results of 40 alternative modeling approaches, most (but not all) of which corroborate the key results in the manuscript.

⁴ Our findings are robust to the inclusion of backchannel interruptions (see Supplementary Appendix).

FIGURE 1. Intrusive Interruptions by Senators, 1939–2022

Note: Circles are regression coefficients and lines represent 95% confidence intervals (robust standard errors, clustered on speaker). Unit of analysis is senator–nominee dyad, and dependent variable is percentage of interruptions made by senators during their nominee interaction. See Table A1 in the Supplementary Appendix for more details.

control variables in the models to account for other participant and contextual factors that may affect interruption patterns (detailed in Supplementary Appendix). Our variables' expected directional effects are summarized in Table 1.

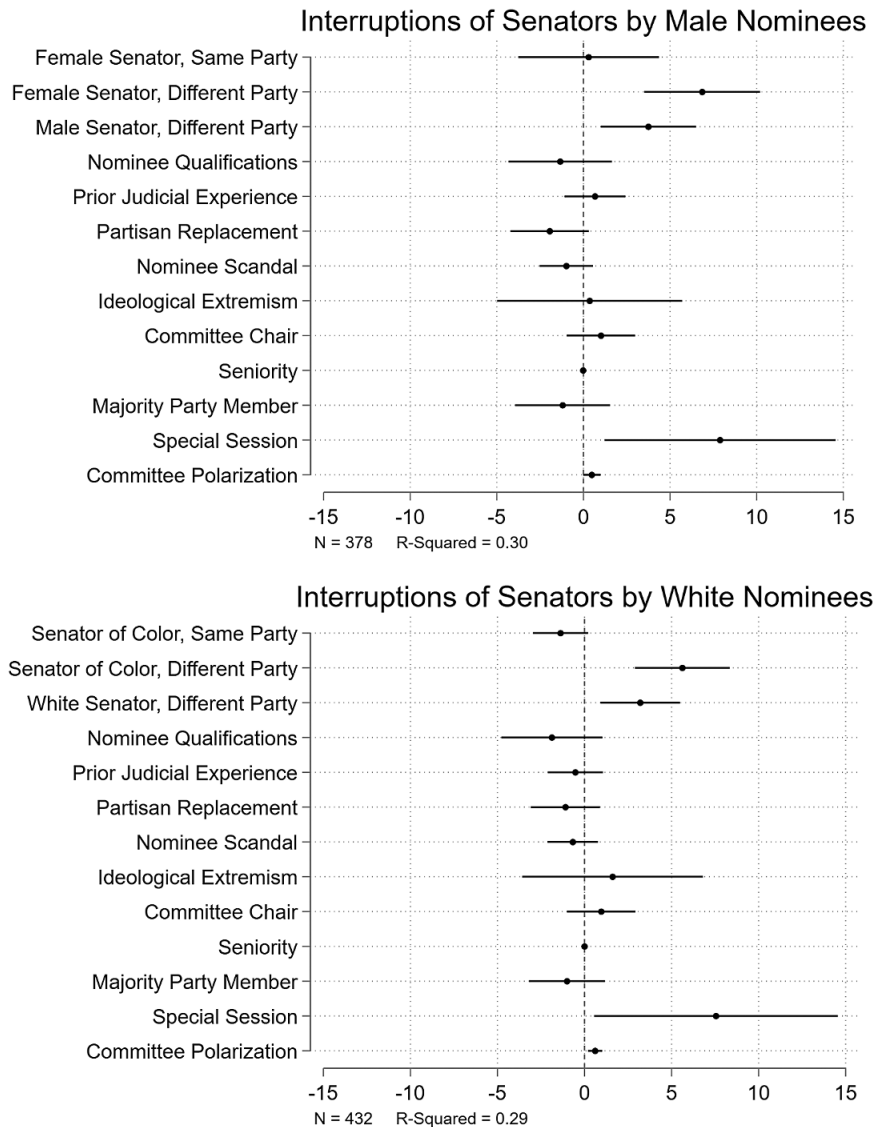
INTERRUPTIONS BY SENATORS

Figure 1 reports the coefficients and 95% confidence intervals for the statistical models focused on senators intrusively interrupting nominees.⁵ The top panel

focuses on gender differences and reveals that male senators interrupt female, different-party nominees 4.5 percentage points more often than same-party male nominees (the baseline category). We also find that male senators interrupt male, different-party nominees 3.8 percentage points more than male, same-party nominees, but there is no statistically significant difference between interruptions of female and male, same-party nominees.⁶ These results provide clear evidence that male senators exhibit gendered interruption

⁵ Full regression results and equality of coefficients tests are provided in the Supplementary Appendix.

⁶ Equality of coefficients tests indicate that there are not statistically significant differences between the volume of interruptions targeted at female, different-party nominees compared to male, different-party or female, same-party nominees (see Supplementary Appendix).

