"Omak's Minimum Pay Law Joan D'Arc": Local Newspaper Coverage of the U.S. Supreme Court Decision in *West Coast Hotel* v. *Parrish* (1937)*

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Scholars agree about the socio-political significance of *West Coast Hotel* v. *Parrish* (1937), in which the U.S. Supreme Court upheld the Washington State minimum wage law for women. However, they tend to focus on the decision's relationship to FDR's Court-packing plan. Little attention has been paid to newspaper coverage of the case, and there is an assumption that, at a time when the public relied on newspapers for information about court cases, people across the country only heard about the case from the wire reports that their local papers reprinted. Using content analysis of the coverage of *Parrish* by newspapers published in Chelan County (where the case began), I show that residents of Washington State received information that focused upon the local and human-interest aspects of the case rather than the role it played in the fight between FDR and the Court. These findings build upon previous studies showing that the nature and extent of state and local newspaper coverage of the nation's courts changes in significant ways when a case is of direct interest to a specific publication's readership.

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Introduction

For three months during the late summer and early fall of 1933, Elsie Lee (née Murray) worked as a part-time employee of the Cascadian Hotel in Wenatchee, a city of 11,000, nestled within the heart of the North Central region of Washington State. Working as a chambermaid, this divorcée and grandmother initially received 22½ cents per hour – with lunch provided; a raise later brought this up to 25 cents per hour (without lunch). The following year, when she married Ernest Parrish, she became a full-time member of the hotel's staff, working regularly until May 11, 1935. When she was discharged from her position the Cascadian presented her with a check for $17 – the balance of wages owed; she refused to accept the money. Believing she was instead legally entitled to $216.19, she sought the services of Charles Burnham "C.B." Conner, who was a respected Wenatchee attorney and local justice of the peace. Working pro bono, on June 10 Conner initiated a lawsuit seeking to recover the amount of back wages his client was owed under the Washington State minimum wage law. The West Coast Hotel Company – the operators of the Cascadian – responded by challenging the Constitutionality of that law. The case reached the U.S. Supreme Court in the fall of 1936; seventy-five years ago, on March 29, 1937, the justices announced their decision upholding the Washington law.[1]

This decision in *West Coast Hotel* v. *Parrish* has been the subject of an immense scholarly outpouring, much of it focusing on "the switch in time that saved nine" label that commentators affixed to the Court's judgment.[2] Implicit in this erroneous appellation was a belief that, when confronted with President Roosevelt's threat to attempt to reform the judiciary with the Judicial Reorganization Act, packing the Court with justices more sympathetic to his New Deal agenda, Justice Owen Roberts reversed course and voted, with his more liberal colleagues, to uphold a law that was very similar to the New York statute that a majority (that included Roberts) of the Court struck down the previous summer.[3] Numerous scholars have demonstrated the shortcomings of the "switch in time" argument, but the "somewhat scurrilous" label has stuck; it has become part of the historical folklore of the U.S. Supreme Court.[4]

Elsie Parrish has been "nearly forgotten in the shadow" of the *Parrish* decision's "monumental implications" for national politics.[5] But the traditional account – which invariably focuses on President Roosevelt and Justice Roberts – is incomplete without consideration of Elsie's story. This becomes very clear when one examines the coverage that the case received in the newspapers published in Chelan County, where the Parrish litigation began. There has been an assumption that all we need to know about media coverage of this important case is encapsulated in the observation that, "news of the momentous [Supreme Court] decision, [was]

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[1] *West Coast Hotel* v. *Parrish*, 300 U.S. 379 (1937). *Ernest Parrish, and Elsie Parrish, his wife* v. *West Coast Hotel Company*, Superior Court of the State of Washington in and for the County of Chelan, No. 12215 – Complaint, June 10, 1935, 1-2; Amended Complaint, July 12, 1935, 1-4, 6; Answer to Amended Complaint, September 9, 1935, 2-3; Gerry L. Alexander, "*Parrish v. West Coast Hotel Co*. – Did This Washington Case Cause the Famous 'Switch in Time That Saved Nine'?," *Washington State Bar News*, December 2010, 22-27; "Hotel Maid's Salary Suit Test of Law," *The Bee* (Danville, VA), November 20 1936, A5; William E. Leuchtenburg, *The Supreme Court Reborn: The Constitutional Revolution in the Age of Roosevelt* (New York: Oxford University Press, 1995), 163-4.

[2] The precise credit for this phrase remains unclear. Burt Soloman, *FDR v. The Constitution: The Court-Packing Fight and the Triumph of Democracy* (New York: Walker & Co., 2009), 162.

[3] *Morehead* v. *New York ex rel. Tipaldo*, 298 U.S. 587 (1936).

[4] Alpheus Thomas Mason, *Harlan Fiske Stone: Pillar of Law* (New York: Viking Press, 1956), 455.

[5] Julie Novkov, *Constituting Workers, Protecting Women: Gender, Law, and Labor in the Progressive Era and New Deal Years* (Ann Arbor, MI: University of Michigan Press, 2004), 5.

relayed swiftly to every part of the nation over press association wires."[6] However, analysis of the local newspaper coverage of *Parrish* shows that there is much more to be learned about the ways in which the media reported this landmark case – from the trial court judgment to the decision of the nine justices in Washington, D.C.

The relationship between the news media and court cases is an area of law and politics to which insufficient scholarly time and resources have been devoted. There is much that remains to be understood about that relationship. This literary void is even greater with regards to the coverage provided by local media outlets. Very few studies have analyzed *local* media coverage of the nation's judicial branch of government – federal or state; and most of the studies have concluded that the nature and extent of that coverage is primarily affected by the same factors that determine the content of reporting by the national media. This study helps to fill that void, and does so by focusing on local newspaper coverage of a case that was litigated during a time when the public still relied upon newspapers for information about court cases.

Local newspaper coverage of *Parrish* was influenced by the standard factors identified by previous scholars. However, those factors were almost always trumped by considerations of geographical proximity. Traditionally, newspapers devote minimal space to covering court cases until such time that those cases reach the U.S. Supreme Court; and, even then, not until the justices announce their final decision is that coverage likely to be substantive and detailed. For the newspapers published in Chelan County, particularly the *Wenatchee Daily World*, the stage of the judicial process was irrelevant. Above all else, it was the local interest nature of the *Parrish* case that determined the type of coverage that the case received.

Creating a legal "no-[wo]man's land"[7]

The 1913 Washington Minimum Wages for Women law – whose Constitutionality was questioned in *Parrish* – passed with the overwhelming support of the state legislature. Members of the state House voted for it 81-12; in the Senate the final vote was 36-2.[8] It sought to protect women and minors from the "conditions of labor which have a pernicious effect on their health and morals," namely "inadequate wages and unsanitary conditions."[9] To this end, it established the Washington State Industrial Welfare Commission, which was primarily responsible for determining the appropriate rates of minimum wages for women and minor workers in different industries. For women employed as hotel chambermaids, the minimum weekly wage was set at $14.50.[10]

In its report of the U.S. Supreme Court's decision in *Parrish*, *Time Magazine* was right to point out that this Washington law "was no New Deal upstart."[11] It was the second of seventeen minimum wage laws enacted in the United States between 1912 and 1923. These laws were a Progressive Era socio-legal development that resulted from intensive lobbying efforts by a

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[6] Leuchtenburg, *Supreme Court Reborn*, 175.

[7] Gerhard Peters and John T. Woolley, "Franklin D. Roosevelt: "Excerpts from the Press Conference," June 2, 1936," http://www.presidency.ucsb.edu/ws/?pid=15292.

[8] *Journal of the House, State of Washington* (1913), 1062-1063; *Journal of the Senate, State of Washington* (1913), 612-613; *Washington State Public Documents 1911-1912*, vol. 1 (1913), 190-193.

[9] Washington State Laws of 1913, Chapter 174, Page 602.

[10] "Washington State Bureau of Labor Ninth Biennial Report," in *Washington Public Documents 1913-1914*, vol. 3 (Olympia, 1913), 209-220.

[11] "Judiciary: Chambermaid's Day," *Time Magazine*, April 5 1937.

number of different groups, prominently the National Consumers' League, the Women's Trade Union League, and the American Association for Labor Legislation. All of these groups sought to improve working conditions for women and children. The laws followed on the heels of numerous studies (by both the federal government and the states) detailing the problems that confronted this segment of the nation's workforce.[12] However, the obvious exploitation of these workers in no way guaranteed that the laws' intended improvements would actually materialize. Changes were short-lived, extremely limited in nature, or simply non-existent. Not until the 1930s, when the Great Depression hit, did the nation again turn its attention to the plight of overworked and underpaid women. Such inattention partly resulted from the decidedly hostile treatment that the first round of laws received at the U.S. Supreme Court.

In *Lochner* v. *New York* (1905), the Court struck down the 1897 New York State Bakeshop Act, which prohibited bakers from working in excess of sixty hours a week, or for more than ten hours each day.[13] A five-justice majority concluded that the law ran afoul of the due process clause of the Fourteenth Amendment, which protects individuals from State deprivations of their "life, liberty, or property, without due process of law." It interpreted this "liberty" as including contractual freedom; employers and employees had a Constitutional right to enter into labor contracts free of "interfering" state regulations such as those imposed by the New York law. The Court emphasized the importance of identifying limits to the police power of states to regulate in pursuance of citizens' health, safety, and welfare. Defining where the limits lay required the justices to ask whether the state action in question was "fair, reasonable, and appropriate" or "an unreasonable, unnecessary and arbitrary interference with the right of the individual to his personal liberty." In concluding that the New York law was the latter, the Court held that the police power does not extend to bargaining relationships between employers and employees, which were portrayed as matters of private rather than public concern; and that there was no relationship between the number of hours that bakers worked and the health and safety of the public consumers of the goods produced by the bakeries.[14]

Although the relationship between the legacy of *Lochner* and wage regulation was first addressed in three cases in 1917, on each occasion the Court found ways to avoid confronting the question of whether wage laws were Constitutional.[15] It did not address the issue head on until 1923 when, in *Adkins* v. *Children's Hospital*, it struck down a 1918 federal law establishing minimum wages for women and children in the District of Columbia. The Court acknowledged that there were limits to the contractual liberty that the Constitution protected, but restrictions on that liberty could only be "justified by the existence of exceptional circumstances" – most notably a "reasonable basis" for a legislative decision that the regulatory means furnished by a law was clearly related to a goal of protecting the health and welfare of employees.[16] Just as in *Lochner*, that relationship was found wanting. During the 1920s the Court held fast to the precedent of *Adkins* to strike down other minimum wage laws.[17]

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[12] "Story of Minimum Wage Legislation," *Congressional Digest*, June/July 1957; Clifford F. Thies, "The First Minimum Wage Laws," *Cato Journal* 10, no. 3 (1991): 718-19; Egbert Ray Nichols and Joseph H. Baccus, eds., *Selected Articles on Minimum Wages and Maximum Hours* (New York: H. W. Wilson, 1936), 47-56.
[13] 198 U.S. 45 (1905).
[14] Ibid at 56.
[15] *Stettler* v. *O'Hara*, 243 U.S. 629 (1917); *Bunting* v. *Oregon*, 243 U.S. 426 (1917); *Wilson* v. *New*, 243 U.S. 332 (1917). See Barry Cushman, *Rethinking the New Deal Court: The Structure of a Constitutional Revolution* (New York: Oxford University Press, 1998), 60-65.
[16] 261 U.S. 525, 546, 556 (1923).
[17] *Murphy* v. *Sardell*, 269 U.S. 530 (1925); *Donham* v. *West-Nelson Mfg. Co.*, 273 U.S. 657 (1927).

The economic woes of the 1930s brought renewed legislative efforts to enact minimum wage laws. The Court, however, took a dim view of the argument that times had changed. Nowhere was this more evident than in Justice Butler's opinion for the majority in *Morehead* v. *New York ex rel. Tipaldo* (1936), an opinion that critics of the justices' pre-1937 New Deal decisions have described as "one of the Court's biggest mistakes" because of its "stringent and uncompromising tone in the midst of the Great Depression."[18] Butler adopted this intransigent tone in his opinion for the five-justice majority that voted to strike down a New York State law prescribing minimum wages for women and children. The State did not ask for *Adkins* to be overruled; rather, it argued that its statute was distinguishable from the 1918 District of Columbia law because its minimum wages standards were to be determined using considerations of health and welfare *and* the economic "'value of the service or class of service rendered'" by the worker.[19] Whatever one made of this argument, Butler explained, the fact remained that New York had sought to do exactly what the Court had said, in *Adkins*, that the Constitution prohibited a legislature from doing: "subject[ing] to state-made wages all adult women employed in trade, industry or business, other than house and farm work."[20]

The decision in *Parrish*, handed down on March 29, 1937, overruled *Adkins* and repudiated *Tipaldo*. Writing for the Court's majority, Chief Justice Hughes concluded that the nation's "recent economic experience" made it "not only appropriate, but we think imperative" that the constitutionality of minimum wage laws "should receive fresh consideration."[21] He agreed that "the health of women and their protection from unscrupulous and overreaching employees" was clearly a matter of "public interest," and then pointed to "an additional compelling consideration" which the Great Depression "has brought into a strong light. The exploitation of a class of workers who are in an unequal position with respect to bargaining power…is not only detrimental to their health and wellbeing, but casts a direct burden for their support upon the community."[22]

Parrish effected a momentous change in the direction of the Court's jurisprudence. This largely accounts for why March 29, 1937 has since become known as "White Monday." It is contrasted with "Black Monday," the label commentators gave to May 27, 1935 – a date when the Court struck down three important New Deal laws.[23]

Future Supreme Court Justice Robert H. Jackson, who at the time was working in the Justice Department as an Assistant Attorney General, described March 29, 1937 as one of the most "dramatic…days in the story of the Court":

> The room was crowded with spectators, and a long double line of those who could not get in extended through the majestic corridors to the outer portals of the building. The distinguished visitors' seats were filled with important personages. The wives of most of the Justices betrayed by their presence and gravity that something unusual was to happen.[24]

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[18] 298 U.S. 587 (1936); Kermit L. Hall and John J. Patrick, *The Pursuit of Justice: Supreme Court Decisions that Shaped America* (New York: Oxford University Press, 2006), 88.
[19] c.584 of the laws of 1933 (Cons. Law, c. 31, art. 19), §551 (8), quoted in 298 U.S. at 605.
[20] 298 U.S. at 610.
[21] 300 U.S. at 399, 390.
[22] Ibid at 398, 399.
[23] Merlo J. Pusey, *Charles Evans Hughes*, 2 vols., vol. II (New York: Macmillan, 1951), 757-8.
[24] Robert H. Jackson, *The Struggle for Judicial Supremacy: A Study of a Crisis in American Power Politics* (New York: Alfred A. Knopf, 1941), 207.

As so many commentators have since done, Jackson focused upon the "gravity" and "drama" of the *Parrish* decision as it pertained to the fate of the Judicial Reorganization Act.

When news of the decision in *Parrish* reached Elsie's home state, the focus of the newspaper coverage was very different. Only two of the ten largest circulating newspapers published in Washington State led with headlines that focused on the decision's implications for the Court-packing plan.[25] And, as the analysis below demonstrates, the closer one got to Wenatchee (where the litigation began) and Omak (the town to which the Parrish family moved in the fall of 1936), the more the local newspapers decided to lead with the local story rather the national narrative of *Parrish*.

Covering the courts

Media determinations about the newsworthiness of a story about American politics are traditionally based upon the presence or absence of three key elements: familiarity, proximity, and timeliness.[26] Studies focusing on the media's coverage of the nation's courts have identified certain characteristics of legal cases and judicial decisions that represent one or more of these elements. And they have shown that the presence or absence of these characteristics significantly affects the likelihood that the media will report a case and/or decision.

The majority of studies have focused their attention on media coverage of cases that reach the U.S. Supreme Court. These studies have shown that, regardless of the forum – newspaper, newsmagazine, or television, only the highest profile cases decided by that Court will garner the attention of the media.[27] The profile of a case will be raised – its perceived newsworthiness rating will increase – when certain factors are present. "Legal importance" (a decision that "significantly alter[s] the legal status quo"); divided judgments (creating, for example, a 5-4 decision); and "sensational issue areas" (such as questions of due process and non-economic rights) have all been shown to have a positive impact on newspaper coverage of a U.S. Supreme Court decision.[28] On its own the presence of any one of these elements

[25] AP, "Wage Ruling Spurs Court Battle," *Seattle Post Intelligencer*, March 30 1937, 1; AP, "Congress Stirred By Decision: Supreme Court's Action Upholding Minimum Wage Law Spurs Debate," *Tacoma Daily Ledger*, March 30 1937, 1.

[26] Doris A. Graber, *Mass Media & American Politics*, 6th ed. (Washington, D.C.: CQ Press, 2002).

[27] David Ericson, "Newspaper Coverage of the Supreme Court: A Case Study," *Journalism Quarterly* 54 (1977); Stephanie Larson, "How the New York Times Covered Discrimination Cases," *Journalism Quarterly* 33 (1985); Jerome O'Callaghan and James O. Dukes, "Media Coverage of the Supreme Court's Caseload," *Journalism Quarterly* 69 (1992); Michael E. Solimine, "Newsmagazine Coverage of the Supreme Court," *Journalism Quarterly* 57 (1980); J. Douglas Tarpley, "American Newsmagazine Coverage of the Supreme Court, 1978-1981," *Journalism Quarterly* 61 (1984); Dorothy Bowles and Rebekah Bromley, "Newsmagazine Coverage of the Supreme Court During the Reagan Administration," *Journalism & Mass Communication Quarterly* 69, no. 4 (1992); Elliott E. Slotnick and Jennifer A. Segal, *Television News and the Supreme Court: All The News That's Fit to Air* (Cambridge: Cambridge University Press, 1998).

[28] Matthew Hall, "High Court Headlines: An Analysis of Case Characteristics Associated with Media Attention to Supreme Court Rulings,"(2009), http://ssrn.com/abstract=1428548. These statistically significant indicators of newspaper coverage are consistent with the factors that Slotnick and Segal identify as affecting television coverage of the U.S. Supreme Court. Slotnick and Segal, *Television News*.

significantly increases the likelihood of substantive coverage; when at least two of the elements are present, that coverage is almost inevitable.[29]

Although only a few studies have examined *local* newspaper coverage of the U.S. Supreme Court, their authors agree that one additional factor positively affects the likelihood of coverage – geographical proximity (which, of course, is consistent with more generalized conclusions about newsworthiness).[30] Numerous factors affect a particular public's interest in, and opinions about a judicial decision, media exposure plays an important role.[31] Local newspapers are acutely aware of this; their profit margins depend upon delivering news of specific interest to their readers and maintaining the trusted relationship that exists between a community and its local newspaper.[32] This is especially true of newspapers that are locally owned; as scholars have consistently shown, the local angle of a political story is far more likely to be sought out and emphasized by the staffs of local newspapers that are not owned by a major national chain.[33]

West Coast Hotel v. *Parrish* possessed most of the standard characteristics that enhance the chances of media coverage of a U.S. Supreme Court decision; it involved a lawsuit initiated by a resident of Chelan County; and all of the newspapers published in Chelan County were locally owned. **Therefore, we should expect to find extensive coverage of the U.S. Supreme Court decision in *Parrish* in the newspapers published in Chelan County**.

Scholars have also demonstrated that it is the rare U.S. Supreme Court case that receives extensive and substantive coverage prior to the oral arguments. There is a sharp disparity between reporting on the Court's "public persona" (the justices' announcements of their decisions and the oral argument sessions) and the day-to-day workings of the Court (such as certiorari decisions).[34] At the lowest end of the coverage spectrum is a denial of a writ of certiorari, an action which is rarely reported by journalists; somewhere in the middle is the granting of a writ of certiorari, which is afforded limited coverage (coverage that typically only appears in larger newspapers, and is strongly dependent upon the issue that the case involves); oral arguments receive greater coverage (but again the extent of the coverage is usually affected by the issue (positively), and the complexity of the case (negatively, because the structure and substance of these judicial proceedings do not lend themselves to easy and engaging summarizing and contextualizing); decision announcements undeniably receive the highest

[29] Hall, "High Court Headlines."