FIGURE 2. Intrusive Interruptions by Nominees, 1939–2022

Note: Circles are regression coefficients and lines represent 95% confidence intervals (robust standard errors, clustered on speaker). Unit of analysis is senator–nominee dyad, and dependent variable is percentage of interruptions made by nominees during their senator interaction. See Table A2 in the Supplementary Appendix for more details.

patterns, interrupting female nominees from the opposite party more often than male, same-party nominees.

Our regression results plotted in Figure 1's bottom panel similarly reveal strong evidence of racial differences in the interruption behavior of white senators. In particular, white senators interrupt opposite-party nominees of color 6.5 percentage points more than white, same-party nominees. This is, by far, the largest coefficient in the model and one that is statistically significantly larger than every other nominee grouping in the model based on equality of coefficient tests (see Supplementary Appendix).⁷ Compared to white

nominees from the opposite-party, nominees of color from the opposite party are interrupted a shocking 108% more frequently.

INTERRUPTIONS BY NOMINEES

We now turn the tables on hearing participants and explore in Figure 2 intrusive interruptions of senators by the nominees. As one would expect in the job interview-like format of a confirmation hearing, interviewees are less interruptive than their interviewers: nominees interrupt senators about half as much as they are interrupted by them (2.1% of statements compared to 4.3%). Those interruptions are not equally distributed, however, with male nominees and white

⁷ $p = 0.06$ in the comparison between opposite-party nominees of color and white nominees.

nominees' interruption patterns revealing sharp gendered and racialized behavior. Compared to their behavior toward same-party, male senators, male nominees interrupt female, different-party senators 6.8 percentage points more (Figure 2, top panel). Equality of coefficients tests reveal that female, different-party senators also receive greater interruptions than other groupings (male, different-party and female, same-party senators). There is therefore clear evidence that male nominees treat female senators from the opposite party differently in their interruptive behavior than all other senators.

The bottom panel in Figure 2 shows a similar pattern for white nominees as interrupters. Compared to white same-party senators, white nominees interrupt senators of color from the opposite party 5.6 percentage points more. And, per equality of coefficients tests, opposite-party senators of color are interrupted more than same-party senators of color.⁸ As with the interruption patterns for other nominees and senators, these are substantively large effects revealing that white nominees intrusively interrupt opposite-party senators of color almost three times as much as is average for nominees.

CONCLUSIONS

Interrupters hold power to assert dominance, take the conversational floor, and disorganize the speech of another. Despite the salience and stakes attached to Supreme Court confirmation hearings, they are not immune to interruptive behavior by participants. Interruptions are not only frequent in this setting, but they are also unevenly dispersed. As our study reveals, women and person of color speakers, when paired with a male or white speech partner during the hearings,⁹ face a disproportionate number of interruptions relative to other speakers—especially when the speech pair does not share the same political party.

Viewed as a whole, our analyses present multiple contributions of note to the study of American politics, Congress, the legal system, and race and gender bias in society.¹⁰ First, gender and racial biased interruptive behavior is not isolated to private conversations, in nonpublic arguments at the Supreme Court, or in

⁸ The comparison with white, different-party senators falls short of statistical significance ($p < 0.10$).

⁹ Relative to the rich literature on majority group members as interrupters, much remains unknown about the behavior of woman and people of color as potential interrupters. In the Supplementary Appendix, we provide an initial examination of the interruptive behavior of women and people of color in our data. Our supplemental analysis is limited not only by theoretical uncertainty in the literature about nonmajority group interruptive behavior but also by empirics: there are a small number of women and person of color senators and nominees to serve as potential interrupters. As the Judiciary Committee continues to diversify in the coming years, this area will be ripe for additional inquiry.

¹⁰ Future projects may also find it fruitful to examine whether similar interruption patterns hold for lower court and nonjudicial Judiciary Committee hearings and whether interruption frequency varies in private versus public settings.

sparsely attended congressional committee hearings; rather, it also happens at what is likely the most prominent of congressional hearings. Second, this interruptive bias is rampant, extending from members of Congress who hold the upper hand in power and have the “questioner” status during these hearings to nominees themselves in ways that largely mirror what we see from interrupting senators. It is also not limited to gender. While racial bias in interruptions has been largely unexamined in political and legal settings, our findings indicate it is just as potent as is gender bias. And finally, like with so much in politics, shared party and political worldview can mitigate the emergence of interruptive biases, while the lack of this common political perspective among a speaking pair leaves a gulf of space for biases to fill. And that is exactly what we see during the Senate Judiciary Committee's Supreme Court confirmation hearings.

SUPPLEMENTARY MATERIALS

To view supplementary material for this article, please visit <https://doi.org/10.1017/S0003055424000145>.

DATA AVAILABILITY STATEMENT

Research documentation and data that support the findings of this study are openly available at the American Political Science Review Dataverse: <https://doi.org/10.7910/DVN/C2IATB>.

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CONFLICT OF INTEREST

The authors declare no ethical issues or conflicts of interest in this research.

ETHICAL STANDARDS

The authors affirm this research did not involve human subjects.

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