[30] Donald P. Haider-Markel, Mahalley D. Allen, and Morgen Johansen, "Understanding Variations in Media Coverage of U.S. Supreme Court Decisions: Comparing Media Outlets in Their Coverage of *Lawrence* v. *Texas*," *Harvard International Journal of Press/Politics* 11 (2006); Jan P. Vermeer, *The View from the States: National Politics in Local Newspaper Editorials* (Lanham, MD: Rowman & Littlefield, 2002).

[31] Valerie J. Hoekstra, "The Supreme Court and Local Public Opinion," *American Political Science Review* 94, no. 1 (2000).

[32] Jan P. Vermeer, "The Supreme Court in Local Daily Newspapers" (paper presented at the Annual Meeting of the American Political Science Association, Boston, MA, 2002); Marlin Shipman, "Forgotten Men and Media Celebrities: Arkansas Newspaper Coverage of Condemned Delta Defendants in the 1930s," *Arkansas Review* 31, no. 2 (2000).

[33] Alixandra B. Yanus, "Full-Court Press: An Examination of Media Coverage of State Supreme Courts," *Justice System Journal* 30, no. 2 (2009); Brian F. Schaffner and J. S. Diascro, "Judicial Elections in the News," in *Running for Judge: The Rising Political, Financial, and Legal Stakes of Judicial Elections*, ed. M. J. Streb (New York: New York University Press, 2007); D.C. Vinson, *Through local eyes: Local media coverage of Congress and its members* (Cresskill, NJ: Hampton Press, 2003); Brian F. Schaffner and Patrick J. Sellers, "The Structural Determinants of Local Congressional News Coverage," *Political Communication* 20 (2003).

[34] Lyle Denniston, "The Shrinking Supreme Court and Its Dwindling Press Corps," *Syracuse Law Review* 59 (2009): 417.

amount of attention from the media.[35] **Therefore, we should expect to find that the aspect of the U.S. Supreme Court's *Parrish* decision-making process that received the greatest attention in the Chelan County newspapers was the final decision issued on March 29, 1937**.

Our understanding of the true nature and significance of that coverage is, however, incomplete unless we include analysis of the journalistic treatment that the case received *before* it reached the U.S. Supreme Court. The importance of the geographical proximity factor requires that a study of the local newspaper coverage of the case pay attention to the fact that at issue was the Constitutionality of a Washington State law. For, as Anthony Lewis reminds us, "most of the law under which an American lives is the law of his state."[36]

In recent years scholars have begun to pay greater attention to the relationship between the media and state courts, building upon the small but nevertheless important body of findings identified in previous studies.[37] These studies show that media coverage of state courts (especially state supreme courts) is positively affected by many of the same factors that affect media coverage of the U.S. Supreme Court. Factors such as the presence of a Constitutional question; divided judgments; and high profile and controversial issues (such as the First Amendment or the death penalty) have all been shown to increase the likelihood of coverage.[38]

Significantly, however, the literature on media coverage of state courts also shows that the presence of these factors merely increases the likelihood of coverage from very unlikely to somewhat likely. There is no escaping the fact that reporting about these tribunals has been, and continues to be very limited. In other words, the decisions of state courts are likely to receive minimal coverage in state and local newspapers, their possession of all of the characteristics that would traditionally enhance their newsworthiness notwithstanding. **Therefore, we should expect to find minimal coverage, in the Chelan County newspapers, of the trial and state supreme court decisions in *Parrish*.**

Scholars are in agreement that there is a pervasive tendency of media outlets to take a reductionist approach to their coverage of judicial matters, and that any attribution of blame for this state of affairs must go jointly to the courts and the media.[39] In the 1930s, the Court

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[35] William Haltom, *Reporting on the Courts: How the Mass Media Cover Judicial Actions* (Chicago, Ill: Nelson-Hall, 1998), 100-02; Elliot E. Slotnick and Jennifer A. Segal, "'The Supreme Court decided today...,' or did it?," *Judicature* 78 (1994); Slotnick and Segal, *Television News*, 220.

[36] Anthony Lewis, *Gideon's Trumpet* (New York: Alfred Knopf, 1964), 13.

[37] Richard L. Vining, Jr. and Teena Wilhelm, "Explaining High-Profile Coverage of State Supreme Court Decisions," *Social Science Quarterly* 91, no. 3 (2010); Yanus, "Full-Court Press"; Schaffner and Diascro, "Judicial Elections"; F. Dennis Hale, "Newspaper Coverage Limited For State Supreme Court Cases," *Newspaper Research Journal* 27, no. 1 (2006); Valerie Hoekstra, "Competing Constraints: State Court Responses to Supreme Court Decisions and Legislation on Wages and Hours," *Political Research Quarterly* 58, no. 2 (2005). These works build upon F. Dennis Hale, "The Court's Perception of the Press," *Judicature* 57, no. 5 (1973); F. Dennis Hale, "How Reporters and Justices View Coverage of a State Appellate Court," *Journalism Quarterly* 52, no. 1 (1975); F. Dennis Hale, "Press Releases vs. Newspaper Coverage of California Supreme Court Decisions," *Journalism Quarterly* 55, no. 4 (1978); and F. Dennis Hale, "Factors Associated With Newspaper Coverage of California Supreme Court Decisions," *Orange County Bar Journal* 6, no. 1 (1979).

[38] Hale, "Factors Associated"; Vermeer, "The Supreme Court in Local Daily Newspapers"; Yanus, "Full-Court Press."

[39] James E. Clayton, "News from the Supreme Court and Justice Department," in *The Press in Washington: Sixteen Top Newsmen Tell How the News is Collected, Written, and Communicated from the World's Most Important Capital*, ed. Ray Eldon Hiebert (New York: Dodd, Mead & Company, 1966); Ericson, "Newspaper Coverage"; David Shaw, "Media Coverage of the Courts: Improving But Still Not Adequate," *Judicature* 65 (1981); Mitchell J. Tropin, "What, Exactly, Is The Court Saying?," *The Barrister* 11(1984); Denniston, "Shrinking Supreme Court";

instigated a number of changes that enhanced the ability of journalists accurately to report its decisions. Since the 1920s it had been Court policy to provide reporters with proofs of opinions. The creation, in 1935, of a public information office formalized this procedure, as one person was now in charge of distributing copies of the opinions to the journalists after the opinions' authors finished reading them from the bench. Two years later, the justices authorized opinions to be provided at the moment they began to read them in the courtroom. Also in 1935, journalists were provided with a small, but dedicated room in the new Supreme Court building. Yet, even this was a limited accommodation – as the building's architect stated, the room "'need not be near courtroom, and preferably as far as possible from visitors.'"[40] By the time of *Parrish*, the impact of these changes remained negligible.

Lionel S. Sobel's lamentation about the nature and state of media coverage of the courts is typical. But it has the merit of introducing an additional and important factor into the discussion. "Only rarely," he observes, "do people know exactly what the Court has held, less often do they know why it has held as it has. *And almost never do they appreciate the consequences of particular Court decisions*."[41] To an extent this reflects the fact that a court's "constituency" is not as well defined as that of a legislature's or a chief executive's (especially when the court consists of unelected judges).[42] Scholars have recognized, however, that local newspapers usually provide their readers with details that, because of their specific local nature, will not be widely (if at all) reported elsewhere.[43] **Therefore, we should expect to see substantive coverage of the local consequences (political and legal) of *Parrish* in the Chelan County newspapers**.

In order to undertake the analysis of local newspaper coverage of *Parrish*, I searched for articles covering the case in the newspapers published in Chelan County, of which Wenatchee is the county seat and home to the Superior Court for Chelan County; and Omak, the small town in Okanogan County to which the Parrish family moved in the fall of 1936. My sample included all the general-interest newspapers published in Chelan County between 1935 and 1937 – the *Cashmere Valley Record*, *Chelan Valley Mirror*, *Leavenworth Echo*, *The Journal* (East Wenatchee) (which was the *Douglas County Journal and Bridgeport Republican* through until early 1936), and the *Wenatchee Daily World*; and the *Omak Chronicle*.[44] In order to provide a

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David L. Grey, *The Supreme Court and the News Media* (Evanston, Ill: Northwestern University Press, 1968); Larry C. Berkson, *The Supreme Court and Its Publics: The Communication of Policy Decisions* (Lexington, MA: Lexington Books, 1978); Elliott E. Slotnick, "Media coverage of Supreme Court decision making: problems and prospects," *Judicature* 75, no. 3 (1991).

[40] Grey, *Court and the News Media*, 37-38; Tropin, "What, Exactly," 16; Richard Davis, *Decisions and Images: The Supreme Court and the Press* (Englewood Cliffs, NJ: Prentice Hall, 1994), 35-36 (quotations on 35).

[41] Lionel S. Sobel, "News Coverage of the Supreme Court," *American Bar Association Journal* 56, no. June (1970): 548 (italics added). Also see Stephen L. Wasby, *The Impact of the United States Supreme Court: Some Perspectives* (Homewood, Ill: Dorsey Press, 1970), 87-99.

[42] Davis, *Decisions and Images*, chapter one.

[43] Hoekstra, "Local Public Opinion."

[44] I excluded subject-specific publications such as the monthly *Northwest Fruit Grower* (Wenatchee). I also excluded the *Entiat Times* because of lack of availability of copies for 1935-1937. The list of newspapers published during this time period, and all of the information contained in this article about their circulation figures, comes from *N. W. Ayer & Son's Directory of Newspapers and Periodicals* (Philadelphia, PA: N. W. Ayer & Son, 1935-1937).

detailed and nuanced analysis of the coverage in these publications, I also searched for articles in the ten largest circulating newspapers published in Washington State at that time.[45]

Analysis of newspaper articles covered four time periods – October 1935 (the trial court decision), April 1936 (the state supreme court decision), December 1936 (oral arguments at the U.S. Supreme Court), and March/April 1937 (U.S. Supreme Court decision). For each newspaper I initially searched for articles during a four-week window – one week before the specific event, and three weeks afterwards. The post-event period of analysis was extended for the weekly publications and for the *Wenatchee Daily World*, whose extensive coverage of the case frequently exceeded the four-week period.

It is not possible to make generalized observations about the content of the four weekly newspapers published in towns within Chelan County. In the mid-1930s, the *Cashmere Valley Record* and the *Chelan Valley Mirror* had circulations of approximately 1000 copies in towns with populations close to 1400. The *Leavenworth Echo* catered to the residents of a similarly sized town but, at 600, its circulation was far smaller. Chelan, Leavenworth, and Cashmere are approximately 40, 20, and 10 miles from Wenatchee respectively. In both the *Chelan Valley Mirror* and the *Leavenworth Echo* one typically found numerous short reports on national and international affairs and a strong local emphasis on Wenatchee news. However, this did not mean that *Parrish* was well covered in either of these publications. Readers of the *Chelan Valley Mirror* never heard about the case, and in the *Leavenworth Echo* there was only one brief mention of the case, on April 9, 1937 (eleven days after the U.S. Supreme Court's decision). Consistent with studies emphasizing small newspapers' reliance upon national services, this mention came in a short paragraph of a syndicated column that discussed *Parrish* and two other recently decided cases.[46]

The *Cashmere Valley Record* focused almost entirely on local and state news, rarely printing articles about national events; its coverage of *Parrish* reflected this focus. The only mention of the case came in a two-sentence notice that appeared on page three on April 16, 1936: "Wage Law Upheld Again; Olympia – Washington's minimum wage law for women was upheld as constitutional last week for the second time by the state supreme court. Five justices concurred."[47] These two sentences suggest an element of caution is necessary when trying to summarize newspaper coverage. Both the headline and the first sentence of the *Cashmere Valley Record* notice, which does not appear to have been provided by the wire services, tell us of its clear focus on the fact that the law in question addressed workers' wages. The headline is also of particular interest because it indicates that there have been other *unsuccessful* constitutional challenges to the law. Finally, while readers of this publication may not have known the size of the State's Supreme Court, their newspaper still considered it important to inform them – albeit by implication – that the decision was unanimous. When compared to the other newspapers in this study, the informative nature of this brief notice in the *Cashmere Valley Record* is further emphasized. Six of the ten largest-circulating newspapers in Washington ran almost identical wire service reports of the decision. However, these articles did not highlight its unanimity. And

[45] In descending order of circulation figure: *Post Intelligencer* (Seattle), *Times* (Seattle), *Star* (Seattle), *Spokesman-Review* (Spokane), *Chronicle* (Spokane), *News-Tribune* (Tacoma), *Times* (Tacoma), *Press* (Spokane), *Ledger* (Tacoma), *Herald* (Everett).
[46] Edward W. Pickard, "Supreme Court Upholds Three New Deal Acts," *Leavenworth Echo*, April 9 1937, 2.
[47] "Wage Law Upheld Again," *Cashmere Valley Record*, April 16 1936.

only the *Seattle Star* used a headline to bring its readers' attention to the precedential support for the judgment.[48]

The *Wenatchee Daily World* provided far more extensive coverage of the *Parrish* case than any of the other Chelan County newspapers discussed above, and in the pages that follow it will be the focus of my analysis. Two findings emerge from that analysis.

1. As expected, the Wenatchee newspaper provided extensive and detailed coverage of the U.S. Supreme Court's decision in *Parrish* and the local consequences (legal and political) of that decision. And, of all the aspects of the U.S. Supreme Court's handling of *Parrish*, the final decision was indeed given the greatest attention by the *Wenatchee Daily World*.

2. The certiorari process and oral arguments received far greater, and more substantive coverage than expected. Similarly, while the newspaper provided only limited coverage of the *Parrish* decisions of the trial court and Washington State Supreme Court, that coverage exceeded expectations.

Before proceeding to analyze the content of articles that appeared in the *Wenatchee Daily World*, it is necessary to make some informational observations about that newspaper. There are two reasons why we should not be surprised that this newspaper covered *Parrish* in far more detail than the other publications. All of the other newspapers published in Chelan County were weeklies, with small circulations. Second, the *Wenatchee Daily World* was the only local daily for the area, and enjoyed a large circulation covering an extensive area beyond Wenatchee itself. The average circulation for this daily newspaper between 1935 and 1937 was 10,781 and, in addition to Chelan County, it was distributed to every town in Douglas County, most of Okanogan County (which includes the town of Omak), and the northern section of Grant County – mostly distribution by mail.[49]

Scholars of newspaper coverage of court cases by small newspapers have consistently found that it is dominated by material and/or articles provided by the wire services. This is especially true of Supreme Court decisions, where the wire services act "as midwives between the Court and newspapers."[50] This is unsurprising. "The safest and cheapest course, and the one that reporters will most often follow, is not to address the reasoning of the justices at all." And the pursuit of this "safest and cheapest course" will be most easily achieved by drawing upon "syllabi, wire-service reports, and summaries by lawyers more useful because they reveal more than opinions more quickly." Quite simply, "[c]ommercial biases apply to coverage of the Supreme Court in the same manner as other coverage" – it is a basic illustration of "supply-side media logic."[51]

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[48] AP, "Minimum Wage Law For Women Is Upheld," *Everett Herald*, April 3 1936, 5; AP, "Minimum Wage Law Is Upheld," *Spokesman-Review*, April 3 1936, 12; UP, "Women's Wage Law Is Upheld," *Spokane Press*, April 2 1936, 1; UP, "Court Upholds Women's Wage Law Again," *Seattle Star*, April 2 1936, 9; AP, "Upholds Wage Law," *Tacoma News-Tribune*, October 18 1936, 5; "Women's Minimum Wage Law Upheld," *Tacoma Times*, April 2 1936, 1.

[49] Email correspondence between Wilfred Woods (former publisher of the *Wenatchee Daily World*) and the author, January 25, 2012.

[50] Chester A. Newland, "Press Coverage of the United States," *Western Political Quarterly* 17, no. 1 (1964): 31.

[51] Haltom, *Reporting on the Courts*, 89-90, 72.

In the 1930s the offices of the wire services were far smaller than today – at the beginning of the decade the United Press (UP) had a total staff of approximately twenty-two individuals based in the nation's capital. And "less than half a dozen reporters covered the Court on a regular basis."[52] However, the wire services still dominated the news that came out of the nation's capital – including from the U.S. Supreme Court – and spread into the towns and cities across the nation. This was particularly evident in the Pacific Northwest, which was the last region to establish a bureau in Washington D.C. dedicated to providing coverage of national political news that was of local importance. In the 1930s, only Portland's *Oregonian* had its own journalist based in D.C., and two decades later the *Seattle Times* was the only paper with a correspondent permanently located there.[53] In the 1930s the *Wenatchee Daily World* had a very small news staff. This placed significant constraints on the ability or (for pragmatic reasons) willingness of the newspaper to make editorial alterations to the wire reports that it received.[54] Yet, as we will see, the wire reports that it did print, and the articles that its own staff wrote had one important thing in common – they focused on the local story rather than the national narrative.

Parrish* and the *Wenatchee Daily World

From the beginning the *Wenatchee Daily World* provided coverage of Elsie Parrish's lawsuit that belies what scholars have since come to expect from local newspaper reporting of court cases, and demonstrates the ability of geographical proximity to trump all other factors. On October 19, 1935, the paper reported the ruling, two days earlier, by Chelan County Superior Court Judge William O. Parr for the defendant in *Elsie Parrish* v. *West Coast Hotel*.[55] The article, penned by a member of the paper's news staff, was longer and more detailed than the literature leads us to expect from local newspaper coverage of state and local trial court decisions.

Ruling for the operators of the Cascadian Hotel in *Parrish*, Judge Parr concluded that "any attempt to fix the minimum wage for adult women, as fixed by the Industrial Welfare Commission of the State of Washington, is unsound, is not sustained by the evidence, and…[is] as to the defendant in this case a violation of its Constitutional rights." Although he made no mention of any precedent in his judgment, the *Wenatchee Daily World* reported that he "bas[ed]

[52] David M. O'Brien, *Storm Center: The Supreme Court in American Politics*, 9th ed. (New York: W. W. Norton, 2011), 318. As late as the 1950s only the *Washington Post*, *Washington Evening Star*, *New York Times*, Dow Jones, United Press International (UPI), and the Associated Press (AP) assigned full-time reporters to the Supreme Court beat. Tropin, "What, Exactly." While that beat saw an increase in its personnel in the closing decades of the twentieth century, there has been a return to the norm of earlier decades. Except for major hearings and decision days, the press room is usually only occupied on a daily basis by three wire reporters (2 AP, one Reuters News Agency), two specialized reporters (one wire service and one legal newspaper), and the reporter(s) from Scotusblog. As Lyle Denniston observes, "it is an unusual workday between public sessions when a single reporter from a major newspaper is on hand." Denniston, "Shrinking Supreme Court," 421.

[53] Julius Frandson, "Wire Services in Washington," 43; A. Robert Smith, "Washington Coverage for the Home Town Paper," 64-5, both in *The Press in Washington*, Hiebert, ed.

[54] Email correspondence between Wilfred Woods and the author, February 16, 2012.

[55] *Ernest Parrish, and Elsie Parrish, his* wife v. *West Coast Hotel Company*, Judgment, Superior Court of the State of Washington in and for the County of Chelan, No. 12215, October 17, 1935; "Judge W. O. Parr Upholds Constitution," *Wenatchee Daily World*, October 19 1935, 4.

his opinion" on the U.S. Supreme Court's decision in *Adkins* – which had been cited in support of their arguments by the attorneys for the West Coast Hotel Company.[56]

The newspaper conveyed this information to its readers under the headline "Judge W. O. Parr Upholds Constitution," and devoted extensive space – twice as much as most of the State's largest newspapers – to discussing the case. In the article which was accompanied by a photograph of Judge Parr, the newspaper described the ruling "as one of the most momentous decisions ever handed down" by the Chelan County court. One might argue that any decision, by this small court, declaring a State law unconstitutional deserves to be labeled as "momentous"; and perhaps this explains the hometown reporter's choice of word. However, there are two reasons why the content of the article counsels a more skeptical view of the veracity of this description of Parr's decision. First is the poor quality of the article's writing (which sets it apart from the average story in the *Wenatchee Daily World*), and the presence of factual errors (for example, the Washington Supreme Court had upheld the 1913 law in two previous cases, not three as the article indicates). Second, instead of providing justifications for the label, the paragraphs that followed actually demonstrated that there was nothing particularly unexpected or unusual about the decision. Neither the article's detailed recitation of the facts nor its discussion of the precedential strength of *Adkins* provided the readers with any significant reason to believe that Parr had made an historic ruling.[57]

According to the *Wenatchee Daily World*, Parr's ruling was the immediate subject of statewide and national interest. The decision was indeed covered by five of the ten highest-circulating papers published in Washington State. However, with the exception of the Spokane *Spokesman-Review*, these newspapers relied upon almost identical, short, four-paragraph wire service reports.[58] The article in the *Spokesman-Review* serves as an interesting comparison to both these reports and the coverage in the Wenatchee newspaper. First, it is the only article about any aspect of *Parrish*, in this Spokane publication, that was either compiled from a wire service report or a nationally syndicated column. Second, the "interest" of which it spoke – the "interest" it perceived to have been generated by Parr's decision – was "widespread," but was not simply described as statewide and national. Instead, readers of the *Spokesman-Review* were provided with more specific, and human-interest details: "The case held the interest of hotel men and their women employees over the state as the so-called minimum wage of $14.50 a week is paid at few, if any places…"[59]

Together, the coverage of Parr's decision by the *Wenatchee Daily World* and the *Spokesman-Review* offers strong support for the importance of geographical proximity in determining local newspaper coverage of court cases. As the local nature of a story increases, the importance of the type or locale of a judicial proceeding declines precipitously to the point of irrelevance. This finding suggests that when presented with a story about a court case that they consider to be of local interest to their readers, newspaper editors will run substantively meaningful stories about any relevant part of the case, regardless of whether events are occurring at the trial or appellate court level; at the local courthouse or the U.S. Supreme Court.

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[56] *Ernest Parrish, and Elsie Parrish, his* wife v. *West Coast Hotel Company*, Judgment and Decree, Superior Court of the State of Washington in and for the County of Chelan, No. 12215, November 9, 1935, 2 (hereafter *Parrish* Judgment and Decree); "Judge W. O. Parr Upholds Constitution."

[57] "Judge W. O. Parr Upholds Constitution."

[58] AP, "Minimum Wage Law Is Unconstitutional," *Everett Herald*, October 19 1935, 5; AP, "Wage Law Invalid," *Seattle Post-Intelligencer*, October 18 1935, 3; AP, "Minimum Wage Suit Dismissed," *Seattle Times*, October 18 1935, 14; UP, "Women's Wage Law Held Invalid," *Tacoma News-Tribune*, October 18 1935, 8.

[59] "Minimum Wages of Women Loses," *Spokesman-Review*, October 18 1935, 1.

This conclusion is further supported by the coverage of Judge Parr's dismissal of C. B. Conner's motion for a new trial, and his entering of the final judgment in *Parrish* in November 1935. The only newspaper included in this study that reported on these developments was the *Wenatchee Daily World* – in an article by the paper's news staff.[60]

The *Wenatchee Daily World*'s coverage of the April 1936 reversal of Judge Parr's decision by the Washington Supreme Court stands in stark contrast to its reporting on the trial court judgment in *Parrish*. That coverage of the decision by the justices in Olympia is consistent with previous studies showing that newspapers devote limited attention to state supreme court decisions. In terms of geographical proximity, one might account for this finding by observing that *Parrish* had now moved 200 miles from Wenatchee to the State capital. However, as we will see, when *Parrish* moves on to Washington D.C. the local newspaper coverage of the case is considerable. This therefore suggests that even when a case holds considerable local and human interest for a newspaper's readers, and even when a case involves the fate of a significant State law, coverage of the adjudication of that case by a state supreme court is considered to be of minimal importance.

The Washington Supreme Court reversed Parr's ruling in a sweeping opinion written by Chief Justice William J. Millard. It was an opinion that made it very clear that the justices neither considered *Adkins* good law nor considered themselves bound by the U.S. Supreme Court's decision in that case.[61] In Section 1 of the 1913 law, the State observed that its police power authorized it to act to ameliorate the conditions under which women and minors labored, conditions "'which have a pernicious effect on their health and morals.'" Quoting extensively from the *Adkins* dissents of Chief Justice Taft and Justice Holmes, Millard and his colleagues agreed that the state had a lawful "duty" to exert this power.[62]

Millard used the penultimate paragraph of his opinion to issue a challenge to the U.S. Supreme Court. On two previous occasions the Washington State Supreme Court had upheld the 1913 law,[63] in part because of a conclusion that its subject matter "was not wholly a private concern. It was affected with a public interest, the state having declared the minimum wage of a certain amount to be necessary."[64] Although the U.S. Supreme Court had upheld economic laws because they addressed matters "affected with a public interest" – the threshold it had identified in *Munn* v. *Illinois*, it had never done so in a wage regulation case. It was now time to remedy this situation that protected the "more secure and powerful economic position" of employers.[65] "Unless the Supreme Court of the United States can find beyond question that [the 1913 Washington law] is a plain, palpable invasion of rights secured by the fundamental law and has no real and substantial relation to the public morals or public welfare," wrote Millard, "then the law must be sustained." In the meantime, the justices in Olympia would adhere to the principles and justifications of the two minimum wage law decisions of their predecessors rather than to the

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[60] *Parrish* Judgment and Decree; *Ernest Parrish, and Elsie Parrish, his* wife v. *West Coast Hotel Company*, Order Denying Motion for New Trial, Superior Court of the State of Washington in and for the County of Chelan, No. 12215, November 9, 1935; "Judgment Entered," *Wenatchee Daily World*, November 12 1935, 2.

[61] *Parrish* v. *West Coast Hotel Co.*, 185 Wash. 581, 55 P.2d 1083 (1936).

[62] Chapter 174, Laws 1913 (page 602), Section 1, quoted at 185 Wash. at 581-582, 585-592 (discussing Taft and Holmes).

[63] *Larsen* v. *Rice*, 100 Wash. 642, 171 Pac. 1037 (1918); *Spokane Hotel Co.* v. *Younger*, 113 Wash. 359, 194 Pac. 595 (1920).

[64] 185 Wash. at 596.

[65] *Munn* v. *Illinois*, 94 U.S. 113 (1877); 185 Wash. at 595. Millard did not cite *Munn*.

wrongfully decided *Adkins*.[66] As Millard stated later that year, during his reelection campaign, "'[t]he law should be used to further progress, not to block it. As long as I'm on the bench I'll continue to give my decisions along the lines that I think will be for the betterment and the greater happiness of the people of Washington.'"[67]

As we have seen, the *Cashmere Valley Record* reported the decision from Olympia in a short but informative manner; and at least seven of the State's largest publications devoted column space to it.[68] For its story, however, the *Wenatchee Daily World* used an AP report devoid of the details that a hometown reporter might have used to continue to emphasize the local-interest aspects of the case.[69]

On to the U.S. Supreme Court

The literature leads us to expect that local newspaper coverage of *Parrish* increased once the case was in the hands of the nine justices in Washington, D.C. This is indeed what happened. However, what we find is that *every* stage of the U.S. Supreme Court's decision-making process – from the granting of certiorari to the announcement of the final decision – received extensive coverage (particularly in the pages of the *Wenatchee Daily World*). Analysis of this coverage further substantiates the conclusion that when the proceedings of a court case are considered to be of local interest to a newspaper's readership, that publication's editors are likely to devote space to covering the case regardless of the nature of the judicial proceedings.

One week before the announcement of the U.S. Supreme Court's decision in *Tipaldo*, the Washington Supreme Court denied a petition for a rehearing in *Parrish*. This set the stage for an appeal, by the West Coast Hotel Company, to the U.S. Supreme Court. Four months later, that Court denied the petition for a rehearing in *Tipaldo*, a decision that would have gone largely unnoticed but for the fact that the justices also granted certiorari in *Parrish*.[70] Newspaper

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[66] 185 Wash. at 597.

[67] Quoted in Charles H. Sheldon, *Washington High Bench: A Biographical History of the State Supreme Court, 1889-1991* (Pullman, WA: Washington State University Press, 1992), 250-51. The sentiment present in this statement is consistent with the extensive body of scholarship demonstrating that judges have policy preferences that they desire to advance using their judicial decisions and opinions. For example, see Jeffrey A. Segal and Harold J. Spaeth, *The Supreme Court and the Attitudinal Model Revisited* (Cambridge: Cambridge University Press, 2002); Lee Epstein and Jack Knight, *The Choices Justices Make* (Washington, D.C.: CQ Press, 1998). Lower court judges do not possess the same level of preference implementation freedom as that which is enjoyed by members of the U.S. Supreme Court. For state court judges, who rarely serve in that capacity for life, a potentially significant constraint is the selection and retention process. Paul Brace and Melinda Gann Hall, "The Interplay of Preferences, Case Facts, Context, and Rules in the Politics of Judicial Choice," *Journal of Politics* 59 (1997). In Washington State at the time of *Parrish*, an individual became a Justice on the State Supreme Court either by statewide, nonpartisan election (after receiving the nomination from a direct primary) or upon appointment by the Governor to fill a vacancy on an interim basis (an appointment that the law required to be followed, within a year, by an election); each Justice served a six-year term. Charles H. Sheldon and Linda S. Maule, *Choosing Justice: The Recruitment of State and Federal Judges* (Pullman, WA: Washington State University Press, 1997), 53-68. "The publicity surrounding the case [*Parrish*] led to speculation that Millard might be in line for appointment to the federal circuit court of appeals," but it did not have a negative effect upon his standing with the electorate; Millard was reelected in 1936. Sheldon, *Washington High Bench*, 251; AP, "William J. Millard dies at 87," *Seattle Times*, December 14 1970.

[68] With data unavailable for the *Spokane Chronicle*.

[69] AP, "Local Court Reversed in Hotel Case," *Wenatchee Daily World*, April 2 1936, 1.

[70] Appearance Docket, Supreme Court State of Washington, No. 26038, *Ernest Parrish and Elsie Parrish, his wife, Appellants* vs. *West Coast Hotel Company, Respondents* (hereafter *Parrish* Appearance Docket); "Review is

coverage of these developments was limited, but this can only be understood by looking at the treatment of a judicial development that took place four months earlier. On June 1, the *Wenatchee Daily World* printed *two* wire service reports about the decision in *Tipaldo*. In four brief paragraphs, the AP reported the facts, the majority reasoning, and the way in which the justices voted in the case. From Olympia, the UP focused on the relationship between *Tipaldo* and *Parrish*.[71] When the Supreme Court granted certiorari in *Parrish*, the newspaper's coverage was similarly minimal but effective. The newspaper was content to let the headline above its front-page AP report tell readers what they needed to know "High Court to Hear Wage Case: Local Minimum Wage Decision May Be Upheld by Supreme Court; Reversed by State." What followed were a few short paragraphs summarizing the procedural history of *Parrish*.[72]

Standing in complete contrast to its coverage of the granting of certiorari is the *Wenatchee Daily World*'s extensive reporting about the U.S. Supreme Court's December 1936 oral arguments in *Parrish*. That was the fourth case to come before the justices on December 16, 1936; consequently, time constraints dictated that oral arguments in the case be divided over two days. E. L. Skeel, the Seattle-based attorney representing the West Coast Hotel Company, began arguing on December 16, and concluded his argument the next day. Sam Driver, the Wenatchee lawyer who replaced Conner for this final stage of the case, followed him. Finally, Washington State Assistant Attorney General W. A. Toner, appearing as amicus curiae, argued in defense of the 1913 law.[73]

Sam Driver was reluctant to argue that *Adkins* and *Tipaldo* had been wrongly decided. In the brief that he and C. B. Conner submitted to the Court, he argued that the Washington law represented a clear use of the State's police power (unlike the *federal* law struck down in *Adkins*); that the Washington Supreme Court had agreed that this use was reasonable; and that this state judicial decision was entitled to the same deference that was shown by the Court to the decision of New York's Supreme Court in *Tipaldo*.[74] During oral argument Driver again sought to distinguish *Adkins*. Like Millard, he invoked the *Munn* doctrine, arguing that the case before the Court involved a matter "affected with a public interest"; however, he defended this approach by highlighting the specific facts of the *Parrish* case rather than discussing the overall goals of the Washington law. Driver contended that, "the business of an innkeeper was affected with a public interest." This "effort at distinction" was, in the words of Chief Justice Hughes, "obviously futile" since once of the challenges in *Adkins* was brought by a hotel employee.[75]

Newspapers generally devote minimal space to analysis of oral arguments, because the structure and substance of these judicial proceedings do not lend themselves to easy and engaging summarizing and contextualizing.[76] Therefore, the Wenatchee publication's coverage of the *Parrish* oral arguments is truly remarkable. That coverage began on December 4 – two

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Refused on State Wage Act by Supreme Court," *New York Times*, October 13 1936, 1; John W. Chambers, "The Big Switch: Justice Roberts and the Minimum Wage Cases," *Labor History* 10 (1969): 56.

[71] AP, "Wage Law Is Held Invalid," *Wenatchee Daily World*, June 1 1936, 1; UP, "Wage Law Is Held Invalid," *Wenatchee Daily World*, June 1 1936, 1.

[72] AP, "High Court to Hear Wage Case," *Wenatchee Daily World*, October 12 1936, 1.

[73] "High Court Hears Women Wage Case," *New York Times*, December 17 1936, 13; "United States Supreme Court," *New York Times*, December 17 1936, 54; Alexander, "*Parrish* v. *West Coast Hotel*," 24.

[74] Appellee's Brief on the Law, *West Coast Hotel Co*. v. *Ernest Parrish and Elsie Parrish*, 300 U.S. 379 (1937) (No. 293), in Philip B. Kurland and Gerhard Casper, eds., *Landmark Briefs and Arguments of the Supreme Court of the United States: Constitutional Law*, vol. 33 (Washington, D.C.: University Publications of America, 1975), 125-29.

[75] 300 U.S. at 388 (discussing Driver's oral argument).

[76] Haltom, *Reporting on the Courts*, 101.

weeks before the oral arguments, with an article that embodied the newspaper's belief in the importance, to its readers, of the local and human-interest aspects of *Parrish*. It reported:

> C.B. Conner, counsel for Mrs. Elsie Parrish, 37 year old grandmother, today was informed by the clerk of the Supreme Court of the United States that the wage case of the former local chambermaid against the West Coast Hotel company will not be argued before the week beginning December 14 or possibly later. It was to have been argued some time next week.[77]

Readers were then reminded about the basic facts of the case, but only the facts that related to why Elsie had initiated the lawsuit. That the West Coast Hotel Company (which went unnamed in the article) had responded by challenging the Constitutionality of the State's minimum wage law was a detail conspicuous by its absence. It was more important to tell Elsie's story – which included mentioning that upon relocating to Omak she and her husband gained employment at the Jim Hill hotel and the Biles-Coleman mill respectively.

Ten days later, on Monday December 14, the newspaper informed its readers that the oral arguments in *Parrish* would take place later that week. This time, however, the front-page report was noticeably shorter and far more concerned with the New Deal implications of the case. To be sure, Elsie was mentioned as a party to the lawsuit, and mention was made of the fact that she was "a hotel chambermaid." But this time, in part because of the details contained in the December 4 article and also because the report came from Washington D.C. via the AP rather than from Wenatchee via the *Daily World*'s staff, no reference was made to the local nature of the case, beyond noting that at issue was the constitutionality of a Washington State law.[78] The following day, the *Wenatchee Daily World* made no mention of the fact that oral arguments in *Parrish* had begun. However, this was not for lack of interest, but rather because, as noted above, the Court only heard a small portion of the arguments on December 16 – too late in the day for even a west coast newspaper to cover. Therefore, the newspaper recommenced its coverage the next day, when the arguments resumed.

The December 17 AP article that the newspaper ran addressed a human-interest aspect of the oral arguments, but its focus was on one of the justices rather than the parties to the case. As evidenced by the first two paragraphs, the wire service was of the opinion that the most noteworthy aspect of that morning's proceedings was the absence of Justice Stone. Although Stone did participate in the decision of the case, at the time his vacant seat at oral arguments was widely interpreted as meaning that only eight justices would take part in the judgment of *Parrish*. To be sure, the article included some brief commentary on the substance of the arguments made by E. L. Skeel on behalf of the West Coast Hotel Company. However, this paled in comparison to the references to Justice Stone's absence.[79]

The further one got from Wenatchee, the more Stone's absence was emphasized in newspaper coverage of the oral arguments in *Parrish*. This offers further support for the argument that geographical proximity is an extremely influential factor affecting local newspaper coverage of court cases. The AP article that ran in the *Wenatchee Daily World* also appeared in

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[77] "Wage Case In Highest Court," *Wenatchee Daily World*, December 4 1936, 3. A far shorter, AP article announcing the delay, ran the following day in certain newspapers. AP, "Minimum Wage Case Arguments Not Set," *Seattle Times*, December 5 1936, 2.
[78] AP, "Local Wages Case Argued," *Wenatchee Daily World*, December 14 1936, 1.
[79] AP, "Wage Case Argument Up Today," *Wenatchee Daily World*, December 17 1936, 1.

the *Seattle Post-Intelligencer* and the *Tacoma News-Tribune*.[80] And the *Everett Herald*, *Spokane Press*, and *Seattle Star* all printed a UP report for which the focus of the day's proceedings in *Parrish* was the incomplete bench of justices.[81] The UP article is, however, of particular interest because it identifies a detail that has been completely overlooked by the literature on the case. It states that *two* members of the Court were absent from the oral arguments – Justices Stone and McReynolds, which "caused fresh speculation today on the outcome of the long debated question which has repeatedly split the court into liberal and conservative ranks." For the Washington law to survive, "a switch of one vote" would have to take place, and the article speculated that this would most likely have to be the action of Justice Roberts. As a "Situation Complicated" subheading indicated, however, this was idle and unnecessary speculation. It was reported that Chief Justice Hughes "'vouched' McReynolds into the case" which, as the article explained, involved announcing (presumably in open Court, although this was not stated) that McReynolds would participate in *Parrish*, his "temporary" absence notwithstanding (in another version of the wire service article he was described as away "on personal business"). The ailing Stone, by contrast, had been kept away from oral arguments since the beginning of the term in October, and there was genuine doubt that he would be "physically able to participate" in *Parrish*. Whatever one makes of the fact that McReynolds's absence from oral arguments on this day has gone unnoticed by the literature on *Parrish*, the fact remains that this particular article demonstrates an unusually high level of understanding of the Court's legal procedures. This is confirmed by its closing sentences, in which the potential fate of the Washington law is discussed in light of the possible absence, from deliberations, of only Justice Stone. Were "a switch by one conservative member" of the Court to take place, the article observed, the Court "could uphold the Washington law in this one test case and could influence no future decisions because the alignment would be four to four."[82]

This wire service report notwithstanding, it is fair to say that in general the AP and UP articles about the oral arguments in *Parrish* were marked by considerable clarity and explanation of the legal issues in layman's language. The same could not be said of the piece that appeared on page twelve of the December 18 edition of the *Wenatchee Daily World*. Readers had every reason to be confused by this article, which ran with the perplexing subtitle: "Constitutionality Of Minimum Wage Law Not Involved, State Attorney Claims." The first paragraphs repeated this claim, and provided additional commentary that did nothing to alleviate the confusion:

> WASHINGTON, Dec. 18. (AP) – Counsel for Washington state acknowledged before the supreme court yesterday the Washington law establishing minimum wages for

[80] AP, "State Wage Law May Be Illegal," *Seattle Post-Intelligencer*, December 18 1936, 3; AP, "Out Of Wage Act Hearing," *Tacoma News-Tribune*, December 17 1936, 12.

[81] Although the *Seattle Star* article contains the byline of a specific reporter, John A. Reichmann, his name is followed by "United Press Staff Correspondent," and the text of the article is then preceded by the standard "(UP)" signature. UP, "Minimum Wage Law Question Arouses Much Speculation," *Everett Herald*, December 17 1936, 13; UP, "State Attorney Defends Wage Law," *Spokane Press*, December 17 1936, 1; John A. Reichmann, "Minimum Wage Law is Periled in Court," *Seattle Star*, December 17 1936, 5. Two of these newspapers published a second, but much shorter UP report which merely reprised the facts and procedural history of *Parrish*, stating that arguments in the case had begun. UP, "Minimum Wage Law is Being Argued in U.S. Supreme Court," *Everett Herald*, December 16 1936, 1; UP, "State Minimum Wage Law Tested," *Spokane Press*, December 16 1936, 1.

[82] Reichmann, "Periled in Court," 5. The article in which McReynolds is described as absent "on personal business" is UP, "Much Speculation," 13.

women workers would be held unconstitutional if a 'proper' case were presented to the high tribunal.

W. A. Toner, assistant state attorney general, made this statement while defending the law against an attack by the West Coast Hotel company.

He contended, however, that the question of constitutionality was not involved in the present case.[83]

In the middle of this article, the AP's speculation about the timeline for a judgment in *Parrish* further supports the conclusion that this article was not written by a reporter familiar with the workings of the Supreme Court. The article suggested that a judgment could come within a matter of days – if "dispose[d] of…by a tersely worded order." Were the justices to conclude that the case required a fuller decision, with a written opinion, that opinion "may be read January 4."[84] A "fuller decision" was "required," but was not handed down by the justices until Easter Monday.

March 29, 1937…"a decision that astonished the country"[85]

The precise timeline for the justices' decision in *Parrish*, and the relationship of that timeline to the Court-packing plan remain subjects of considerable scholarly discussion. Ever since 1937 much ink has been spilled in an effort to identify the precise causal and correlational elements of this particular episode in American Constitutional history.[86] From this literature it is clear that Chief Justice Hughes and his authorized biographer Merlo Pusey both overstated their cases when concluding that the Court-packing plan "had not the slightest effect" or "bearing whatever on the outcome" in *Parrish*.[87] It is true that the vote in the case took place before the President's announcement of his plans to reorganize the judiciary. However, it is difficult to imagine that the justices were completely immune to the enormity of the popular negative reaction to their decision in *Tipaldo*, and the endorsement of New Deal policies that was implicit in the landslide reelection of President Roosevelt in November 1936.[88]

Pusey later wrote that it was in his biography that the "true facts" of the *Parrish* timeline first became public.[89] However, in the immediate aftermath of the Court's decision any reader of "Denies Roosevelt Bill Swayed Supreme Court," an article penned by the nationally syndicated journalist David Lawrence, would have been informed of many of the same "facts." Of the newspapers covered in this study, the Lawrence story ran in both the *Seattle Times* and the *Spokane Daily Chronicle*. "[I]nformation, derived from a study of the sequence of events from the time the case was first submitted to the supreme court until the opinion was handed down,"

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[83] AP, "Court May Rule on Wage Case Jan. 4," *Wenatchee Daily World*, December 18 1936, 12.
[84] Ibid.
[85] William E. Leuchtenburg, "The Nine Justices Respond to the 1937 Crisis," *Journal of Supreme Court History* 1997, no. 1 (1997): 67.
[86] See, for example, Leuchtenburg, "The Nine Justices Respond"; Chambers, "Big Switch"; Cushman, *Rethinking the New Deal Court*; Howard Gillman, *The Constitution Besieged: The Rise and Demise of Lochner Era Police Powers Jurisprudence* (Durham, NC.: Duke University Press, 1993); Novkov, *Constituting Workers*.
[87] Hughes quoted in David J. Danelski and Joseph S. Tulchin, eds., *The Autobiographical Notes of Charles Evans Hughes* (Cambridge, MA: Harvard University Press, 1973), 312; Pusey, *Charles Evans Hughes*, II, 703.
[88] Arthur M. Schlesinger, Jr., *The Politics of Upheaval: 1935-1936* (New York: Mariner Books, 2003), 489.
[89] Merlo J. Pusey, "Justice Roberts' 1937 Turnaround," *Yearbook of the Supreme Court Historical Society* 1983(1983): 106.

wrote Lawrence, "refutes charges made by various partisans that the president's attack on the court was 'beginning to have some effect.'" Lawrence does not divulge his sources. However, the "information" he proceeds to provide can only have come from a source inside the Court, a conclusion which it is plausible to arrive at given the fact that Lawrence was, at the time, one of the country's most prominent political columnists.

> To all intents and purposes the supreme court made its decision in December, but, due to the illness of Justice Stone, the writing of the opinion and the inclusion of his vote was delayed till his return to the bench early in 1937. But since Justice Stone voted in June, 1936, to uphold the New York minimum wage law, his vote was a foregone conclusion. In other words, Justice Roberts, who really was the deciding factor in overruling the minimum wage decision of 1923, came to his conclusion in December, 1936, on the basis of the case as presented then.[90]

We will never know exactly what became the "deciding factor" for Justice Roberts in *Parrish*; and, as Michael Ariens rightly observes, interpretations of the behind the scenes events related to the case are likely to be shaped by the "particular instructional manual from which one reads."[91] What is clear from the analysis detailed in the pages that follow, however, is that the closer one got to Chelan County, the less the newspapers reported the *Parrish* decision for its *national narrative* and the more they emphasized the *local story*.

On March 29, 1937, the *Wenatchee Daily World* published four articles about the U.S. Supreme Court's decision in *Parrish*. The time difference between Washington, D.C. and Wenatchee enabled the newspaper to cover the case within hours of the justices' announcement of their decision. However, pragmatic considerations of expediency compelled it to rely upon wire service reports. It is therefore remarkable that the four articles paid hardly any attention to the Court-packing implications of the decision. The AP article that ran on the front page was positioned below a banner proclamation that the "Minimum Wage Law Is Upheld." It detailed the outcome of *Parrish* within a larger discussion of all decisions issued by the Court that day, but without reference to the political implications of *Parrish*. It did not emphasize the local nature of the decision, but the newspaper's intent to do so was evident from the two photos – of Elsie and her lawyer C. B. Conner – that shared the front page with the article. In what remains the iconographic picture of her, Elsie is posing for the photographer who, sometime during the winter of 1936, came to capture her working (making a bed) as a chambermaid at the Jim Hill hotel in Omak. It was printed beneath the headline "Her Wage Suit Brought Decision." The label "Wins Important Case" accompanies the smaller but similarly conspicuous picture of Conner.[92]

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[90] David Lawrence, "Denies Roosevelt Bill Swayed Supreme Court," *Spokane Daily Chronicle*, April 1 1937, 1; David Lawrence, "Washington Wage Case Decided in December: Charge of Change In Court Mind Refuted," *Seattle Times* 1937, editorial page, 10. During World War One Lawrence became the country's first syndicated Washington newspaper journalist. By 1937 his five-times-a-week column was regularly distributed to almost 300 newspapers nationwide. Peter Edson, "Interpretation and Analysis of Washington News," in *The Press in Washington: Sixteen Top Newsmen Tell How the News is Collected, Written, and Communicated from the World's Most Important Capital*, ed. Ray Eldon Hiebert (New York: Dodd, Mead & Company, 1966), 25-26; John H. Sweet, "Introduction," in *The Editorials of David Lawrence* (Washington, D.C.: Books by U.S. News & World Report, 1970), xvi.

[91] Michael Ariens, "A Thrice-Told Tale, Or Felix The Cat," *Harvard Law Review* 107(1994): 621.

[92] AP, "Minimum Wage Law Is Upheld," *Wenatchee Daily World*, March 29 1937, 1.

The other three March 29 articles came from AP correspondents reporting out of Seattle and Olympia, helping to explain their focus on the various local interest aspects of *Parrish*. Together, these articles support the hypothesis that the *Wenatchee Daily World* would provide substantive coverage of the local, legal and political consequences and impact of the case. A short article emphasized that the Supreme Court had upheld a Washington State law; it made the observation that the twenty-four year old law had received bipartisan legislative support; and it included quotations from the lower court opinions of Judge Parr and Chief Justice Millard.[93] Two longer articles, both reported from Olympia, examined the immediate local and state influence and impact of the decision. The first consisted almost entirely of quotations from an "elated" Millard, who declared the Supreme Court's decision a "'great victory for states' rights.'" "'It is,'" he observed, "'a recognition of the sovereignty of the states and likewise a recognition of human rights.'"[94] The second reported the reaction of E. Pat Kelly, the Washington State Director of Labor and Industries, who pledged to use the State's "'force of field deputies to see that the [1913] law is enforced.'" No longer, he said, would employers be permitted to "'beat down, chisel and pay the women as little as they could possibly get away with.'" Several of the newspapers in this study consolidated the AP reports contained in these two articles into one long piece about Washington State officials' reactions to the decision in *Parrish*. When they did, they devoted far greater attention to the comments of Director Kelly than to the remarks by Justice Millard.[95]

The following day, the *Omak Chronicle* (a twice-weekly publication that appeared every Tuesday and Friday) also reported the U.S. Supreme Court's decision in *Parrish*. It ran an article that placed even greater emphasis on the local- and human-interests elements of the story. In so doing, it provided even greater support for the argument that geographical proximity was the most important factor influencing local newspaper coverage of this case.

In terms of its content, the *Omak Chronicle* most closely resembles the *Chelan Valley Mirror* and the *Leavenworth Echo*. It placed a strong emphasis on very local news, with minimal coverage of state, national, and international affairs. These similarities extend to the coverage of *Parrish*, because of all the Chelan Valley newspapers only the *Leavenworth Echo* reported the U.S. Supreme Court's decision.[96] The similarities end, however, when one considers both the discernable editorial motivations for running an article about that decision, and the extent of the articles' content. One can speculate that the local interest aspect of the case prompted the *Leavenworth Echo* to report the ruling; however, the article that ran in the *Omak Chronicle* leaves no doubt that this was the motivating factor.

That article, written by one of the newspaper's reporters, ran under the headline "Omak Woman Wins Back Wages Case In Supreme Court." It was a local interest headline whose

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[93] AP, "Decision Affirms 29-Year Old Law," *Wenatchee Daily World*, March 29 1937, 10 (the text of the article got the age of the 1913 law correct even though the headline did not).

[94] AP, "Great Victory for State's Rights," *Wenatchee Daily World*, March 29 1937, (it is interesting to note that while the quotation from Millard pluralizes the states, the headline does not; taken in their entirety, Millard's comments suggest that he did not intend for his quotation to suggest that the "rights" he was referring to were anything other than the "rights" of Washington State). Millard's term as Chief Justice ended on January 11, 1937. Sheldon, *Washington High Bench*, 250-53.

[95] AP, "Minimum Wage Law Will Be Enforced," *Wenatchee Daily World*, March 29 1937, 2; AP, "Minimum Wage Law To Be Enforced," *Daily Olympian*, March 29 1937, 1; AP, "State to Crack Down on Wage Law Violators," *Seattle Post-Intelligencer*, March 30 1937, 2.

[96] "Current Events in Review by Edward W. Pickard (Western Newspaper Union)," *Leavenworth Echo*, April 9 1937, 2.

subheading emphasized the *human*-interest nature of the story: "Mrs. Elsie Parrish Notified Yesterday By United Press Of Her Victory." On March 29, when a reporter from the *Omak Chronicle* reached her at the Model Laundry & Cleaners, and conveyed to her the UP report of the Supreme Court's decision, Elsie said "'I am so glad, not only for myself, but for all the women of the state who have been working for just whatever they could get.'" While the article also devoted a few paragraphs to summarizing the facts and judicial history of the case, the focus was undeniably upon 'the local girl made good.' From this article we learn about when the Parrishes moved to Omak, and about this thirty-seven year old grandmother's place of employment in that town. In other words, the *Omak Chronicle* chose to devote its *first* report of the Supreme Court's decision to Elsie's story (even if the banner headline that day was reserved for informing readers that a "Record Crowd Will Attend Clam Bake").[97]

Many of these details were subsequently conveyed to the readers of the *Wenatchee Daily World*, but not until April 6 – a delay seemingly attributable, in part, to the somewhat perplexing difficulty that the newspaper's reporter encountered in locating Elsie. The April 6 article ran under a startling and hyperbolic headline, which declared that, "Omak's Minimum Pay Law Joan D'Arc Would Lecture."[98] Elsie was, it stated, "[t]hankful her fight to test the state minimum wage law will now make it possible for the nation's millions of hard-working women to receive just payment for the labor they do." The first paragraph of the article concluded by observing that the former chambermaid was also determined to "continue doing everything in her power to further the cause." However, when one turns to the subsequent, and extensive quotations from the reporter's interview with Elsie a very different picture of her reaction emerges – a picture that, ironically, the article made clear to its readers with the subheading "Not Seeking Notoriety." To be sure, Elsie was very proud of her lawyer's accomplishment, and she accepted that her name would forever be linked to an important legal decision favoring workers' rights. But she was uncomfortable with all the publicity, in no small part because she feared that during an earlier stage of the case it had negatively affected her employment opportunities.[99]

For the time periods covered by this study, three newspapers included a picture of Elsie for any of the articles that they ran about *Parrish*. Upon reflection, Elsie was not sure whether the publicity – visual and textual – from her lawsuit affected her efforts to find work upon moving to Omak, but it was clearly something she had considered. The photograph that appeared on the front page of the *Wenatchee Daily World* (and the *Tacoma News-Tribune*) on March 29 seems to have been taken during the later stages of the case, probably after the Court granted certiorari in October 1936.[100] The image that appeared on the front page of the *Seattle Post-Intelligencer* the day after the Court's ruling is, by contrast, a formal head and shoulders portrait; it is printed above an identically composed image of Willard Abel, the manager of the Cascadian Hotel. Both were published courtesy of Simmer Photo in Wenatchee. In the April 6 article in the *Wenatchee Daily World* Elsie references an article that included a photograph of her and appeared in that newspaper some time during the fall of 1936. The identity of this article and photograph remain unclear, but it is to this aspect of the publicity that Elsie pointed as possibly

[97] "Omak Woman Wins Back Wages Case In Supreme Court," *Omak Chronicle*, March 30 1937, 1.
[98] "Omak's Minimum Pay Law Joan d'Arc Would Lecture," *Wenatchee Daily World*, April 6 1937, 1.
[99] Ibid.
[100] "Her Wage Suit Brought Decision," *Wenatchee Daily World*, March 29 1937, 1; AP, "Started Wage Law Test," *Tacoma News Tribune*, March 30 1937, 2.

affecting her ability to find work in Omak. Perhaps this explained why Elsie was "'going to continue working as if nothing had happened. I'm happier that way.'"[101]

The *Wenatchee Daily World* rounded out its substantive coverage of *Parrish* with several articles detailing additional aspects of the decision's local impact. These reports offer support for the importance of the geographical proximity factor, and validate the expectation that this Chelan County newspaper would provide substantive coverage of the local political and legal consequences of *Parrish*. On April 6 and 7, there was widespread coverage of the delivery, to Congress, of U.S. Attorney General Cummings's opinion on the post-*Parrish* legal status of the District of Columbia minimum wage law that had remained on the books after *Adkins*. However, in the *Wenatchee Daily World*, as in many of the other publications discussed in this study, this story fell into the shadows of coverage that focused upon the impact of the Supreme Court's decision for residents of Washington State. The AP report that the Wenatchee newspaper chose to run on April 7 quoted from and discussed Washington Governor Martin's appeal to local employers to "meet the rising costs of living with the highest possible [wage] scales in every industry."[102] It left, to other newspapers, reports that quoted from and discussed the President's comments that accompanied the Attorney General's opinion.[103]

Finally, on April 10, the paper informed its readers of the legal proceedings initiated the previous day against the West Coast Hotel Company by one of Elsie's former colleagues. Mrs. Jennie Estella Sample worked as a chambermaid at the Cascadian Hotel between October 1931 and October 1936. Like Elsie, she was paid less than the weekly minimum wage of $14.50; she sought to recover back pay (as the newspaper reported, the original amount sought was $702.40; this was subsequently amended downwards, in the court filings, to reflect the years of employment that were exempted by the Statute of Limitations); and was represented by C. B. Conner. In March 1938, almost a year after the decision in *Parrish*, Judge Parr entered a judgment awarding Jennie Sample $292 in back pay and $61.80 in court costs and taxes.[104]

In the wake of *Parrish* this was not actually the "*first* of a probable flood of minimum wage law suits to be filed in the state of Washington." The first such suit appears to have been brought by one Miss Ann Walker, formerly employed by the Oxford Hotel in Seattle. Nevertheless, the floodgates were indeed open; and, as the *Wenatchee Daily World* reported, "other suits are pending."[105]

Conclusion

In the early 1970s, when interviewed by the journalist Adela Rogers St. Johns, Elsie Parrish expressed bemusement at the interest in her story. "'[N]obody…so much as noticed me or my decision'" – then or now, she said; "'nobody paid much attention at the time, and none of

[101] "Omak's Minimum Pay Law Joan d'Arc Would Lecture," 1, 10.
[102] AP, "Raise Wages, Martin Urges," *Wenatchee Daily World*, April 7 1937, 1.
[103] For example, see AP, "Minimum Wage Laws All Stand," *Spokesman-Review*, April 7 1937.
[104] "Another Minimum Wage Suit Filed," *Wenatchee Daily World*, April 10 1937, 1. *William R. Sample and Jennie Estella Sample*, v. *West Coast Hotel Company*, No. 13086, Complaint, April 9, 1937; Amended Complaint, June 5, 1937; Judgment, Superior Court of the State of Washington in and for the County of Chelan, March 8, 1938.
[105] "Another Minimum Wage Suit Filed"; AP, "Chambermaid Sues to Get Back Pay," *Wenatchee Daily World*, April 1 1937, 1. Miss Walker's lawsuit was also reported in "Maid Sues for $87 Under Wage Rule," *Seattle Post-Intelligencer*, April 2 1937, 7; "Women to Demand Pay," *Seattle Star*, April 2 1937, 14.

the women running around yelling about Liberty and such have paid any since."[106] Twenty-five years later, the *Wenatchee Business Journal* published an article celebrating the sixtieth anniversary of *Parrish* and discussing its important place in the city's history. "Elsie," it observed, "moved to Omak where she and her husband raised their family and disappeared into history."[107] For students of American Constitutional history, the decision in *Parrish* has not "disappeared into history"; instead, it is widely regarded as one of the U.S. Supreme Court's "landmark" judgments.

As this article has shown, in 1936 and 1937 people did notice and pay attention to both the *Parrish* case and the story that it told of the former employee of the Cascadian Hotel. However, the local newspaper coverage of the case that the residents of Chelan County, Washington received focused on the local, human-interest aspects of the story rather than the national political narrative for which *Parrish* has since become most well known.

This demonstrates that local newspaper coverage of court cases is not always determined by the same factors that influence the media's reporting on the actions of the nation's judicial branch of government. Analysis of the articles about *Parrish* that appeared in the *Wenatchee Daily World* shows that while the case possessed most of the standard newsworthiness characteristics, ultimately the most important factor influencing the newspaper's coverage of the case was geographical proximity. This ensured that the journalistic spotlight would not fall upon the actions of President Roosevelt or Justice Roberts in Washington, D.C., but rather upon Elsie Parrish, the thirty-seven year old grandmother, and employee of the Model Laundry & Cleaners in Omak, Washington.

[106] Quoted in Adela Rogers St. Johns, *Some Are Born Great* (Garden City, NY: Doubleday, 1974), 185, 187.
[107] Kris Young and Mark Behler, "Cascadian Hotel was site of historical lawsuit," *Wenatchee Business Journal* 11, no. 7 (1997).